Final

BALLONA WETLANDS RESTORATION PROJECT

Environmental Impact Report
State Clearinghouse No. 2012071090

Volume 2: Comment Letter O4 into Comment Letter O11 Part 1 of 3

Prepared for

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

December 2019

Final

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CHAPTER 2

Responses to Comments (continued)

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From: Walter Lamb [mailto:landtrust@ballona.org]
Sent: Tuesday, November 14, 2017 12:13 PM
To: Brody, Richard@Wildlife <Richard.Brody@wildlife.ca.gov>
Cc: Mayfield, Rick@Wildlife <Rick.Mayfield@wildlife.ca.gov>; Pert, Ed@Wildlife <Ed.Pert@wildlife.ca.gov>; Bonham, Chuck@Wildlife <Chuck.Bonham@wildlife.ca.gov>; Wildlife Ballona Wetlands Ecological Reserve EIR <BWERcomments@wildlife.ca.gov>
Subject: Re: Access to BWER for objective site walk

Thanks for the reply, Brody. Just as a factual matter, the events run by Heal the Bay under the "Bring Back Ballona" label (https://healthebay.org/bringing-ballona-back/) using access provided by Friends of Ballona Wetlands and the Bay Foundation, were coordinated for the express purpose of influencing public opinion toward specific design alternatives (a hyrbrid of alternatives 1 and 2). The Land Trust respects the right of these groups to promote specific alternatives, although we see little value in any organization selectively highlighting facts that support an existing point of view, whether for or against particular alternatives. Our board has yet to make a determination on a desired alternative because we still lack critical facts and comparisons regarding the potential ecological risks and rewards of different alternatives. (The exception to this, as you know, is our determination that the paved parking lots in Area A be substantially returned to the ecological reserve for habitat restoration purposes, regardless of alternative). O4-1

By providing the public with some forum to get objective answers to technical questions, CDFW would be facilitating more informed comments to the draft EIR, as well as mitigating against the perception that access to the reserve has been used to influence public opinion towards a particular outcome. I hope CDFW will therefore reconsider its decision about hosting one or more on-site walk-throughs of the project site. O4-2

Thanks again.

Walter
310-384-1042

On Tue, Nov 14, 2017 at 9:51 AM, Brody, Richard@Wildlife <Richard.Brody@wildlife.ca.gov> wrote:

> Greetings Mr Lamb,
>
> All groups with approved access to the Reserve have been informed that they are not permitted to discuss the EIR in any detail while on the Reserve. They may express their general support for restoration if they desire but if asked to discuss further they are to direct people to the resources available to make an informed decision on their own. The only exception is The Bay Foundation. Their access letter permits them to "[conduct] guided public tours and open

houses as part of the public outreach component of the proposed restoration project." But even the Bay Foundation has been asked not to promote a particular alternative.

Also, thank you for your suggestion but CDFW has no plans to conduct Q and A workshops at this time.

R.C. Brody

Land Manager - Ballona Wetlands Ecological Reserve

California Department of Fish and Wildlife

P.O. Box 1653 Topanga, CA 90290

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From: Walter Lamb [mailto:landtrust@ballona.org]
Sent: Thursday, November 09, 2017 2:56 PM
To: Brody, Richard@Wildlife <Richard.Brody@wildlife.ca.gov>
Cc: Mayfield, Rick@Wildlife <Rick.Mayfield@wildlife.ca.gov>; Pert, Ed@Wildlife <Ed.Pert@wildlife.ca.gov>; Bonham, Chuck@Wildlife <Chuck.Bonham@wildlife.ca.gov>; Wildlife Ballona Wetlands Ecological Reserve EIR <BWERcomments@wildlife.ca.gov>
Subject: Access to BWER for objective site walk

Hi Brody,

It was nice to see a packed house last night. I thought the meeting was well run by Colonel Gibbs. I'm sure it must be a relief to have that meeting in the books.

I know that other groups have requested additional public comment meetings. However, given that anyone can submit written comments at any time during the public comment period, I would place a higher priority on an opportunity for the public to get objective answers to questions while on site at the ecological reserve. Understanding where new levees and berms would be placed, where channels are proposed to be cut, where fill is to be placed, etc., is really critical to having a sound understanding of the pros and cons of different project.

So far, a partnership of groups have hosted or scheduled 6 events within the ecological reserve and have used those events to promote specific alternatives and to collect contact information for further promotion of those alternatives. We have not committed to any alternative yet because we still have many unanswered questions. However, I think it will be problematic if only certain groups were allowed to host events within the BWER and to promote their desired alternatives at those events. If CDFW were to host some onsite events for the purpose of objectively answering questions from public stakeholders, I think that would go a long way toward alleviating the appearance of institutional bias with regards to the project.

O4-3

Please let me know if there is a way to facilitate such an event (or events). The Land Trust would be happy to help in any way we can.

Thanks,

Walter

Walter Lamb

Ballona Wetlands Land Trust

310 384 1042

Facebook

-----Original Message-----
From: Rogers, Bonnie L CIV USARMY CESPL (US) [mailto:Bonnie.L.Rogers@usace.army.mil]
Sent: Friday, February 2, 2018 2:32 PM
To: Janna Scott <JScott@esassoc.com>
Subject: FW: [Non-DoD Source] BWLT Comments to Draft EIR/S

-----Original Message-----
From: Walter Lamb [mailto:landtrust@ballona.org]
Sent: Friday, 2 February, 2018 2:15 PM
To: Rogers, Bonnie L CIV USARMY CESPL (US) <Bonnie.L.Rogers@usace.army.mil>; Brody, Richard@Wildlife <richard.brody@wildlife.ca.gov>; Wildlife Ballona Wetlands Ecological Reserve EIR <BWERcomments@wildlife.ca.gov>
Cc: Ballona Wetlands <landtrust@ballona.org>
Subject: [Non-DoD Source] BWLT Comments to Draft EIR/S

Hi Bonnie and Brody,

Our cover letter and comments are attached. We have a number of files that are referenced in the comments and additional files that we would like entered into the record. I will send those files separately sometime prior to the Monday deadline. If a file-sharing service is adequate for the transmission of those files, please let me know. Otherwise I will send them via multiple e-mail messages.

Please confirm receipt of our comments when you have a chance. And have a great weekend.

Thanks,

Walter

Walter Lamb

Ballona Wetlands Land Trust
310-384-1042
Facebook <Blockedhttps://www.facebook.com/Ballona-Wetlands-Land-Trust-1401928943402364/>

Ballona Wetlands Land Trust

February 2, 2018

Richard Brody, CDFW
c/o ESA (jas)
550 Kearny Street, Suite 800
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Bonnie Rogers
U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
ATTN: SPL-2010-1155
915 Wilshire Blvd., Suite 930
Los Angeles, CA 90017-3401

Via Email: richard.brody@wildlife.ca.gov, bonnie.l.rogers@usace.army.mil

RE: Draft Environmental Impact Report/Statement for Ballona Wetlands Restoration Project (State Clearinghouse No. 2012071090 and Federal Register No. SPL-2010-1155)

Dear Mr. Brody and Ms. Rogers,

The Ballona Wetlands Land Trust appreciates the opportunity to provide public comments on the Draft Environmental Impact Report/Statement (DEIR/S) for the Ballona Wetlands Restoration Project. We recognize that a great deal of effort by many contributors over many years was invested into this document. However, the length of a DEIR/S and the effort required to produce it are not the measures by which the adequacy of a DEIR/S is measured. The fundamental purpose of the California Environmental Quality Act (CEQA) is to facilitate informed decision-making, and this document falls well short of that basic requirement.

For reasons outlined in greater detail in the attached pages, the Land Trust respectfully requests that the draft EIR/S be revised and recirculated with more complete, clear, and accurate information, and with a more reasonable range of alternatives that support more broadly defined project objectives. The current version of the document is simply not environmentally or legally defensible as written. O4-4

The Land Trust has not ruled out any restoration alternative and we look forward to the opportunity to conduct a meaningful comparison of a reasonable range of well-defined alternatives in order to assess which alternative best accomplishes the broad goals of biodiversity, conservation of natural resources, and nature-themed recreation and education. That said, we are skeptical of alternatives that would eliminate existing and presently occupied habitat for Belding's Savannah Sparrow before new habitat is even created, let alone productively inhabited. O4-5

We also categorically oppose the use of ecological reserve land to provide parking to private businesses or to county agencies where such use is not directly connected to the operation of the ecological reserve. O4-6

Finally, we note that the mindset of the project management agencies with regard to the public is fundamentally flawed and, if not adjusted, will jeopardize a successful outcome for this critically important natural resource. While the CEQA process continues to unfold, the project team should embrace community interest in this ecosystem and facilitate better lines of communication and more opportunities for stewardship and nature education that are not limited to a few stakeholder groups or a few small areas of the ecological reserve. This land was acquired by the state in 2003 and designated as an ecological reserve in 2005. It is inexcusable that this ecosystem remains so neglected and inaccessible at this late stage.

O4-7

The Land Trust has financial and volunteer resources that we are eager to invest into this public resource as envisioned by the 2005 Interim Stewardship and Access Management Plan that was commissioned by the state. We just need fair and reasonable access to the land in order to make those investments. We hope that the end of the public comment period can mark the beginning of a new phase of communication and collaboration between the management agencies and longtime stakeholders of this remarkable place. The public deserves nothing less.

Sincerely,

Walter Lamb
Ballona Wetlands Land Trust
landtrust@ballona.org

Ballona Wetlands Land Trust comments to the draft EIR/S for the Ballona Wetlands

Summary

The current Draft Environmental Impact Report/Statement (DEIR/S) is deficient in that it lacks a reasonable range of alternatives and lacks sufficient information to facilitate informed decision-making. Mitigation measures are vague, lack supporting data, and often reference plans that have not yet been finalized for review. The project's purposes and objectives are too narrowly defined, and reasons for dismissing various alternatives are arbitrary and self-serving.

The Land Trust sees no viable path from the current DEIR/S to an approved final EIR/S without first revising the DEIR/S and recirculating it for additional comment. The comments outlined below are intended to help the project team incorporate sufficient revisions to the DIER/S to make it environmentally and legally defensible so that it can move forward in the CEQA process.

O4-8

Project Purpose and Objectives

The Ballona Wetlands Ecological Reserve is one of approximately 138 ecological reserves in California. Section 1580 of the California Fish and Game Code states that "[t]he Legislature hereby declares that the policy of the state is to protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and nonmarine aquatic, or large heterogeneous natural gene pools for the future use of mankind through the establishment of ecological reserves."

However, on pages 31 – 34, the DEIR/S lists project purposes and objectives which are too narrowly defined, with the apparent intent of ensuring a particular project outcome, rather than to promote the public's general interest in protecting biodiversity and natural habitats, as described above. Increasing tidal influence and establishing predominantly estuarine habitats may potentially serve the larger public interest of preserving wildlife and natural habitats, and it was certainly appropriate to analyze that approach as one or more alternatives within a reasonable range. However, the DEIR/S fails to adequately explain why other approaches to restoration could not also potentially achieve the broader conservation objectives expressed by the California Legislature with regard to ecological reserves.

The DEIR/S relies upon the overly narrow purposes and objectives in the DEIR/S to summarily dismiss reasonable alternatives that merit further analysis. This is a fatal deficiency that must be corrected in a revised and recirculated DEIR/S. (See *North Coast Rivers Alliance, et al. v. A.G. Kawamura/Our Children's Earth Foundation, et al. v. California Department of Food and Agriculture*, 3rd Dist. Dec. 2, 2015.)

We recommend that the project team revisit the project goals summarized by the State Coastal Conservancy in a 2004 memorandum:

- Restore and enhance a mix of wetland habitats to benefit endangered and threatened species as well as other migratory and resident species;

O4-9

- Provide for wildlife-oriented public access and recreation opportunities; and
- Implement a technically feasible, cost-effective, ecologically beneficial and sustainable restoration.

These broader goals from 2004 capture the statutory purpose of the state ecological reserve system and also the generally understood benefits of habitat conservation without summarily dismissing specific and potentially viable approaches to achieving these goals. To emphasize, a case may be made that conversion of the ecological reserve to dominant full-tidal estuarine habit is the best approach to meet the above goals, but that argument must actually be made and supported by substantial evidence in the DEIR/S, not simply pre-ordained by establishing project goals that arbitrarily disqualify other approaches.

Put another way, the DEIR/S makes no clear and compelling case for what would be missing from the ecological reserve if new estuarine habitats were not created, other than the estuarine habitats themselves. There is no concise list of plant or wildlife species that are missing now that would be reintroduced (even the question of Ridgway's Rail is deferred). There is no explanation as to why expanded estuarine habitat is required in order to improve public access, reduce trash and illicit activity, increase native vegetation or any of the other desirable outcomes of the project. None of this is to say that the Land Trust has ruled out alternatives which do expand estuarine habitats, only to say that the argument for estuarine habitats should have been central to the analysis in this DEIR/S, and that embedding the outcome into the project purpose and objectives was an impermissible short cut that impeded informed public decision-making.

O4-9 cont.

Artificially Low Baseline Conditions

Summary: The baseline conditions upon which the DEIR/S is based are fundamentally flawed and have in fact been artificially lowered by the management decisions of the lead agency and project team. Accurate and objective baseline conditions are paramount to informed decision-making, and the public has been deprived of the opportunity to compare the ecological benefits that could be obtained via smaller-scale restoration against the ecological benefits (and associated risks) that could only be achieved with the larger-scale restoration approaches in all three of the action alternatives. This is a fatal deficiency of the DEIR/S and must be corrected in a revised and recirculated DEIR/S.

O4-10

California Rapid Assessment Method (CRAM) scores: Page 26 of the DEIR/S states that "**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)." (emphasis added). According to the underlying technical memorandum, *Condition Assessment of the Wetland Habitats in the Ballona Wetlands Ecological Reserve* (see reference materials), the referenced protocol is the California Rapid Assessment Method (CRAM) and the "portion" of the reserve in question is Area A. The assertion on page 26 and other discussion of CRAM scores in the DEIR/S are remarkably misleading on a number of levels:

O4-11

- CRAM scores do not factor in the presence or absence of important wildlife species, including endangered or threatened species, in an assessment area. This means that restoration activities that negatively impacted wildlife diversity could nonetheless lead to improved CRAM scores based on other inputs, such as topographical complexity. While CRAM scores have a purpose in wetlands monitoring, the lack of any wildlife indicators in the CRAM models make CRAM a dangerously inadequate assessment protocol by which to measure improvement in an ecological reserve that supports so many species of special concern.
- The memo acknowledges that the seasonal wetlands in Area A are "most appropriately classified as 'depressional wetlands'", and the CRAM scores for Area A based on the depressional wetlands model were significantly higher than the scores based on the estuarine model, and also higher relative to regional averages. Yet, the memo, as cited by the DEIR/S, uses the estuarine model scores to exaggerate the degradation of Area A. Using the depressional model scores, the depressional wetlands in Area A score 20 points higher than the state minimums and 16 points higher than regional minimums. While there is no question that these scores are still low, the public deserves data that is objective and logically connected to the habitat type in question. It is highly inappropriate to "game" the CRAM scores to exaggerate the state of degradation of Area A in order to bolster the case for conversion to estuarine habitat.
- The "[n]umber of invasive co-dominant species" is factored into the CRAM scores, as are other attributes of biotic structure. As discussed in more detail in these comments, the ratio of invasive to native vegetation in the reserve is largely a function of the management policies that have fostered general neglect, especially in Areas A and C. While invasive species management is less challenging in tidally influenced areas, it does not follow that invasive species can only be managed by converting seasonal wetlands into tidal wetlands.
- While CRAM scores have been used to suggest dire conditions at Ballona, a personal communication with a staff member of the entity that manages the assessment method suggested that scores in the 50 to 75 range are thought of as "fair". While Area A would be at the low end of the "fair" range, that contradicts exaggerated claims of degradation and, as noted, those scores can be significantly raised with better management policies that allow increased stewardship of the depressional wetlands in Area A.

O4-11 cont.

More misleading statements are made in the *California Rapid Assessment Method (CRAM) Assessments* section on page 566 of the DEIR/S. The DEIR/S states that "The CRAM scores showed that the delineated wetland habitats at the Ballona Reserve experienced slowly deteriorating conditions from 2012 to 2014." Yet the technical memorandum states that "**while not statistically significant**, final CRAM scores indicate that the wetland habitats at the Reserve from 2012 - 2014 were experiencing slowly deteriorating conditions." (emphsis added) Statistically insignificant data, by definition, do not indicate anything.

Later on page 566, the DEIR/S states that "While most coastal wetlands in California have been exposed to various degrees of impacts and exist in a semi-natural state, wetland habitats of the Ballona Reserve still had condition scores 30 to 50 points below healthy reference wetlands (Johnston et al. 2015b)." Again, this is misleading on several levels. First, the term "healthy reference wetlands" actually refers to the highest scores recorded anywhere in the state. Second, as

noted above, the artificially low estuarine models scores for Area A, a depressional wetland, are used to support this claim. Using the appropriate CRAM models and the same vague language of the above sentence, it would be just as true to state that "While most coastal wetlands in California have been exposed to various degrees of impacts and exist in a semi-natural state, wetland habitats of the Ballona Reserve have condition scores 20 to 30 points higher than the least healthy reference wetlands." The public's impression from a DEIR/S should not depend on the skewed wording of the document's authors but rather should present the relevant facts as objectively as reasonable possible. Here, there has been a clear effort to cherry pick the data to paint a misleading picture of the reserve as being in a direr ecological condition that it actually is.

O4-11 cont.

Infographics: Long before the DEIR/S was published on September 25, 2017, the project team began a public outreach campaign to build support for a large-scale re-engineering of the project area based on four elements of the current conditions which were depicted in "Infographic" flyers. These elements are Water (Hydrology), Invasive Species, Public Access and Disturbance (Fill), and copies of the flyer are embedded in pages 9 and 10 of a presentation delivered by the Bay Foundation to Playa Vista residents on January 9, 2018 (Attachment A – TBF 2018). Of the four elements, the management actions of the California Department of Fish and Wildlife, as the land owner, have either directly caused or substantially contributed to three of those four issues:

Hydrology: Unpermitted drains have adversely impacted the hydrology of the site for many years, as clearly documented in Coastal Commission staff reports and hearing transcripts, as further discussed below. The operation of these drains came to light as the result of stakeholder observation and were only capped, years later, as the result of stakeholder advocacy. It is unclear how the capping of these drains will impact the hydrology of the site, and we recognize that the removal of these drains will not solve the hydrology issues of the entire reserve, but monitoring data should be collected and analyzed to better inform a reasonable range of restoration alternatives for public review. As discussed in more detail in a later section, the revised DEIR/S should address this point.

O4-12

Also as discussed further below, the hydrology infographic is highly misleading in its attempt to suggest that only tidally influenced wetlands are wet or healthy wetlands. This is a clear instance of the project team's desire to promote a particular outcome at the ecological reserve overriding objective science.

Access: Public access to the ecological reserve is extremely limited only because CDFW adopted policies that have sharply curtailed public access. Hundreds of thousands of dollars in public funds have been spent on public access features for the ecological reserve, but those features have been largely unused and neglected for several years. No logical explanation is provided in the DEIR/S as to why public access should be dependent on any particular restoration alternative, but public access improvements are limited to the three action alternatives which involve large-scale excavation, grading and modification to existing flood protection. As such, there is a strong perception that access to the reserve is being "held ransom" so to speak, until the lead agency's desired restoration approach is approved. As discussed in more detail in a later section, the revised DEIR/S should

analyze potential improvements to public access across a range of alternatives, including smaller-scale alternatives.

Invasive species: CDFW chose not to implement the 2005 Interim Stewardship and Access Management Plan which called for active participation from a broad stakeholder community in combatting the spread of invasive vegetation. For many years, the Land Trust actively removed Castor Bean and other invasive vegetation from the ecological reserve, but such activities are now limited to only a few stakeholder groups in limited areas of the ecological reserve. As discussed in more detail in a later section, a revised DEIR/S should provide a good faith analysis of how increased community engagement could improve the ratio of native to non-native vegetation on the ecological reserve. The Land Trust recognizes that invasive species management is less challenging in tidally influenced areas than in higher marsh and upland areas, but that factor alone is not a sufficient basis to rule out smaller-scale restoration alternatives.

O4-12 cont.

Generally speaking, a revised DEIR/S must more objectively explain how various management decisions have affected current conditions, and how current conditions could be improved with a change to those management decisions. In the meantime, CDFW and the project team should adopt access, stewardship and water management policies that do not artificially lower the baseline health of the ecosystem.

Current Alternatives

General: As discussed in more detail in the next section, the current DEIR/S clearly lacks a reasonable range of alternatives, resulting from project goals and objectives that were too narrowly defined in order to ensure a predetermined outcome. The DEIR/S includes three restoration alternatives which are all varying degrees of the same concept, and also a "no project" alternative, which is mandated by CEQA and which includes no improvements to access of the ecological reserve for increased stewardship, passive recreation, or education. The three restoration alternatives all propose the construction of a three-story parking garage, substantial alteration of existing habitat, and major changes to existing flood control infrastructure. The Land Trust's position on each alternative studied in the current DEIR/S is stated below.

O4-13

Alternative 1: This alternative is the most ambitious in terms of the amount of re-engineering involved. It is also the most expensive of the proposed alternatives but the least expensive of the three current alternatives per acre restored. The Land Trust's biggest concerns about this alternative are the significant disruption to existing productive habitat, the proposal to construct a three-story parking garage without any supporting parking needs analysis, the lack of any analysis of the potential habitat benefits that could be achieved by the removal of the existing Area A parking lots, the high cost, the long timeline, the extremely vague mitigation measures, the loss of almost all wetland habitat by 2100 due to sea-level rise, and the amount of available land that would be taken up by new berms, levees and access roads. Alternative 1 would actually replace an existing tidal channel with a large berm and bike path and would eliminate over an acre of existing Belding's Savannah Sparrow habitat (of roughly 23 acres total) prior to the creation or adoption of new habitat in Area A. An additional 6 acres of currently occupied habitat would be eliminated at

O4-14

the first documentation of a single nesting pair of Belding's Savannah Sparrow in Area A. The Land Trust finds this to be highly risky and counter-intuitive to a restoration project.

The primary benefit of Alternative 1 would be to create a larger amount of contagious habitat, a benefit that the Land Trust appreciates. However, without more detailed information relating to our many concerns, we will not be able to support this alternative because insufficient evidence has been provided to demonstrate that the ecological benefits of this alternative outweigh the obvious ecological impacts.

O4-14 cont.

Alternative 2: This alternative is similar to Alternative 1 except that it retains more of the levee along the southern bank of Ballona Creek such that stable and productive habitat in West Area B is not disturbed and the West Area B levee and salt pan berm are not needed. The Land Trust's concerns with this alternative are similar to those of Alternative 1 except that there is less disruption to existing habitat. While Alternative 2 also eliminates 1.1 acres of presently occupied Belding's Savannah Sparrow habitat, it does not eliminate additional occupied habitat as part of a second phase. While the Land Trust favors Alternative 2 over Alternative 1, we are unlikely to support Alternative 2 without additional information that addresses the concerns mentioned above and in later sections of our comments. As currently described in the DEIR/S, we are skeptical that the potential benefits of Alternative 2 outweigh the many obvious risks.

O4-15

Alternative 3: This is the only proposed restoration alternative that does not include removal of some portion of the levees along the banks of the Ballona Creek. Instead, culverts would be cut into the northern levee to create an oxbow effect in Area A. The Land Trust sees some promise in this alternative, but believes that the impact to existing habitat is still unnecessarily high and also that the cost per restored acre is prohibitive. These concerns could potentially be mitigated by substantially reducing the amount of fill to be excavated from Area A, thus reducing the amount of fill that would need to be deposited elsewhere in the ecological reserve. It is not clear from the current DEIR/S whether the Area A perimeter levee is required for flood control under Alternative 3, or whether it is just included as a way to place excavated fill, but the Land Trust views the perimeter levee as a highly undesirable feature of all three action alternatives.

A better explanation should be provided in a revised DEIR/S as to why two culverts are need for this design. Is there any historical evidence of an oxbow feature to Ballona Creek, or any ecological advantage to an oxbow feature? If this feature is merely aesthetic or symbolic, then the revised DEIR/S should consider reducing the expense and risk of a second culvert as part of this design.

Likewise, the revised DEIR/S should analyze whether a closable tide gate would be preferable to an open culvert in Alternative 3 as a means of flood prevention that could eliminate the need for a perimeter levee.

As with Alternatives 1 and 2, we strongly oppose the inappropriate parking uses proposed for, or proposed to continue in, Area A. These should be eliminated from the design of this alternative.

O4-16

While skeptical, the Land Trust does not rule out supporting a modified Alternative 3 with substantially less disturbance to existing habitats. O4-16 cont.

Additional Alternatives Proposed for Analysis

General: As noted above, the existing alternatives do not reflect a reasonable range. There is currently no fully analyzed alternative in the DEIR/S that would increase opportunities for stewardship and nature education without the level of disturbance to existing habitats proposed in Alternatives 1, 2, and 3. Likewise, there is currently no fully analyzed alternative that explores the creation of new tidally influenced habitat in a manner that is less disruptive and less expensive than Alternatives 1, 2, and 3. Thus, there is a clear and unreasonable gap in the range of analyzed alternatives that must be corrected in a revised and recirculated DEIR/S.

As such, the Land Trust urges the analysis of additional alternatives to create a more reasonable range for public evaluation. The Land Trust does not want to be too proscriptive in designing these additional alternatives because we understand that it is not feasible or mandatory under CEQA for the project team to evaluate every possible alternative or permutation of design choices. It is the responsibility of the project team to provide a reasonable range of alternatives and the project team was allocated many millions of dollars in public funds for this purpose.

That said, the Land Trust believes that at least two additional alternatives must be studied in order for the DEIR/S to become viable:

1) An alternative that provides increased access to the ecological reserve and increased opportunities for stewardship (i.e. management of invasive species, trash removal, addressing illicit use, etc.) and education (nature walks, nature camps, etc.) without major disruption to existing habitat, should be analyzed. Alternative 5 of the DEIR/S, which was dismissed and not studied, could be a potential starting point for this proposed alternative. A benefit of fully studying this alternative, even if not adopted, is that it would provide a much better baseline for comparing alternatives, and thus better facilitate informed decision-making. Using existing conditions as the baseline for comparing alternatives is problematic, because the site has been largely neglected for the many years that the DEIR/S was being prepared, thus allowing artificially high percentages of non-native vegetation, illicit use, trash, and other undesirable elements that could be remedied with increased community involvement. The Friends of Ballona Wetlands expressly encouraged the project team to study a similar alternative to this, which they called the "Community Alternative," in order to "withstand any future legal challenge based on a claim that such an alternative was not seriously considered." (Appendix A. scoping comments, part 1, page 299-300).

O4-17

2) Another alternative that should be analyzed would include some alteration to the existing topography (but substantially less than that proposed by Alternative 3), and which includes only minor alterations to existing flood control infrastructure with no new berms or levees created. Alternative 6 in the DEIR/S, which was dismissed and not fully analyzed, could be a potential starting point for this alternative. As noted above, Alternative 3 could also potentially be modified to meet the objectives of this proposed alternative. Benefits of this alternative would include maintaining existing flood control elements (thus obviating the need for a section 408 permit from

O4-18

the US Army Corp of Engineers), substantially reducing costs, reducing the extent of excavation and fill placement, and preserving many more natural features than the other alternatives, such as seasonal fresh water features. This alternative would address many substantial concerns raised by numerous stakeholder organizations and interested agencies over the past decade.

O4-18 cont.

Both of these alternatives should include the removal of any paved parking lots not supported by a comprehensive parking needs analysis relating to the operation of the ecological reserve (i.e. agency staff and visitor parking). Please see the parking use comments section below for additional detail on that topic.

O4-19

Both of these alternatives should include the same measures to reduce hardscape in the reserve that are included in the currently studied alternatives, such as decommissioning and relocating gas wells currently operating in the reserve. Both alternatives should also explore ways to increase mobility of wildlife through the ecological reserve, such as via land bridges over roadways.

The analysis of these new alternatives should be comprehensive and include estimated costs, projected timelines, species habitat maps and habitat acreage tables as they change with sea level rise, aesthetic impacts including Key Observation Point (KOP) images, and generally all other information and analysis that would help the public and interested agencies substantively compare these alternatives with those proposed in the current DEIR/S.

Both new alternatives should explore freshwater hydrology options to address concerns raised by stakeholder groups and by historical ecology reports.

O4-20

Elevation of roadways: As recommended by the United States Fish and Wildlife Service, a more meaningful analysis should be included in the revised DEIR/S regarding the raising of portions of Culver and Jefferson Blvds. While this alteration would be expensive, it should not be dismissed due an arbitrary cost threshold. The projected cost for Alternative 1 is already in excess of $180 million and that cost could be substantially reduced with some of the changes proposed above, potentially freeing up funds for the partial elevation of these roads.

O4-21

Also, as noted elsewhere in these comments, the Land Trust is concerned that the analysis regarding the feasibility of raising these roadways was conducted by Psomas, the same consultant that incorrectly analyzed the impact of unpermitted storm drains in the wetlands and who represents the developer that installed those drains. The Land Trust requests therefore, that a different, non-conflicted contractor be retained to reevaluate the feasibility of this potential project design element.

O4-22

Please also see the budget comments section below for more detail on the proposed elevations of various roadways in the ecological reserve.

O4-23

Dismissed Alternatives

General: The DEIR/S includes descriptions of eight alternatives (Alternatives 5 - 12) that were dismissed from being fully analyzed in the DEIR/S as the result of a screening process. This

O4-24

process was largely self-serving and arbitrary and appears designed to ensure a predetermined outcome by eliminating competing alternatives.

O4-24 cont.

Alternative 5: One of the arguments for dismissing Alternative 5 was that "it would be an unreasonable approach to a large-scale restoration effort." (page 322) However, this logic is circular because the very purpose of Alternative 5 is to avoid a large-scale restoration effort. Proponents of Alternative 5 are not proposing removing millions of cubic yards of soil via shovels and wheelbarrows, as the DEIR/S disingenuously suggests. Rightly or wrongly, proponents of Alternative 5 believe that the existing topography of the site should be maintained, and that existing habitats should be enhanced via increased community stewardship of the site. This fact is acknowledged two sections later in the DEIR/S (page 325) when it notes that "[a]lternative 5 would reduce adverse environmental impacts relative to Alternative 1 **because large-scale earthmoving would not be allowed**." Thus, focusing on how long it would take to move soil that would not in fact be moved under this alternative is illogical and self-serving.

Another justification given for dismissing Alternative 5 is that it fails to meet the project purpose of increasing tidal influence and establishing predominantly estuarine habitat. As discussed above, these purposes are too narrowly defined and create a circular, self-serving basis for dismissing reasonable alternatives that could meet broader biodiversity objectives without establishing predominantly estuarine habitat.

As requested above, a revised DEIR/S should more fully analyze some variation of Alternative 5 in order to provide a reasonable range of alternatives by filling in the wide gap between the "no project" alternative and Alternative 3.

O4-25

Alternative 6: The DEIR/S states that "[a]lternative 6 would be reasonable; would be practicable in terms of cost for a tidal habitat restoration project; would be practicable to implement, operate, and maintain; would be practicable to construct using existing technology; would not be more environmentally damaging than Alternative 1, would avoid or substantially lessen significant impacts of Alternative 1, and would be feasible under CEQA. However, Alternative 6 has not been carried forward for more detailed review because, according to the DEIR/S, it would not meet the purpose and need and overall project purpose, would not meet most of the basic objectives of Alternative 1." (page 331)

As noted with Alternative 5 above, Alternative 6 has been dismissed from the analysis due to overly narrow project purposes and objectives. Even though Alternative 6 would substantially increase the amount of tidal influence and estuarine habitat while also reducing impacts and costs relative to Alternative 1, the DEIR/S rejects it outright because it does not establish **predominantly** estuarine habitats.

As requested above, a DEIR/S should more fully analyze some variation of Alternative 6 in order to create a more reasonable range of alternatives.

O4-26

Alternative 8: The DEIR/S states that Alternative 8 "would be reasonable; would meet the purpose and need and overall project purpose; would be practicable to implement, operate, and maintain;

O4-27

would be practicable to construct using existing technology; and, would not be more environmentally damaging than Alternative 1. However, Alternative 8 has not been carried forward for more detailed review because it 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; would not avoid or substantially lessen Alternative 1's significant effects; and would be infeasible for purposes of CEQA." (page 341)

On page 337, the DEIR/S indicates that Alternative 8 is comparable to Feasibility Report Alternative 4, which was identified as the favored alternative in a 2008 letter to the project team from the National Fisheries Management Service. However, Alternative 8 was dismissed from further analysis because it did not meet the project objective of avoiding modifications to existing infrastructure (i.e. road ways). The Land Trust agrees with comments made by the U.S. Fish and Wildlife Service in 2015 that the goal of avoiding modifications to existing infrastructure potentially conflicts with the goal of restoring ecological function to the site.

The DEIR/S should provide a more compelling rationale for dismissing Alternative 8.

O4-27 cont.

Alternative 1O: On page 358, the DEIR/S states that "[r]estoring 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." Any legally enforceable obligations that constrain restoration planning in any way must be reviewable by the public and a revised DEIR/S must outline those obligations and include the applicable legal documents or other legal authority. An experienced land use attorney hired by an interested party may come to a different conclusion about the obligations in question, but only if the underlying legal language is publicly accessible.

O4-28

History and Evolution of the Project and Alternatives

The DEIR/S includes descriptions of alternatives which were dismissed from consideration, but it does not provide the public with any meaningful information about how the alternatives evolved over time. This information should be included and analyzed in the DEIR/S and all relevant historical documents should be included in the record because they help put the project team's decision about which alternatives were fully studied and which alternatives were dismissed in important perspective.

For instance, a 1995 Los Angeles Times article shows that some of the most vocal proponents of the current proposal were also supportive of a proposed 200 acre, $10 million restoration when the Land Trust and other organizations were still advocating for the acquisition of additional land. This would seem to undermine the narrative that anything short of large-scale restoration of the roughly 600 acre reserve that exists today should be summarily dismissed rather than analyzed. http://articles.latimes.com/1995-01-03/local/me-15845_1_ballona-wetlands-restoration

O4-29

This is an image from a presentation made by the project team to the US Army Corps of Engineers in 2011. It depicts the planned development of much of what is now the Ballona Wetlands Ecological Reserve, including all of Area C, all of Area A, and a portion of Area B.

O4-29 cont.

A 2007 letter from Shelley Luce, then Executive Director of the Santa Monica Bay Restoration Commission, to Mary Small at the State Coastal Conservancy strongly suggests that an early round of alternatives did not include any major alterations to existing flood control features (Attachment B – SMBRC 2007). In her 2007 letter, Dr. Luce stated that "The Ballona [Science Advisory Committee] requested design alternatives that encompass the 'extremes' of restoration planning, i.e. from minimal intervention to maximal structural changes, as well as alternatives in between. The current proposed alternatives do not provide this and need to be modified, or an additional (fourth) alternative is needed."

An additional round of alternatives was described in the 2008 Feasibility Study (incorporated into the DEIR/S as Appendix B8), with five alternatives presented to the public, only one of which envisioned removing the Ballona Creek levees. That alternative, Alternative 5, is not recognizable in any of the alternatives in the DEIR/S. Revised alternatives were developed and or described in various memoranda between 2008 and 2012 with a preferred Alternative 1 published in 2012. (see www.BallonaRestoration.org/news)

In April of 2014, eight alternatives were outlined on the project website, including one that provided for "[n]ew trails, bike paths, gateways and education/art installations [to] encourage safe use by visitors" but which did not include removal of the levees or regrading of existing habitats. On December 3, 2014, a day after the Annenberg Foundation withdrew from the project, the Director of the California Department of Fish and Wildlife indicated to the California Fish and Game Commission his expectation that "half a dozen or more alternatives for evaluation" would be included in the eventual DEIR/S. (http://cal-span.org/unipage/?site=cal-

span&owner=CFG&date=2014-12-03&mode=large at 8:42:00) Ultimately, however, the number of alternatives was reduced to four, including the no-project alternative.

This evolution of the project alternatives should be described in reasonable detail in a revised DEIR/S as this will promote informed decision making by providing the public with important context regarding each alternative. For example, an alternative similar to dismissed alternative 5 was listed on the official project web site as late as December of 2014 over two years after the project scoping meeting in August of 2012 and six years after the publication of the 2008 Feasibility Report. This timeline casts doubt on the reasons given a why this alternative was dismissed.

2OO5 - 2O12 Lower Ballona Wetlands Feasibility Study: According to the Federal Register, the Santa Monica Bay Restoration Commission entered into a "cost-shared ecosystem restoration feasibility study" in 2005 with the Los Angeles District of the U.S. Corp of Engineers that is very similar to the current project. (Attachment C - Federal Register 2005, also online at https://docs.regulations.justia.com/entries/2005-09-20/05-18651.pdf)

O4-29 cont.

That cost-shared project was terminated by SMBRC in 2012. (Attachment D - SMBRC 2012, also see Federal Register at http://www.spl.usace.army.mil/Media/News-Releases/Article/477303/corps-initiates-new-environmental-impact-study-for-ballona-wetlands-restoration/) It appears from the 2005 announcement in the federal register that several components of the current project, such as the removal of existing flood control levees and the removal of fill from Area A were being promoted by the Santa Monica Bay Restoration Commission prior to any input from the Ballona Wetlands Science Advisory Committee.

The revised DEIR/S should include details about the 2005 - 2012 study project and should explain what authorized entity made the decision to terminate the project, why the project was terminated and what, if any, work product was incorporated from that project into the current DEIR. Additionally, all scoping comments received as part of that project should be included as an Appendix to a revised DEIR/S.

Wildlife and Plant Species

While the draft EIR/S references and describes numerous species of plants and wildlife, there is a remarkable lack of information regarding the potential impact of the restoration project on these species.

Page 260 the DEIR/S states that "[i]n general, the proposed restoration performance criteria do not focus on specific acreages or specific species, but instead focus more broadly on habitat development, species composition, and ecosystem function." Given that a primary purpose of ecological reserves is to "protect threatened or endangered native plants, wildlife, or aquatic organisms" (California Fish and Game Code Section 158), it would seem that a more detailed analysis of the impact on special status species is appropriate and necessary.

O4-30

Additionally, the lack of focus on important plant and wildlife species seems to directly contradict guidance from the Ballona Wetlands Science Advisory Committee (See http://docs.ballonarestoration.org/SAC-recommendation.pdf) that sought an analysis of the "[p]otential ability of the restored wetland to support target species (to be defined in coordination with the SAC) as an additional measure of change in the final feasibility study. Each alternative should be evaluated for both the species that it would or would not be likely to support." This guidance seems to have been ignored in the current DEIR/S.

This deficiency could be remedied by adopting the following changes in a revised DEIR/S:

1) For each alternative studied, include a consolidated list in the DEIR/S of every plant or wildlife species that is not currently present in the ecological reserve, or which is only present in a limited capacity (such as non-breeding), but which is expected to occur (or occur in a new capacity) after restoration efforts are complete. An example would be Ridgway's Rail (formerly Light-footed Clapper Rail). It is difficult to discern from the current DEIR/S whether formal efforts will be undertaken to encourage the return of this species. Adding a concise list of expected new species will allow agencies and public stakeholders to quickly assess the anticipated biodiversity impacts of each alternative.

2) For each alternative studied, establish a performance objective for every plant and wildlife species of special concern. It is important for the public to be able to clearly assess whether particular species are expected to increase in number and/or range, and to be able to evaluate project success based on whether tangible performance goals are met with regard to species diversity and abundance.

3) Similar to above, provide illustrated maps and tables of likely habitat acreage for each species of special concern for each alternative and for each stage of sea level rise. Some limited examples of this type of information are scattered throughout the DIER/S, but the information needs to more complete and consistently presented. For example, we were unable to discern from our review how much habitat would exist for Belding's Savannah Sparrow in 2100 based on projected sea-level rise, although the habitat map for that time period suggests very little suitable habitat would remain. A reduction in habitat over time for this species would seem to be counter-productive, and potentially encourage decision-makers to evaluate additional alternatives or mitigation measures.

In addition to these general recommendations for improving the DIER/S, the Land Trust offers the following comments on various wildlife species:

O4-30 cont.

***Belding's Savannah Sparrow**:* According to a 2010 CA Fish and Wildlife paper titled *A SURVEY OF THE BELDJNG'S SAVANNAH SPARROW* "[t]he Belding's Savannah sparrow (Passerculus sandwichensis beldingi; Belding's) is one of few species of birds that reside year-round in the coastal salt marshes of southern California. This subspecies of Savannah sparrow is a salt marsh endemic, ranging historically from Goleta in Santa Barbara County, California on the north, south to el Rosario, Baja California, Mexico (American Ornithologists Union 1983, Grinnell and Miller 1944, and Van Rossen 1947). Over 75% of the coastal wetland habitats within this range have been lost or highly degraded (Wiley and Zembal 1989) and the remainder suffer from the effects of

O4-31

increasing human populations. The greatly reduced habitat base, increasing human impacts in the remnants, and small population sizes led to the listing as endangered of this little songbird by the State of California in 1974."

The text on page 602 of the DEIR/S states that "Phase 1 would result in a direct loss of potentially suitable habitat for Belding's savannah sparrows due to restoration activities including clearing, grubbing, and grading (see Table 3.4-9). Most impacts would be temporary, but some (e.g., levee construction) would result in a permanent conversion of 10.2 acres of wetland or salt pan to upland habitat (including 1.1 acres of occupied habitat)." While Phase 1 would also attempt to create new potentially suitable habitat for this species, the DEIR/S notes that "[b]ecause Belding's savannah sparrows are known to have high site fidelity, the establishment of new habitat does not guarantee future use." Thus there is a reasonable risk that 4.5% of the currently occupied habitat for this critically important species would be lost with no guarantee that newly created habitats will be successfully established or occupied. The revised DEIR/S should more clearly explain why this permanent loss of currently occupied habitat is unavoidable or acceptable.

According to Table 3.4-9 on page 603 of the DEIR/S, another 6.8 acres of currently occupied Belding's Savannah Sparrow habitat would be lost in Phase 2. While Phase 2 cannot start until at least one breeding pair of Belding's Savannah Sparrow is observed using the new "potentially suitable habitat" in Area A, this could still lead to permanent loss of more currently occupied habitat than is ultimately occupied in Area A. This seems counter-intuitive to a restoration project and the rationale behind this approach should be more clearly explained in a revised DEIR/S.

With regard to the mitigation measure that "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," this seems woefully inadequate for such an important bird species in the ecological reserve. The revised DEIR/S should explain the basis for such a low threshold of adoption of new habitat prior to destruction of existing habitat. The measure does not even require that successful nesting be documented, let alone that any long-term trends be established. A much higher threshold of habitat adoption should be incorporated into this mitigation measure in the revised DEIR.

O4-31 cont.

Further, as noted under the comments on sea-level rise, this chart format of table 3.4-9 should be duplicated for each sea-level rise habitat map so that the visual depiction of habitat can be easily understood in numerical terms for this and for other species.

O4-32

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

O4-33 cont.

[Also, it appears that the negative signs in front of the 9.1 and 2.3 figures in the Net Habitat Change column should be positive signs. This should be corrected for clarity]

***California Gnatcatcher**:* In Section 3.4 of the DEIR/S, pages 548-549 the California Gnatcatcher is described as a federally listed threatened species and California species of special concern (S2). However, the DIER/S states 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." It is unclear why the potential for future breeding was based on present conditions rather than on anticipated post-restoration conditions.

Likewise, on page 582 of the DEIR/S, under the section *FESA Species Effect Determinations to Support Section 7 Consultation*, it states that "[t]his 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." Again, it is unclear why a determination of future breeding and foraging potential was made based on current habitat conditions, rather than potential future habitat conditions. Additionally, the reference to a "lack of recent observations" seems to ignore documented sightings from April 2016 (photos and audio recordings and multiple observers) on the ecological reserve as well as documented sightings (photos) and potential breeding behavior at the nearby LAX dunes in March of 2013.

O4-34

Figure 3.4-13 (Potentially Suitable Habitat for Coastal California Gnatcatcher) on page 550 shows areas of potential foraging habitat that appear to be replaced in several of the restoration alternatives. As noted above, decision-makers and the public would benefit from maps and tables showing the change in potential foraging and breeding habitat for this and other species for each studied alternative as impacted by anticipated sea-level rise.

Additionally, a revised DEIR/S should specifically explore and analyze options for maximizing the likelihood of breeding and/or increased foraging of this important species at the Ballona Wetlands.

***Ridgway's Rail**:* On page 552 of the DEIR/S, it states that "[t]he Ballona Reserve is listed as a potential area to reestablish light-footed Ridgway's rail in the Recovery Plan developed for species (USFWS 1985)." However, the DEIR/S is very vague as to what, if any, management steps will be undertaken to reestablish this species, or whether such establishment is a performance goal of the project. California cordgrass (*Spartina foliosa*) is mentioned as an important plant species for the rail which does not occur naturally at the Ballona Wetlands but which could potentially be introduced from a nearby site, such as Bolsa Chica (page 185). Beyond these vague bits of information, no detail seems to have been provided as to whether Cordgrass will or will not be introduced at the Ballona Wetlands or whether an attempt will be made to re-establish Ridgway's Rail. On page 193 for instance, the DERI/S states that "natural recruitment of native cordgrass is not likely to occur at the restored site ... [t]he decision on whether cordgrass is seeded/planted would occur through the adaptive management process." It is not clear from the DIER/S what additional information must be factored into the adaptive management process before determining whether cordgrass will or will not be introduced into the Ballona Wetlands or what potential impacts an introduction of this species might incur. These are important details for the public to make informed decisions on the project and they must be included in a revised and recirculated DEIR/S. O4-35

***Pacific Pocket Mouse**:* Page 556 of the draft DIER/S describes the Pacific Pocket Mouse, a federally endangered species. According to the DEIR/S, impacts to this species were not analyzed because the species has not been observed at the site since 1938 and was determined to have a less than reasonable potential to occur. The draft DEIR/S should analyze whether future habitat conditions could be created at the Ballona Wetlands that could support this species so that the public and interested agencies can make an informed decision regarding the prioritization of different habitats. Dismissing analysis of any species of special concern simply because it is not supported by present conditions is counter-intuitive to the concept of restoration. This comment applies to all such species of special concern that were dismissed from analysis in the DEIR/S. O4-36

***Willow flycatcher**:* Page 543 of the DEIR/S indicates that "Willow flycatcher (Empidonax traillii) could pass through the site in a transient capacity during migration, but has not been observed at the Ballona Reserve." This statement appears to be inaccurate. According to Dan Cooper, one of the project biologists, up to 3 Willow Flycatchers per day may be observed in late spring and early fall (http://www.cooperecological.com/ballona-birds/special_status_speciesweb.htm). This information should either be confirmed or corrected in the DEIR/S. O4-37

Western Snowy Plover - Page 178 of Appendix D states that this species "[b]reeds 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, found on beaches used for nesting and other beaches, in man-made salt ponds and on estuarine sand and mud flats." and indicates this species is "[l]ess than reasonable as breeder (Extirpated as a breeding perennial resident). Low potential as a forager as this species is a now an occasional transient and rare winter visitor." However - recent confirmed breeding at nearby Dockweiler Beach calls this "less than reasonable" status into question. Additionally, a 2016 article in Los Angeles Audubon Society's Western Tanager publication indicates breeding history (http://losangelesaudubon.org/index.php/component/content/article/385-western-tanager- O4-38

section/volume-83-category/vol-83-no-2-nov-dec-2016/1890-conservation-conversation) and there is recent photo documentation and eBird documentation of foraging behavior on the Ballona Wetlands salt pan. (https://www.flickr.com/photos/stonebird/14398111169/)

O4-38 cont.

Saltgrass vs Shoregrass: Table D2-1, *Vegetation Alliance and Association Acreages by Habitat Type*, on page 14 of Appendix D makes numerous references to Distichlis littoralis (Shoregrass) but no mention of Distichlis Spicata (Saltgrass). This would appear to be a mistake. The revised DEIR/S should ensure that every reference to Distichlis littoralis is intentional and accurate.

O4-39

Groundfish: In Section 3.4 on page 587, the DEIR/S states that "[i]t is possible that benthic organisms and/or groundfish such as rockfish, sablefish, flatfish, and Pacific whiting, or other fish species described in Section 3.4.2 may be intermittently present in Ballona Creek or intertidal habitats when active restoration is in progress, resulting in the possible mortality of fish or benthic organisms." The DEIR/S doesn't provide any additional discussion of this potential mortality in this section. Is there a related mitigation measure, or has it been determined that this potential mortality of groundfish and benthic organisms is inconsequential? Additional clarity would be helpful to understand this paragraph in context.

O4-40

El Segundo blue butterfly: As with most of the species analysis in the DEIR/S, the analysis for this species in heavily focused on past management actions rather than a comprehensive management plan for the future of this species in the ecological reserve.

O4-41

California least tern: On page 548 of the DEIR/S, California Least Tern is described as a federally listed endangered species, state listed endangered species, and California fully protected species. The description further documents past breeding and current and past foraging behavior in the project area. However, the description for this species ends by noting that "Based on recent observations, it is unlikely that California least terns would nest successfully again within the Ballona Reserve without an effective predator management plan that includes adequate and well-maintained fencing to reduce the impact of land-based predators and adaptive management to reduce the impact of American crows. As colonial nesters, California least terns may require larger numbers to effectively reduce predation and to successfully nest in this area." However, the DEIR/S does not contain any analysis of how an effective predator management plan could be implemented for this important species or what potential changes to habitat could help this species return as a breeder in the project area. A revised DEIR/S should more fully analyze the potential for this species based on habitat and management decisions.

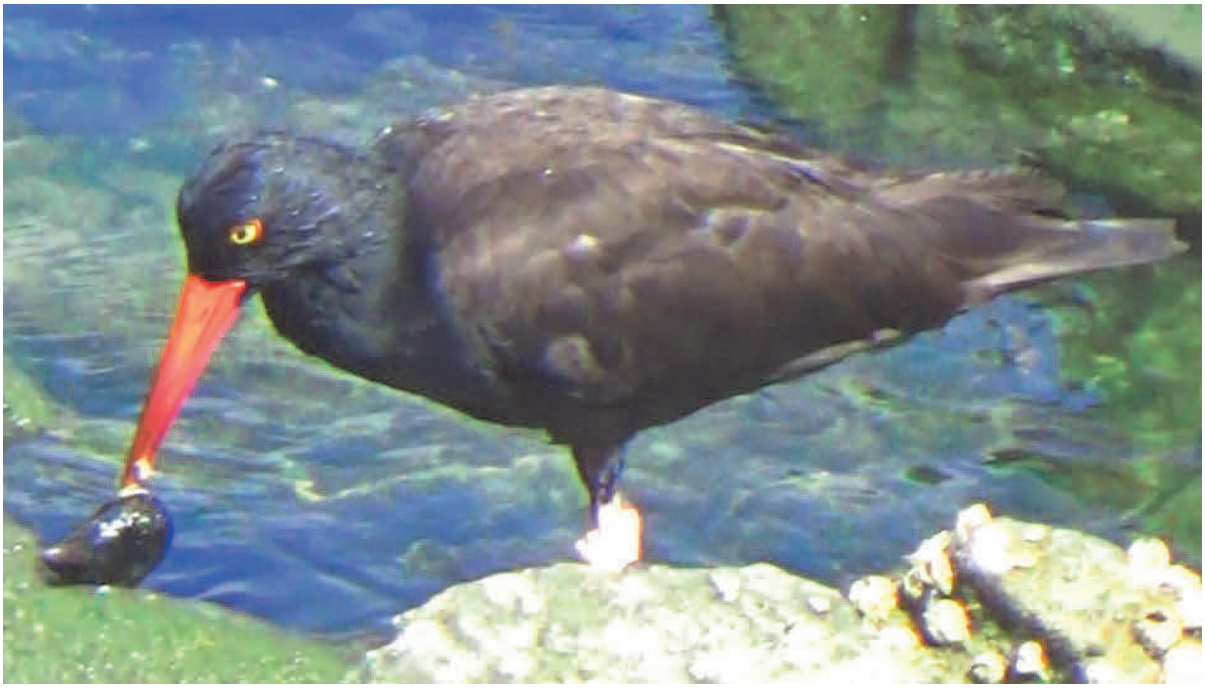
On page 584, the DEIR/S states that "[t]his species is not expected to breed or forage on the Project site considering the habitat conditions onsite and the lack of recent observations of this species." The most recent study to support this conclusion seems to be the study by Keene which "considered Ballona Creek as potential least tern foraging habitat; however, active foraging was not described." The Keene report has not been made accessible to the public for review. Further, foraging of this species was observed in every other study described on page 548, including "three of seven survey dates in 1995, on 3 of 14 survey dates in 1998, and on 7 of 17 survey dates in 2001." Additionally, numerous sightings of this species are recorded in eBird between 2013 and 2017 and the lead author of these comments (Walter Lamb) has personally observed foraging in the project area portion of Ballona Creek Channel. Table D5-11 on page 71 of Appendix D5 describes this species as a "[f]airly

O4-42

common summer resident, with a large breeding colony on Venice Beach and **forage widely**." (emphasis added) and also notes that it was observed in all of the surveys included in that table. Thus the evidence does not support the conclusion that foraging of this species is unlikely in the project area and that conclusion should be re-evaluated in the revised DEIR/S.

O4-42 cont.

Black Oystercatcher: Black Oystercatcher is considered a "focal species" by the US Fish and Wildlife Service.
https://www.fws.gov/migratorybirds/pdf/management/focal-species/BlackOystercatcher.pdf
https://www.fws.gov/birds/management/managed-species/focal-species.php
Black Oystercatcher receives little attention in the DEIR/S because, according to page 156 of Appendix D: *Biological Resources*, it has a less than reasonable chance of nesting or foraging within the project area and "rarely seen along lower Ballona Creek" .However, this assessment is not consistent with observations recorded in eBird as well as personal observations of volunteers who lead monthly walks along the existing rocky banks of the project area. There is no discussion of whether the existing rocky banks of the lower Ballona Creek will be maintained if the creek is recontoured as shown in the grading plans for Alternatives 1 and 2. A revised DEIR/S should include an analysis on potential impacts to Black Oystercatcher and should specifically analyze changes to the existing rocky bank habitat of Ballona Creek which is used by many species of shorebird (Willet, Whimbrel, Marbled Godwit, Black-bellied Plover, etc.) and rocky shorebird (Black and Ruddy Turnstone, Surfbird, Wandering Tattler, etc.).



A Black Oystercatcher foraging on the rocky banks of lower Ballona Creek in September of 2015 (Walter Lamb). Black Oystercatcher has been commonly recorded in the eBird database for this location.

O4-43

Coastal Whiptail, Coast Horned Lizard, Western Spadefoot, Two-striped Garter Snake and South Coast Garter Snake: Page 542 of the DEIR/S states that "[f]ive species are determined to have a low potential to occur based on marginal or minimal suitable habitat and/or this species has

O4-44

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 (Speahammondii), two-striped garter snake (Thamnophis hammondii), and south coast garter snake (Thamnophis sirtalis ssp.). Therefore, these five species are not further discussed in this analysis." The rather analyzing the current habitat potential for these species, the revised DEIR/S should analyze potential future habitat. Would the return of any of these species be feasible if appropriate habitat could be restored to the reserve? Could such habitat be restored? What is the decision-making process by which the project team prioritized various species to guide the proposed habitat allocations for the different alternatives?

O4-44 cont.

Lewis' Evening Primrose and Wooly Seabite: Page 89 of Appendix B pt 4 states that "It is unclear at this point how restoration activities will affect the occurrences of Lewis' evening primrose outside of the dunes or the occurrences of wooly seablite along Ballona Creek. Occurrences of these species will be protected to the extent feasible." This vague wording is insufficient for a discussion of how to protect special status species within the ecological reserve. Some analysis is required to justify the potential reduction in these species. On what basis are have they been given a lower restoration priority than other species?

O4-45

Raptors: Page 561 of the DEIR/S states that "[w]ith few expansive areas of open space in the vicinity, the Project site represents an exceedingly important foraging area for raptors. A variety of habitats on the Project site could serve as raptor foraging habitat, including coastal scrub, non-tidal salt marsh, and annual grassland." However, this section includes no discussion of whether or how the need for raptor foraging habitat was factored into the different project design alternatives.

O4-46

Wildlife corridors: Page 560 of the DEIR/S states that "[t]here are no designated or major wildlife movement corridors within or adjacent to the Project site." However, the Ballona Creek itself, including its expansive banks, provide an important corridor for birds and also potentially for mammals seeking connectivity with smaller open spaces along the creek and with the Baldwin Hills in Culver City. This wildlife movement corridor should be further analyzed in the revised DEIR/S. Additionally, the revised DEIR/S should reference the Ballona Creek Greenway Plan (http://santamonicabay.org/wp-content/uploads/2014/05/BGP_3_GreenwayPlans.pdf) and the Park to Playa Trail project (https://trails.lacounty.gov/Trail/237/park-to-playa-trail).

O4-47

Parking Uses and Needs Analysis

General: The DEIR/S is woefully deficient in its analysis of parking needs and discussion of proposed parking features. This fatal deficiency must be remedied in a revised and recirculated DEIR/S. Most notably, the DEIR/S proposes the construction of a three-story parking garage in all three action alternatives. The garage would be constructed and operated by the Los Angeles County Department of Beaches and Harbors. Numerous public records show that the primary purpose of the garage would be to serve Beaches and Harbors' interest in providing parking to support existing and proposed private businesses that operate, or will operate, across Fiji Way in Marina del Rey. Yet that information was purposefully left out of the DEIR/S, which misleadingly describes the proposed garage as a public access feature for the ecological reserve. The Notice of

O4-48

Availability states that the proposed project will, among other things, "Implement **public access-related improvements** including trails, **a new three-story parking structure** ..."

In contrast, Beaches and Harbors' own description of the garage in internal e-mails acknowledges that it "will also be used by the public as overflow parking to supplement the parking demands for County Parking Lot No. 1 at Fisherman's Village" and for people to "visit Marina del Rey." (Attachment E – Parking E-mails, page 3) The e-mails further state that "Currently DBH, ISD, Life Guards, and other public agencies use the lot. The lot is also used as an overflow parking lot by employees of Fisherman's Village and by the public on busy summer weekends, holidays and for special events. we expect to continue that use in the new parking structure.." (Attachment F – Parking Documents, page 40)

It is the most basic violation of the California Environmental Quality Act to so brazenly misrepresent a construction project proposed for inclusion an ecological reserve.

The same issues hold true of existing parking lots in Area A which largely support public and private interests unrelated to the management of the ecological reserve. More detail about these and other parking uses are described in more detail below.

***Known controversy*:** Section ES.5, *Areas of Potential Controversy Known to the Lead Agencies,* on page 40 of the DEIR/S should have included the controversy over the proposed three-story parking garage and the existing parking lots in Area A of the ecological reserve. The Land Trust first inquired to CDFW about the proposed garage on November 8, 2013, and formally objected to the existing parking lots to CDFW in February of 2017. Numerous public discussions regarding these parking uses occurred at Fish and Game Commission meetings in April, June and August prior to publication of the DEIR/S. A revised DEIR/S should include this known controversy.

O4-48 cont.

***Purpose and need I statement of objectives*:** The Land Trust was unable to find any parking needs analysis to support either the proposed parking garage for Area A or the existing surface parking lots in Area A, both of which primarily support the public and commercial interests of the Los Angeles County Department of Beaches and Harbors. Nor was the Land Trust able to reconcile the known purposes of the existing lots and proposed garage with the project's statement of objectives, which say nothing about supporting Marina del Rey businesses or County agencies.

These are remarkable omissions for a DEIR/S that took well over a decade to publish. Consistent with the urging of the President of the California Fish and Game Commission expressed on December 6, 2017, the DEIR/S must analyze an alternative in which parking areas for outside interests are converted to natural habitat. The DEIR/S must accurately and thoroughly explain the purpose of both the proposed garage and existing lots, must show how the garage and lots further the project's stated objectives, and must include a detailed parking needs analysis show inform the size and scope of any parking facilities.

Parking needs analysis: The current DEIR/S seems to lack any projections or estimates of reserve-related parking needs. In the traffic analysis, the DEIR/S estimates 378 daily car trips (see DEIR/S page 1127) based on a generic reference to the ITE Trip Generation Manual, 2012 edition. As

noted in the comments on traffic later in this document, this trip estimate is far too generic to be useful in assessing the number of additional daily trips that this project is likely to generate.

A more detailed analysis should be included in a revised DEIR based on the specific conditions of this ecological reserve. From a parking perspective, the estimated number of car trips to the ecological reserve that would require parking should factor in accessibility by pedestrians from adjacent neighborhoods, public transportation, bike, taxi or ride-sharing services, and other methods access that may not be typical of the parks used to create the generic estimate.

Even if the estimate of 378 daily car trips was based on a meaningful analysis, it would not support the 273 "public" parking spaces proposed for Area A. We understand the 378 car trips to represent 189 car visits, each with an inbound and outbound trip. Therefore, even if every one of the 189 cars visiting the reserve all parked in the proposed Area A garage all day, there would still be 84 empty spaces. The specific analysis of intersections in the traffic study shows very few trips proceeding down Fiji Way, which is the only access road to the existing parking lots and proposed parking structure. A revised DEIR/S must include a more detailed estimate of daily car trips that is reasonably tailored to the specific conditions at the Ballona Wetlands Ecological Reserve and, from that estimate, must further estimate the number of parking spaces needed to support operation of the ecological reserve, to include parking for visitors, maintenance staff and other reserve-related uses.

Inventory of alternative parking options: As part of the parking needs analysis, a revised DEIR should include an inventory of existing parking that could serve the parking needs of the project. This should include the free, public parking at Dock 52, across Fiji Way in Marina del Rey, which was documented in the 2005 Interim Stewardship and Access Management Plan, commissioned by the state. The inventory should also include existing parking features supporting the baseball fields in Area C, which should serve a multi-purpose function if retained after restoration. The inventory should also include existing parking in Playa del Rey, Marina del Rey and Playa Vista that could be used to access the ecological reserve. For instance, County records and other data (e.g. Google map views, personal observation) show that the existing parking lots across Fiji Way are under-utilized.

O4-48 cont.

Lack of public input: Despite e-mail records showing that CDFW and Beaches and Harbors were discussing plans for the construction of a parking garage in Area of the ecological reserve as early as 2011 (Attachment G - Beaches and harbors 2011), neither the Notice of Preparation (NOP) prepared by CDFW nor the federal Notice of Intent (NOI) prepared by the U.S. Army Corp of Engineers included any indication that a parking structure was being contemplated as part of the restoration project, or that CDFW no longer intended to fulfill its 2005 promise to analyze the existing parking lots as part of the environmental impact analysis. As such, there is minimal public feedback on the topic.

Additionally, e-mail records also show that CDFW essentially deferred decisions about the parking to Beaches and Harbors after the close of the public scoping comment period (Miyamoto, 2013). None of the many documents relating to the restoration project, such as the 2008 feasibility study, indicate that a parking garage was discussed in any of the public planning meetings or analyzed by

the Science Advisory Committee. Not until 2014 was the public given any hint about the parking garage, but that language was extremely vague, i.e. referencing parking improvements and alluding to a reduction in the existing parking footprint without indicating the actual purpose of the garage or existing parking.

At the December 6, 2017 meeting of the California Fish and Game Commission, South Coast Regional Manager Ed Pert claimed in public comments that the California Coastal Commission provided comments to CDFW that existing parking areas should be maintained pursuant to the Coastal Commission's mission of protecting access to the coast. However, both the Coastal Commission and CDFW later acknowledged that there is no record of the Coastal Commission ever having made such comments. Mr. Pert also attempted to justify the decision not to analyze the removal of the existing parking lots using language that shows a clear pre-determination by CDFW to keep those parking lots in the ecological reserve, stating that "there will remain some parking there," despite providing no rationale for that assertion aside from the erroneous statement about the Coastal Commission.

Finally, the published DEIR/S still fails to accurately describe the purpose and need of the proposed garage or existing parking lots, leading to considerable public confusion and impeding informed public decision-making. A revised DEIR that accurately describes the purpose and need of the proposed garage and/or existing lots is essential to addressing this deficiency. The revised DEIR must explain the connection between the proposed garage and existing lots and the existing and proposed commercial area across the street (see Cumulative Project No. 11 on page 381 of the DEIR/S). This will finally allow the public to make meaningful and informed comment on this substantial component of the restoration project.

O4-48 cont.

Expired Coastal Development Permits: The Coastal Development Permits (CDPs) issued by the California Coastal Commission for the parking lots in question expired several decades ago. Internal correspondence of the Los Angeles County Department of Beaches and Harbors, summarizing discussions with the California Department of Fish and Wildlife, show that both agencies understood the CDPs to be expired.

For example, a 2013 e-mail from Beaches and Harbors employee Charlotte Miyamoto to her colleagues (including Director Gary Jones), states that CDFW employee Rick Mayfield intended to convey to the Marina del Rey Sheriff's Station that "[a] CDP from Coastal Commission will be needed to make the [Sheriff Department's parking] lot 'legal'. The likelihood of Coasta1's approval is unknown." (Attachment F - Parking Documents, page 65) Another 2013 e-mail from Ms. Miyamoto regarding conversations with Rick Mayfield state that "Rick would like us to get back to him this week with what we'd like to see in the future for the Area A parking lots. Some of the options we discussed were: Leave them as is. State and or County would need to get a CDP amendment (if that's even possible since the permit was issued by the Coastal Commission in connection with the 1984 Olympics). I believe the permit under which the lots were built required them to be removed. ... " (Attachment H, Beaches and Harbors 2013)

It is critical that all necessary permitting required for the existing lots to remain in place be secured prior to publication of the revised DEIR/S, since the plans have been designed to accommodate

these parking lots at the expense of having more land available for restoration. It would be highly irresponsible and wasteful of public funds to construct perimeter levees which cut off roughly three acres of restorable wildlife habitat from the restoration area in order to preserve these surface parking lots. That mistake would be further compounded if the existing lots then needed to be removed for lack of proper permits.

Thus, CDFW should immediately submit applications for new Coastal Development Permits from the California Coastal Commission to determine whether these lots are even compatible with the Coastal Act prior any additional investment into either the proposed garage or levee designs offset to accommodate the parking lots.

Fish and Game Code Regulations: Page 1089 of the DEIR/S cites Title 14 of the California Code of Regulations, Section §630 (h) - "**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." (emphasis added by Land Trust) However, the Draft EIR/S provides no discussion of whether CDFW ever even analyzed whether restoration or other uses were more appropriate than existing parking uses pursuant to the lease with Beaches and Harbors. To essentially make these parking uses permanent, either by constructing a multi-story parking garage, or offsetting permanent flood control features to accommodate the existing parking lots, would clearly violate the cited regulation. Thus, a revised DEIR/S must include discussion of a reasonable analysis by CDFW of more appropriate uses. Any finding that the existing parking uses are more appropriate than restoration of those areas must be supported by substantial evidence. The revised DEIR/S should also indicate that a Fish and Game Commission approved regulation change is necessary for either the the proposed garage or continuation of the existing lots, as either of these scenarios would render the conditional language in the current regulation moot and superfluous.

O4-48 cont.

Public Resources Code Section 21O8O.29: The legislature authorized acquisition of the land upon which the parking lots sit for "conservation, restoration, or recreation purposes only." The revised DEIR/S must explain how parking for employees of private companies or unrelated County agencies conforms to this legislative land use restriction.

Impacts to Biological Resources: the current DEIR/S is deficient in its analysis of the impacts of a proposed parking garage or continued surface parking lots on biological resources. In response to the identified project opportunity to "Strategically design habitat to ensure recruitment and survival of targeted species," the 2008 Feasibility Study also identified as a constraint that "Site may too small and isolated to support some species." Another identified constraint was that "Because the size of the site is limited, it may not be possible to incorporate large enough patches of all historic habitat types to ensure their viability." Given these constraints, it seems highly counter-productive to set aside several acres of land for parking uses unrelated to the ecological reserve. The DEIR specifically acknowledges that the proposed new perimeter levee in Area A would be offset to "accommodate existing parking lots and planned parking improvements along Fiji Way," but does not indicate how much land would be separated from the restored wetlands by this levee offset.

Additionally, there is no meaningful analysis of the impact of a three-story structure on biological resources in terms of bird mortality, edging effect on habit, etc. As noted below, the assertion in the DEIR/S that a new parking garage would not adversely impact site aesthetics defies common sense.

A revised DEIR/S must analyze all of these potential adverse impacts.

Socioeconomics and Environmental Justice: In Section 3.14 (page 1191) the DEIR/S claims that "[t]he purpose of the environmental justice analysis is to determine whether the environmental and human health-related impacts of the alternatives would disproportionately affect minority and low-income populations." This section should analyze the impact of maintaining the existing parking lots and the proposed construction of a parking garage given that both facilities are primarily designed to benefit commercial enterprises across the street, many of which cater to high-income clientele. For instance, two yacht selling companies list prices from the high tens of thousands of dollars into the hundreds of thousands of dollars. Several of the cruise companies conduct corporate cruises for as much as $60 a person. Thus, public land that could serve all demographics in the form of wildlife habitat that can be freely enjoyed would instead be diverted for the benefit of businesses serving a narrower demographic. The revised DEIR/S must address this environmental justice issue.

O4-48 cont.

Operation of the proposed parking garage: The DEIR/S leaves important and basic questions unanswered and a revised DEIR/S must answer these questions:

1) Given that the proposed garage would be managed by the Los Angeles County of Beaches and Harbors, has a draft lease been prepared that would provides the public with important details about how the parking garage will be managed and how the interests of the state-owned ecological reserve would be protected? The terms of any operating lease should be included in the record and any conditions should also be include in a revised DEIR/S as enforceable mitigation measures.

2) Will use by employees of private businesses across the street be allowed in the parking garage, or will a prohibition of such parking use be noticed with clear signage* and enforced?

3) Would the parking in the garage be free or paid parking?

4) If paid parking:

    a. Would the rates be the same as in the County-owned parking lot directly across the street?

    b. Which agency would be responsible for collecting parking fees?

c. Which agencies would receive those funds?

d. Would they be used for maintenance of the ecological reserve?

e. Are there other examples of paid parking in ecological reserves in California?

f. If parking in West Area B is free and parking in Area A requires payment, how will CDFW ensure balance between these two parking areas, given that the parking area in West Area B would be smaller and given that Area B is a popular destination.

5) The DEIR/S indicates that the hours of operation for the parking garage would be dawn to dusk (page 222). Do those restricted hours of operation apply all users, including CDFW staff, Beaches and Harbors staff, and employees of commercial businesses across the street who currently park until well after dusk (Whiskey Red's closes at 11 PM for instance)?

6) Given the dawn to dusk restriction on operation of the parking garage, why would it need 24/7 interior lighting?

7) What is the purpose and need for the parking area called the "Ballona Reserve Parking or Secondary Option for CDFW Storage Yard?" (page 221)

8) Is there a multi-story parking structure in operation in any other ecological reserve in California? If so, which one(s)?

O4-48 cont.

* Below is an example of "Visitor Parking Only" signage at Bolsa Chica Ecological Reserve.

West Area B Parking: The DEIR/S indicates that the existing dirt parking lot in West Area B will be paved, with sidewalks and other hardscaping added, reducing the number of available spaces

from 50 to 43. Additionally, a paved bus lane and emergency exit is proposed behind the buildings on Culver Blvd. Hardscaping should be kept to a minimum and should be directly tied to detailed needs analysis. Given that the ecological reserve operates today without sidewalks in the parking lot and without an emergency/bus lane, it is unclear why these hardscaped features are necessary as part of the restoration. The revised DEIR/S should address this by specifying the amount of land these features will consume and by explaining why they are necessary. For instance, are they required to fulfill some safety ordinance or municipal code?

Surface materials: For each parking area or other hardscaped feature, the revised DEIR/S should analyze different options for surface materials to inform the public and interested agencies about what material best protects from environmental harm. For instance, the current parking area in West Area B is a gravel lot. Some explanation as to why a paved lot is a more suitable for an ecological reserve than a dirt or gravel lot would help facilitate informed decision-making on the matter.

Geotechnical issues: Regarding the proposed parking structure, page 830 of the DEIR/S states that "[t]he design particulars of this structure are not known at this time and no final engineering design criteria have been developed, which is not uncommon at this stage in the planning process." However, the Land Trust obtained numerous design documents, mostly created by Walker Parking Consulting under contract with the Los Angeles County Department of Beaches and Harbors, and records of detailed design discussions. Many of these records dated in 2013 or 2014. The revised DEIR should include the design details communicated by Beaches and Harbors to the project team and explain why they were not included in this version of the DEIR.

On page 831, the DEIR/S also states that "[t]he 2013 geotechnical investigation focused on the existing conditions at the site, the new and existing levees, the proposed grading, and the proposed bridge but did not include analysis of the proposed parking structure." This is a surprising omission given that the structure was being discussed at least as early as 2011, is a design component of all three current restoration alternatives, and was a design component of all seven design components published in 2014. If a parking garage is still contemplated in the revised DEIR/S (and the Land Trust believes it would be a tremendous mistake to do so) then it should include a completed geotechnical analysis for the structure for the public to review and comment on. In other words, Mitigation Measure GEO-1c should be completed prior to the publication of the DEIR/S to remove any uncertainty about the structural integrity of any proposed garage. As noted below, this should include a detailed analysis of the potential impacts of the known corrosive soils at the proposed garage site on the structure.

O4-48 cont.

Budget and Timeline

General: In determining the best course of action for this ecological reserve, the public must have an accurate understanding of how long a particular alternative will actually take and how much it will actually cost. The project team has a long history of underestimating budgets and timelines. For example, in 2004 it was anticipated by the California Coastal Conservancy that the restoration planning process would "take approximately three years" and cost between $1.4 and $2 million

O4-49

dollars (Attachment I – SCC 2004). In 2018, after repeated delays, we are still years away from completing the restoration planning process and the cost so far is in the tens of millions of dollars.

O4-49 cont.

Unrealistic timeline: Remarkably, the DEIR/S that was published on September 25, 2017 indicates that "Alternative 1 would be implemented in two phases consisting of multiple sequences beginning in early 2017." A revised DEIR/S must include a realistic timeline and also explain why the initial DEIR/S included a timeline that was not only years off the mark, but also indicated a potential construction start date that had already passed. In order to help the public better understand how much longer the restoration planning process will take prior to any work being implemented, the project team should immediately publish a timeline that breaks the remaining CEQA timeline down by the following discreet milestones. This timeline should also be included in the revised DEIR/S with a progress update for each milestone and projected completion date.

- End of initial public comment period (currently scheduled to end on February 5, 2018)
- Response to comments and publication of revised DEIR/S
- Second public comment period
- Response to second round of comments and publication of Final EIR/S
- Comment period for, and approval of FEIR/S
- Application for, and receipt of, all required permits
- Finalization of all mitigation requiring approval before start of construction
- Identification of funding
- Selection of contractors to implement the project
- Preparation by contractors of all mitigation plans and other plans required by the DEIR/S prior to commencement of construction.
- Potential litigation

O4-50

Given that it has already taken roughly 13 years to accomplish only a portion of a planning process that was projected in 2004 to take 3 years, its seems entirely reasonable to believe that another five years or more could pass before any restoration work is performed pursuant to these plans. As CDFW attorney Kevin Takei acknowledged to the California Coastal Commission on December 14, 2017, in response to a question about project timelines, "I'm really hesitant to provide a ballpark just because, to be quite honest, and I think that the general public could tell you, our EIR has taken quite a bit longer than we had anticipated. I think it's fair to say we've probably made a couple of estimates as to when our draft EIR would have come out and quite frankly we've missed that ... I'd really hate to provide an estimate because, quite frankly, I think it's just going to be wrong." http://cal-span.org/unipage/?site=cal-span&owner=CCC&date=2017-12-14&mode=large (at 3:44:46)

In addition to the planning timeline, it seems very likely that the DEIR/S has substantially underestimated the timeline for construction. The DEIR/S acknowledges many factors that could heavily impact the restoration implementation timeline, but does not provide the public with any detailed project plan that would help assess how long the entire project could take to be completed under different scenarios, for instance if it takes several years or longer for Belding's Savannah Sparrow to begin nesting in new habitat of any other number of mitigation measures require a cease in construction activities.

Providing the public a with realistic timeline will help the public make decisions about prioritizing interim management programs, such as increasing access to the ecological reserve to a broader stakeholder community for the purposes of providing opportunities for stewardship, education, and passive recreation in the reserve. A revised DEIR/S should provide this information.

O4-50 cont.

Opaque budget: In order to facilitate informed decision making, the DEIR/S should include more detailed information about how the budgets for each alternative were calculated and an analysis of the potential for delays and cost overruns. For instance, page 91 of Appendix B, part 4, indicates that "In areas in which soil will be excavated and reused, it may be necessary to remove invasive species prior to excavation to prevent spreading propagules to other portions of the BWER." The difference in time and cost between removing invasive species prior to excavation versus relying on excavation for invasive species removal is substantial. Which scenario was used in estimating timeline and budget? Do the timelines and budget represent worst case scenarios, best case scenarios, or most likely scenarios?

O4-51

A revised DEIR should explain the reason for previous project delays to help the public assess the potential for future delays. For instance, the termination of the lead CEQA consultant, ICFi, in 2014 and the need to pay ICFi for unusual work product (Attachment J - SCC 2014).

O4-52

A revised DEIR/S should include the detailed project milestones and line item budget calculations used to summarize the budgets and timelines in the current DEIR/S.

A revised DEIR/S should outline identified and/or potential sources of funding for implementation of a restoration project and also for completing the planning the process. This information is necessary for the public to assess whether the proposed alternatives and their timelines are realistic and achievable.

A revised DEIR/S should explain how any funding constraints have impacted in the past, or could impact in the future, the project timeline or ability to perform certain functions. For instance, from 2010 to 2015, multiple project newsletters were published each year. However, only one newsletter was published in 2016 and none were published in 2017. Was the reason for ending the project newsletter related to a lack of budget?

O4-53

Accounting of funds spent to date: While not expressly required by CEQA, a revised DEIR/S presents an opportunity to inform the public regarding the expenditure of public and private funds on this project to date. The record shows that somewhere between $10 million and $25 million in public funds has spent on the planning process to this point. A revised DEIR/S should provide the public with all of the following information:

- Total State of California funds spent on project to date, to include state agency staff time
- Total federal funds spent on project to date, to include federal agency staff time and also U.S. EPA funding provided to The Bay Foundation and expended on administrative support for the project.

O4-54

- Total Los Angeles County funds spent on project to date, to include Los Angeles County staff time.
- Total funds from other local governments spent on the project to date.
- Total private funding (such as Annenberg Foundation funding) spent on project to date.
- A breakdown of all funds by receiving entity, whether an agency, a non-profit organization, a consulting firm, or some other recipient.

O4-54 cont.

List of Preparers and Contributors

Santa Monica Bay Restoration Commission: The Santa Monica Bay Restoration Commission ("SMBRC") is a locally-based state agency. The Bay Foundation ("TBF") is a private, non-profit organization legally named the Santa Monica Bay Restoration Foundation. Because the lines between these entities was blurred for many years, there remains a great deal of public confusion, including within the entities themselves, which activities are being performed and overseen by the public agency and which activities are being performed and overseen by the private entity.

For instance, at least until August 29, 2015. the official project web site stated that "[t]he California Department of Fish and Wildlife (CDFW), in partnership with the State Coastal Conservancy (SCC) and **the Santa Monica Bay Restoration Commission (SMBRC)**, has spent years working with the public and envisioning a plan for the revitalization of the Ballona Wetlands Ecological Reserve." (emphasis added) The SMBRC logo was included below the text. [http://web.archive.org/web/20150829082624/http://ballonarestoration.org:80]

O4-55

But sometime between August 29, 2015 and October 2, 2015, the web site was changed to state that "The California Department of Fish and Wildlife (CDFW), in partnership with the State Coastal Conservancy (SCC) and **The Bay Foundation**, has spent years working with the public and envisioning a plan for the revitalization of the Ballona Wetlands Ecological Reserve. All three partners are bonded in their commitment to a collaborative public process that can achieve what no single partner could achieve on its own." (emphasis added) The SMBRC logo was replaced with the Bay Foundation logo.

[http://www.ballonarestoration.org]

The confusion between the public SMBRC and private Bay Foundation is reflected in the DEIR/S and must be clarified in a revised DEIR/S in order to help the public and interested agencies better understand the public and private roles played in developing this DEIR/S.

For instance, page 30 of the DEIR/S states that "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." On page 1240, The Bay Foundation is listed in the *List of Preparers and Contributors* section as the first consultant on the project, but there is no mention of SMBRC as a preparer or contributor.

O4-55 cont.

However, prior to 2015, countless project records showed that it was the public Santa Bay Restoration Commission that was working with CDFW and SCC on the restoration project. A 2010 letter from Mary Small at SCC and Karen Milner at CDFW expressly stated that "The California State Coastal Conservancy and the Department of Fish & Game are working with the staff of the Santa Monica Bay Restoration Commission (SMBRC) to plan and implement the restoration of the Ballona Wetlands Ecological Reserve." (Attachment K - SCC 2010)

A 2013 Memorandum of Understanding (MOU) executed by the Directors of CDFW, SCC and SMBRC states that "the Department [CDFW], SCC, SMBRC, and the State Lands Commission ("SLC") are undertaking the Ballona Wetland restoration project." (Attachment L - CDFW, SCC, SMBRC 2013) In January of 2014, Dr. Luce testified to the Los Angeles County Board of Supervisors that "I'm the director of the Santa Monica Bay Restoration Commission. We have been working in partnership with the Department of Fish and Wildlife and the State Coastal Conservancy on the Ballona Wetlands since about 2005 ... and we are now also helping the Department of Fish and Wildlife and the Coastal Conservancy to coordinate the many local agencies and consultants who are doing the complicated analyses of the environmental impact report and environmental impact statement." (Attachment M - LA County Board of Supervisors,

2014) Other examples of documents demonstrating SMBRC's clear role in the project are a court ruling (Attachment N), meeting minutes (Attachment O), official correspondence (Attachment P) and e-mail communications (Attachment Q).

Similar language is included in the DEIR/S appendices. For instance, page 49 of Appendix B3 (part 4) states that "The CDFW, the SLC, the California State Coastal Conservancy ('SCC'), and the Santa Monica Bay Restoration Commission ('SMBRC') are working together to develop the restoration [project]." The 2008 Feasibility Report, incorporated into the DEIR/S as Appendix D8, indicates that it was created by SMBRC in collaboration with Philip Williams and Associates.

This switch between a public agency and a private entity while the CEQA process was already underway is important because SMBRC and the Bay Foundation are governed by separate bodies and are subject to different levels of transparency and accountability. Further, TBF has asserted that some of its activities relating to its work on the Ballona Wetlands must be kept confidential from SMBRC. This issue was the subject of litigation between the Land Trust and SMBRC in which a ruling in Los Angeles Superior Court determined that multiple employees of TBF were performing their duties relating to the Ballona Wetlands Restoration Project on behalf of SMBRC.

O4-55 cont.

The Land Trust believes that numerous project delays and setbacks would have been averted had the SMBRC maintained an active public oversight role in the project as a locally-based state agency. The Land Trust further believes that the co-opting of this public responsibility by TBF was harmful to the planning process and, by extension, to the Ballona Wetlands ecosystem itself.

As such a revised DEIR/S should be clear about the distinction between SMBRC and TBF. Each reference to SMBRC and TBF in the DEIR/S and appendices should be evaluated to ensure that the correct entity is being referenced. The revised DEIR/S should also indicate why the Bay Foundation was chosen to replace SMBRC as a project partner.

Additionally, the List of Preparers and Contributors should include individuals who contributed to the preparation of the DEIR/S on behalf of the SMBRC, including Shelley Luce, Sean Bergquist, Diana Hurlbert and others.

Santa Monica Bay Restoration Authority: The Santa Monica Bay Restoration Authority (SMBRA), a joint powers agency between SMBRC and the Los Angeles County Flood Control District, is shown in the public record to have had substantial involvement with this project. A revised DEIR/S should explain the role of SMBRA in the project and how and why that role evolved over time.

O4-56

For example, in 2012, the Executive Director of SMBRC requested termination of the above-referenced cost-share project with USACE. In that termination request letter, the SMBRC/A Executive Director indicates to the USACE district commander that "[w]e are also now working with the Regulatory Division of the Corp on a Section 408 permit that requires all of our available resources." (Attachment R – SMBRA 2012).

Later in 2012, several Bay Foundation employees who were acting as SMBRC/A staff planned (Attachment S – SMBRA 2012b) and then in 2013 executed (Attachment T – SMBRA 2013) a contract for the Ballona Wetlands Restoration Project with the State Coastal Conservancy. That contract was later terminated (Attachment U – SCC 2014b).

And page 507 of the DEIR/S lists primary sources of biological information that were used in preparing section 3.4 of the DEIR/S, including a 2015 paper titled *Condition Assessment of the Wetland Habitats in the Ballona Wetlands Ecological Reserve* by Karina Johnston et al. That paper was the product of a grant between the U.S. Environmental Protection Agency and SMBRA (contract # CD-00T73001-0) as reported back to U.S. EPA on SMBRC letterhead (Attachment V – SMBRC 2015). As with our request to explain SMBRC's role in the project, disclosing SMBRA's role will help the public understand the public and private influences on this project.

O4-56 cont.

ICFi: As noted previously, ICFi was the lead consultant on this project prior to being terminated from the project in 2014. The DEIR/S should document the contributions of ICFi toward the preparation of the DEIR/S, list the individuals who prepared or contributed to the preparation of the DEIR/S, and explain why ICFi was terminated from the project, as well as any impacts that the termination of ICFi had on the project. (see again Attachment F – SCC 2014)

O4-57

State Lands Commission: Page 111 of the DEIR/S indicates that the State Lands Commission "has oversight responsibility for tidal and submerged lands legislatively granted in trust to local jurisdictions, including ... a 24-acre property that it leases to CDFW to manage as part of the Ballona [Wetlands Ecological] Reserve." A 2012 project newsletter indicated that "[t]he Coastal Conservancy has been working in partnership with the California Department of Fish and Game (DFG), the State Lands Commission (SLC), and the Santa Monica Bay Restoration Commission (SMBRC) to plan the restoration of the Ballona Wetlands." However, the State Lands Commission is not listed as a preparer or contributor to the DEIR/S. While the DEIR/S notes that "CSLC approval may be required for new construction, reconstruction, or modification of improvements on lands under the jurisdiction of the CSLC," there is no indication of what role, if any, the State Lands Commission played in the restoration planning and analysis process. A revised DEIR/S should accurately describe and explain the role of the State Lands Commission in the CEQA process.

O4-58

Los Angeles County Flood Control District: LACFCD is not listed as a preparer of, or contributor to, the DEIR/S. The report would seem to indicate that LACFCD played a central role in the development of the document. A revised DEIR/S should accurately indicate LACFCD's role.

O4-59

2013 Scoping Comments

When a proposal by the Annenberg Foundation to conduct a domestic pet adoption and care facility in the Ballona Wetlands Ecological Reserve was announced in January of 2013, the CA Department of Fish and Wildlife solicited a second round of scoping comments pursuant to a revised Notice of Preparation (NOP). The revised NOP and the comments submitted in response should be including in the scoping report for the DEIR/S. Even though the proposed project in question was abandoned in December of 2014, the comments in response to it have relevance to

O4-60

other aspects of the project. For instance, comments from the US Fish and Wildlife Service regarding concerns about unnecessary infrastructure are relevant to the current proposal to construct a parking garage in the reserve, or to maintain existing surface parking lots in the reserve.

O4-60 cont.

Public Process

General: The public process related to this project has largely consisted of tightly controlled events apparently designed to further a very narrow and pre-determined set of objectives. The project team has demonstrated a tendency to portray supportive positions as representing a consensus and to marginalize or ignore dissenting opinion.

Public stakeholder meetings: page 32 of the DEIR/S states that "CDFW's objectives in proposing this Project are supported by the Science Advisory Committee[4] for the Project and by the public stakeholder group members that participated in a day-long design charrette at the beginning of the planning process." The footnote states that the Science Advisory Committee "is an interdisciplinary team of scientists that was assembled at the beginning of the restoration planning process to ensure that the restoration plan was developed based on the best available science."

The DEIR/S provides no records or other information to support the contention that some degree of public consensus was reached at the day-long design charrette or in other public stakeholder meetings. Conversely, attendees of those meetings have indicated to the Land Trust that many perspectives were shared and that no consensus view was communicated to the project team. This is reinforced by a May 28, 2009 article in the Argonaut on the topic in which Mary Small from the State Coastal Conservancy stated that "after the meeting last year, a design charrette process had been set up for the public to provide input on a broad range of alternatives, **which ranged from doing very little to taking down levees and restoring as much as possible**, and consideration of ecological and technical feasibilities." (emphasis added) http://argonautnews.com/marina-affairs-committee-hears-update-on-ballona-wetlands-restoration-project-halted-in-december/ Additionally, an invitation sent from the State Coastal Conservancy to interested parties highlighted the preliminary nature of the forum. A revised DEIR/S should provide all records from public stakeholder meetings, to include attendance rosters, meeting minutes (including records of any votes taken), comments submitted for the record, etc. Without substantial evidence in the record to support it, the claim that the project objectives listed in the DEIR/S are supported by public stakeholder consensus is merely self-serving hearsay contradicted by personal accounts of attendees.

O4-61

Science Advisory Committee: According to the official project website, the Science Advisory Committee last met in 2012 and has not been active since that time. In order for the public to evaluate the consistency of the project's objectives and alternatives with the findings of the Science Advisory Committee and public meetings, a list of all planning meetings should be provided in the DEIR/S along with published agendas, meeting notices, attendance rosters, meeting minutes (including records of any votes taken), comments submitted for the record, and any other relevant information. Without such substantial evidence in the record, the public cannot

O4-62

take on faith that the project objectives laid out in this DEIR/S were recommended by the Science Advisory Committee.

O4-62 cont.

Unpermitted Drains

Staff of the Coastal Commission determined that unpermitted drains installed in the wetlands by Playa Capital "do in fact drain water that would otherwise be retained in the wetland during a rain event, which is in fact detrimental to the surrounding wetland habitat." (https://documents.coastal.ca.gov/reports/2017/12/th10c/th10c-12-2017-report.pdf)

A revised DEIR/S should thoroughly analyze the impacts of these drains and revise any affected hydrology findings accordingly. Additionally, the DEIR/S should explain how the impact of these drains was overlooked for many years by the project team, despite numerous surveys of the area and studies of existing conditions For instance, a 2013 newsletter of the Ballona Creek Renaissance states that "Karina Johnston, restoration ecologist for the Santa Monica Bay Restoration Commission, a state agency, is among those who have known about these drains for several years while studying the existing ecology of the wetlands in preparation for developing a restoration plan. She says, 'The PVC 'drain' has been out there as long as we've been monitoring. We have photos of it from back in 2008. To my understanding (from comments by the consultants who assisted in the building of the Freshwater Marsh), these are permitted overflow pipes that don't 'drain' the wetlands in the way that the media is projecting. They are only in the area between Culver and Jefferson and are there to prevent the flooding of Jefferson and the surrounding areas in extreme storm events." http://ballonacreek.org/wp-content/uploads/2015/05/bcrnews35.pdf An e-mail between Mr. Crehan from Psomas and the project team is included for the record (Attachment W - Psomas 2013) The revised draft EIR should also explain any changes to monitoring protocols which would prevent oversights such as this in the future.

O4-63

Aesthetics

The DEIR/S does not adequately analyze potential adverse impacts to site aesthetics.

***Parking garage*:** As the most glaring example, the DEIR/S asserts that the construction of a three-story parking garage in the ecological reserve would not have adverse impacts on the aesthetics of the project site, a finding that defies common sense. Page 425 of the DEIR/S argues that "[a]lthough Alternative 1 involves the construction of a new parking structure in the northwest corner of Area A, the structure would be located near other development in Marina del Rey and would not substantially alter the visual quality or character of the larger Project site." It is not remotely logical to argue that construction of a new, multi-story concrete structure inside the ecological reserve would not cause adverse impacts to aesthetics simply because there are already buildings across the street from the ecological reserve. This new structure would impede views into the ecological reserve from Fiji Way and would introduce an aesthetic wholly incompatible with a public, natural resource.

O4-64

A revised DEIR/S must provide the public with a more thorough analysis of the aesthetic impacts of the parking garage. This should include adding a key observation point (KOP) to the aesthetics analysis that helps the public visually assess the potential adverse impacts of a multi-story, concrete parking structure with before and after (simulated) views into the wetlands at the proposed location of the parking garage.

O4-64 cont.

Existing and proposed views from KOPs: Starting on page 395 of the DEIR/S, the aesthetics section includes images of existing and proposed views of the restoration site from 12 key observation points (KOPs). These KOP views do not provide sufficient information because they seem to have been chosen to avoid views of the proposed new levees and berms. This is a rather remarkable omission given that "whether or how levees would affect views of Santa Monica Bay and the wetlands" was identified as a known area of controversy under the heading *Aesthetics* on page 40 of the DEIR/S.

For instance, the existing and proposed views from KOP 12 for alternative 1 are from the opposite side of Fiji Way and the DEIR/S acknowledges that views into the wetlands from this vantage point are obstructed by trees along the reserve boundary. By moving this KOP to the ecological reserve side of Fiji Way, the views would give important visual perspective of the changes being proposed, such as the construction of a new perimeter levee behind "Fiji Ditch." Below is an image from the ecological reserve side of Fiji Way overlooking the Fiji Channel culvert which would provide a more valuable perspective of the aesthetic impact, if any, of the perimeter levee proposed to be constructed along Fiji Way and behind the Fiji Channel.

O4-65

View from ecological reserve side of Fiji Way across from Dock 52 parking lot and looking toward LMU bluffs. Providing a proposed view from this angle will help the public and interested agencies determine the impact of the proposed new perimeter levee.

Likewise, the proposed view from KOP 9 seems to have been angled in such a way as to avoid any indication of the proposed new West Area B levee, which the artist rendering on page 192, the Perimeter Levees Plan on page 195, and the Area of Potential Effects map on page 729 of the DEIR/S all seem to show would run directly adjacent to KOP 9. In addition to the exiting view into the salt pan habitat, an additional view should be included from KOP 9 that visualizes impacts to the iconic view of the wetlands channels from this KOP. Please see the image below for reference.

Additionally, the existing proposed view from KOP 9 does not clearly show the visual impacts of the new berm proposed to be constructed around the salt pan habitat in Area B. Since many people use binoculars or even spotting scopes from the platform represented by KOP 9, in order to observe bird species on the salt pan, the proposed view from KOP 9 toward the salt pan should be magnified in order to better indicate the loss of visibility that will occur from this platform.

Additional KOPs should also be added to help the public and interested agencies better visualize the loss of visibility into the wetlands that will result from the creation of new berms and levees. For instance, the iconic view from the south bank of the creek looking southward into the wetlands down the first tidal channel that will appear to be disturbed under Alternative 1, key views into the

O4-65 cont.

wetlands from Culver Blvd, and views into the wetlands from Titmouse Park where a new bus and emergency lane is proposed to be constructed should all be treated as KOPs in the revised DEIR/S.. Please see images below for reference.

A view from Titmouse Park looking north into Area B and showing some ponded water on the circular salt pan. According to Figure 3.5-1, *Area of Potential Effects* on page 729, this salt-pan area will be partially covered by the West Area B berm, and according to Figure 2-15 on page 197, a paved bus/emergency access road will be constructed in this area running adjacent to Titmouse Park. As such, this is an important KOP.

O4-65 cont.

This is an image from Culver Blvd looking north into the ecological reserve toward the existing wooden viewing platform. Just visible on the platform railing is a Snowy Egret. It appears from design renderings in the DEIR/S that this view would be obscured by the new West Area B Levee which would rise up the 15 feet above existing grade.

O4-65 cont.

This picture was downloaded from the California Department of Fish and Wildlife web site announcing the publication of the draft EIR/S. It looks south into the ecological reserve from the south bank of Ballona Creek where a tidal channel flows from the creek into the wetlands. From the design renderings in the DEIR/S, it appears that this iconic will cease to exist after restoration Alternative 1, with the new Area B West Levee replacing much of this area.

Additional KOPs should also include views from the Villa Marina neighborhood looking out over Area C North.

In addition to the KOP images, artists' renderings of the site should accurately depict any proposed topographical changes.

O4-65 cont.

O4-66

In general, the revised DEIR/S must provide views from KOPS that give the public a more complete sense of the aesthetic impact of substantial project components, such as new levees and berms, the new bus/emergency lane, redesigned parking areas, etc. KOPs should also be established to show views into the restored wetlands from proposed new overlook points to give the public a sense of how they would experience the restored wetlands under different scenarios. O4-67

Page 64 of Appendix E (part 1) currently states that "The levees will generally extend about 5 to 10 feet above the existing grade in Area A, and up to a maximum of 15 feet above existing grade in Area B." Expressing the elevations of levees and berms only relative to existing grade makes it difficult to understand the impact on visibility from certain vantage points, because the existing grade fluctuates. The revised DEIR/S should also be more clear about the elevations of the berms by expressing that elevation in terms of existing grade, street level and NAVD. For instance, how high will the Area A perimeter levee rise relative to Fiji Way? O4-68

Sea-level Rise and Marsh Migration

The impacts of sea-level rise on coastal wetlands is a very serious issue across the globe and is cited as a key factor in the design of the proposed alternatives. A revised DEIR/S should provide a more detailed explanation of precisely how sea-level rise threatens existing habitats and what alternative approaches could potentially be used to mitigate against the impact of sea-level rise. This level of analysis is critical because there is no guarantee that the required funding or permitting will be obtained for the large scale alternatives currently proposed, and also because of the ecological risks of those alternatives.

Tidal gate function and dynamics: The DEIR/S discusses in numerous sections that the tidal gates could be used to maintain marsh habitats until sea-level rise would require permanent closure of the tide gates to prevent flooding. This is a very important topic for the DEIR/S because it suggests that existing marsh habitats in Area B cannot be sustained over time in response to projected sea-level rise due to the fact that permanent closure of the tide gates would cut the existing marsh off from its sole water source. The revised DEIR/S should more thoroughly analyze other potential options for sustaining existing marsh habitats, including case studies of how other wetlands across the globe are addressing sea-level rise. O4-69

Future habitat maps and acreage tables: The revised DEIR/S includes habitat maps that estimate the extent of different habitat types at different periods based on project sea-level rise. These maps appear to show dwindling wetland habitats over time, even with the most ambitious restoration alternative, with only thin bands of wetlands remaining in the year 2100. A revised DEIR/S should analyze ways in which more wetland areas can be sustained for a longer period of time than what is depicted for the preferred alternative. Additionally, in order to help reviewers more easily understand the change in habitats due to sea-level rise for each proposed alternative, habitat acreage tables should also be included in a revised DEIR/S.

Salt pan habitat: In alternative 1, a special berm is proposed to preserve and enhance salt pan habitat. However the habitat maps discussed above appear to show that salt pan habitat (depicted

primarily as mid-marsh on the map on page 271) quickly converting to other habitats (i.e. primarily mudflat by 2050) and disappearing almost completely by 2100. Given the description of the salt pan habitat as providing important ecological value, the revised DEIR/S should more thoroughly discuss this conversion and analyze whether any options exist to retain salt pan habitat over a longer term. As noted above, this discussion should include habitat acreage tables (with a specific line for salt pan habitat) showing habitat acreage changes over time due to sea-level rise.

Marsh migration along an artificial slope: In Section 3.4, on page 579, the DEIR/S indicates that the "[p]roject proposes gentle slopes in tidal wetland and transitional habitats with the intent that such slopes would allow tidal marsh habitat to move landward as sea levels rise" and also that "[a]s sea levels rise, it is expected that the sequence of tidal marsh, transition, and upland habitat would shift upslope." However, the DEIR/S contains little analysis or information that would help reviewers understand the potential risks and benefits of this approach. Scientific literature on marsh migration suggests that several factors can determine whether the marsh will successfully migrate in response to sea level rise, such as the speed of sea level rise.

A revised DEIR/S should important questions, such as:

- How conceptual is this approach?
- What other projects have used this approach?
- Where has successful marsh migration due to sea level rise been documented?
- Are all critical plant species known to be capable of migration up slope? Are the any nuances such as root systems, life cycle or other factor that could impede the migration of an important plant species upslope?
- Given that only thin bands of wetland habitat are projected to remain by 2100, what happens if sea level rise continues after that point, or if sea-level rise exceeds projections?

O4-69 cont.

What are the implications of changing the slope of the wetlands? Are all species able to migrate up slope or establish root systems and properly retrieve nutrients on such a gradient? What is the timeline for the regrowth of vegetation after a slope is established, and will this be fast enough to support wildlife in the interim period? Will there be a plan to ensure that regrowth is done by native plants and to introduce a native seed bank?

Accretion as potential benefit: The draft EIR makes several references to sediment accretion as a potential adverse impact requiring mitigation (such as page 967). However, sediment accretion appears to have a beneficial effect in terms of natural adaptation to sea-level rise. For instance, one study indicated that "[o]ur modeling suggested that marsh vulnerability was dependent on initial elevation, accretion rates, and rate of SLR by 2110." However, that study also acknowledged that "[w]ith accelerated SLR, marshes may face conditions in which the long-term average accretion rates will no longer be sufficient to mitigate habitat submergence." [https://pubs.usgs.gov/of/2016/1125/ofr20161125.pdf]

To address this imbalance, wetlands managers have explored the concept of augmented accretion as a way for marsh habitat to sustain itself in response to higher rates of sea-level rise.

http://dornsife.usc.edu/assets/sites/291/docs/CoSMoS/Seal_Beach_NWR_Salt_Marsh_Sediment_Augmentation_Project.pdf

https://www.fws.gov/uploadedFiles/First%20year%20post-construction%202017%20Annual%20Rpt%20SBNWR%20Sed%20Augmentation.pdf

In fact, a 2012 presentation by the project team to the Ballona Wetlands Science Advisory Committee posed the question "[s]hould the restoration consider placing fill to raise areas that are converted to mudflat by future sea level rise to recreate vegetated wetland habitat as a future adaptive management measure?" However, the DEIR/S itself apparently makes no mention of this potential adaptive measure, although it does contemplate spraying dredged sediment on the marsh for disposal purposes.

Augmented accretion should be fully analyzed and discussed in the DEIR/S.

O4-69 cont.

Alternate hydrology scenarios: The revised DEIR/S should include a full hydrology analysis including an analysis of alternative approaches to maintaining the existing marsh habitats in Area B and enhancing wetland habitats in Area A. All existing and potential sources of fresh and salt water should be identified, as well as any man-made features or natural processes which dewater the ecosystem.

For example, some stakeholders have claimed that raising portions of Culver and Jefferson Blvds could increase the flow of freshwater runoff from the southerly slopes to areas north of these roadways. Others have claimed that the Playa Vista development actively pumps groundwater away from the ecological reserve in order to protect its gas mitigation mechanisms. A revised DEIR/S should analyze and either confirm or deny these claims, to avoid any public confusion.

O4-70

Seasonal Wetlands

Information on seasonal wetlands is spread throughout the DEIR/S, but we were unable to find concise information about the location and acreage of current seasonal wetlands or the projected location and acreage of seasonable wetlands for the different alternatives over different sea level elevations. This is because seasonal wetlands are not depicted as a distinct habitat type, but rather appear from the text to be included under the "upland" habitat type. A revised DEIR/S should clearly indicate the estimated size and location of current and future seasonal wetlands, including vernal pools.

Page 81 of Appendix B, part 4 (*Conceptual Habitat Restoration and Adaptive Management Plan*) states that "Target habitat acreages for seasonal wetlands will be developed in later stages of the restoration based on input from the project design team and regulatory requirements." The revised DEIR/S should indicate what factors are likely to influence these future decisions.

Also on page 81 of Appendix B, the DEIR/S states that the project design, in response to sea level rise, "should result in an overall loss of seasonal wetland habitat, but should allow for natural establishment of new tidal marsh and salt panne habitat as sea levels rise." As noted previously,

O4-71

this anticipated habitat conversion should be clearly indicated with both habitat maps (visual) and habitat acreage tables (numerical). O4-71 cont.

Levees and Vegetation

The Land Trust is concerned by the amount of habitat that would be consumed by new levees and berms as part of the three restoration alternatives. There appear to be two different drivers for creating these new berms and levees. One is a desire to improve or maintain existing flood protection, and the other is to dispose of fill excavated from other parts of the reserve. A revise DEIR should clearly indicate which levees and berms are necessary to maintain existing levels of flood protection and which are proposed primarily as a means of fill disposal.

For instance, it is unclear why a perimeter levee is needed in Area A given that perimeter elevations already appear to be roughly consistent with the elevations of the flood control levees in place along the creek. This is especially the case with Alternative 3, which largely maintains the existing levees.

Additionally, the Land Trust supports the 2015 recommendation by the US Fish and Wildlife Service that levees and berms should be depicted as developed areas on habitat maps due to the substantial limitations on vegetation that can be established on the levees. Alternatively, the levees and berms could be given their own habitat type to help the public differentiate between upland designed primarily for habitat purposes and upland designed primarily for flood protection. This should also be quantified in habitat acreage tables for quick numerical comparison of alternatives. O4-72

The 2015 U.S. Fish and Wildlife Service comments also raise concerns about seepage and piping, which appears to be only briefly discussed on page 816 of the DEIR/S, which states:

> Shallow permeable sand layers, previous channels, or the buried organics, including decayed tree roots, present beneath levees or other structures could provide a path for seepage (Appendix E). The levees themselves also would present a potential for seepage depending on the permeability values of the soil types present. The flow of water through or beneath levees or structures could erode, weaken, and undercut the levees or structures. Shallow sand layers are possible in West Area B because of the proximity of the dunes. Undocumented buried channels with un-compacted fill could be anywhere beneath the Ballona Reserve. Buried organics at the former celery waste dump in the northeast portion of Area A (see Section 3.8, Hazards and Hazardous Materials), may provide seepage pathways if left in place.

These are potentially serious impacts but we could not easily find where they are mitigated in the DEIR/S. A revised DEIR/S should provide a link from this section to wherever mitigation is explained. If no such mitigation exists, it should be created and included.

Additionally, page 213 of the DEIR/S, describing Level 1 flood control, states that "[i]f exposed, armored areas would be allowed to revegetate through natural recruitment (i.e., reestablishment of vegetation through natural processes rather than planting)." What evidence suggests that a natural

recruitment process would yield native vegetation rather than invasive vegetation? A revised DEIR/S should address this.

A revised DEIR/S should provide photographic images of existing levees and berms similar to the ones proposed for this project, and provide information on how those levees and berms have performed in other restoration projects.

O4-72 cont.

Invasive Species Management

The reduction of invasive species in the ecological reserve, as noted in project objective 1(b), is clearly a primary driver of the project. Yet the information provided in the DIER/S as to how that objective will be accomplished lacks sufficient detail for reviewers to draw informed conclusions about whether this objective is likely to be met.

For instance, on page 254 the DEIR/S states that "[f]or any plants with seed, they would be removed from the site in a manner that does not disperse seed (in plastic bags for example) and disposed of at an off-site disposal area." What is the estimated number of plastic bags that would be needed for this effort? A reported 15 tons of non-native plants were removed from a .88 acre restoration area in fall of 2016. What is the estimated weight of invasive vegetation to be removed from the entire project area? How many person hours have been estimated will be required for this effort?

On page 255, the DEIR/S states that "Revegetation of restored wetland areas may rely on natural recruitment," however little analysis is provided to assess the likelihood of natural recruitment is various restored areas. For instance, Area A will be excavated and graded to a much lower elevation than present. What is the seed back composition of the soils that will make up the restored wetlands area? Is such a seed bank still viable?

The DEIR/S should explain how the project will mitigate against the spread of invasive species by the movement of heavy equipment both between different areas of the reserve and also from other areas where equipment may be involved with other projects.

O4-73

Fill and Gotechnical Report:

Page 64 of Appendix E (part 1), the Geotechnical Investigation Report, states that "Any excavated soil not needed for new levee construction will be placed as compacted fill in north Area C and in Area B, between Culver Boulevard and Jefferson Boulevard." However, Figure 3.5-1, *Areas of Potential Effects* on page 729 of the DEIR/S seems to indicate that the area between Culver Blvd and Jefferson Blvd in Area B is not planned to receive any fill (i.e. no color coding on the map.) This discrepancy should be explained in a revised DEIR/S.

O4-74

Annenberg Foundation Influence

The Annenberg Foundation, a large philanthropic organization based in Los Angeles, was involved in the restoration project from September of 2011, when a representative of the Annenberg

O4-75

Foundation first contacted the Santa Monica Bay Restoration Commission, until December of 2014, when they terminated their involvement in the project. During that time, the Annenberg Foundation entered into financial arrangements with the California Department of Fish and Wildlife, the State Coastal Conservancy, and The Bay Foundation, which are the three entities listed as project partners on the official project web site.

A revised DEIR/S should provide a full accounting of this period because an understanding of how the Annenberg Foundation influenced the direction of the project is relevant when considering special interest influence on the current restoration proposals. Specifically, a revised DEIR/S should:

- describe the timeline of the Annenberg Foundation's involvement with the project in reasonable detail
- indicate the amount of money the Annenberg Foundation paid to each project partner or consultant and how that money was spent
- explain why the project partners agreed to insert the Annenberg Foundation's proposal for a domestic pet adoption and care facility into the CEQA analysis after that analysis was already under way and the initial scoping period had passed
- indicate how the Annenberg Foundation's involvement impacted the timing of publication of the DEIR/S and the costs of that effort
- Explain why the Annenberg Foundation participated in a tribal consultation meeting (page 757 of the DEIR/S)
- indicate which materials in the DEIR/S were created by the Annenberg Foundation or their consultants and/or funded by the Annenberg Foundation. For instance, some project renderings appear to have been created by the firm Melendrez under contract to the Annenberg Foundation, such as the Typical Gateway Element Visualization on page 233. This information is important to assess whether the material in question is accurate and up to date, given that Melendrez and potentially other contractors created materials to help the Annenberg Foundation promote an aesthetic consistent with their vision for the pet center and surrounding campus.

O4-75 cont.

Early Consultation with Other Agencies

A short paragraph in the DEIR/S (ES.2.3 on page 30) indicates that the U.S. Fish and Wildlife Service participated in the planning process as a cooperating agency from January 15, 2015 to February 1, 2017. No meaningful information is included regarding the US Fish and Wildlife Service's role in the planning process and no information is provided regarding what other agencies were invited by the U.S. Corp of Engineers to participate as cooperating agencies. This information is important for the public to evaluate whether USACE substantively complied with NEPA and whether the DEIR/S benefitted by the kind of interdisciplinary cooperation required by NEPA.

O4-76

The purpose of Section 1501.6 of Title 40 of the Code of Federal Regulations is to "emphasize agency cooperation early in the NEPA process." In addition to agencies having "jurisdiction by law," federal and even state and local agencies with "special expertise with respect to any

O4-77

environmental issue, which should be addressed in the [environmental impact] statement" may also become cooperating agencies at the request of the lead agency.

40 CFR 1501.6 also requires that "The lead agency shall: (1) Request the participation of each cooperating agency in the NEPA process at the earliest possible time" and that "Each cooperating agency shall: (1) Participate in the NEPA process at the earliest possible time" and "(2) Participate in the scoping process (described below in §1501.7)". As such, it is unclear why USACE waited until 2015 to invite USFWS and other agencies to participate as a cooperating agency, given that the Notice of Intent for the EIR/S and subsequent scoping period took place in 2012. USFWS' letter accepting USACE' invitation to serve as a cooperating agency specifically noted that the scoping period for the project had passed prior to the invitation.

Additionally, 40 CFR 1501.6 requires that "The lead agency shall: (2) Use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency." It is clear from comments submitted by USFWS to USACE in 2015, and from a review of the DEIR/S, that many of USFWS' recommendations were not adopted in the current. DEIR/S

O4-77 cont.

A revised DEIR/S should provide answers to the following questions:

1) Which agencies were invited by USACE to participate as cooperating agencies and when? [Those invitation letters should be included in the record]
2) How did USACE determine which agencies it invited to participate as cooperating agencies and which it did not?
3) Why did USACE apparently wait until late in the process to invite USFWS and other agencies to participate?
4) Which recommendations from USFWS did USACE incorporate into the DEIR/S and which did it not incorporate and how were those decisions made?
5) Why did USFWS terminate its participation as a cooperating agency?

In addition to answering these questions, additional agencies should be invited to serve as cooperating agencies to help develop a revised DEIR/S. That list of agencies should include, but not necessarily be limited to, the following:

- The National Oceanic and Atmospheric Administration should be invited to serve as a cooperating agency with a focus on issues such as sea-level rise, an important topic for the DEIR and one for which NOAA has conservable expertise.

- The National Parks Service should be invited to serve as a cooperating agency with a focus on issues such as public access, invasive species management and other issues for which it has expertise. This is particularly important given the interest in potentially incorporating the Ballona Wetlands into a larger federal parks complex (see https://lieu.house.gov/media-center/press-releases/icymi-rep-ted-lieu-announces-legislation-expand-santa-monica-mountains)

O4-78

- The U.S. Forest Service should be invited to serve as a cooperating agency with a focus on issues such as public access, invasive species management and other issues for which it has expertise.

- The U.S. Enviromental Protection Agency should be invited to serve as a cooperating agency with a focus on issues such as pollutants, the Clean Water Act and other issues for which it has expertise.

O4-78 cont.

Potential Consultant Conflicts of Interest

The Land Trust raises these concerns about conflicts of interest not to cast aspersions on any individual or organization, but rather to ensure that decisions regarding this important public project or not impacted, even inadvertently, by special interests. That is only possible if all potential conflicts are disclosed to the public.

Many of the consultants to the project also serve or have ties to entities that have their own interests in the project. These interested entities includes private corporations such as Playa Vista, and public agencies such as the Los Angeles County Department of Beaches and Harbors. Playa Vista's business interests could be substantially affected by the outcome of the restoration planning process with regard to flood control features, groundwater flows, aesthetics, new public access amenities for its residents, and other factors. The Los Angeles County Department of Beaches and Harbors seeks to continue operating parking facilities within the ecological reserve for use by Marina del Rey tenants operating private businesses on the other side of Marina del Rey.

Psomas, who the DEIR/S indicates performed engineering services for the project, has worked extensively for Playa Vista (https://psomas.com/services/playa-vista-master-planned-community/) and recently represented Playa Vista at a Coastal Commission hearing regarding storm drains installed by Playa Vista in the Ballona Wetlands Ecological Reserve that Coastal Commission staff determined were negatively impacting the wetlands. The issue of water being drained from the wetlands is directly relevant to the restoration project. Micheal Crehan, who is listed as the Project Manager for Psomas on the DEIR/S (page 1241), spoke at the Coastal Commission hearing as a representative of Playa Vista, whose interests were clearly not aligned with the health of the wetlands on this issue. (see staff report at: https://documents.coastal.ca.gov/reports/2017/12/th10c/th10c-12-2017-report.pdf) Mr. Crehan has analyzed other important components of the DEIR/S, such as the feasibility of raising portions of Culver and Jefferson Blvds, which could have a material impact on both Playa Vista's corporate interests and the public's interest in maximizing the ecological function of the reserve.

O4-79 cont.

Group Delta Consultants, who the DEIR/S indicates performed geotechnical services, has also worked extensively for Playa Vista. According to their web site, "Group Delta Consultants (GDC) was the lead geotechnical engineering firm during both the design and construction phases of the 1,100 acre, $6 billion Playa Vista Development project."

The Bay Foundation is part of a close network of entities that includes Playa Vista. Playa Vista Capital is listed as a partner on the Bay Foundation's web page. The Bay Foundation's founder

(Attachment X - SMBRF Articles 1990), who is also a current board member, has also served as a Playa Vista executive involved with controversial decisions relating to Ballona (Attachment Y - Playa Vista 2005). The Bay Foundation's office space is provided by Loyola Marymount University, with which it also partners on numerous projects and programs, and LMU maintains "longstanding relationships with Playa Vista," including the operation of a campus at Playa Vista for which it leases 50,000 square feet (http://president.lmu.edu/media/letters/announcingthenewplayavistacampus/). Many of The Bay Foundation's staff also have teaching roles at LMU, which has a history of supporting special interest projects in the wetlands, such as support for the Annenberg Foundation's proposal for a domestic pet adoption center (Attachment Z - LMU 2013).

Raju and Associates, who the DEIR/S indicates contributed in the areas of transportation and traffic, also "completed the preparation of a traffic study for the Village at Playa Vista Project EIR" according to Raju's web site (http://www.rajuassociates.com/website/SoQ/ProjectVillagePlayaVistaEIR.html) Raju and Associates has also performed contract work for the Los Angeles County Department of Beaches and Harbors, which is seeking to build a three-story parking garage in the ecological reserve and/or to maintain surface parking in the reserve.

In order to ensure against any potential conflict of interest that could affect the outcome of the project, all relationships between consultants performing analysis for the DEIR/S and entities with potential special interests in the outcome of the restoration project should be fully disclosed in the revised DEIR/S, along with an explanation of how potential conflicts of interest are being managed.

Additionally, the Land Trust strongly recommends that new consultants be selected to develop the revised DEIR/S, both to avoid the appearance of conflict and to avoid the delays and cost overruns that plagued the development of the current DEIR/S.

O4-79 cont.

Loss of Public Agency Objectivity

The decision-makers at many public agencies are under intense political pressure to implement a large-scale project and the Land Trust believes these agencies are no longer capable of objectively evaluating other project alternatives. This concern should be discussed and mitigated in a DEIR/S.

O4-80

The State Coastal Conservancy (SCC) became involved in the restoration project even before the project site was designated as an ecological reserve. As noted elsewhere, an August 2004 SCC memo to the California Department of Fish and Game (now Wildlife), stated that "Restoration planning is expected to take three years and cost up to two million dollars." Over 13years and many millions of dollars later, with the completion of the planning process still not in sight, SCC staff are under significant political pressure to implement a project that is large enough in scope to justify the enormous cost and time commitment of the planning process. The Land Trust believes that SCC long ago lost the ability to objectively manage the planning process.

O4-81

The California Department of Fish and Wildlife (CDFW) has likewise put an enormous amount of resources into a planning effort that is now "too big to fail" so to speak. CDFW has put all of its proverbial chips on an industrial-scale re-engineering of the ecological reserve which CDFW has curiously suggested would fix issues ranging from homelessness in the reserve to the presence of invasive vegetation. As with SCC, the Land Trust believes that CDFW is no longer capable of objectively evaluating smaller-scale alternatives which may accomplish the broader conservation goals and objectives discussed above. O4-82

For these reasons, the Land Trust strongly recommends that ongoing oversight and ultimate decision-making for this important planning process be entrusted to an existing state commission, such as the Fish and Game Commission or Coastal Commission, or that a new state commission be formed for this purpose. Without this change in management, the Land Trust is concerned that this project will continue to suffer avoidable setbacks and will continue to squander public funds and, more importantly, this public natural resource. O4-83

Vehicle-based Wildlife Mortality (Road Kill)

Page 645 of the DEIR/S states that: "Following site restoration, vehicle mortality of common wildlife species will continue to be a management concern at the Reserve. Following Phase 1 and Phase 2, the project would not increase or decrease traffic volumes or speeds within the Reserve, or affect the continued presence of upland habitat adjacent to roadways. These conditions, combined with the rapid reproduction and consistent dispersal of some species from population centers, particularly ground squirrels and rabbits, suggest that the current mortality rate of common species will continue following project implementation. Given that future roadside conditions would be similar to existing conditions, there is no evidence to suggest that wildlife mortality would be higher or lower than existing conditions."

According to The Bay Foundation's 2014 study *Patterns of Vehicle-Based Vertebrate Mortality in the Ballona Wetlands Ecological Reserve*, "[i]n addition to the negative ecological effects, there are socioeconomic and public safety considerations associated with vertebrate mortality relating to collisions with wildlife and other vehicles. Nearly one quarter (26%) of Unites States drivers do not carry the necessary comprehensive insurance to cover vehicle damage as a result of collisions with larger wildlife species (IIS 2013). As a result, the socioeconomic ramifications associated with these situations results in these individuals incurring outof-pocket expenses to repair wildlife-related vehicle damage." http://docs.ballonarestoration.org/BWER-Vertebrate-Mortality-Memo_Final_11-26-2014.pdf O4-84

Given this information, a revised DEIR/S should further explore restoration components that would do more to address vehicle-based wildlife mortality, such as revisiting the possibility of raising sections of Culver and Jefferson Blvds.

Mitigation

General: The mitigation measures described in the DEIR/S are collectively deficient in that they lack sufficient detail to facilitate informed decision-making about the potential risks of the project O4-85

to important plant and wildlife species, aesthetics and other intrinsic values of the site. Many of the mitigation measures are purely conclusory in that they simply promise to mitigate the related impact without explaining how the mitigation will be accomplished. Many measures reference plans that have yet to be created and therefore cannot be evaluated by concerned stakeholders for completeness or likely effectiveness.

O4-85 cont.

A few of many examples include:

Page 426 - Mitigation Measure AE-4b *Lighting Plan*

> *Prior to implementing any changes to the existing parking areas, a lighting plan shall be developed and implemented that requires all exterior lighting to be directed downward and focused away from adjacent sensitive uses and habitats to encourage way-finding and provide security and safety for individuals walking to and from parking areas.*
>
> **Land Trust Comment***:* The public and interested agencies should have an opportunity to review and comment on a draft *Lighting Plan*, which should be developed and made available in the revised DEIR/S. Additionally, the revised DEIR/S should explain why there is apparently no lighting plan in place currently, with light from the existing Area A parking illuminating the edges of the ecological reserve on a nightly basis.

O4-86

Page 149 - 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.*
>
> **Land Trust Comment***:* The public and interested agencies should have an opportunity to review and comment on a draft *Water Pollution and Erosion Control Plan*, which should be developed and made available in the revised DEIR/S.

O4-87

Page 593 - BIO-1b-iii *Noxious Weed Control Plan*

> *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.*
>
> **Land Trust Comment:** No plan can ensure that noxious weeds will not spread or otherwise prevent the establishment of native vegetation. The ongoing struggle to convert a small .88 acre area of invasive iceplant to native vegetation in the ecological reserve should serve to temper overconfidence with regard to managing invasive species. [https://documents.coastal.ca.gov/reports/2017/8/f13a/f13a-8-2017-report.pdf]
> At a minimum, however, the public and interested agencies should have an opportunity to review and comment on a draft *Noxious Weed Control Plan* in order to assess the ability of that plan to mitigate the very real threat of noxious weed invasion of restored habitats.

O4-88

Page 477 - Mitigation Measure AQ - 1: *Odor Management Plan*

> *Jn order to reduce odors from the decomposition of organic materials during excavation and stockpiling activities, contractors shall submit and implement, for and upon CDFW approval, an odor management plan ...*
>
> **Land Trust Comment:** The public requires an opportunity to review and comment on a draft *Odor Management Plan* which should be developed and included in a revised DEIR/S. The Land Trust notes that a reference to the potential use of liquid oxidizer to mitigate odors indicates that any such use would have to 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)" But the Ventana Systems Material Safety Data Sheet cited in the DEIR/S (see reference materials) expressly states that the product in question is, in fact, "Harmful to aquatic organisms" and that it may, in fact" cause long-term adverse effects in the aquatic environment." [https://www.msdsdigital.com/system/files/00231376US.PDF] This underscores the need for a more detailed draft *Odor Management Plan* which the public and interested agencies can review to evaluate whether the plan is sufficient to protect the community from the risks of foul odors. This is a particularly relevant potential impact given a recent occurrence of foul odors in the adjacent Ballona Freshwater Marsh and Riparian Corridor believed to have resulted from decomposing vegetation, and discussed in a local news article titled "*Playa Vista's Big Stink*" [https://argonautnews.com/playa-vistas-big-stink]

O4-89

The above comments hold true for all mitigation plans, design features or other project details which will affect the success of the project and impact on the community. The revised DEIR/S should include a complete draft of those plans for public review and comment. To the extent that more information is required through an adaptive management process before such plans could realistically be completed, the DEIR/S should clearly indicate the potential scenarios and outcomes that would impact a particular plan or mitigation measure.

O4-90

Dredging

A 2013 e-mail between the Los Angeles County Department of Beaches and Harbors (DBH) and the Los Angeles County Flood Control District noted that "DBH also made the comment that the additional soft bottom area added to the channel will likely increase sediment deposited near the mouth of the Marina, and may require additional dredging. If after your research is completed, it is found that the project will increase the sediment deposits, we would like the Flood Control District to mitigate this by contributing a fair share amount towards the ongoing dredging of the Marina." Additionally, a 2014 internal USACE e-mail exchange acknowledged that "The proposed project has the potential to impact the existing flap gates, the Federal jetties, and the Federal channel at Marina del Rey." (Attachment Z1 - USACE 2014)

It is unclear from reading the DEIR/S whether any conclusions were about the anticipated degree of impact and what mitigation measures have been adopted.

O4-91

Flood Control

The public's general understanding of this project is that improvements to existing flood control are not necessary, but could potentially be improved during the course of restoration construction activities. However, there seems to be some intentional ambiguity from the project team and its allies on this point, with the apparent goal of securing public approval of the current alternatives from community stakeholders with an interest in flood protection. This point should be clarified in the revised DEIR/S with a clear and unequivocal statement that the current flood control apparatus is safe and requires no improvement. This will eliminate any confusion among the general public that restoration alternatives that leave the existing levees in place could somehow expose communities to flood risk.

O4-92

Additionally, the revised DEIR/S should provide more detail for each proposed flood control feature as to the exact nature of flood risk that feature is designed to address. For instance, the Area A perimeter levee will apparently be between 5 and 10 feet above existing grade and is apparently designed to protect businesses along Fiji Way from potential flooding. However, given that these businesses are situated adjacent to the waters of Marina del Rey at a higher elevation than the new floodplain proposed to be excavated in Area A, it is unclear why the Area A perimeter levee is necessary. The revised DEIR/S should explain the different scenarios, such as 100 years floods, high tides, sea-level rise, tsunamis, etc. that are behind the various flood control features, and what infrastructure and/or populations they are intended to protect.

O4-93

Pollution

In 2008, the National Marine Fisheries Service (NMFS), a division of the National Oceanic and Atmospheric Administration, submitted comments in response to the 2008 Feasibility Report that is incorporated into the DEIR/S as Appendix B8. The letter expressed concerns about trash and pollutants entering the wetlands if the levees were to be removed.

> *Although this alternative is likely similar to what many consider a more 'naturally functioning' system, it will be hindered by a number of factors inherent to an estuary at the mouth of a highly urbanized watershed. Of greatest concern is the direct input of trash and other pollutants that would likely occur if the levees were removed and the wetland system was completely open to the direct flows of Ballona Creek.*

These pollution concerns have also been raised by other stakeholders. Page 149 details project design feature BIO-4, the *Water Pollution and Erosion Control Plan*, which seems designed to address these concerns. However, the plan has apparently yet to be developed, and is therefore not something the public or interested agencies can currently review in order to draw informed conclusions about this important aspect of the project. (see also comments in the Mitigation section of this outline). Given that NMFS raised these concerns almost a decade ago, it seems reasonable to expect that a detailed plan would have been drafted at this point in the process.

O4-94

A revised DEIR/S should include a separate section dedicated to the issue of pollutants, as raised by NMFS, and should include a draft *Water Pollution and Erosion Control Plan* for public and agency review.

O4-94 cont.

Public Outreach

Access to the ecological reserve: On November 9, 2017, the Ballona Wetlands Land Trust contacted the California Department of Fish and Wildlife to request an on-site tour of the ecological reserve, which is generally closed to public access, in order to help interested parties visualize where new flood control or restoration features would be constructed and how those features might impact existing habitats. On November 14, 2017, CDFW declined that request, while acknowledging that certain other groups did have access to the reserve and could promote "their general support for restoration." In fact, the record shows that the events conducted by those groups were used to collect contact information, direct people to a website that urged support for a specific restoration approach, and to encourage the submission of post cards designed to give the impression of public support for that specific restoration approach. (Attachment Z2 – WRP 2017). Additionally, it is our understanding that, after denying our request, CDFW did subsequently host informational tours in the ecological reserve for some groups, such as the Friends of Ballona Wetlands.

This gives the appearance of institutional bias and prejudicial activity to support a pre-determined outcome. To remedy this deficiency, a revised and recirculated DEIR/S should document all on-site activities hosted by CDFW, or hosted by third parties with authorized access to the ecological reserve at which the restoration was an official topic of discussion. The revised DEIR/S should also include all records of communications to groups authorized to access the ecological reserve to show what guidance was provided to these groups about discussing or promoting various restoration alternatives.

Further, during the public comment period for a revised DEIR/S, CDFW should ensure that all interested parties, regardless of preferred restoration approach, have reasonably equal access to the ecological reserve to ask questions and/or share perspectives on the project.

O4-95

Presentations by members of the project team to influence public opinion on the project: In addition to on-site tours, we understand that members of the project team gave multiple presentations on the project during the public comment period. For instance, The Bay Foundation's Director of Watershed Programs, Karina Johnston, who is listed as a preparer of the DEIR/S, gave a presentation to students at Loyola Marymount University on October 27, 2017 on the topic of the restoration project and advising how they could comment on the DEIR/S. This presentation was apparently entitled "From Fill to Function." In an October 21. 2015 e-mail, Ms. Johnston told CDFW biologists that "[i]t's so important to understand the desperate need of this system to be restored and reconnected to its floodplain in order to have the right mental context for the bio chapter." Prior to the meeting, Walter Lamb of the Land Trust asked Ms. Johnson if he could attend and Ms. Johnson replied that her understanding was that the meeting was not public. Subsequent to hearing Ms. Johnston's presentation, multiple LMU students commented in support of either alternative 1 or 2. After the meeting, Mr. Lamb requested a copy of the presentation but

O4-96

has not received a copy as of this writing (January 6, 2017). It is the Land Trust's understanding that The Bay Foundation's Tom Ford, also listed as a preparer of the DEIR, gave additional presentations to other audiences.

In order to mitigate the perception of undue institutional bias toward a predetermined outcome, a revised DEIR/S should document any outreach effort conducted by members of the project management team, and should include for the record the presentations that were given at those events. Additionally, all such meetings held during the public comment period for a revised and recirculated DEIR/S should be noticed to, and open to, the general public.

O4-96 cont.

***Project newsletter*:** From 2010 to 2015, at least three project newsletters were published each year. The most recent project newsletter was published in the spring of 2016. The purported purpose of the project newsletter was to keep the public informed about the restoration planning process, so it is unclear why the newsletter would have been abruptly discontinued after the spring of 2016 without any announcement or public explanation. A revised DEIR/S should include all project newsletters in the record and should also explain why the newsletters were discontinued.

O4-97

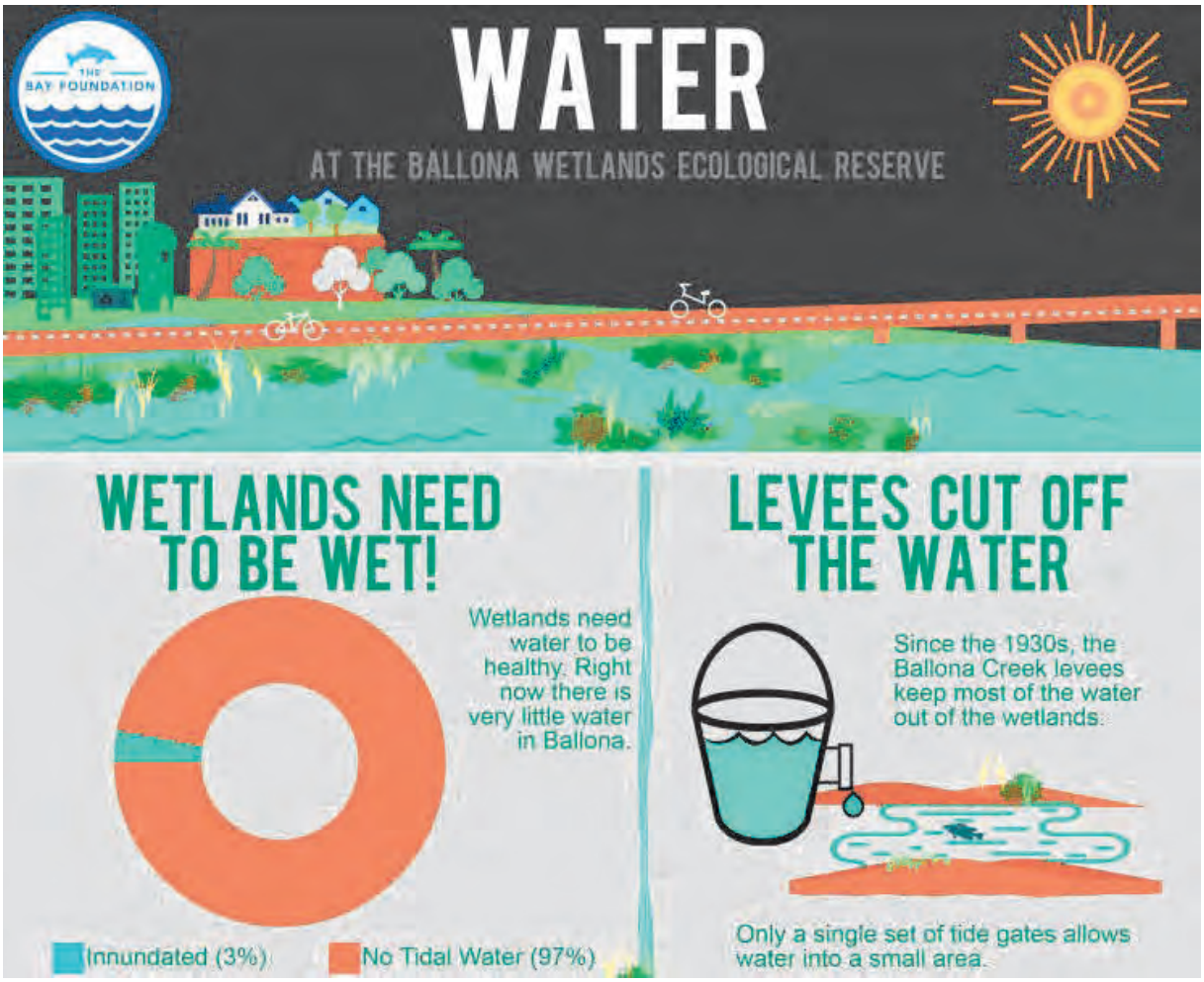
***Infographics*:** As discussed above in the context of baseline conditions**,** the Bay Foundation created a series of "Infographics" in the fall of 2016 that were published on the official project website (http://ballonarestoration.org/ballona-infographics/) These Infographics are highly prejudicial toward the project team's desire to remove levees and recontour the topography of the project site. They also make several misleading assertions. For instance, the Hydrology Infographic uses a wording "sleight of hand" to give a false impression that only 3% of the wetlands are wet and therefore healthy. (see below screenshot of a portion of the Infographic)

The actual underlying science shows that roughly 3% of the ecological reserve is tidally influenced, but an exponentially larger area in the reserve is subject to non-tidal hydrologic influences. While all of the habitats in the ecological reserve were found to be impaired by the US EPA, non-tidally influenced wetland habitats are shown in the DEIR/S to support native dominant vegetation and species of special concern, such as Belding's Savannah Sparrow, Wandering Skipper and others.

The effect of this misleading Infograophic can be seen in the subsequent marketing materials of organizations who became convinced that "only 3% of Ballona's roughly 600 acres is functioning habitat. That simply is not enough." (https://healthebay.org/ballona-restoration-public-meeting/ - see also www.ballonafriends.org/docs/Ballona-Coalition-Release-Final.pdf and others)

To address the perception of undue and prejudicial institutional bias toward a pre-determined outcome, a revised DEIR/S should incorporate these Infographics into the appropriate appendices, explain the funding source and the objective of the Infographics, and include a revised set of Infographics that are more objective and informative and which include important topics such as species of special concern currently relying on existing habitat, parking purpose and needs analyses, etc.

O4-98



O4-98 cont.

Public Access and Stewardship

Interim Stewardship and Access Management Plan: Understanding that there would be a period of time between acquisition of the land comprising the ecological reserve and the restoration of that site, the state commissioned the development of an Interim Stewardship and Access Management Plan in 2005. As the plan states:

> *The Jnterim Stewardship and Access Management Plan is the first visible step in a series of planning efforts for the Ballona Wetlands. This working plan is intended to serve as a guide to manage short-term access, restoration and educational opportunities now and over the next three plus years, through the completion of the Wetland Restoration Plan.*

O4-99

Instead of taking three years to complete the restoration plan, it took twelve, and the recommendations contained in this plan were not fully implemented or continued during that interim period. As a result, the site is in a more neglected state that it would have been with strong community stewardship, and the DEIR/S appears to use that state of neglect to increase support for

the project team's preferred restoration approaches, since there is no alternative that increases access for stewardship than large-scale restoration alternatives.

A revised DEIR/S should include the 2005 Interim Stewardship and Access Management Plan as an Appendix and should analyze short-term access opportunities that can finally increase the ecological function of the site, leveraging the resources of all stakeholder groups, while the CEQA/NEPA process continues.

O4-99 cont.

Early Action Plan: Project proponents have focused on the need for improved public access to the ecological reserve (such as the *Access* infographic created by The Bay Foundation). However, the DEIR/S has been written in such a way that improved public access is dependent on implementing one of the project team's desired alternatives. This creates a false choice for the public that must be remedied in a revised DEIR/S. In addition to decoupling the proposed re-engineering of the ecological reserve with public access improvements in a revised DEIR/S, the revised DEIR/S should also discuss public access opportunities in the period prior to construction of a full restoration.

Hundreds of thousands of dollars in public funds were expended on the Ballona Wetlands Early Action Plan (Attachment Z3 - EAP Draft 2007) between roughly 2007 and 2012 for improving public access, including the installation of gates, trails, benches, signage and other features. For instance, a 2008 staff report from the State Coastal Conservancy recommended authorizing "up to $175,000 to the Mountains Recreation and Conservation Authority to complete final design and permit applications for the implementation access and interpretive improvements identified in the Ballona Wetlands Early Action Plan, Los Angeles County." That staff report further stated that "[t]he projects included in this plan will improve public access and increase interpretive and educational opportunities at the Ballona Wetlands Ecological Reserve."

O4-100

http://scc.ca.gov/webmaster/ftp/pdf/sccbb/2008/0806/0806Board03K_Ballona_Wetlands_Early_Action_Plan.pdf (Attachment Z4 - SCC EAP 2008)

A similar staff report recommended disbursement of $280,000 for public access improvements in 2012.
http://scc.ca.gov/webmaster/ftp/pdf/sccbb/2011/1107/20110721Board10_Ballona_Wetlands.pdf (Attachment Z5 - SCC EAP 2010)

The revised DEIR/S should include an accounting of these Early Action Plan funds and also identify which features would be retained, and which features would be removed, under the different restoration alternatives.

Bike paths: The Land Trust supports accessibility to the reserve via bike paths and supports continuing connectivity through the ecological reserve to Dockweiler Beach and points south, Marina del Rey and points north, and Culver City and points west. However, the Land Trust believes that paved paths should be limited to ensure the least amount of disturbance to wildlife and to those enjoying passive recreation of the site. Given that there are already bike paths on Fiji

O4-101

Way, we recommend diverting bicyclists to that path rather than creating a redundant path in Area A.

With regard to optional spur path beneath Lincoln Blvd on the south bank of the creek, we believe Playa Vista should fund such an improvement, given the positive impact on property values that such a trail would generate. While the trail may increase visitation to the ecological reserve slightly, it would primarily be used for beach access.

Walking paths: We support board walk trails allowing closer passive observation of the wetlands and various wildlife. We recommend eliminating the redundant walking paths depicted on figure 2-26 on page 228 of the DEIR/S.

O4-101 cont.

Disruption to existing programs: Page 1092 of the DEIR/S indicates that "use of this area by the Friends of Ballona Wetlands and the Los Angeles Audubon Society would be limited and/or confined to the westernmost trails in West Area B. Closure of this area would disrupt existing tours and restoration activities conducted by these organizations." Is it anticipated that these programs would indeed be disrupted? If so, would they be relocated during the period of closure? This should be more clearly explained in a revised DEIR/S.

O4-102

Americans with Disabilities Act: Figure 2-15 on page 197 of the DEIR/S appears to show a ramp up to the top of the proposed West Area A berm. Presumably this is also the ADA access point to the levee trails from that area, given that the grading map does not seem to depict any other ramps. The ramp seems steep and is questionable as an ADA access point. Additional detail in a revised DEIR/S would be helpful.

O4-103

Future Management

The sections of the DEIR/S discussing future parking facilities suggest at a signicantly increased CDFW presence for the ecological reserve after restoration. For instance 7 to 9 spaces for CDFW staff vehicles is proposed in Area A and another 2 CDFW staff vehicle parking spaces are proposed for Area B. However, the DEIR/S does not clearly state how many CDFW staff are anticipated for the ongoing management of the ecological reserve or what budget sources will support such staffing changes. The revised DEIR/S should provide this information and should also explain why staffing levels cannot be increased immediately in order to improve present conditions in the ecological reserve.

Additionally, for both the present and future management of the reserve, we recommend that the reserve land manager be provided with an office location on-site, such as in the mobile trailer, which could be situated in an area of upland habitat. This would make the land manager more accessible to stakeholders and more able to react to on-site situations.

O4-104

Fill Disposal and Section 404 Guideline

Disposal options: Page 969 of the DEIR/S states that:

O4-105

As discussed in Section 3.9.2.2, Environmental Setting, previous sediment testing indicates that material from Area A and North Area B meets the requirements for placement in ocean disposal sites. A presentation of the sediment testing results was provided to the Southern California Dredge Material Management Team (DMMT) on January 28, 2015.

However the official notes from that meeting (Attachment Z6 – DMMT 2015, also online at http://www.spl.usace.army.mil/Portals/17/docs/regulatory/Projects/DMMT/DMMT-notes_20150128_FINAL.pdf) do not seem to reflect that finding. The January 2015 meeting notes indicate the presence of pyrethroid toxicity in the sediment and other issues, such as "insufficient sampling in area B" that will presumably have to be addressed before off-shore disposal would be possible. Additionally, those meeting notes indicate that testing is only valid for three years, and therefore will need to be redone prior to any approval of ocean disposal. While the DEIR/S acknowledges that additional sampling and analysis will be required, it does not discuss the potential impact to the project in terms of cost, timeline or feasibility if it is determined that the sediment is does not qualify for off-shore disposal, which is apparently less expensive that inland disposal.

O4-105 cont.

A revised DEIR/S should include a more detailed analysis of the different disposal options and the impact of various options on project cost, project timeline, the need for on-site fill deposit (i.e. berms) and any other potential impacts.

O4-106

Section 4O4(b)(1) Guidelines:

As paraphrased on page 129 of the DEIR/S, Section 404(b)(1), as codified in Title 40, Section 230.10 of the Code of Federal Regulations (40 CFR §230.10) "generally prohibits the discharge of fill materials into jurisdictional waters ... [i]f there is a practicable, less damaging alternative." Additionally, "where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise." The DEIR/S acknowledges that "the Proposed Action does discharge fill material in a special aquatic site (wetlands)" but claims that "because all action alternatives result in discharges to special aquatic sites due to the nature of the Project, there are no practicable alternatives that do not involve a discharge into a special aquatic site."

That logic is circular and self-fulfilling in nature and therefore insufficient to address the Section 404 guidelines cited above. While it is true that all three of the action alternatives put forth in the DEIR/S result in discharges to special aquatic sites, there is significant variation in the degree of dischargefor each alternative. The maps on pages 160 – 162 show minimal discharges into wetland and non-wetland waters for Alternative 3 while Alternative 1 requires substantial discharge, with Alternative 2 falling in between. More importantly, there are practicable alternatives that were improperly dismissed from full consideration which need not discharge any fill into wetland or non-wetland waters of the U.S, and which could still substantially achieve the broader goals of the project. For instance, variations of Alternatives 3 and 6 could increase hydrological function in Area A without impacting wetland or non-wetland waters as depicted on page 159.

O4-107

A revised DEIR/S must address the Section 404 requirements with more care, and fully analyze practicable alternatives which reduce or eliminate the discharge of fill into wetland and non-wetland waters. O4-107 cont.

Traffic Projections

Insufficient future projection: Page 44 of the Appendix H of the DEIR/S (Traffic) states that "[t]he Proposed Project is expected to be completed by Year 2023. In order to properly evaluate the potential impact of the Proposed Project on the local street system, estimates of the Future Year 2023 traffic volumes both with and without the Project were developed." The traffic analysis was conducted by Raju and Associates in 2015 and the project timeline upon which the analysis is based is outdated and off by many years. In fact, it is entirely possible that the project will not even commence until 2023 or later given the need to complete the CEQA analysis, navigate a complex and considerable permitting process, obtain funding, select vendors and complete the mitigation plans that are required before construction activities commence. Additionally, it seems at least possible that litigation will be initiated with regard to the project by at least one of the many interested stakeholder groups, potentially further delaying the commencement of the project. A revised DEIR/S should include realistic start and end dates for the project and should forecast traffic patterns far enough into the future to be meaningful to the public and to public agency reviewers. O4-108

Inadequate estimate of car trip generation: In the traffic analysis, the DEIR/S estimates 378 daily car trips (see DEIR/S page 1127) based on a generic reference to the ITE Trip Generation Manual, 2012 edition. This information is far too generic to be useful in assessing the number of additional daily trips that this actually likely to generate. A revised DEIR/S should analyze all of the following to get an accurate estimate of the number of additional car trips the project is likely to generate:

- It is unclear from the analysis whether the 378 car trips is intended to count inbound and outbound trips separately (i.e. 189 visits each with an inbound and outbound trip) or as one trip. Given that all of the peak hour trips are broken out by inbound and outbound, we assume the former. Whatever final estimate is used in the revised DEIR/S, this should be made clear.

- An ecological reserve has a different purpose than a state or county park, many of which allow such recreational activities as swimming, camping, dog walking, mountain biking, boating and other activities that are likely to draw higher numbers of car trips. The ITE description of State Park indicate that some of the studied parks included ball fields and soccer fields which would also generate substantial car trips. While the Ballona Wetlands Ecological Reserve already contains several baseball fields, those car trips are factored into the baseline. The revised DEIR/S should analyze car trips for conservation areas with similar usage patterns to what is anticipated at this ecological reserve when the project is completed.

- The ecological reserve already generates a small amount of daily traffic trips even though it is only open to the public in a limited capacity. In addition to trips by existing agency and

O4-109

non-profit staff and volunteers, bird watchers and other naturalists frequently park in existing nearby parking areas to observe and photograph wildlife from the periphery of the reserve. Since the purpose of the traffic analysis is to estimate the number of additional trips that will be generated by the project, and since the ITE estimates are for total trips to an existing park, the number of car trips should be adjusted accordingly in the revised DEIR/S if the ITE estimates continue to serve as the basis for that analysis.

- Due to its proximity to local communities and to public transportation and due to the high number of student field trips arriving by bus, there are likely to be fewer car trips to this ecological reserve than to a public open space that lacks such proximity and usage patterns. The revised DEIR/S should account for these factors in its traffic analysis.

- The underlying data used to create the ITE estimate used in this analysis (provided in the reference materials) show such substantial variation that the final figure used by Raju Associates seems meaningless. For instance, the trip generation per acre value across 12 studied parks ranged from .05 trips per acre to 183.3 trips per acre, a standard deviation of 3.36%. While the mathematical average of the 12 sample parks was .65 trips per acre, very few of the parks came close to that average, with most being significantly higher or lower. If the generated trips to the restored Ballona Wetlands were to be significantly higher or lower, the follow on analysis conducted by Raju Associates would have little to no value. A revised traffic study in a revised DEIR/S should provide some analysis to help the public and interested agencies understand where on the broad spectrum of traffic generation the Ballona Wetlands is likely to fall.

O4-109 cont.

Inadequate analysis of peak hour traffic: On page 38 of Appendix H, the traffic analysis estimates 378 daily car trips to be generated, but estimates that only 12 of those trips (7 in and 5 out) will occur during the morning peak hour and 52 (32 in and 20 out) will occur in the evening peak hour. Neither DEIR/S and Appendix H appear to indicate what the morning peak hour and evening peak hour are, but the ITE paper indicates that they occur sometime between 7 and 9 AM and 4 and 6 PM respectively. There are many flaws to this peak hour traffic analysis that must be corrected in the revised DEIR/S:

- While the total number of daily trips appears to be estimated based on the ITE data for State Parks, the peak hour trips seem to be estimated for County Parks, even though the daily trip data for State and County parks differs considerably. A revised traffic analysis should correct this inconsistency.

- The estimates for peak hour trip generation for County Parks both caution that the data should be used carefully due to a small sample size, further undermining the value of the peak hour trip estimates. A revised traffic analysis should be based on statistically relevant data.

- There appears to be no analysis of the likely traffic patterns for the Ballona Wetlands, such as the fact that bird watching and other nature-based activities tend to be more popular

O4-110

during the morning hours than other times of day. A revised traffic analysis should factor in the specific usage patterns likely to occur at this ecological reserve.

- There appears to be no seasonal traffic analysis. Given that the parking areas in Area A and Area B will only be open from dusk to dawn, there will be fewer hours in which visitation of the reserve is possible in the winter than in the summer. Will the same number of car trips be compressed into few hours, or are fewer people expected to visit the reserve in the winter months? A revised DEIR/S should address these questions.

O4-110 cont.

On page 47 of Appendix H, a map of related cumulative projects omits the planned redevelopment of Fiji Way, which is described in the main DEIR/S document as described on page 381 of the DEIR/S under table 3.1-1 (*Existing and reasonably foreseeable future projects*). Understanding the additional traffic that is likely to be generated by the planned redevelopment of Fisherman's Village is important because records external to the DEIR/S show that the primary purpose of the Area A parking garage is to support that planned development (see again Attachment G - Beaches and Harbors 2011).

Fiji Channel and Fill Thickness

On page 755 the DEIR/S states that "P-19-192325 (ICF-BS-018H) is a historic-period built resource known as the 'Fiji Ditch.' The resource was recorded in 2011 and consists of 3,245 feet of channel. The channel is primarily earthen and was constructed sometime between 1896 and 1924 (Bever and Chmiel 2011)" The DEIR/S also indicates that none of the fill in Area A was present until the channelization of Ballona Creek, the dredging of Marina del Rey, and the construction of the Marina Freeway, all of which occurred after 1924. Therefore it is unclear what the topography of the site was between 1896 and 1924 when the Fiji Channel was purportedly constructed, and what its purpose was at the time. Currently, the channel is fed by a culvert connecting to Marina del Rey, which did not exist at the time, and is cut into fill which apparently did not exist at the time. Undated aerial photos from the web sites *Historic Hollywood Photos* and *Visit Marina del Rey* seem to show the Fiji Channel connecting the Ballona Creek, in what is now Area C South, to another channel which reconnects to Ballona Creek further downstream and also to the Ballona Lagoon. It would appear from this and other images that Fiji Channel was a freshwater channel prior to the construction of Marina del Rey.
http://hollywoodhistoricphotos.com/popup_image.php/pID/3062/osCsid/43b982b8a0126af2c0c82fff7f70c95a

https://www.visitmarinadelrey.com/wp-content/uploads/2016/04/history-of-the-marina-thumb.jpg

O4-111

A more complete and accurate understanding of the history (including topography, salinity, etc.) and purpose of Fiji Channel is necessary for several reasons. One reason is that the proposed Area A perimeter levee is offset to retain Fiji Channel without any explanation as to why. Although the Land Trust appreciates the current habitat value of Fiji Channel, the decision to retain it must be explained in a revised DEIR/S. Is there any non-reserve related interest in maintaining the feature, such as flood control? Given that the proposal calls for fully tidal wetland on the other side of the perimeter levee, how was the Fiji Channel determined to be more valuable habitat, such that it

should be retained rather than maximizing the new fully tidal habitat? This question is particularly important in the context of sea-level rise, given that the 2100 projection (figure 2-40 on page 275) shows only thin bands of wetland remaining. Figure 2-40 does not depict Fiji Channel, which a revised DEIR/S should, but presumably it would be submerged to a greater extent.

A second reason why more information on Fiji Channel is necessary is that the Land Trust is seeking additional analysis on an option which would leverage the channel culvert as a means to increase hydrological connectivity in Area A.

O4-111 cont.

The Bever and Chmiel report referenced above, which presumably factored into the decision to retain Fiji Channel as part of the restoration, should be made accessible for public review so that any additional information regarding this and other historical features can be researched and analyzed. Any sensitive cultural information in the report can be redacted as necessary.

O4-112

The revised DEIR/S should also provide detailed historical records of all fill deposited in the Ballona Wetlands and should depict topographical changes over time, to the extent possible. Page 738 of the DEIR/S states that "Artificial fill derived from dredging is present in many areas within the Project site and ranges from 0 to greater than 20 feet in depth (see Figure 3.5-2; Lockwood 2015)." However, the Lockwood report was not one of the reports provided by the lead agency and it was therefore not possible to review how these figures were determined.

O4-113

Baseball Fields

The Land Trust recognizes that the baseball fields in Area C South predate the ecological reserve. We also recognize that removing the fields could have adverse recreational and socio-economic impacts as described in the DEIR/S. That said, baseball fields are not a typical habitat type in an ecological reserve and there is no question that keeping the fields would leave less room to achieve desired habitat types and support target wildlife species. The best way to find a balance between wildlife habitat and these long-operated community fields is for the DEIR/S to fully analyze the impacts of keeping and of removing the fields and also the potential benefits of keeping and removing the fields. That will encourage much needed discussion and problem solving amont the interested parties. We are surprised that there is no such discussion in this version of the DEIR/S, and that should be corrected in a revised DEIR/S.

We recommend that CDFW work collaboratively with environmental groups and the Culver Marina Little League to craft a set of conditions acceptable to all parties that could then be included in a revised DEIR/S for public review and comment and ultimately memorialized in a lease between CDFW and the Little League and the decision is made to keep the fields in place.

The revised DEIR/S should analyze all of the following:

What is the environmental impact of leaving the fields in place during and after the restoration? Did the grading plans for Alternatives 1 and 3 include any compromises to the ecological welfare of the site in order to accommodate the baseball fields? If so, those compromises should be explained.

O4-114

On page 1096, the DEIR/S states that "Alternative 2 would include grading and restoration activities in South Area C that would require the closure of the existing baseball fields." More detail should be provided to explain why grading and restoration activities under Alternative 2 would require relocation of the ballfields while grading and restoration under Alternatives 1 and 3 would not require such relocation. We presume that this is because Alternative 2 requires levels of excavated fill that are close to that of Alternative 1 but provides fewer design elements requiring deposit of fill than Alternative 1 does. Whatever the reasons, they should be explained in the revised DEIR/S.

Also on page 1096, the DEIR/S states that "Reconstruction of the baseball fields would depend on the availability of external funding and other factors. If the factors are not satisfied, then the baseball fields would not be reconstructed within the Ballona Reserve and the relocation of games would be permanent." The DEIR/S should identify those "other factors" so that the public has a clearer understanding of under what scenarios the ballfields would be permanently relocated.

On Page 1102, the DIER/S states that "there is remaining service capacity in the existing little leagues in the study area and, thus, those little leagues would be able to absorb an increase in residents and the relocation of the Culver Marina Little League games without causing substantial physical deterioration to occur or be accelerated. Thus, there would be no cumulative impact." Pages 1216 and 1217 (including table 3.14-8) discuss the impact of players having to relocate to other fields. The DEIR/S should provide more detailed analysis, including more realistic estimates of how many players utilize public transportation. Travel times using public transportation should also be reviewed and updated as necessary in a revised DEIR/S, as a quick Google Maps review showed substantially shorter times from Del Rey to Bill Botts Field, as just one example.

The DEIR/S should also analyze ways in which the Little League, if it continued to operate within the ecological reserve, could better fit in that setting. For instance, page 1083 of the DEIR/S states that "the Ballona Reserve contains baseball fields exclusively used by the Culver Marina Little League in South Area C." If the ballfields are allowed to continue in Area C, the fields and related facilities should be converted to multi-purpose use and not be for exclusive use of the Little League. One such potential use would be for hosting nature camp experiences during school breaks in the summer and fields trips at other times of the year. The Little League should also be asked to promote the values of the ecological reserve by sponsoring stewardship activities, exploring nature education programs for players and parents, avoiding the use of rodenticides and otherwise embracing the league's unique setting. The league could even consider a name change from Culver Marina Little League to the Ballona Wetlands Little League.

O4-114 cont.

Miscellaneous

Access to reference materials: On January 11, 2018, Land Trust representative Walter Lamb submitted a request to CDFW and USACE for access to all reports and studies referenced in the DEIR/S (i.e. reference materials). On January 17, Richard Brody of CDFW provided an e-mail with links to three PDF files containing some, but not all of the reports and studies referenced in the DEIR/S. Sometime on January 18, the PDFs were removed from the CDFW server, and the

O4-115

links were removed from the CDFW DEIR/S web page. On January 29, a new reference materials link was observed on the CDFW DEIR/S web page that provides access to a larger set of reference materials broken down by chapter and section. It is not clear when this new link was published, although it was sometime between January 18 and January 29. This new access to reference materials does not appear to have been communicated to the general public. Many of the Land Trusts comments rely on the underlying reference material, and the limited amount of time to review the reference material has impeded our ability to provide informed comments on all relevant subject matter.

Among the reports for which access has still not been provided is the 2011 ICFi Archeological Survey Report (Bever and Chmiel). CDFW noted that the report contained sensitive cultural information. The reference material link for section 3.5, which discusses cultural resources, contains no documents. The Land Trust seeks access to these reports because, among other reasons, they contains information about the history of the Fiji Channel that would facilitate informed decision-making about one of the alternatives we are asking to be re-evaluated. The revised DEIR/S should include copies of all pertinent materials referenced in the DEIR/S in order to facilitate informed decision-making. Any sensitive cultural information or privileged content should be redacted.

O4-115 cont.

Cumulative impacts: The residential development project at 5000 Beethoven (i.e. Del Rey Pointe) is not listed as a cumulative impact project. This project should be added to that list as it is directly across Ballona Creek from Area C and is currently degraded open space that could be used to augment the restoration.

O4-116

Corrosive soils: Page 817 of the DEIR/S indicates that a "1989 investigation concluded that the soils" in Area A "are severely corrosive to ferrous metals, possibly aggressive to copper, and moderately aggressive to concrete" and also that "No samples were collected from Area C for analysis of corrosion potential for the 2013 geotechnical investigation." Mitigation Measure GEO-4 insufficiently addresses the impact of corrosive soils on proposed infrastructure, such as a proposed parking garage and a proposed bridge from Area A to Area C across Lincoln Blvd. It is unclear why comprehensive soil testing has not occurred in all areas where infrastructure is proposed and why the engineering plans have not already been adjusted to account for known corrosive soils. A revised DEIR/S should include complete test results and updated designs that account for known levels of corrosive soils.

O4-117

Inconsistent habitat types and color coding across figures: There are many maps delineating different habitat types in the reserve reflecting either current or proposed conditions. However, they are difficult to compare because they use different habitat types and different color coding. For instance, Figure 2-1, *Alternative 1, Phase 2: Proposed Habitats*, on page 155 of the DEIR/S depicts sizable salt pan habitat in West Area B, while Figure 2-36, *Habitat Evolution with Sea-Level Rise: Restored Habitats*, on page 271 depicts the same habitat as a mix of mid-low and high marsh. To facilitate easy comparison of these habitat maps, they should be standardized across the DEIR/S with consistent habitat types and color coding.

O4-118

Inconsistent information to compare alternatives: Multiple maps or figures have been included in the DEIR/S for Alternative 1 which do not appear to have been included for the other alternatives. For instance, the *Areas of Potential Effects* map on page 729 (Figure 3.5-1) appears to reflect the grading plan for Alternative 1. Because of its simplicity, this map is useful in evaluating the location of new berms and levees relative to existing features. However, similar maps do not seem to have been developed for the other alternatives. This is also true of the maps showing habitat evolution over time in response to sea-level rise. The extent reasonably possible, a revised DEIR/S should include the same set of figures and analysis across the different alternatives studied to facilitate comparison. O4-119

Reference to Visitors Center: There are numerous references to a Visitors Center in Appendix B3. These references are presumably to the Annenberg Foundation's proposed animal adoption center that was withdrawn in December of 2014 and which is now operating as Annenberg PetSpace in the Playa Vista development complex. The revised DEIR/S should either remove references to the visitors center or explain what visitors center is being referenced, as there is no visitors center referenced elsewhere in the plans. O4-120

Historical vs active documents: The DEIR/S contains numerous studies and reports that were finalized and published prior to the publication of the DEIR/S and which therefore contain information that is not current (e.g. the 2008 Feasibility Report). The DEIR/S also includes out of date information in the main document and in certain appendices which appear to be active documents (i.e. documents that will be relied upon in guiding restoration actions). For the former, the revised DEIR/S should make clear when a document is a historical document being provided for context, so that the public can distinguish between old information and updated information. For the latter, all outdated information should be updated. O4-121

Adaptive management: The term "adaptive management" often seems to be used in the DEIR/S as a euphemism for deferred planning, which is a misuse of the term. For instance, the term is used with regard to a deferred decision about whether cordgrass will be planted in the project area since it does not occur regularly at this site. However, there is no framework for stakeholders to understand what new information is expected and what decision-points will factor in to the specific adaptive measures that will occur.

The revised DEIR/S should explain in more detail the adaptive management framework that will be used to guide deferred decision-making. In other words, "Cordgrass will be planted in low marsh habitats in the project area unless scenario X comes to pass because ...". This information will give document reviewers much greater insight into these deferred decisions which will facilitate more informed decision-making. O4-122

The Land Trust finds that the paper entitled *A Review of the Use of Science and Adaptive Management in California's Draft Bay Delta Conservation Plan* (Bay Delta Plan Review) contains observations and recommendations that are highly relevant to the Ballona Wetlands Restoration Project and encourages the project team to incorporate the Bay Delta Plan Review into a revised DEIR/S. For instance, the Review states that "[a]lthough no adaptive management program can be fully described before it has begun, because such programs evolve as they are implemented, some

aspects of the program could have been laid out more clearly than they have been." We find this to be true also of the adaptive management elements of the DEIR/S, including various mitigation plans.

Likewise, we find the below excerpt to be highly relevant to the adaptive management components of the DEIR/S:

> *Numerous attempts have been made to develop and implement adaptive management strategies in environmental management, but many of them have not been successful, for a variety of reasons, including lack of resources; unwillingness of decision makers to admit to and embrace uncertainty; institutional, legal, and political preferences for known and predictable outcomes; the inherent uncertainty and variability of natural systems; the high cost of implementation; and the lack of clear mechanisms for incorporating scientific findings into decision making.*

We believe that a candid discussion of the limitations of adaptive management will help facilitate informed public decision making for this project and should therefore be included in a revised DEIR/S.

O4-122 cont.

"Meander" of creek: Page 581 of the DEIR/S states that "Alternative 1 would ... replace the existing concrete channelized segment of Ballona Creek with a more natural meander-like flow pattern." The revised DEIR/S should analyze and explain the beneficial impacts of a meander-like flow pattern and whether the creek historically followed a pattern similar to the proposed pattern. What ecological functions and/or species of plant or wildlife will be enhanced from the meander-like flow pattern?

O4-123

Qualified biologist: The DEIR/S makes numerous references to the term "qualified biologist" but does not define that term. For the public to understand the level of education and expertise that the term "qualified biologist" entails, the term should be clearly defined with specific criteria in the Glossary Section of the DEIR/S and that definition should be referenced (or repeated) in the main DEIR/S document.

Additionally, Appendix D of the DEIR/S makes numerous references to "qualified biologist or other reliable source." The term "other reliable source" should also be clearly defined in the glossary and in Appendix D so that the public understands the minimum level of education and experience decision-makers will have on important issues during the restoration implementation.

O4-124

Playa Vista legal settlement: The legal settlement between Playa Vista and Friends of Ballona Wetlands should be disclosed in a revised DEIR/S to help the public assess the degree to which the current plans were influenced by that settlement. The revised DEIR/S should also describe in detail the role of the Ballona Wetlands Conservancy and the Ballona Wetlands Foundation, two non-profit organizations operated by Playa Vista and Friends of Ballona Wetlands with state and city representation on their boards of directors. The Ballona Wetlands Conservancy manages the Freshwater Marsh and Riparian Corridor adjacent to the ecological reserve, and the Ballona Wetlands Foundation was initially created to plan and implement the restoration of the area before

O4-125

it was acquired by the State of California. The activities of these organizations and any state participation in those activities should be described in the DEIR/S to allow public stakeholders to assess how much influence these organizations may have had on the proposed restoration design.

O4-125 cont.

Security, homelessness and illicit Activity: Currently, the presence of homeless encampments in the ecological reserve and illicit activity in the reserve has a substantial adverse impact on the environmental health of the reserve as well as on the security of surrounding communities and the wellbeing of the homeless individuals themselves. The Land Trust supports compassionate relocation of homeless encampments and supports the proposed partnership with the Los Angeles Homeless Services Authority (LAHSA), described on page 1207 of the DEIR/S, to meet this objective. However, we note that the DEIR/S states that "CDFW has committed to contact the Los Angeles Homeless Services Authority (LAHSA) to provide an opportunity to partner with CDFW during relocation efforts." It is unclear whether LAHSA has provided feedback to the DEIR/S or whether CDFW has worked with LAHSA to create any kind of protocol or plan to address this issue. If such a plan exists, it should be included in the revised DEIR/S. If it does not, one should be developed and included.

O4-126

On page 139, table 2-1C of the DEIR/S indicates that "CDFW would continue to remove trash and debris, remove homeless encampments, and monitor and enforce other unauthorized or illegal activities" only for Alternative 4. It is not clear whether this activity was omitted from Alternatives 1, 2 and 3 as an oversight or because CDFW anticipates that those alternatives would somehow prevent homeless encampments and illegal activity. If the former, this oversight should be corrected in the revised DEIR/S. If that latter, CDFW should provide some analysis in support of that conclusion. There is good reason to believe that homeless encampments and other illegal activity would need to be managed under all of the restoration alternatives. Specifically, new berms and levees that will block visibility into the reserve will create new opportunities for such activity.

O4-127

Additionally, there is little discussion of security in the current DEIR/S other than that related to lighting in proposed parking areas. The revised DEIR/S should indicate which law enforcement agencies will have responsibility for security in different areas of the ecological reserve and should written interagency agreements to help the public evaluate such security arrangements. A map should be included of any proposed fencing or other security features.

O4-128

There appear to be two security cameras in the Area B parking lot behind Gordon's Market but it is unclear whether they are operational, who maintains them, or whether security cameras are part of the security strategy for the restoration. The revised DEIR/S should include this information.

O4-128 cont.

Draft Management Plan: In a 2010 audit of the CDFW's expenditure of Proposition 50 bond funds, the California Department of Finance noted that:

> "Furthermore, we identified two properties-Ballona Wetlands Ecological Reserve and Bolsa Chica Ecological Reserve-not having draft management plans. Section 1019 of the Fish and Game Code states draft management plans must be prepared within 18 months after each acquisition. Without management plans, properties may not be adequately managed for use, habitat, and conservation purposes. This is a finding previously identified by the Bureau of State Audits"

http://www.dof.ca.gov/programs/Osae/Audit_Memos/documents/FinalReportAuditofCaliforniaDepartmentofFishandGamesProposition13and50BondFunds.pdf

A revised DEIR/S should include a copy of the draft management plan, explain why one wasn't created within the statutorily required time limit, and analyze whether the lack of such a plan during a time when many studies were being conducted in the wetlands potentially impacted baseline conditions or other conclusions in the DEIR/S.

O4-129

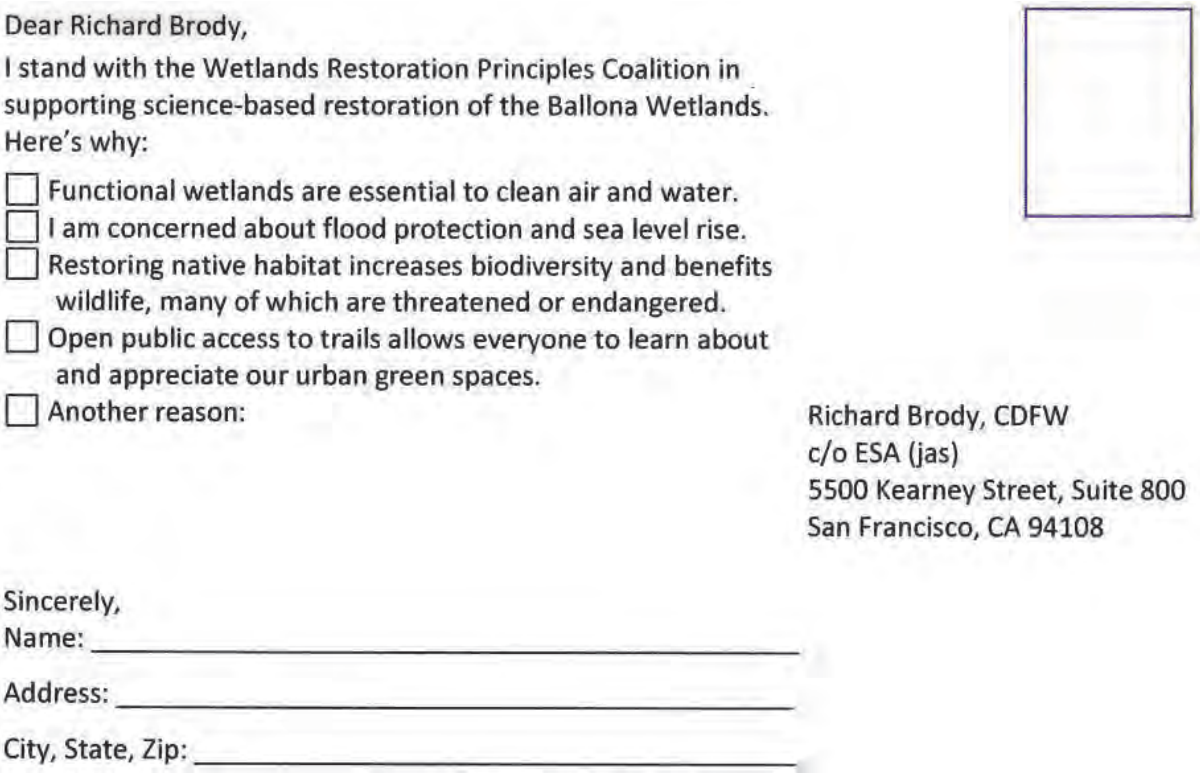
Acquisition: Expanding the amount of land available for wildlife habitat should be a focus of the restoration project. The property at 500 Beethoven should be a prime acquisition target. At a

O4-130

minimum, the project team should ascertain at what price the property owner would become a willing seller. The revised DEIR/S should provide similar analysis for other adjacent open space parcels.

O4-130 cont.

Context for interpreting public comments: Major outreach efforts were conducted by project proponents and opponents alike to generate comments to this DEIR/S. While the Land Trust believes there is considerable value in broadly engaging the public, we caution the lead agency against using superficial or "cut and paste" comments as a way to gauge public opinion on this project. For instance, the below post cards were distributed to numerous members of the public at various events, including events held in the ecological reserve. The language of the post cards give the impression that the sender is endorsing the same restoration alternative endorsed by the Wetlands Restoration Principled Coalition, but senders were not given any details about what alternative the coalition intended to support. All the project team can and should infer from these postcards is that the people who sent them agree with the very broad statements printed on the postcard.



Dear Richard Brody,

I stand with the Wetlands Restoration Principles Coalition in supporting science-based restoration of the Ballona Wetlands. Here's why:

- ☐ Functional wetlands are essential to clean air and water.
- ☐ I am concerned about flood protection and sea level rise.
- ☐ Restoring native habitat increases biodiversity and benefits wildlife, many of which are threatened or endangered.
- ☐ Open public access to trails allows everyone to learn about and appreciate our urban green spaces.
- ☐ Another reason:

Richard Brody, CDFW
c/o ESA (jas)
5500 Kearney Street, Suite 800
San Francisco, CA 94108

Sincerely,
Name: _____
Address: _____
City, State, Zip: _____

O4-131

Additionally, several of the organizations leading the outreach efforts for the project have strong financial ties to the funding agency for this project, the State Coastal Conservancy. Heal the Bay and the Bay Foundation have received millions of dollars from the Coastal Conservancy in recent years. There is nothing unusual about these funding arrangements, but they should be factored in when considering the comment submissions that they submit or which their outreach efforts generate.

The below e-mail exchange, in which Heal the Bay offers a support letter for a $6.25 million allocation for the project in 2012 and also asks to discuss current and future Coastal Conservancy funded projects in the same e-mail, shows at least the appearance of a *quid pro quo*.

From: Mary Small
To: "Shelley Luce"; "Scott Valor"
Subject: FW: support letter for SCC board meeting?
Date: Wednesday, January 11, 2012 3:53:00 PM

Good news

From: Sarah Sikich [mailto:ssikich@healthebay.org]
Sent: Wednesday, January 11, 2012 3:44 PM
To: Mary Small
Subject: RE: support letter for SCC board meeting?

Hi Mary,

Mark forwarded me your email about the Ballona technical study support letter for the SCC board meeting. We discussed it at our department meeting this week, and will send in a letter. Is an electronic copy fine, or do you need a hard copy? Also, should I just send it to you?

Additionally, Alix Hobbs would like to join our meeting while you are at Heal the Bay to discuss some of our Coastal Conservancy projects and potential future ideas. Is it okay with you if she joins for the second half of the meeting?

Thanks,
Sarah

O4-132

Masked source: On page page 358 of the DEIR/S, a statement about the Freshwater Marsh cites the web site of the Neighborhood Council of Westchester/Playa del Rey as a source [http://www.ncwpdr.org/ballona-freshwater-marsh], but the actual source is a blog post from David Kay on Marina del Rey Patch [https://patch.com/california/marinadelrey/ballona-freshwater-marsh-a-decade-of-success]. Dr. Kay is a vocal and unconditional supporter of the project team and his Patch blog posts are not appropriate sources for a scientific document of this nature.

O4-133

Monitoring: The discussion of monitoring parameters on page 261 of the DEIR/S states that "The parameters chosen for each habitat represent the **minimum level of monitoring** necessary to gain a **basic understanding** of the development of biotic communities at the Ballona Reserve. Given sufficient funding, additional monitoring parameters could be included in the monitoring program." This seems to be a very low standard for such an expensive project which is heavily relying upon monitoring and adaptive management. The revised DEIR/S should include a higher level of monitoring that would gain more than just a basic understanding of the biotic communities at the reserve. The additional funding required to meet this higher standard should be factored into the cost for each alternative.

O4-134

Contractor selection and timeline:

The DEIR/S makes numerous references to contractors but does not appear to provide any indication as to whether contractors have already been selected, what contractors have been selected, or how contractors would be selected in the future. This is important information because it affects the likely start date of the project given that the vendor selection process can be time consuming and given that contractors, once selected, will have to prepare numerous plans identified in the DEIR/S prior to the start of construction. If contractors have already been selected, it is important for the public to know who they are and whether some of the contributors or prepares of this DEIR/S are likely to receive contracts for implementation of, or consultation regarding the proposed plans. A revised DEIR/S should address contractor selection. O4-135

Greenhouse Gas (GHG) Emissions and Carbon Sequestration:

Section 3.7 of the DEIR/S is too vague to facilitate informed decision making with regard to the project's impacts on greenhouse gas emissions. Many of the sections provide only general background about climate change and GHG emissions without any reference to the project area specifically. Tables 2 and 3 on page 6 of the 2014 ESA memorandum *Accounting Analysis of Greenhouse Gas Sequestration and Emissions from Wetlands* (see reference materials) seem to show that that the project area could sequester 1,010 tons more CO_2 under Alternative 1 than under the no project alternative, but that Alternative 1 would also emit 1,840 more tons of methane due to an increase in brackish marsh. O4-136

There does not seem to be any information in the DEIR/S on whether the clearing and grubbing and substantial excavation planned for the project site would have any impact on GHG emissions in the near term.

In a revised DEIR/S. this section should include more specific information about the impacts of the project and clearly detail the advantages and disadvantages of each alternative from a GHG emission and sequestration standpoint.

Ongoing management issues: It is no secret that the planning process for this restoration project has been beset by multiple and substantial delays and by significant cost overruns. As noted, this began as a project for which the entire planning process was anticipated to take three years and two million dollars. Poor communication between agencies, poor management structures and lack of oversight have contributed to many setbacks. Even prior to the recirculation of a revised DEIR/S. the project web site should provide information about the roles and responsibilities of each agency or entity, including the identification of a single project manager that is ultimately responsible for coordinating all other project resources and who has the authority, skill set and experience to successfully carry out that role. The web site should also include a project management spreadsheet with detailed milestones and task dependencies that is updated frequently enough that the public can track the progress of the planning process. This information then should then be included with the revised DEIR/S when it is recirculated. O4-137

Typographical Errors and Formatting

For the revised DEIR/S, each appendix should have identifying information in the PDF title of the document to make is easier to work with and search through multiple documents at a time. Currently, all of the documents have the same PDF title, which is *Ballona Wetlands Restoration Project Draft EJR/EJS* which makes it difficult to quickly differentiate between the different documents.

Table 1 in Appendix B9 (page 491) includes decimal places for only two of the cost figures. Consistent formatting of cost figures should be used for more easy visual comparison of the different project costs.

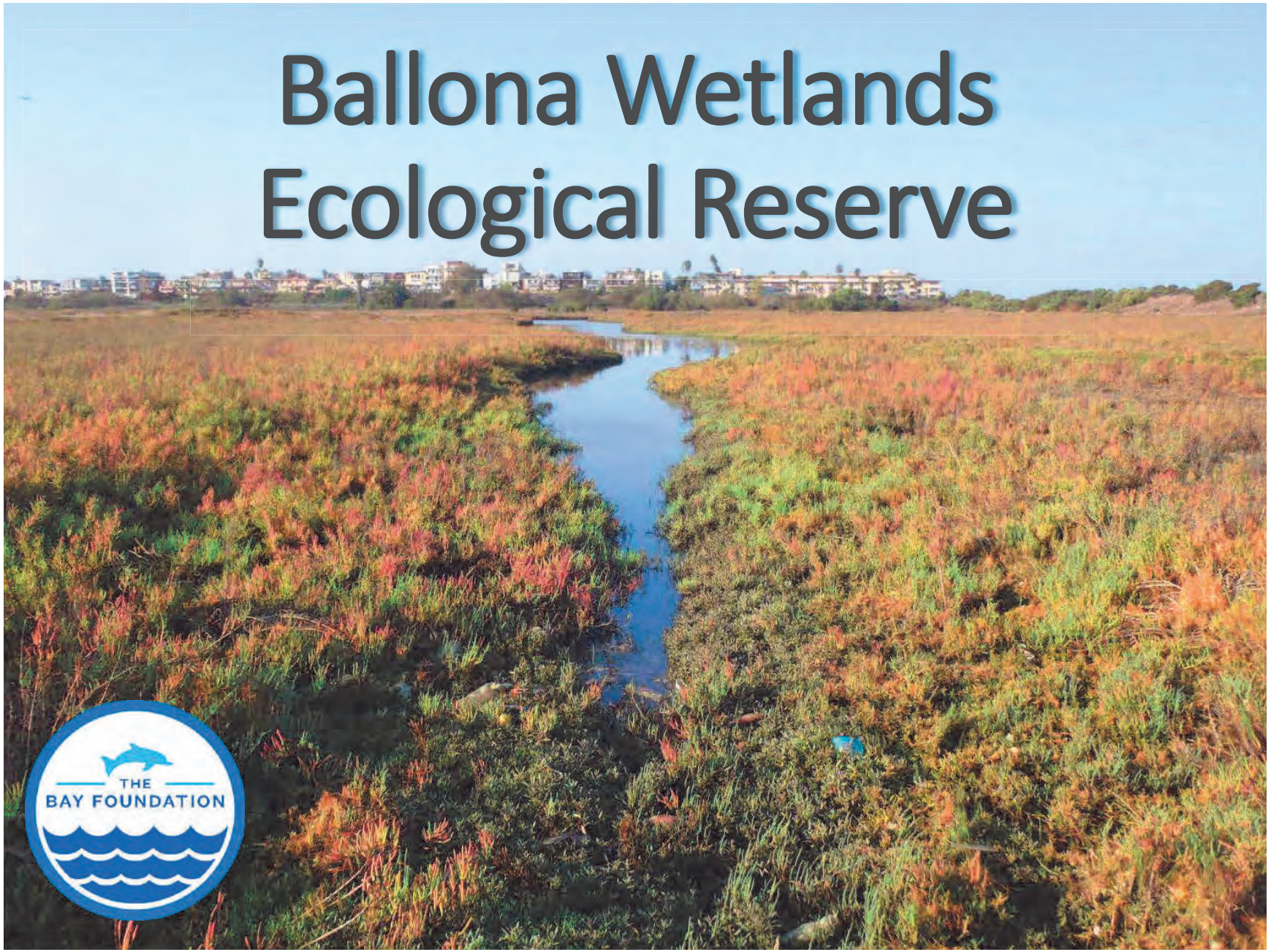
Page 44 states that "Attempts shall be made by the biologist to salvage all native wildlife species of low mobility that may be killed or injured prior to and during Project-related vegetation or ground disturbances." This is confusing wording. We recommend changing "may" to "might otherwise be."

O4-138

Conclusion

This project is as important as it is complex. It is important that we take the time now to ensure that restoration plans are as thorough and well-designed as possible prior to implementation. We hope that our comments help in that regard, and we encourage ongoing discussion after the close of the comment period. As noted in our summary, we believe that the DEIR/S must be revised and recirculated. While this would incur another short-term delay, doing so would avoid the much more significant delay of attempting to certify a final EIR only to be compelled to vacate such approval and begin the process again.

O4-139

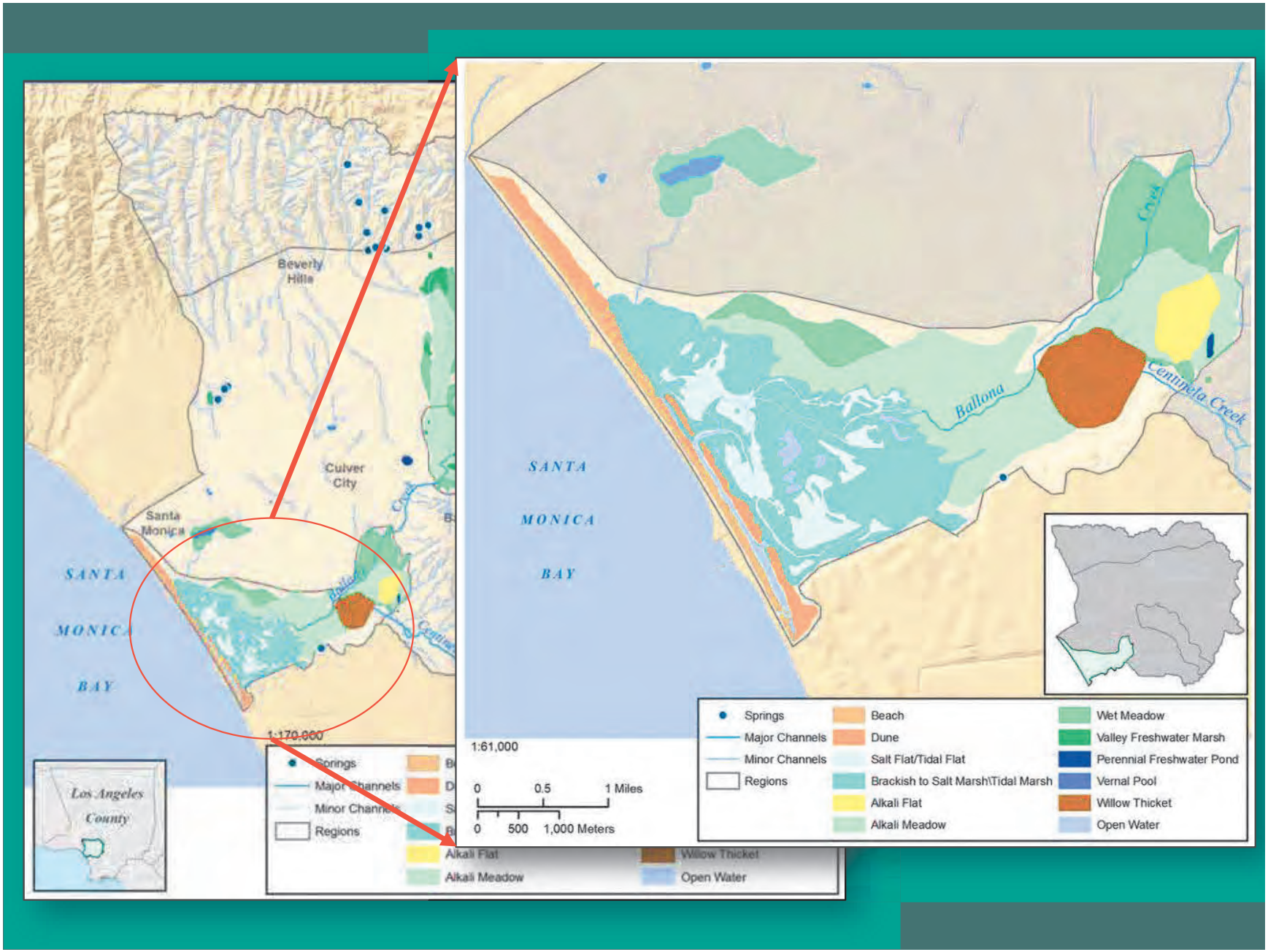


O4-140

Presentation Outline

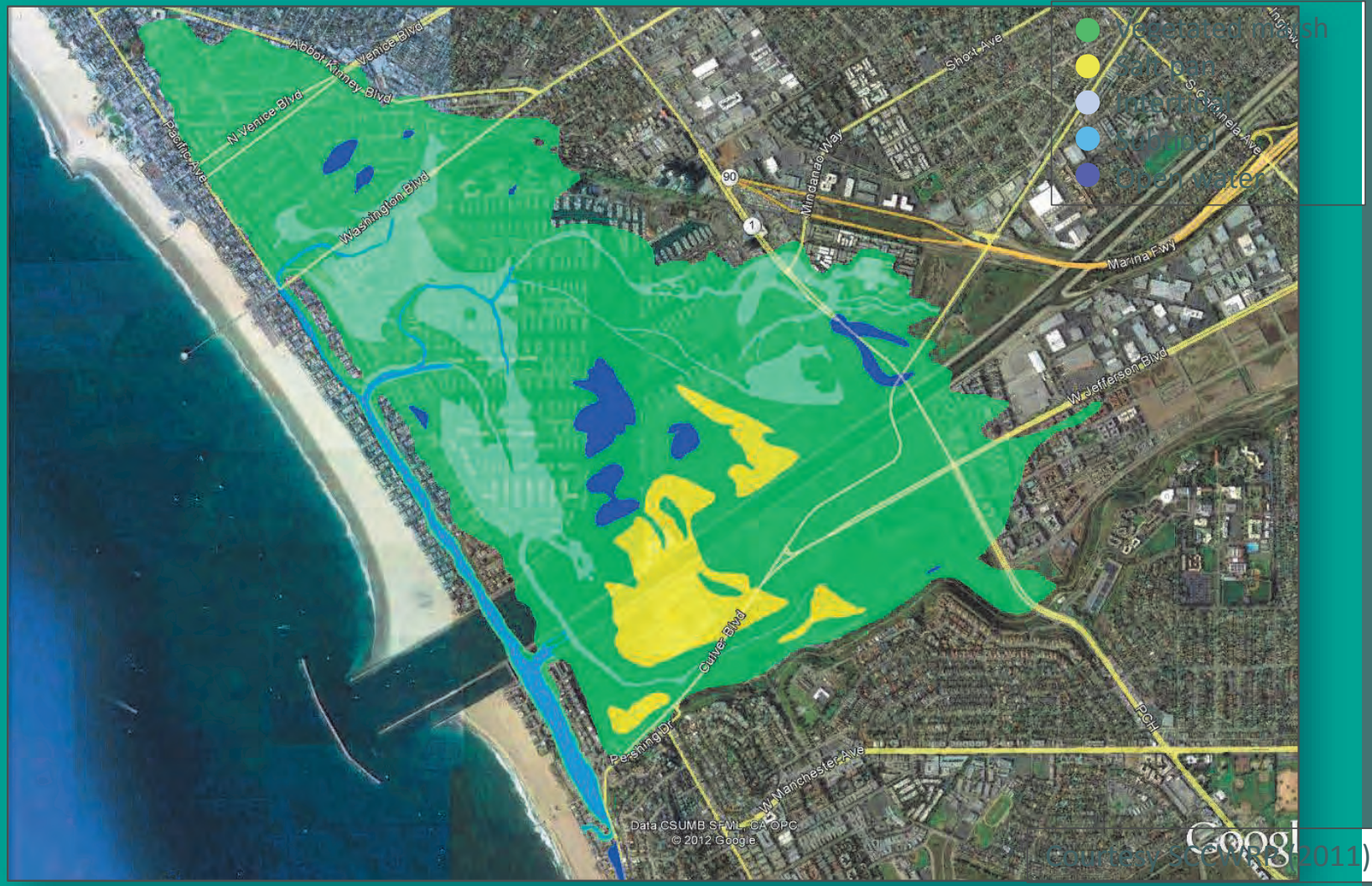
- Historical Ecology
- Current Stressors
- Baseline Monitoring Results
- Regional Data Results
- Restoration Process
- Restoration Alternatives 1-4

O4-140 cont.


Beverly Hills
Culver City
Santa Monica
SANTA MONICA BAY
Los Angeles County
1:170,000
Springs
Major Channels
Minor Channels
Regions
Alkali Flat
Alkali Meadow
Willow Thicket
Open Water
Ballona
Centinela Creek
1:61,000
0 0.5 1 Miles
0 500 1,000 Meters
Beach
Dune
Salt Flat/Tidal Flat
Brackish to Salt Marsh\Tidal Marsh
Wet Meadow
Valley Freshwater Marsh
Perennial Freshwater Pond
Vernal Pool

O4-140 cont.

Historic Ballona – 1876 T-Sheet



O4-140 cont.

Oil Fields

Oil derricks in Playa Del Rey, 1925 (USC)

Oil derricks in Venice, 1930 (USC)

O4-140 cont.

Agriculture and the Marina completion

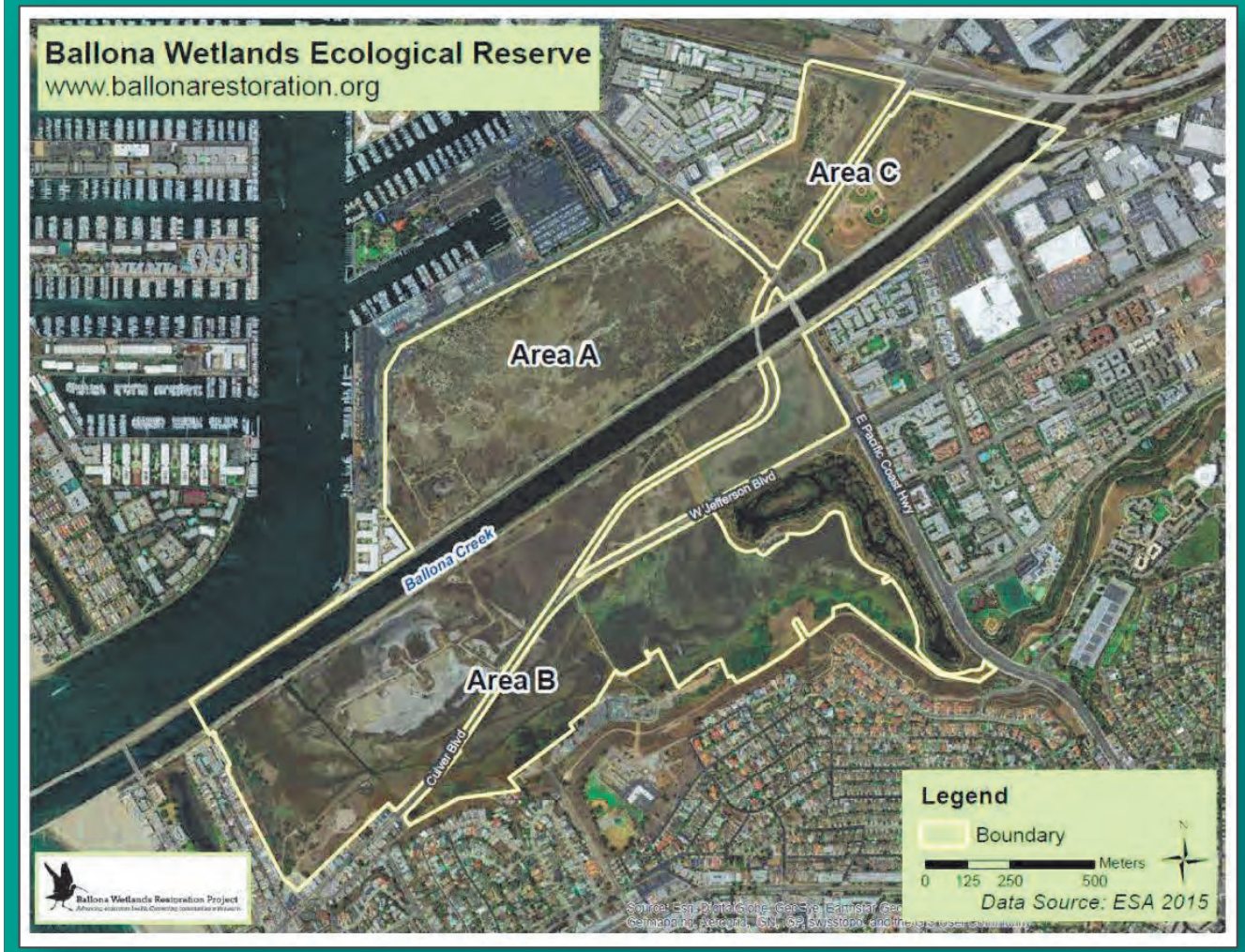
Marina del Rey, 1968 (LAPL)

Celery patch, 1927 (USC)

O4-140 cont.

Ballona Wetlands Ecological Reserve

www.ballonarestoration.org

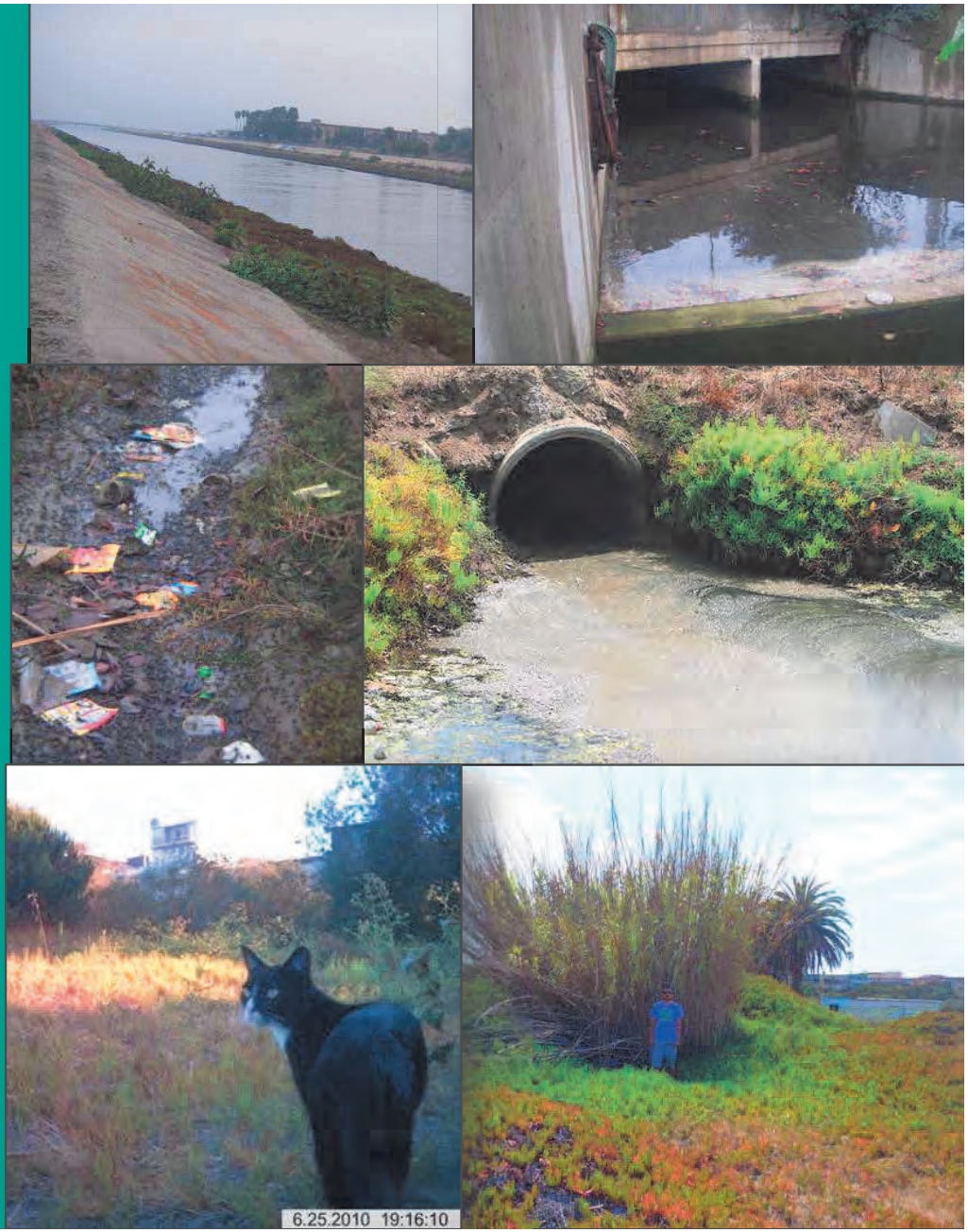


- 577 acres
- argest wetland toration project in Los Angeles County
- Owned by the state of California; managed by CDFW (and SLC) as an ecological reserve
- SCC funded monitoring
- CDFW + Corps = lead agencies

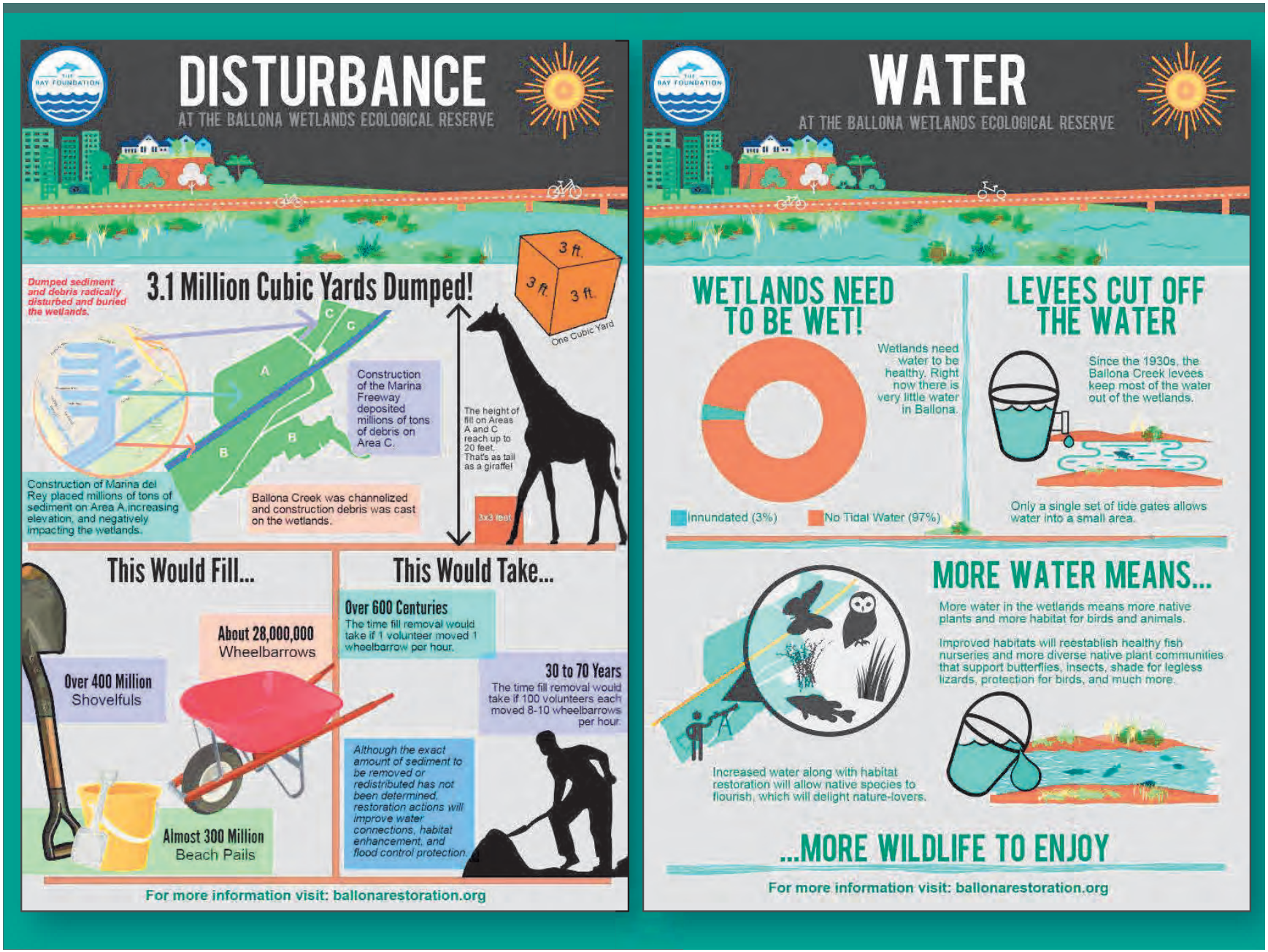
O4-140 cont.

BWER Stressors

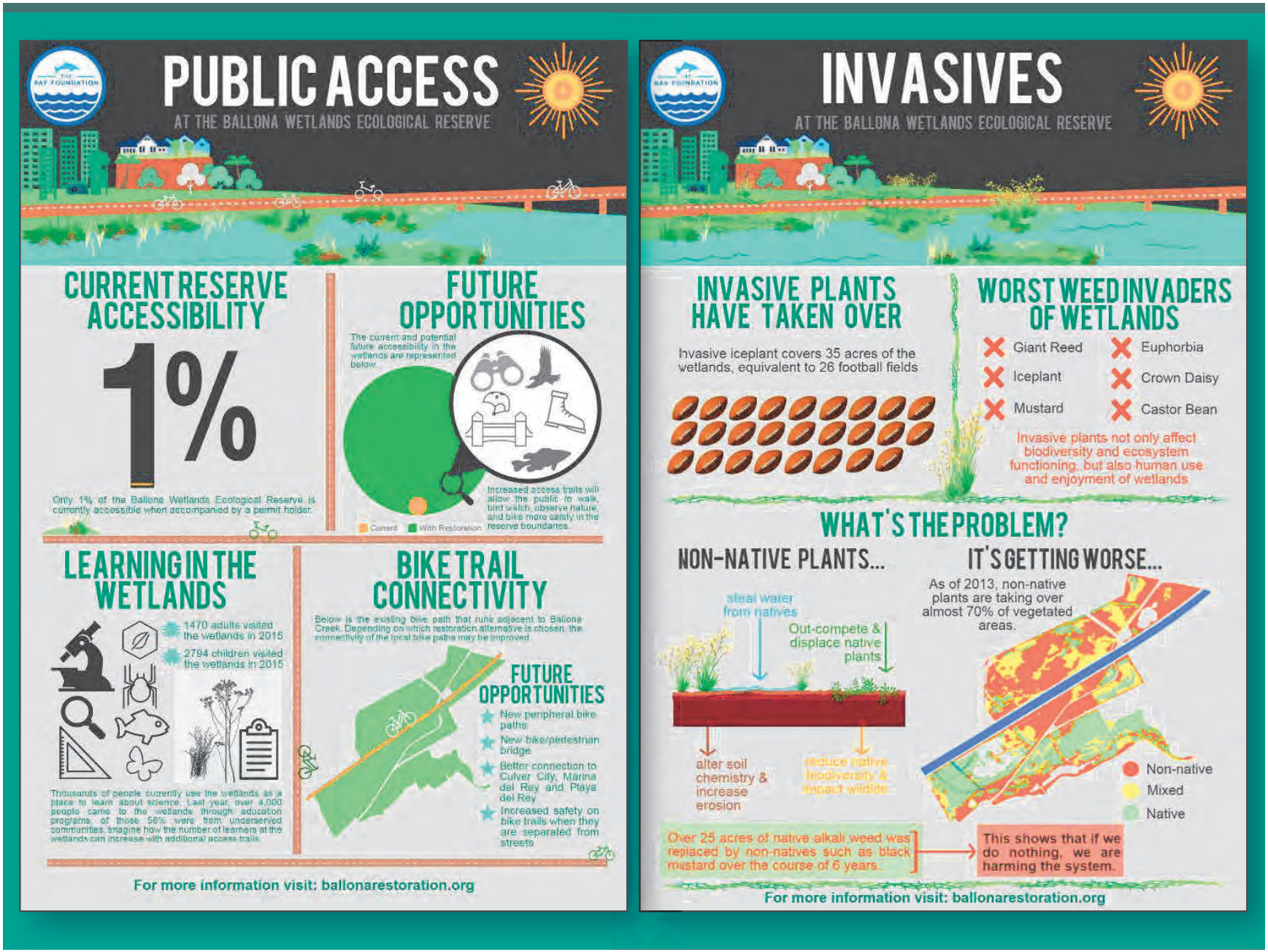
- Modified hydrology
  - Dredging & fill dump
  - Levees, culverts , & channelization
  - Paving & roads
  - Draining
- Water quality
  - Non-point source discharges
  - Trash
  - Heavy metal impairments
  - Bacteria and pathogen impairments
  - Other impairments
- Habitat destruction
  - Fragmentation
  - Invasive & introduced species
  - Introduced predators
  - Noise and light pollution
- Additional stressors
  - Vector control
  - Physical modifications
  - Misuse of the site
  - Sea level rise & climate change



O4-140 cont.


DISTURBANCE
AT THE BALLONA WETLANDS ECOLOGICAL RESERVE
Dumped sediment and debris radically disturbed and buried the wetlands.
3.1 Million Cubic Yards Dumped!
3 ft.
3 ft.
3 ft.
One Cubic Yard
A
B
C
C
Construction of the Marina Freeway deposited millions of tons of debris on Area C.
The height of fill on Areas A and C reach up to 20 feet. That's as tall as a giraffe!
3x3 feet
Construction of Marina del Rey placed millions of tons of sediment on Area A,increasing elevation, and negatively impacting the wetlands.
Ballona Creek was channelized and construction debris was cast on the wetlands.
This Would Fill...
About 28,000,000 Wheelbarrows
Over 400 Million Shovelfuls
Almost 300 Million Beach Pails
This Would Take...
Over 600 Centuries
The time fill removal would take if 1 volunteer moved 1 wheelbarrow per hour.
30 to 70 Years
The time fill removal would take if 100 volunteers each moved 8-10 wheelbarrows per hour.
Although the exact amount of sediment to be removed or redistributed has not been determined, restoration actions will improve water connections, habitat enhancement, and flood control protection.
For more information visit: ballonarestoration.org
WATER
AT THE BALLONA WETLANDS ECOLOGICAL RESERVE
WETLANDS NEED TO BE WET!
Wetlands need water to be healthy. Right now there is very little water in Ballona.
Inundated (3%)
No Tidal Water (97%)
LEVEES CUT OFF THE WATER
Since the 1930s, the Ballona Creek levees keep most of the water out of the wetlands.
Only a single set of tide gates allows water into a small area.
MORE WATER MEANS...
More water in the wetlands means more native plants and more habitat for birds and animals.
Improved habitats will reestablish healthy fish nurseries and more diverse native plant communities that support butterflies, insects, shade for legless lizards, protection for birds, and much more.
Increased water along with habitat restoration will allow native species to flourish, which will delight nature-lovers.
...MORE WILDLIFE TO ENJOY
For more information visit: ballonarestoration.org

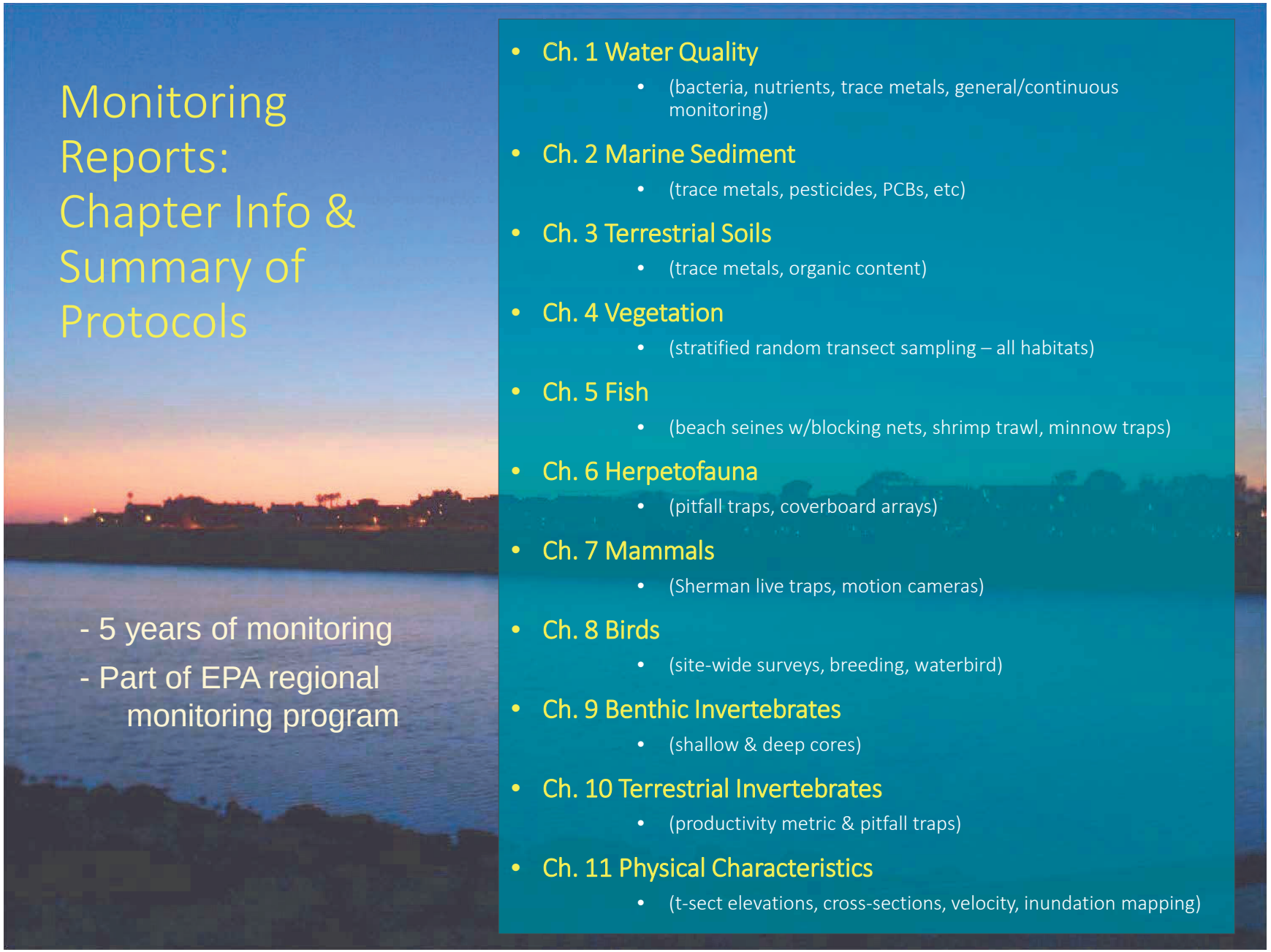
O4-140 cont.


PUBLIC ACCESS
AT THE BALLONA WETLANDS ECOLOGICAL RESERVE
CURRENT RESERVE ACCESSIBILITY
1%
Only 1% of the Ballona Wetlands Ecological Reserve is currently accessible when accompanied by a permit holder.
FUTURE OPPORTUNITIES
The current and potential future accessibility in the wetlands are represented below.
Current
With Restoration
Increased access trails will allow the public to walk, bird watch, observe nature, and bike more safely in the reserve boundaries.
LEARNING IN THE WETLANDS
1470 adults visited the wetlands in 2015
2794 children visited the wetlands in 2015
Thousands of people currently use the wetlands as a place to learn about science. Last year, over 4,000 people came to the wetlands through education programs, of those 56% were from underserved communities. Imagine how the number of learners at the wetlands can increase with additional access trails.
BIKE TRAIL CONNECTIVITY
Below is the existing bike path that runs adjacent to Ballona Creek. Depending on which restoration alternative is chosen, the connectivity of the local bike paths may be improved.
FUTURE OPPORTUNITIES
New peripheral bike paths
New bike/pedestrian bridge
Better connection to Culver City, Marina del Rey and Playa del Rey
Increased safety on bike trails when they are separated from streets
For more information visit: ballonarestoration.org
INVASIVES
AT THE BALLONA WETLANDS ECOLOGICAL RESERVE
INVASIVE PLANTS HAVE TAKEN OVER
Invasive iceplant covers 35 acres of the wetlands, equivalent to 26 football fields
WORST WEED INVADERS OF WETLANDS
Giant Reed
Iceplant
Mustard
Euphorbia
Crown Daisy
Castor Bean
Invasive plants not only affect biodiversity and ecosystem functioning, but also human use and enjoyment of wetlands
WHAT'S THE PROBLEM?
NON-NATIVE PLANTS...
steal water from natives
Out-compete & displace native plants
alter soil chemistry & increase erosion
reduce native biodiversity & impact wildlife
IT'S GETTING WORSE...
As of 2013, non-native plants are taking over almost 70% of vegetated areas.
Non-native
Mixed
Native
Over 25 acres of native alkali weed was replaced by non-natives such as black mustard over the course of 6 years.
This shows that if we do nothing, we are harming the system.
For more information visit: ballonarestoration.org

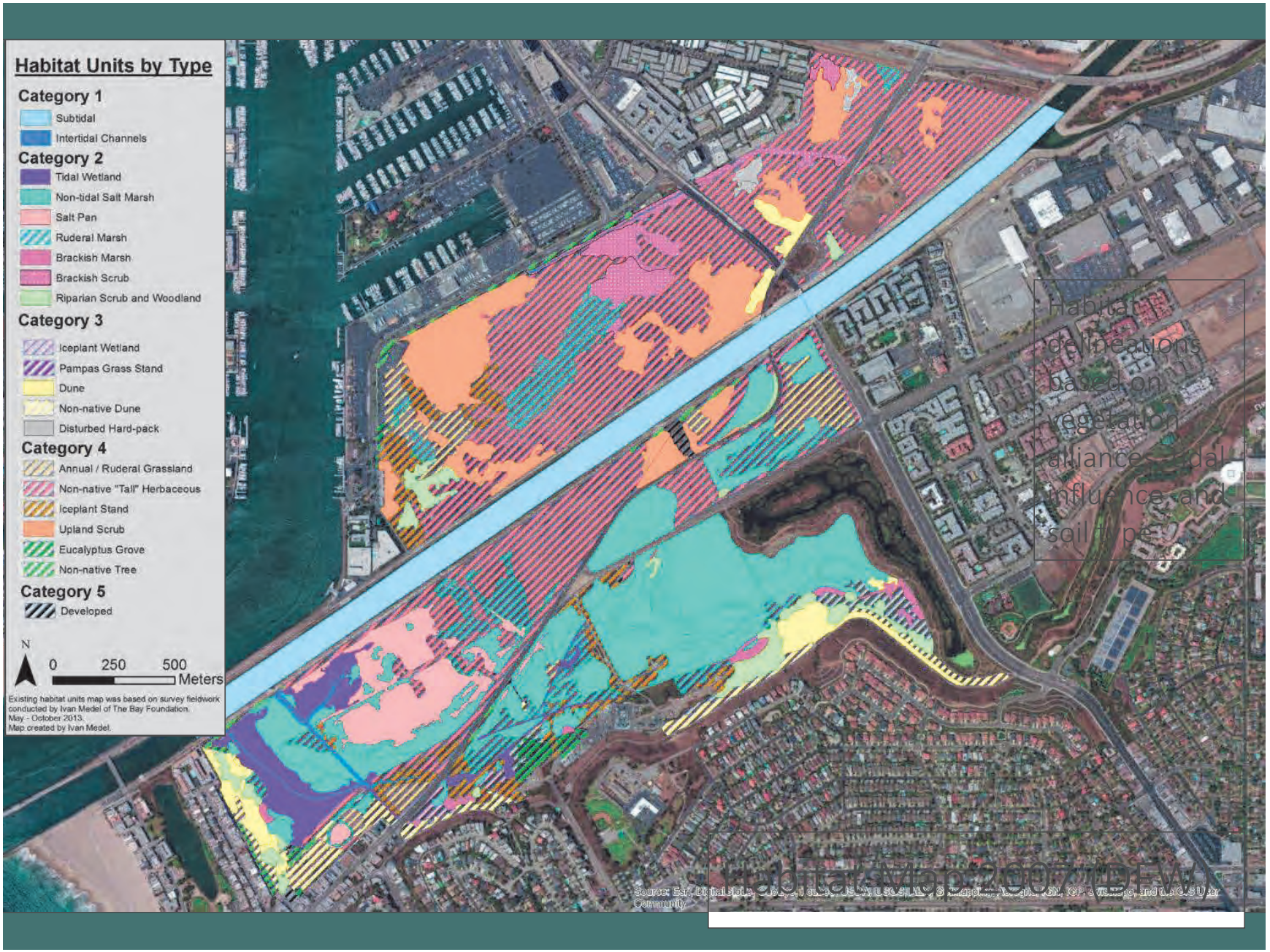
O4-140 cont.

Ballona Reserve - Topography

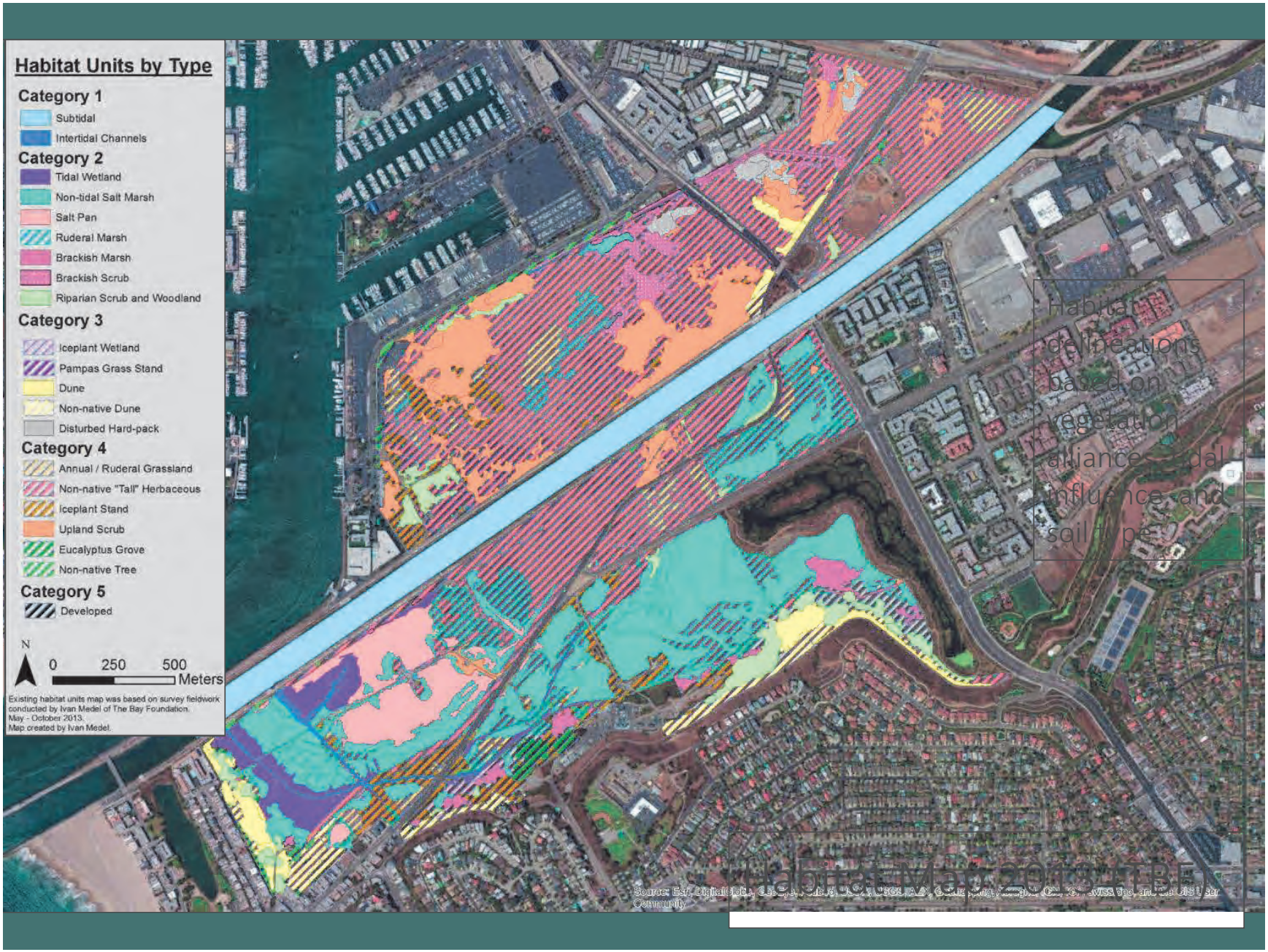
O4-140 cont.


Monitoring Reports: Chapter Info & Summary of Protocols
- 5 years of monitoring
- Part of EPA regional monitoring program
• Ch. 1 Water Quality
• (bacteria, nutrients, trace metals, general/continuous monitoring)
• Ch. 2 Marine Sediment
• (trace metals, pesticides, PCBs, etc)
• Ch. 3 Terrestrial Soils
• (trace metals, organic content)
• Ch. 4 Vegetation
• (stratified random transect sampling – all habitats)
• Ch. 5 Fish
• (beach seines w/blocking nets, shrimp trawl, minnow traps)
• Ch. 6 Herpetofauna
• (pitfall traps, coverboard arrays)
• Ch. 7 Mammals
• (Sherman live traps, motion cameras)
• Ch. 8 Birds
• (site-wide surveys, breeding, waterbird)
• Ch. 9 Benthic Invertebrates
• (shallow & deep cores)
• Ch. 10 Terrestrial Invertebrates
• (productivity metric & pitfall traps)
• Ch. 11 Physical Characteristics
• (t-sect elevations, cross-sections, velocity, inundation mapping)

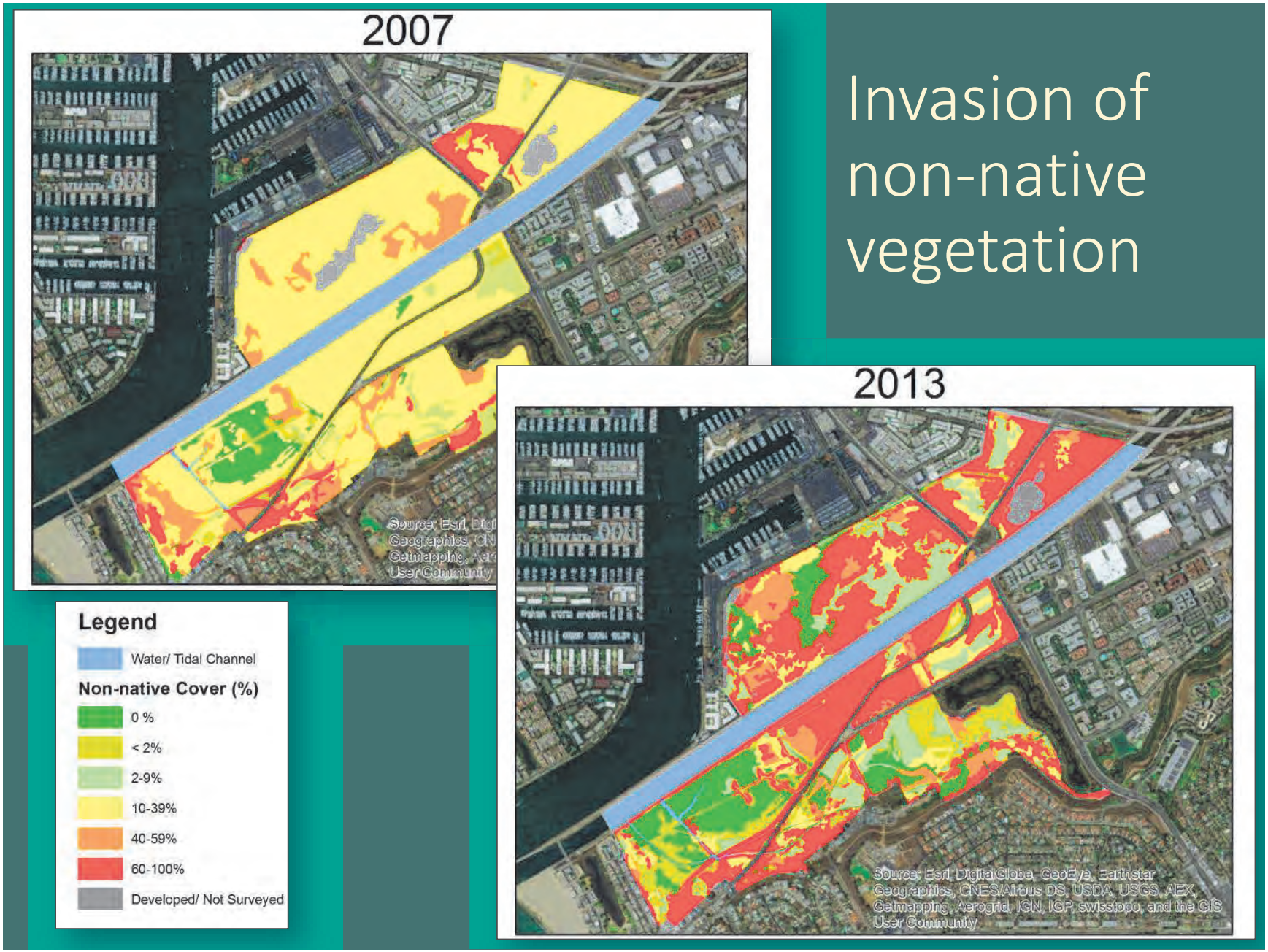
O4-140 cont.


Habitat Units by Type
Category 1
Subtidal
Intertidal Channels
Category 2
Tidal Wetland
Non-tidal Salt Marsh
Salt Pan
Ruderal Marsh
Brackish Marsh
Brackish Scrub
Riparian Scrub and Woodland
Category 3
Iceplant Wetland
Pampas Grass Stand
Dune
Non-native Dune
Disturbed Hard-pack
Category 4
Annual / Ruderal Grassland
Non-native "Tall" Herbaceous
Iceplant Stand
Upland Scrub
Eucalyptus Grove
Non-native Tree
Category 5
Developed
N
0
250
500
Meters
Existing habitat units map was based on survey fieldwork conducted by Ivan Medel of The Bay Foundation. May - October 2013.
Map created by Ivan Medel.
Habitat delineations based on vegetation alliance, tidal influence, and soil type
Habitat Map 2007 (DFW)
Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

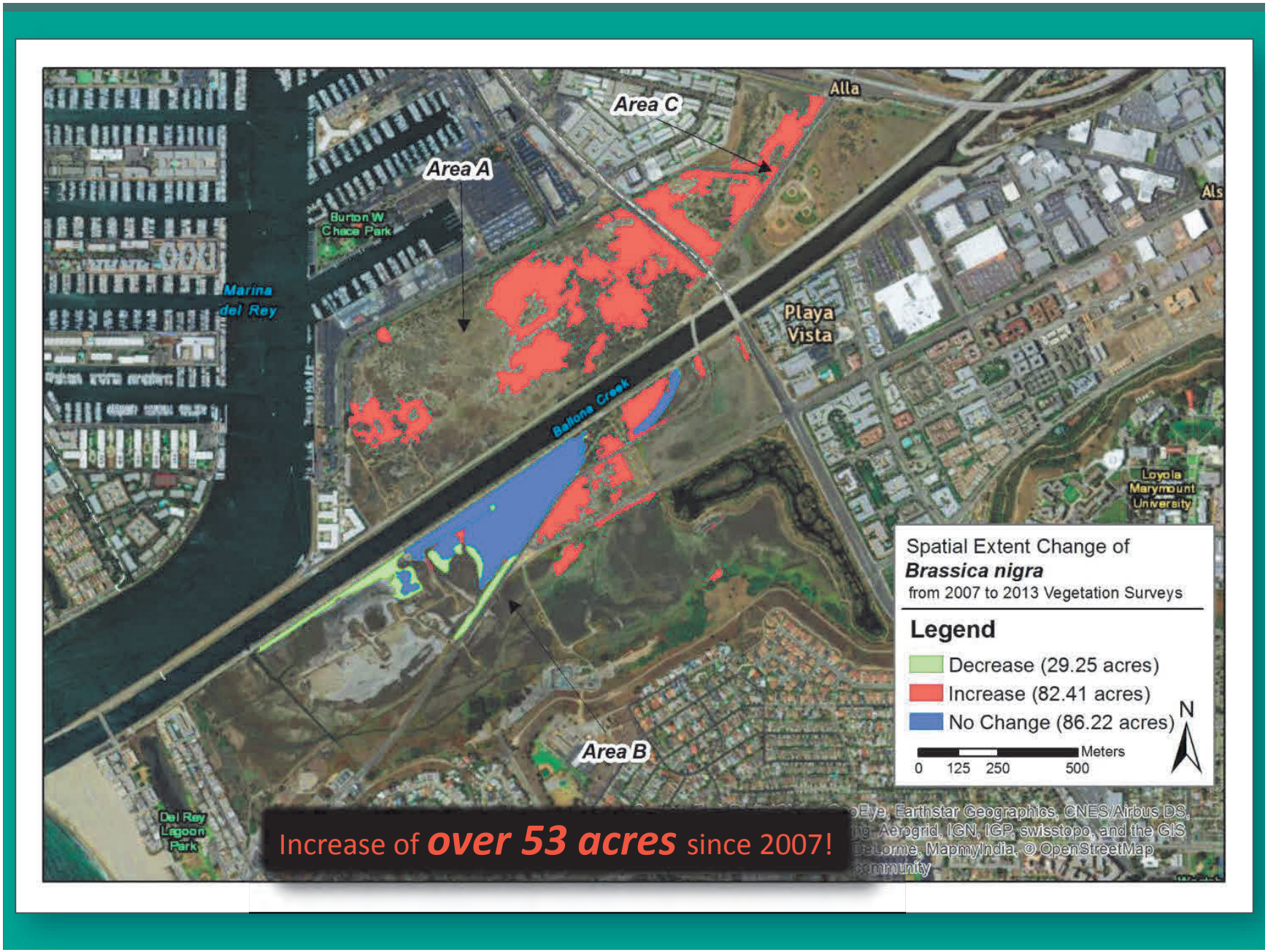
O4-140 cont.


Habitat Units by Type
Category 1
Subtidal
Intertidal Channels
Category 2
Tidal Wetland
Non-tidal Salt Marsh
Salt Pan
Ruderal Marsh
Brackish Marsh
Brackish Scrub
Riparian Scrub and Woodland
Category 3
Iceplant Wetland
Pampas Grass Stand
Dune
Non-native Dune
Disturbed Hard-pack
Category 4
Annual / Ruderal Grassland
Non-native "Tall" Herbaceous
Iceplant Stand
Upland Scrub
Eucalyptus Grove
Non-native Tree
Category 5
Developed
N
0
250
500
Meters
Existing habitat units map was based on survey fieldwork conducted by Ivan Medel of The Bay Foundation. May - October 2013.
Map created by Ivan Medel.
Habitat delineations based on vegetation alliances, tidal influence, and soil type
Habitat Map 2013.mxd

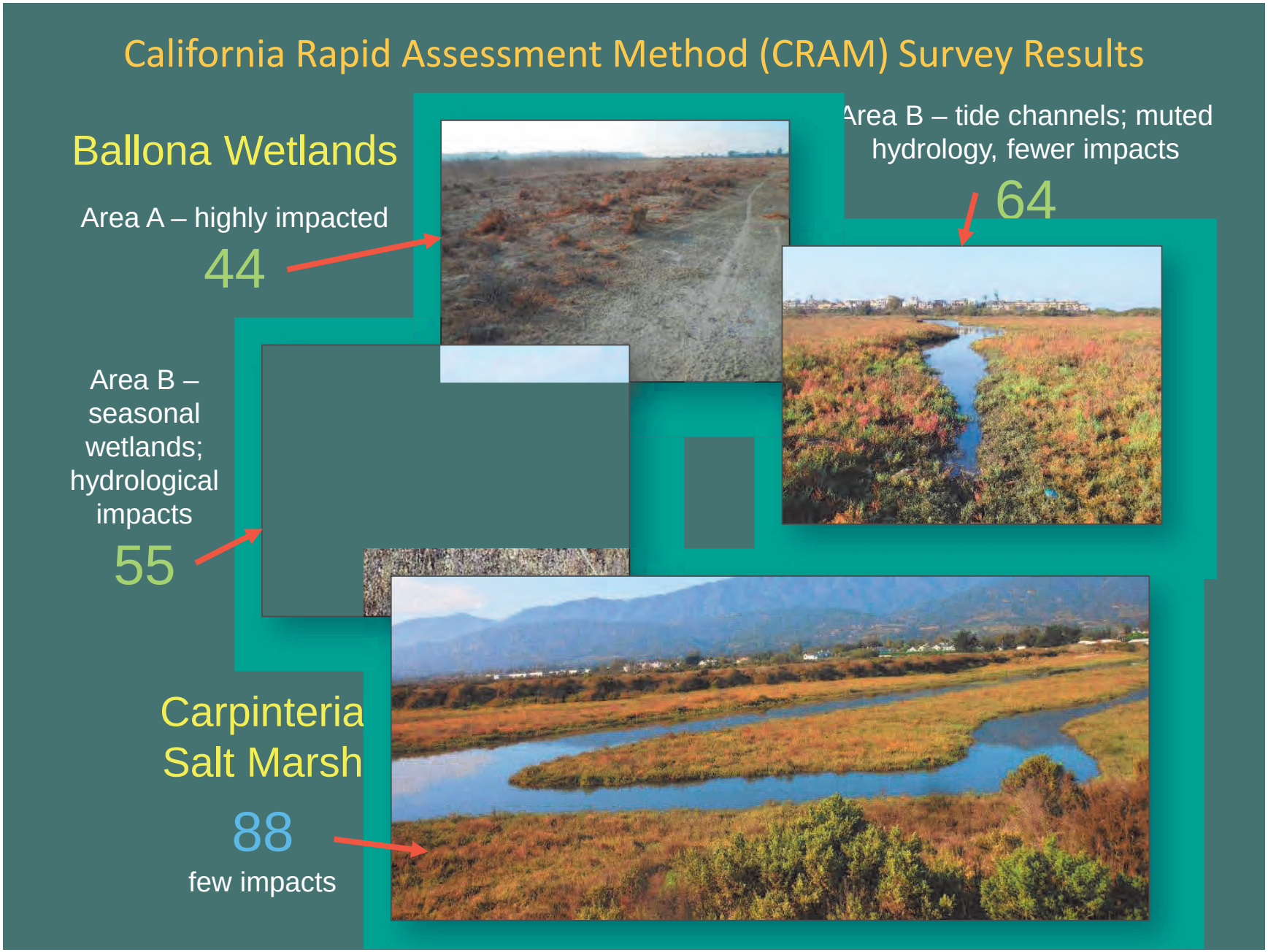
O4-140 cont.


2007
Invasion of non-native vegetation
2013
Legend
Water/ Tidal Channel
Non-native Cover (%)
0 %
< 2%
2-9%
10-39%
40-59%
60-100%
Developed/ Not Surveyed
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

O4-140 cont.

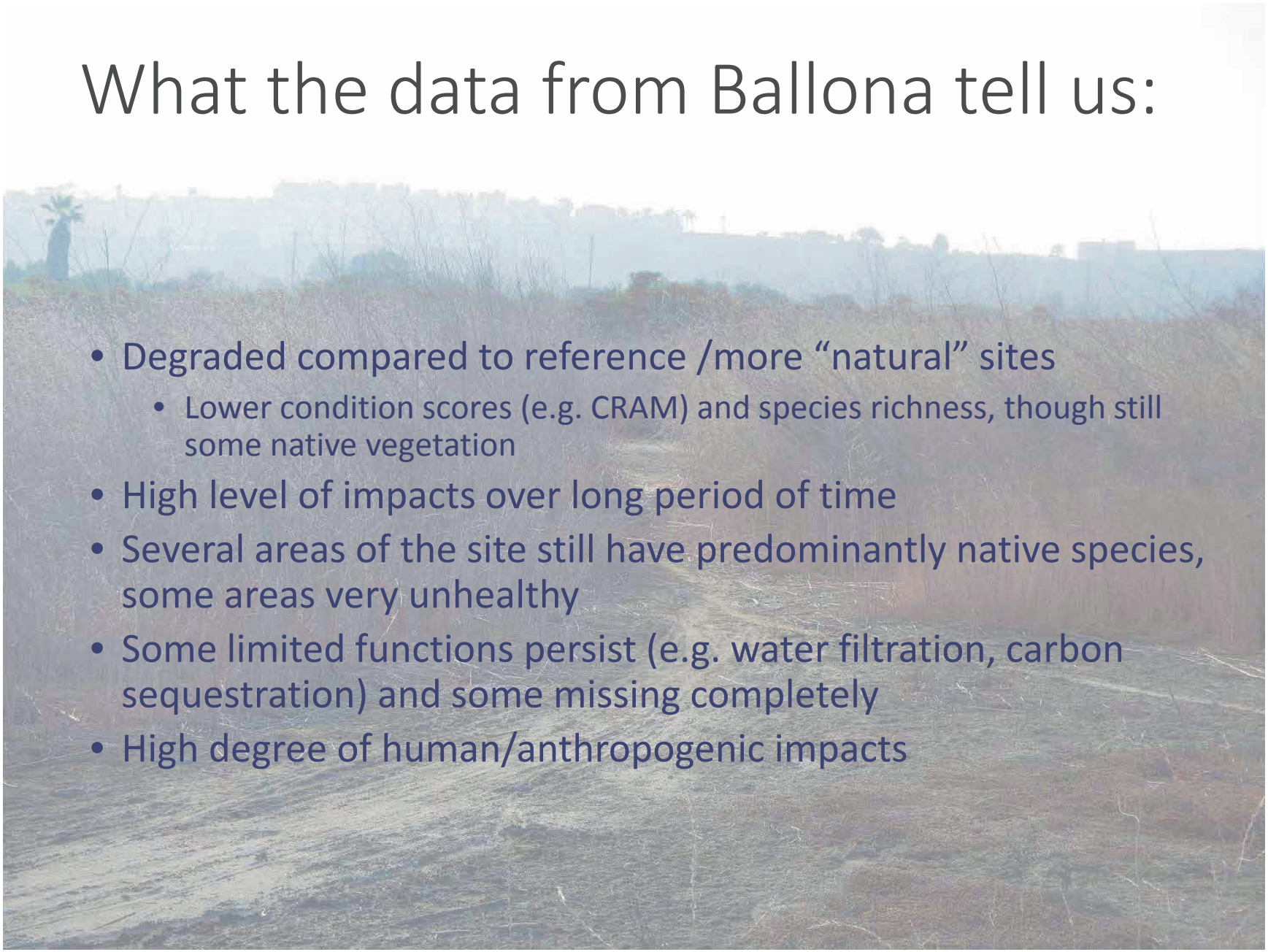

Area C
Alla
Area A
Als
Burton W
Chace Park
Marina
del Rey
Playa
Vista
Ballona Creek
Loyola
Marymount
University
Spatial Extent Change of
Brassica nigra
from 2007 to 2013 Vegetation Surveys
Legend
Decrease (29.25 acres)
Increase (82.41 acres)
No Change (86.22 acres)
N
Meters
0 125 250 500
Area B
Del Rey
Lagoon
Park
Increase of over 53 acres since 2007!
DigitalGlobe, Earthstar Geographics, CNES/Airbus DS,
Aerogrid, IGN, IGP, swisstopo, and the GIS
DeLorme, MapmyIndia, © OpenStreetMap
Community

O4-140
cont.


California Rapid Assessment Method (CRAM) Survey Results
Ballona Wetlands
Area A – highly impacted
44
Area B – tide channels; muted hydrology, fewer impacts
64
Area B – seasonal wetlands; hydrological impacts
55
Carpinteria Salt Marsh
88
few impacts

O4-140 cont.

What the data from Ballona tell us:

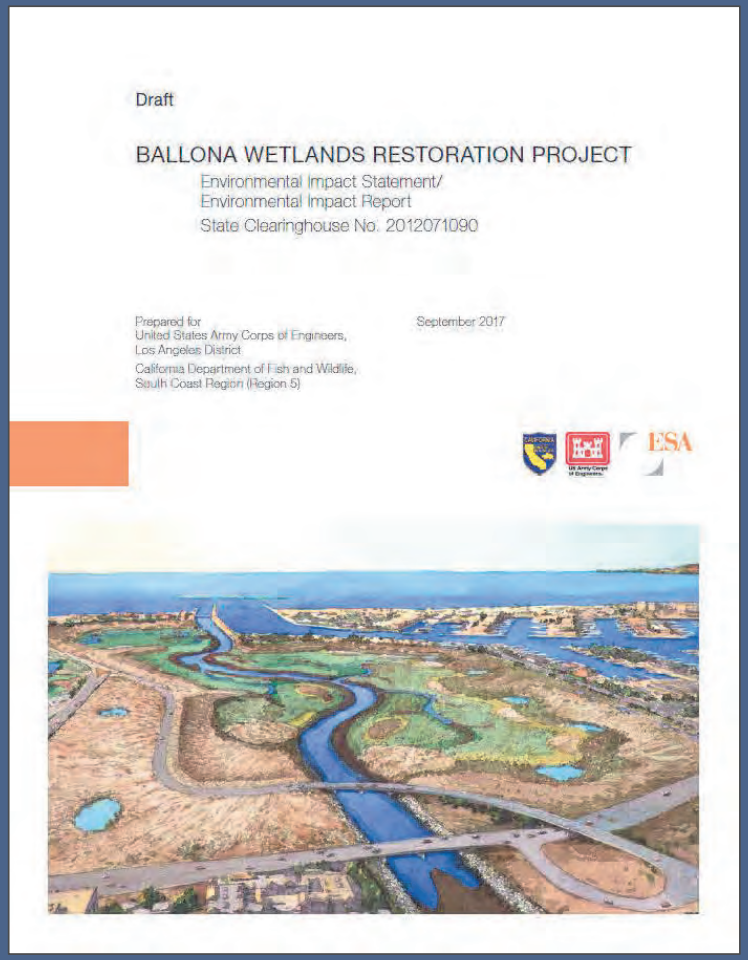


- Degraded compared to reference /more “natural” sites
  - Lower condition scores (e.g. CRAM) and species richness, though still some native vegetation
- High level of impacts over long period of time
- Several areas of the site still have predominantly native species, some areas very unhealthy
- Some limited functions persist (e.g. water filtration, carbon sequestration) and some missing completely
- High degree of human/anthropogenic impacts

O4-140 cont.

Ballona Wetlands Restoration Project:

Draft Environmental Impact Statement and Report (DEIS/R)



O4-140 cont.

NEPA Statement of Purpose and Need

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 Los Angeles County Drainage Area (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)9 and that LACDA project features reduce flood risk to the surrounding communities and infrastructure for up to the 100 year flood event.

1.1.1 Statement of Purpose and Need under NEPA pgs. 1-1 and 1-2

O4-140 cont.

NEPA Statement of Purpose and Need

"The 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. 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. It is estimated that historically the Ballona Creek watershed supported a great diversity of aquatic resources."

1.1.1 Statement of Purpose and Need under NEPA pg. 1-2

O4-140 cont.

Restoration Alternatives

Alternative 1: NATURALIZED CREEK

Alternative 2: PARTIAL NATURALIZED CREEK

Alternative 3: OXBOW

Alternative 4: NO PROJECT

State Lead Agency: CDFW

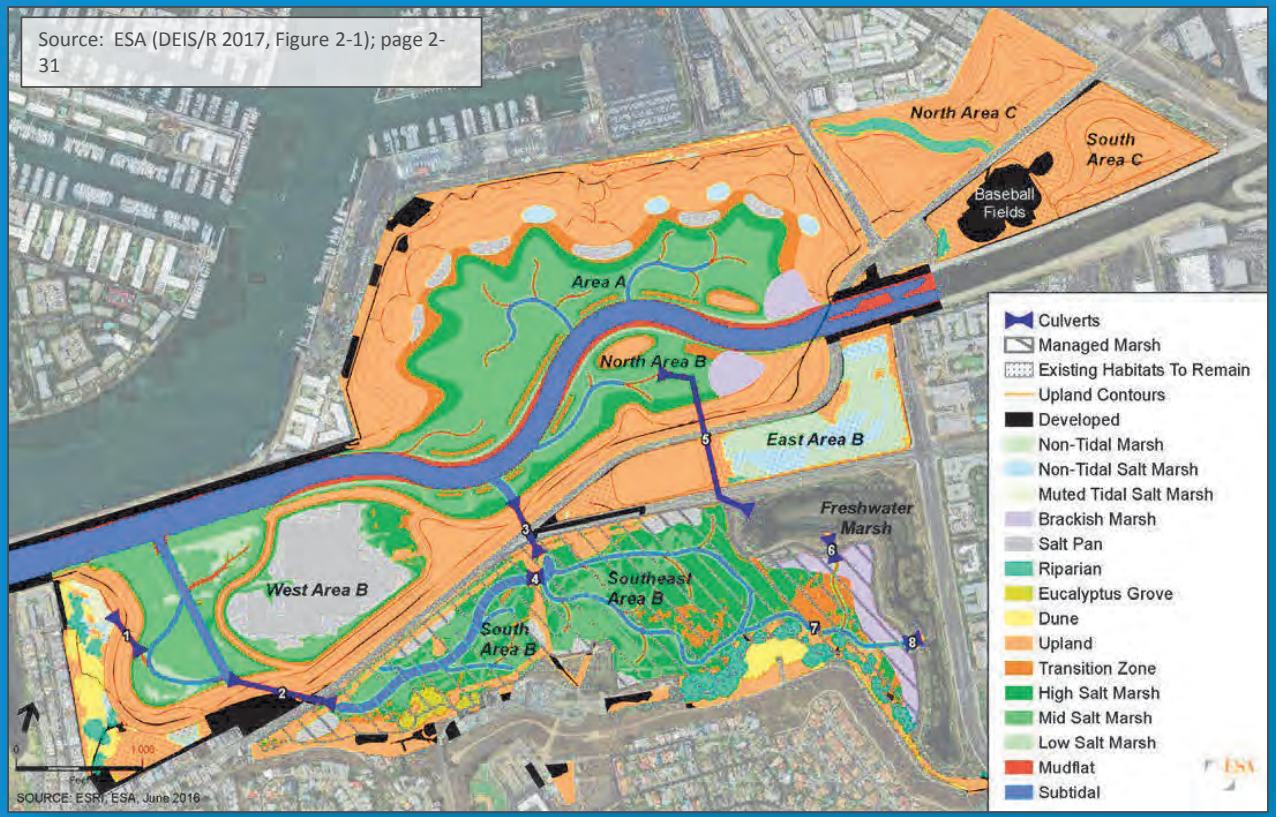
Federal Lead Agency: Army Corps

O4-140 cont.

Ballona Wetlands Restoration Project

(Alternative 1 – DRAFT graphic illustration)

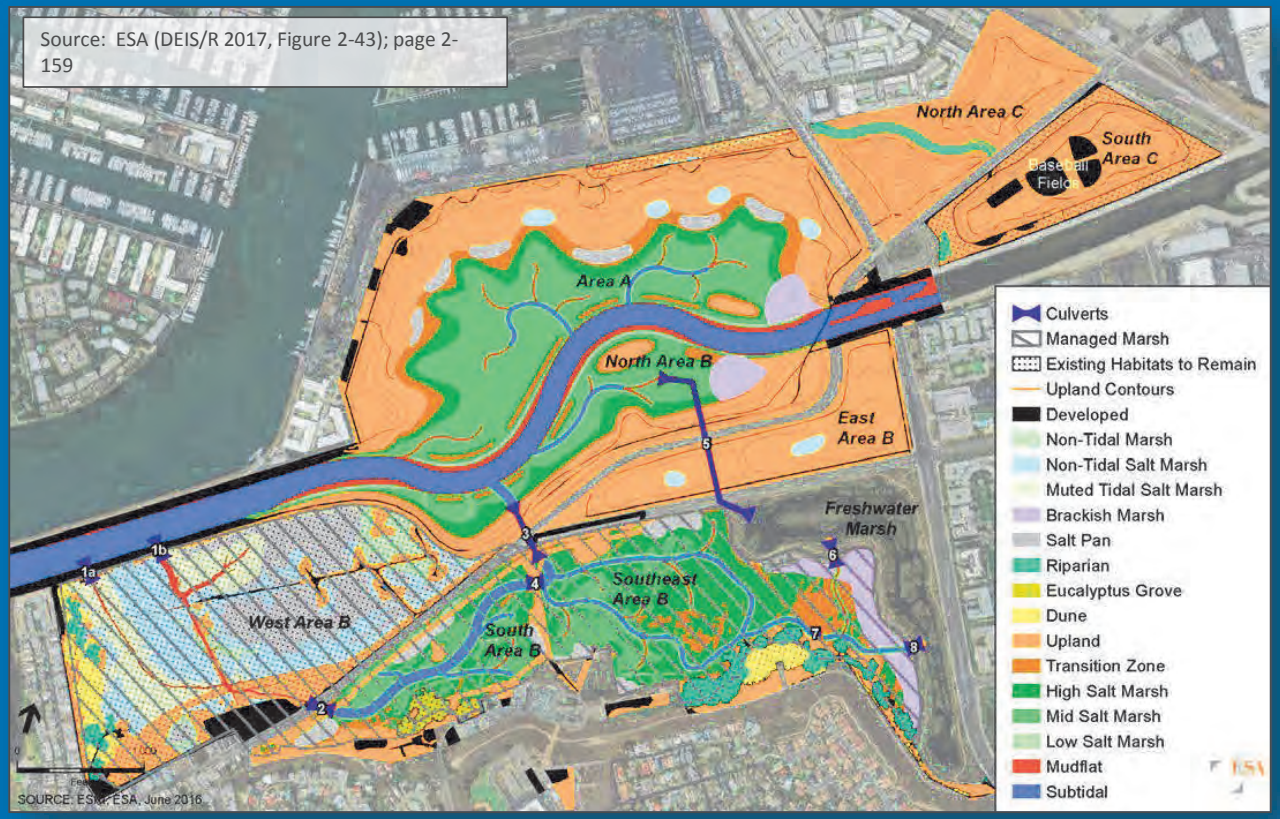
Source: ESA (DEIS/R 2017, Figure 2-1); page 2-31



O4-140 cont.

Ballona Wetlands Restoration Project
(Alternative 2 – DRAFT graphic illustration)

Source: ESA (DEIS/R 2017, Figure 2-43); page 2-159

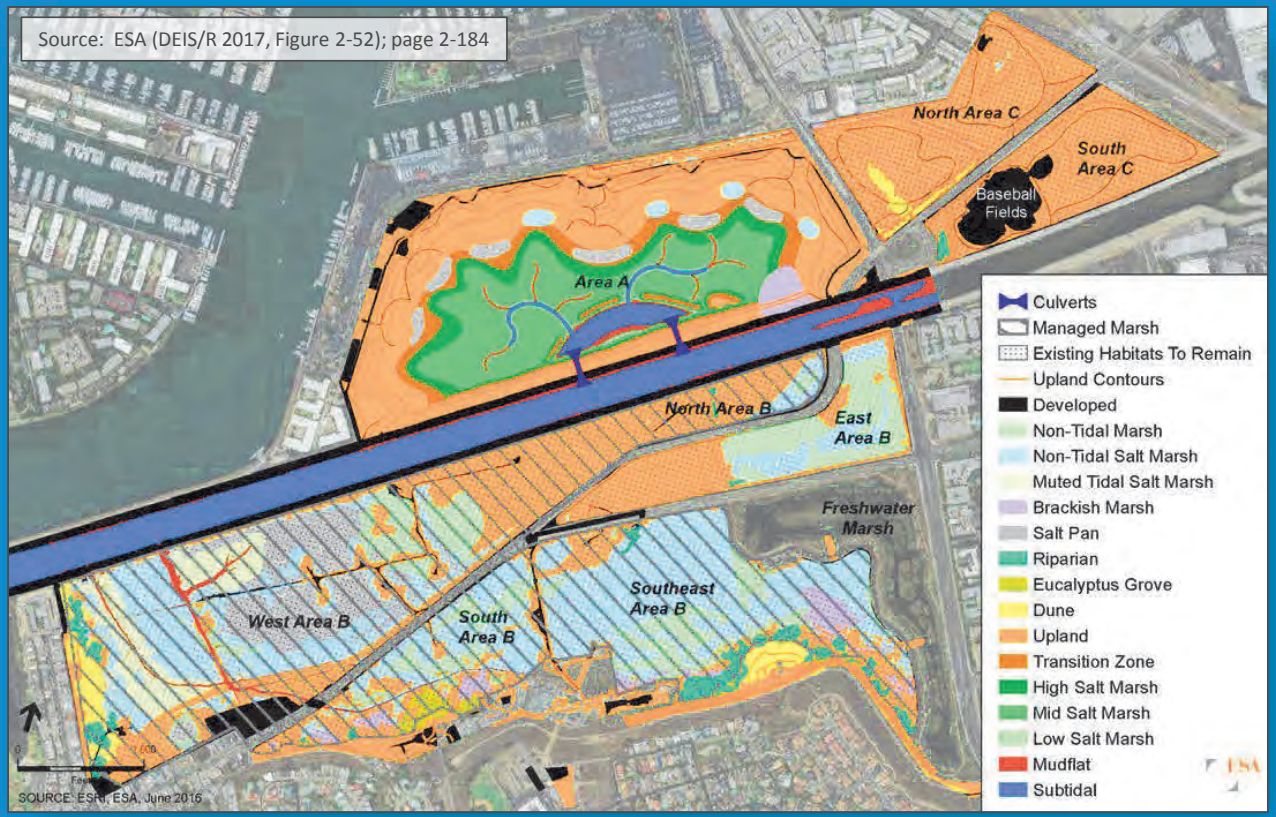


O4-140 cont.

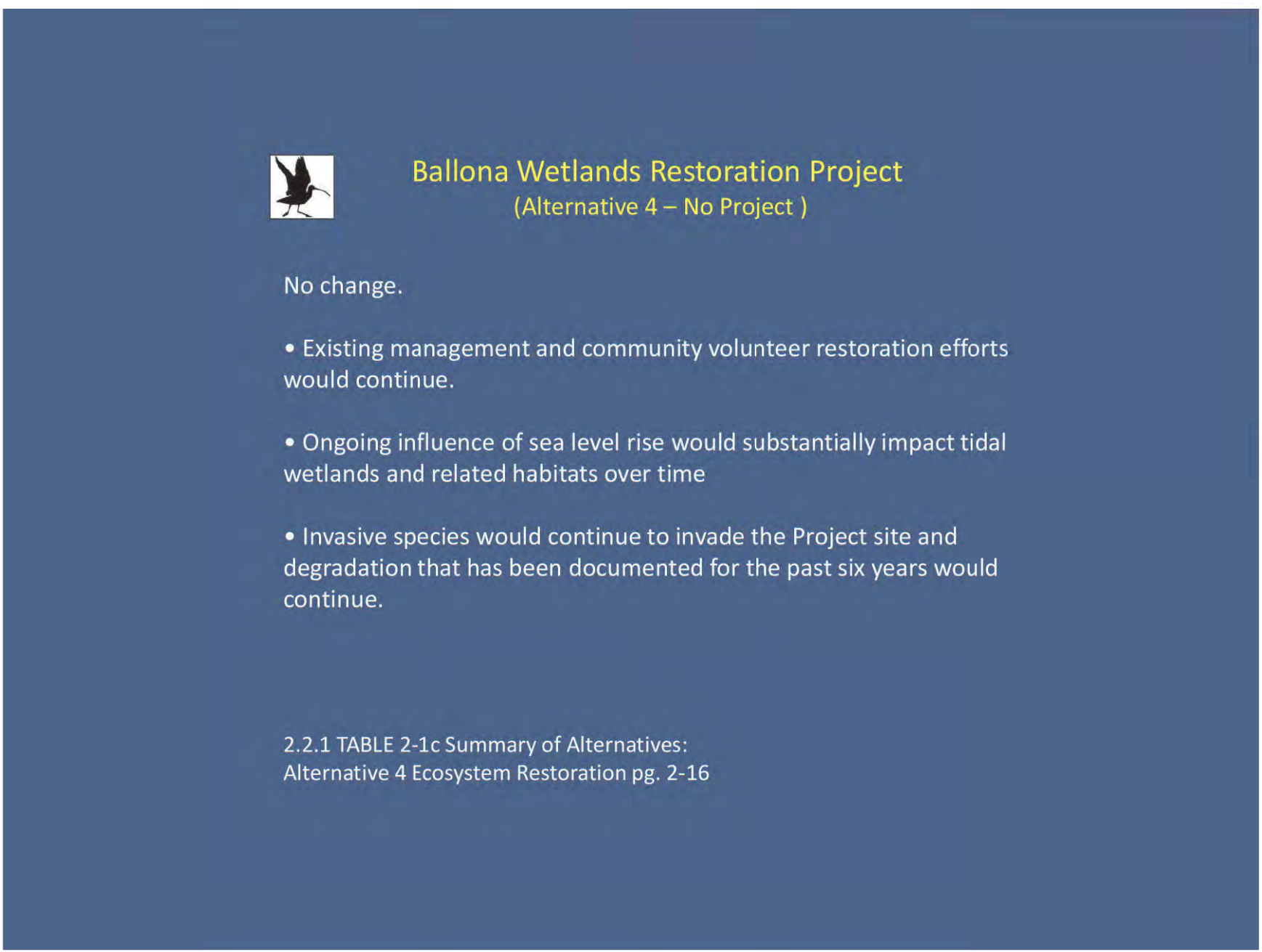
Ballona Wetlands Restoration Project

(Alternative 3 – DRAFT graphic illustration)

Source: ESA (DEIS/R 2017, Figure 2-52); page 2-184



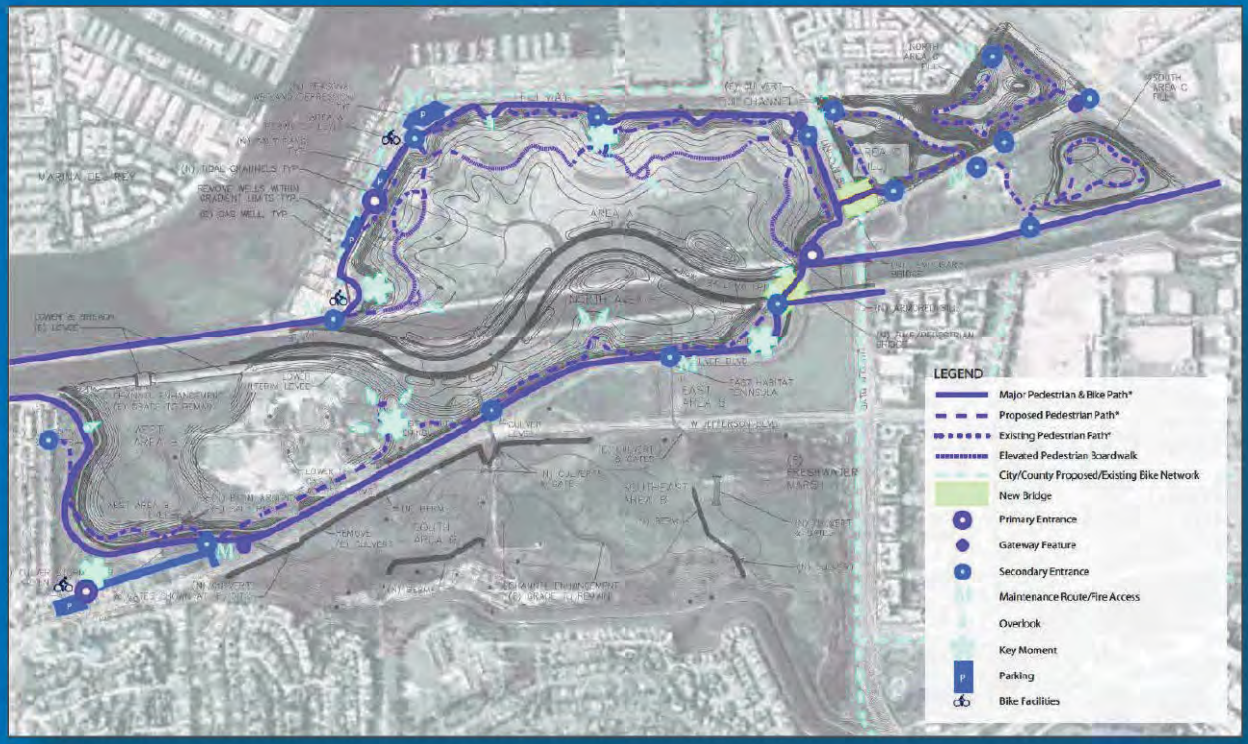
O4-140 cont.


Ballona Wetlands Restoration Project
(Alternative 4 – No Project)
No change.
• Existing management and community volunteer restoration efforts would continue.
• Ongoing influence of sea level rise would substantially impact tidal wetlands and related habitats over time
• Invasive species would continue to invade the Project site and degradation that has been documented for the past six years would continue.
2.2.1 TABLE 2-1c Summary of Alternatives:
Alternative 4 Ecosystem Restoration pg. 2-16

O4-140 cont.

Ballona Wetlands Restoration Project

(Alternative 1 – DRAFT public access)

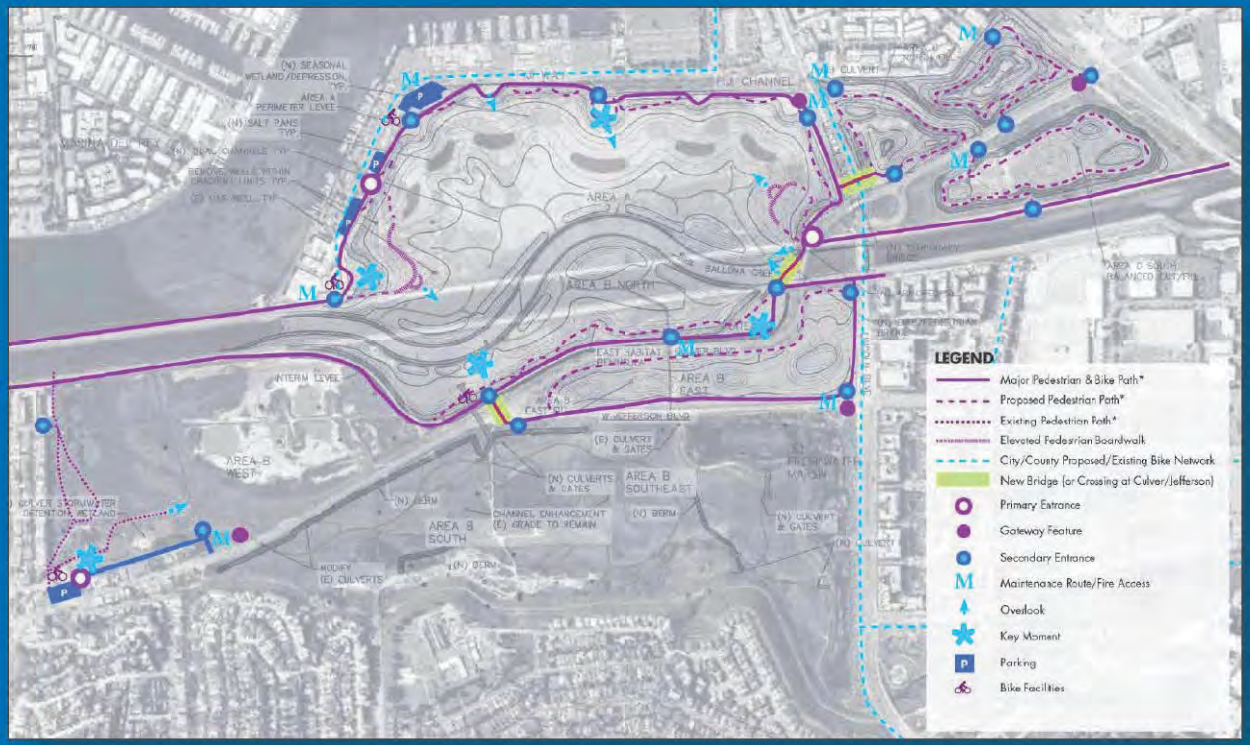


Note: paths shown are approximate
Source: Melendrez and ESA (DEIS/R 2017, Figure 2-23); page 2-101

O4-140 cont.

Ballona Wetlands Restoration Project

(Alternative 2 – DRAFT public access)

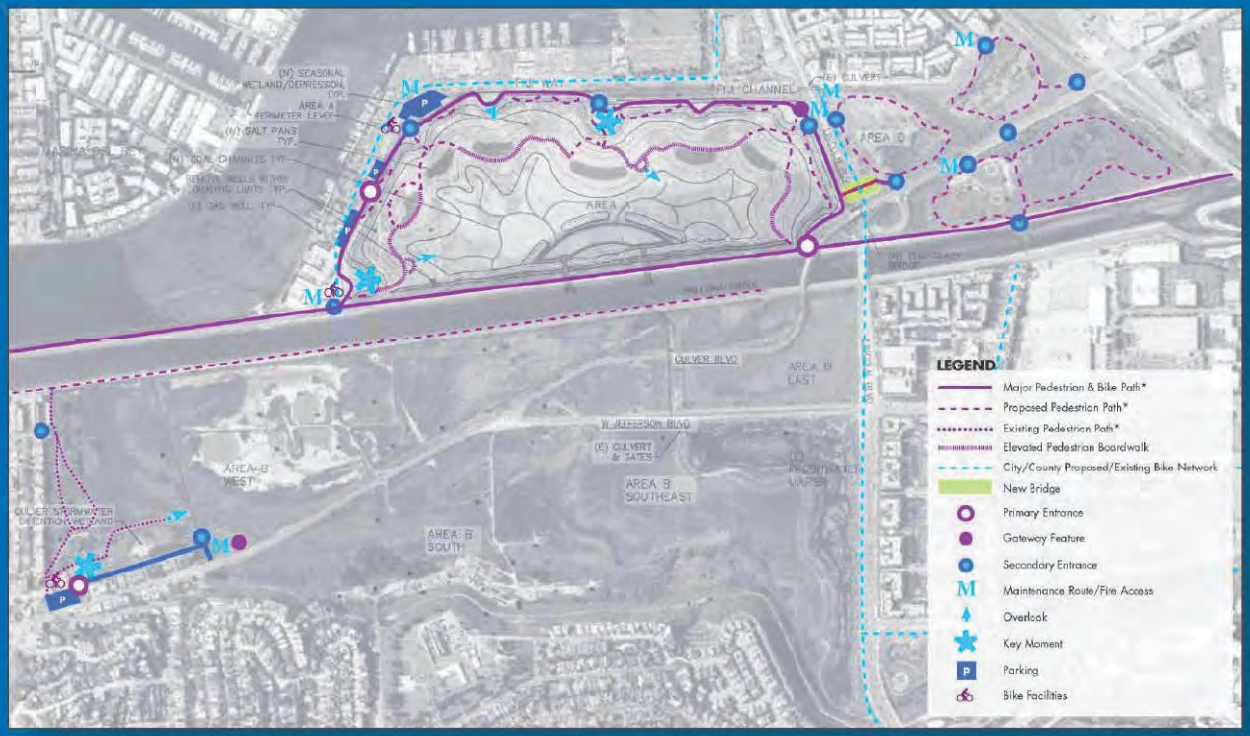


Note: paths shown are approximate
Source: Melendrez and ESA (DEIS/R 2017, Figure 2-45); page 2-162

O4-140 cont.

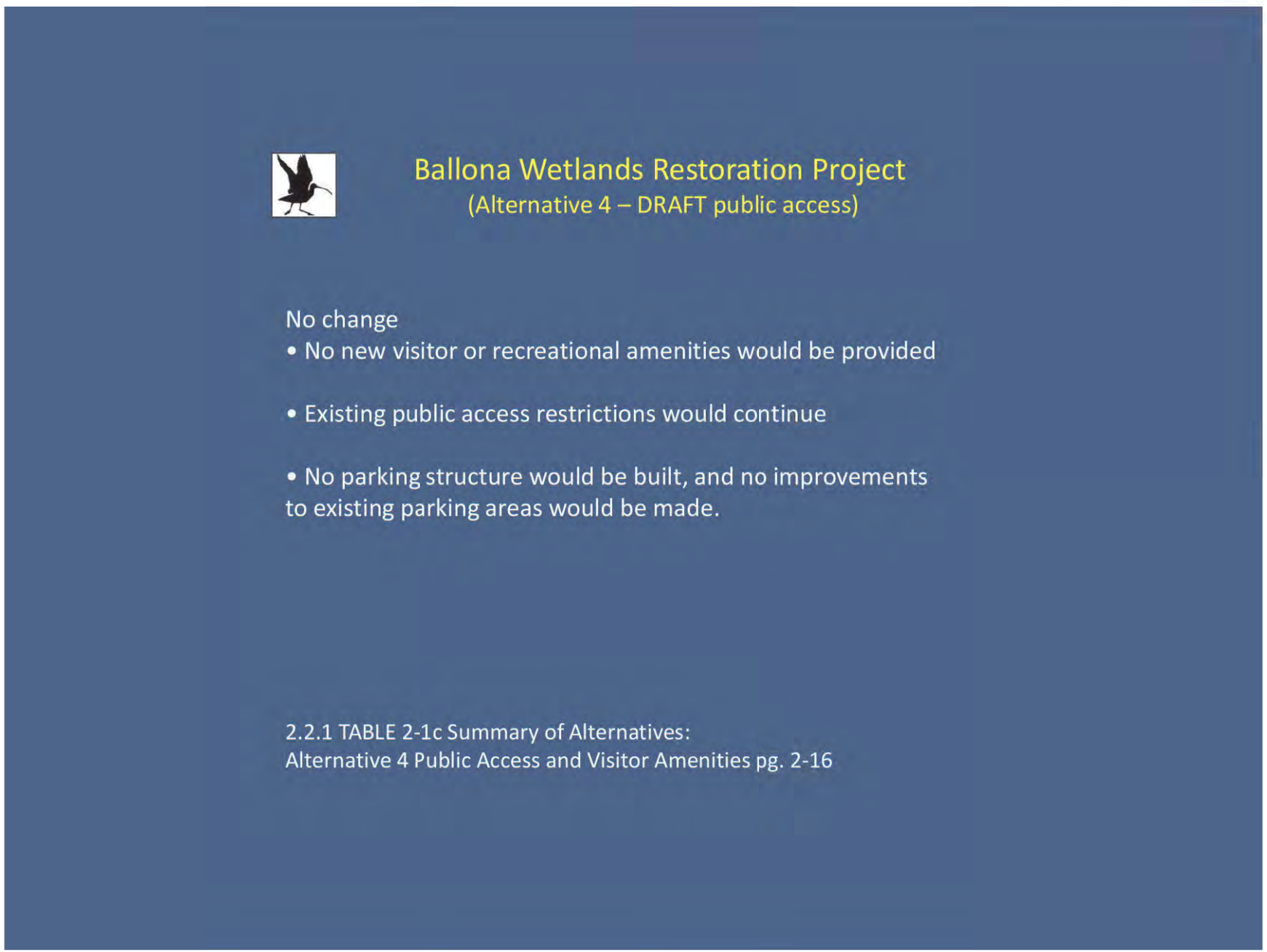
Ballona Wetlands Restoration Project

(Alternative 3 – DRAFT public access)



Note: paths shown are approximate
Source: Melendrez and ESA (DEIS/R 2017, Figure 2-54); page 2-186

O4-140 cont.


Ballona Wetlands Restoration Project
(Alternative 4 – DRAFT public access)
No change
• No new visitor or recreational amenities would be provided
• Existing public access restrictions would continue
• No parking structure would be built, and no improvements to existing parking areas would be made.
2.2.1 TABLE 2-1c Summary of Alternatives:
Alternative 4 Public Access and Visitor Amenities pg. 2-16

O4-140
cont.

QUESTIONS?
THE
BAY FOUNDATION
www.santamonicabay.org
www.ballonarestoration.org

O4-140
cont.

bay restoration commission

STEWARDS OF SANTA MONICA BAY

santa monica bay restoration commission ✐ 320 west 4th street, ste 200; los angeles, california 90013
213/576-6615 phone ✐ 213/576-6646 fax ✐ santamonicabay.org

July 10, 2007

Ms Mary Small
California Coastal Conservancy
13th Floor, 1330 Broadway
Oakland, CA 94612

Dear Mary,

The Santa Monica Bay Restoration Commission, a National Estuary Program of the US EPA, has been pleased to participate in the acquisition and restoration of the Ballona wetlands at all levels over the last several years. We are proud partners in the restoration planning, and currently have one staff member dedicated full time to the planning effort, while I serve on the Ballona Wetlands Science Advisory Committee (SAC). The SMBRC is also an active local partner in the Army Corps of Engineers' Lower Ballona Ecosystem Restoration Feasibility Study and are participating in clean up and restoration plans for Ballona Lagoon, the Grand Canal, Marine del Rey and the Oxford Basin. We have also awarded several millions of dollars of bond monies under our purview to projects designed to improve water quality and habitat in the Ballona Creek watershed. Ballona wetlands restoration is clearly a very high priority of the SMBRC and the EPA.

O4-141

I have reviewed the restoration design alternatives that are being developed by the consulting team and I am disappointed that they do not fully consider important restoration options, thereby limiting potential habitat, biodiversity and water quality improvements in the wetlands complex. The Ballona SAC requested design alternatives that encompass the "extremes" of restoration planning, i.e. from minimal intervention to maximal structural changes, as well as alternatives in between. The current proposed alternatives do not provide this and need to be modified, or an additional (fourth) alternative is needed.

SMBRC feels that the restoration design for Ballona wetlands must represent a true restoration of maximum ecological functions and services for the area. Actual restoration work will not begin for months or years, and will be a long term and costly process. The best approach is to include design alternatives that are not limited by current infrastructure or fiscal concerns, since these factors will certainly change over the duration of the restoration process. Similarly, factors such as poor water quality in Ballona Creek will continue to change as Total Maximum Daily Loads and other regulatory measures are implemented. It does not serve us to design the restoration as though it would be undertaken and completed in the very near future, under existing physical or financial constraints.

bay restoration commission
STEWARDS OF SANTA MONICA BAY
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I would like to request that the design team include at least one design alternative that proposes to

- remove all or part of the levees on one or both sides of Ballona Creek;
- daylight the channel connecting the freshwater marsh to the creek in Area B, and Stingray Creek to Marina del Rey in Area A;
- raise Culver Boulevard to increase flows between the north and south sections of Area B; and
- increase connectivity between Ballona Creek and Areas A and B.

Our staff Wetlands Restoration Manager Sean Bergquist is available to work closely with the consulting team to ensure the revised or new alternatives include features that stakeholders and the SAC members supported. The revised or new alternatives should be presented as one of the group of alternatives for consideration under CEQA and by stakeholders and the SAC.

Given our experience in and commitment to the Ballona wetlands and surrounding interconnected areas, the SMBRC staff, Governing Board and Watershed Council have a great deal to contribute to the restoration process. Please feel free to consult us further during development of the restoration design alternatives and we look forward to continuing our partnership to restore Ballona wetlands.

O4-141 cont.

Sincerely,

Shelley Luce, D.Env.
Executive Director

Cc: Jack Liebster, SCC

55116 Federal Register / Vol. 70, No. 181 / Tuesday, September 20, 2005 / Notices

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Intent To Prepare an Environmental Impact Statement/ Environmental Impact Report for the Ballona Creek Ecosystem Restoration Feasibility Study, Los Angeles County, CA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Los Angeles District intends to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to support a cost-shared ecosystem restoration feasibility study with the Santa Monica Bay Restoration Commission. The proposed project study areas has been degraded by encroachment of non-native plants, placement of fill from Marina Del Rey, interruption of the hydrologic regime, trash accumulation, and varied attempts at bank protection along the creek using rock and concrete. Direct benefits of the proposed project include improved habitat and water quality, reductions in waste and trash, and aesthetics. The watershed is an important resource for both recreational uses and for fish, and wildlife and further degradation could jeopardize remaining. The purpose of the feasibility study is to evaluate alternatives for channel modification, habitat restoration (coastal and freshwater wetlands and riparian), recreation, and related purposes along the lower reach of the Ballona Creek.

DATES: A public scoping meeting will be held on September 29, 2005 at 6 p.m.

ADDRESSES: U.S. Army Corps of Engineers, Los Angeles District, CESPL–PD, P.O. Box 532711, Los Angeles, CA 90053 and Santa Monica Bay Restoration Commission, 320 West 4th Street, Los Angeles, CA 90013.

FOR FURTHER INFORMATION CONTACT: Shannon Dellaquila, Project Environmental Manager, at (213) 452–3850 or Malisa Martin, Project Study Manager at (213) 452–3828.

SUPPLEMENTARY INFORMATION:

1. Authorization

This study was prepared as an interim response to the following authorities provided by Congress under Section 216 of the Flood Control Act of 1970, which states:

> The Secretary of the Army, acting through the Chief of Engineers, is authorized to review the operation of projects the construction of which has been completed and which were constructed by the Corps of Engineers in the interest of navigation, flood control, water supply, and related purposes, when found advisable due the significantly changed physical or economic conditions, and to report thereon to Congress with recommendations on the advisability of modifying the structures or their operation, and for improving the quality of the environment in the overall public interest;

supplemented by House Resolution on Public Works and Transportation dated September 28, 1994 which states:

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

2. Background

The Ballona Creek Ecosystem Restoration study area lies within Los Angeles County, CA and includes portions of Marina del Rey, Culver City, Playa del Rey, and the City of Los Angeles. The study area, a component of the greater Ballona Creek Watershed, includes the lower reach of Ballona Creek extending southwest from Cochran Avenue, in Los Angeles, to Pacific Ocean in Marina del Rey. specific features of the Ballona Creek watershed, including existing and historic wetland areas, the Ballona Lagoon, Del Rey Lagoon, Venice Canal, Grand Canal, the Oxford Drain and the Ballona Channel and tributaries, will be addressed in this study.

The greater Ballona Creek system drains a watershed of approximately 329 square kilometers (81,300 acres), and is the largest tributary that drains into the Santa Monica Bay. Ballona Creek collects runoff from several partially urbanized canyons on the south slopes of the Santa Monica Mountains as well as from intensely urbanized areas of West Los Angeles, Culver City, Beverly Hills, Hollywood, and parts of Central Los Angeles. The urbanized areas account for 80 percent of the watershed area, and the partially developed foothills and mountains make up the remaining 20 percent. The watershed boundary includes the Santa Monica Mountains on the north, the unincorporated area known as Baldwin Hills, and the City of Inglewood on the south.

The Ballona Creek Ecosystem Restoration study footprint's southern boundary is defined by the Westcheste Bluffs, which run southwest from the San Diego (405) Freeway beyond Loyola Marymount University. The western boundary extends from the Pacific Ocean. The eastern boundary begins where Ballona Creek daylights at Cochran Avenue and Venice Boulevard in a section of Los Angeles known as the Mid City. Tributaries of Ballona Creek include Centinela Creek, Sepulveda Canyon Channel, Benedict Canyon Channel, and numerous storm drains.

The Ballona Creek watershed ecosystem has been altered by intense land development, encroachment of non-native plants, trash accumulation, and varied attempts at bank protection along the creek using rock and concrete. Although an important function of the Ballona Creek is as a flood control channel, the lower watershed is still an important resource for both recreational uses and for fish and wildlife habitat. Further impairment could jeopardize remaining habitat. This study will evaluate opportunities for habitat restoration (including wetland and riparian habitat), improvements to water quality, trash mitigation, and recreation and related purposes along the lower reach of the Ballona creek.

O4-142

3. Problems and Needs

At least ninety (90) percent of historic coastal wetlands in California have been lost due to filing, dredging, flood control and intensive development. Within the Lower Ballona Creek Watershed, remaining fragmented wetland areas have been degraded due to diminished hydraulic function, poor water quality and introduction of exotic plants and animals. While functioning wetland systems and riparian habitat remain, they are stressed.

- Channelization of the Ballona Creek and filling of historic wetland and riparian areas have contributed to degradation and loss of habitat due to impeded tidal exchange and circulation.
- Contaminated stormwater runoff and trash loading has degraded Ballona Creek water quality.
- Habitat alteration and loss has decreased biodiversity and overall ecological health, threatening the survival of native endangered species such as the California least tern (Sterna antillarum brown), snowy plover (Charadrius alexandrinus), and the Belding's Savannah Sparrow (Sandwichensis beldingi).
- The current design of the Flood Control channel has resulted in a lack

of recreational opportunities and is considered aesthetically challenged.

• At present there is no integrated approach and partnership amongst stakeholders to resolve lower Ballona Creek in-stream and wetland degradation issues, which has led to uncoordinated and sometimes redundant and unsuccessful improvement measures.

4. Proposed Action and Alternative

The Los Angeles District will investigate and evaluate all reasonable alternatives to address the problems and need stated above. In addition to a without project (No Action) Alternative, both structural and non-structural environmental measures will be investigated. An assessment of the feasibility of removing impervious surfaces from the Ballona Channel will also be evaluated. Proposed restoration measures include: re-grading and removal of fill, remove invasive and non-native plant species, reintroduction of a water source and installation of native plants to restore previously filled coastal wetlands. Other measures to be evaluated include features to improve or restore tidal regime in Oxford Basin, the Grand and Venice canals, and Ballona and Del Rey Lagoons; the potential for in stream wetland development in Centinela, Sepulveda and Ballona Creek; sediment loading in the upper watershed; and related recreation and educational opportunities.

5. Scoping Process

The scoping process is on-going, and has involved preliminary coordination with Federal, State, and local agencies and the general public. A public scoping meeting is scheduled for Thursday September 29th from 6–8 p.m. at the Rotunda Room of the Veteran's Memorial Building, 4117 Overland Avenue, Culver City, CA. This information is being published in the local news media, and a notice is being mailed to all parties on the study mailing list to ensure that public will have an opportunity to express opinions and raise any issues relating to the scope of the Feasibility Study and the Environmental Impact Study/ Environmental Impact Report. The public as well as Federal, state, and local agencies are encouraged to participate by submitting data, information, and comments identifying relevant environmental and socioeconomic issues to be addressed in the study. Useful information includes other environmental studies, published and unpublished data, alternatives that could be addressed in the analysis, and, potential mitigation measures associated with the proposed action. All comments will be considered in the project development. Concerns may be submitted in writing to the Santa Monica Bay Restoration Commission, or to the Los Angeles District (*see* **ADDRESSES**). Comments, suggestions, and request to be placed on the mailing list for announcements should be sent to MaLisa Martin (*see* **ADDRESSES**) or by e-mail to *MaLisa.M.Martin@sp101.usace.army.mil.*

Availability of the Draft EIS/EIR

The Draft EIS/EIR is scheduled to be published and circulated in December 2007, and a public hearing to receive comments on the Draft EIS/EIR will be held after it is published.

Dated: September 13, 2005.

Alex C. Dornstauder,

Colonel, U.S. Army, District Engineer.

[FR Doc. 05–18651 Filed 9–19–05; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee Meeting Notice

AGENCY: Department of the Army, DOD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting:

Name of Committee: Distance Learning/Training Technology Applications Subcommittee of the Army Education Advisory Committee.

Date: October 5–6, 2005.

Place: Crowne Plaza Williamsburg at Fort Magruder, Williamsburg, VA.

Time: 0800–1630 on 5 Oct 05; 0800–1630 on 6 Oct 05.

Proposed Agenda: The meeting agenda includes updates on The Army Distributed Learning Program (TADLP) and infrastructure, review of selected courseware, and discussions focused on learning and technology.

Purpose of the Meeting: To provide for the continuous exchange of information and ideas for distance learning between the HQ, U.S. Army Training and Doctrine Command (TRADOC), Department of the Army, and the academic and business communities.

FOR FURTHER INFORMATION CONTACT: All communications regarding this subcommittee should be addressed to Mr. Mike Faughnan, at Headquarters TRADOC, Deputy Chief of Staff for Operations and Training, ATTN: ATTG–CF (Mr. Faughnan), Fort Monroe, VA 23651–5000; e-mail *faughnanm@monroe.army.mil.*

SUPPLEMENTARY INFORMATION: Meeting of the advisory committee is open to the public. Because of restricted meeting space, attendance will be limited to those persons who have notified the Advisory Committee Management Office in writing, at least 5 days prior to the meeting, of their intention to attend. Contact Mr. Faughnan (*faughnanm@monroe.army.mil*) for meeting agenda and specific locations.

Any member of the public may file a written statement with the committee before, during, or after the meeting. To the extent that time permits, the committee chairman may allow public presentations or oral statements at the meeting.

Robert E. Seger,

Senior Executive Service, Assistant Deputy Chief of Staff for Operations and Training.

[FR Doc. 05–18649 Filed 9–19–05; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Department of Defense Historical Advisory Committee; Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L 92–463), announcement is made of the following committee meeting:

Name of Committee: Department of Defense Historical Advisory Committee.

Date: October 27, 2005.

Time: 9 a.m. to 4:30 p.m.

Place: U.S. Army Center of Military History, Collins Hall, Building 35, 103 Third Avenue, Fort McNair, DC 20319–5058.

Proposed Agenda: Review and discussion of the status of historical activities in the United States Army.

FOR FURTHER INFORMATION CONTACT: Dr. Jeffrey J. Clarke, U.S. Army Center of Military History, ATTN: DAMH–ZC, 103 Third Avenue, Fort McNair, DC 20319–5058; telephone number (202) 685–2709.

SUPPLEMENTARY INFORMATION: The committee will review the Army's historical activities for FY 2005 and those projected for FY 2006 based upon reports and manuscripts received throughout the period. And the committee will formulate recommendations through the Chief of

O4-142 cont.

bay restoration commission
STEWARDS OF SANTA MONICA BAY
santa monica bay restoration commission - 320 west 4th street, ste 200; los angeles, california 90013
213/576-6615 phone - 213/576-6646 fax - www.smbrc.ca.gov

July 17, 2012

Colonel R. Mark Toy
District Commander
Los Angeles District, US Army Corp of Engineers
915 Wilshire Blvd.
Los Angeles, CA 90017

RE: Request to Terminate the Lower Ballona Ecosystem Restoration Feasibility Study (LBERFS)

Dear Colonel Toy:

On June 30th, 2005 the US Army Corps of Engineers and the Santa Monica Bay Restoration Authority (SMBRA), as the project's Sponsor, entered into an agreement to conduct a Feasibility Phase Study and cost share agreement to evaluate restoration alternatives for the Ballona Creek Ecosystem and its watershed.

O4-143

Since the initiation of the agreement seven years ago, some studies and modeling have been conducted, including the baseline conditions report in January 2012. We have also worked with Corps staff to develop hydrodynamic modeling of the lower creek and some of the data collected by the Corps will be helpful for the proposed project. However, limited progress has been made by the Corps toward completion of most of the deliverables required in the PMP. In addition, Corps staff has recommended amending the PMP and the Study budget. The original total estimated cost for the *Study* at the time of the agreement was $4,612,000. Corps staff is currently recommending that the PMP budget be amended to a new total estimated cost of $9,458,124.

At this time, the SMBRA does not have funds available for a cost increase of this size nor do we expect the necessary funds to become available in the foreseeable future. We are also now working with the Regulatory Division of the Corps on a Section 408 permit that requires all of our available resources. This being the case, we respectfully request that the LBERFS be terminated at this time.

If you would like to discuss this further or need additional information please feel free to contact me at (310) 216-9827, or Diana Hurlbert of my staff at (831) 241-3463.

Sincerely,

Dr. Shelley Luce, D.Env.
Executive Director

our mission: to restore and enhance the santa monica bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, and protect the bay's benefits and values

Michael Tripp

From: Charlotte Miyamoto
Sent: Wednesday, July 23, 2014 7:48 AM
To: Michael Tripp
Subject: RE: Area A - FW: description of praking structure

Did this get sent previously to Fish and Wildlife?

Charlotte Miyamoto
310.305.9512
COUNTY OF LOS ANGELES DEPARTMENT OF BEACHES & HARBORS Caring for Your Coast

From: Michael Tripp
Sent: Wednesday, July 23, 2014 7:47 AM
To: Charlotte Miyamoto
Subject: RE: Area A - FW: description of praking structure

The description is below:

The Department of Beaches and Harbors is proposing to construct a 302 space 2-level parking structure in the westernmost portion of Area A, where the County currently leases a parking lot from the California Department of Fish and Wildlife. The proposed structure would replace the parking already utilized on site, while providing approximately 51 additional public parking spaces. This could be achieved while restoring approximately 29,000 square feet of land, which is currently paved, back to wetlands. The proposed structure would be approximately 26'-6" tall, not including elevator shaft, and would occupy approximately 43,600 square feet of land. The existing surface parking occupies approximately 72,600 square of land.

O4-144

Thank you,

Michael Tripp
310.305.9537
COUNTY OF LOS ANGELES DEPARTMENT OF BEACHES & HARBORS Caring for Your Coast

From: Charlotte Miyamoto
Sent: Tuesday, July 22, 2014 2:17 PM
To: Michael Tripp
Subject: FW: Area A - FW: description of praking structure

Did you ever prepare the project description that Fish and Wildlife asked for? If you did, please resend. Thanks.

Charlotte Miyamoto
310.305.9512

COUNTY OF LOS ANGELES
DEPARTMENT OF
BEACHES
& HARBORS
Caring for Your Coast

From: Charlotte Miyamoto
Sent: Tuesday, April 29, 2014 12:26 PM
To: Michael Tripp
Subject: Area A - FW: description of praking structure

Would you please have prepared the write-up being requested. Perhaps Barry can help on this? Thanks.

Charlotte Miyamoto
310.305.9512

COUNTY OF LOS ANGELES
DEPARTMENT OF
BEACHES
& HARBORS
Caring for Your Coast

From: Mayfield, Rick@Wildlife [mailto:Rick.Mayfield@wildlife.ca.gov]
Sent: Tuesday, April 29, 2014 12:23 PM
To: Mary Small; Charlotte Miyamoto
Cc: Brody, Richard@Wildlife; Takei, Kevin@Wildlife
Subject: RE: description of praking structure

Mary - Plans are attached. For a project description we need to contact Beaches and Harbors, see below..

Charlotte, can you provide the description Mary is asking for?

Thanks,

Rick

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Tuesday, April 29, 2014 11:53 AM
To: Mayfield, Rick@Wildlife
Cc: Brody, Richard@Wildlife; Takei, Kevin@Wildlife
Subject: description of praking structure

Hi Rick
I am writing up the project description but haven't found anything at all about the proposed parking structure on Area A, can you send me the write up and any plans that have been developed for that?
Mary

~~~~~~~~~~~~~~~~

Mary Small
Deputy Executive Officer, Coastal Conservancy
1330 Broadway #1300 Oakland, CA 94612
510-286-4181

O4-144 cont.
~~~~~~~~~~~~~~~~

Michael Tripp

From: Barry Kurtz
Sent: Wednesday, July 10, 2013 2:00 PM
To: Charlotte Miyamoto
Cc: Michael Tripp
Subject: RE: One extra question regarding the Area A parking lot

Charlotte,

I propose we send Diana the following information regarding the need for the parking structure:

The purpose of the parking structure is provide for the parking demands of the public and County agencies on a smaller footprint than now occupied by the existing surface parking lot. By constructing a parking structure, the 251 parking spaces in the Fisherman's Village Overflow parking lot now in use can be replaced by about 300 spaces in a smaller footprint. As much as possible of the existing asphalt parking will be removed and restored to upland habitat. The parking structure will be used by the public to visit the Ballona Wetland Restoration Area, and to visit Marina del Rey. The parking structure will have an observation deck for visitors to view the wetlands. The parking structure will also be used by the public as overflow parking to supplement the parking demands for County Parking Lot No. 1 at Fisherman's Village. The July 4th holiday and the Marina del Rey Boat Parade are two events that would require use of the parking structure. In addition, the County departments of Beaches and Harbors, Internal Services and Public Works would use the parking structure to a lesser degree.

Barry Kurtz, P.E.
County of L.A. Dept.of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone: (310) 821-0793
email: bkurtz@bh.lacounty.gov

From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Tuesday, July 09, 2013 1:56 PM
To: Rick Mayfield (rmayfield@dfg.ca.gov); Charlotte Miyamoto; Barry Kurtz
Cc: Donna.McCormick@icfi.com
Subject: FW: One extra question regarding the Area A parking lot
Importance: High

Hi Rick, Charlotte, & Barry,

I don't recall getting the couple of paragraphs I asked for on the garages goals/objectives.....Can someone get us this asap? Many thanks....D

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

From: McCormick, Donna [mailto:Donna.McCormick@icfi.com]
Sent: Friday, June 21, 2013 11:34 AM

O4-144 cont.

To: Diana Hurlbert
Subject: One extra question regarding the Area A parking lot

Hi Diana:
I forgot one important questions. Can you ask someone to give me a sentence or paragraph about the goals/objective(s) of the parking structure "project."
Thanks,
Donna

O4-144 cont.

DONNA McCORMICK | Principal | 949.333.6611 (direct) | 949.929.3536 (mobile) | dmccormick@icfi.com | icfi.com
ICF INTERNATIONAL | 1 Ada, Suite 100, Irvine, CA 92618 | 949.333.6601 (fax)

Michael Tripp

From: Charlotte Miyamoto
Sent: Wednesday, October 08, 2014 7:56 PM
To: Michael Tripp; Barry Kurtz
Subject: FW: Ballona B&H Parking Structure

Jeff Thomas is requesting a clean digital copy of the parking structure concept on Area A. I searched my emails but couldn't find what was sent to the EIR team. If either of you have what Jeff is seeking, please email to him. I'm out of the office tomorrow. Thanks much.

Charlotte Miyamoto
310.305.9512
COUNTY OF LOS ANGELES
DEPARTMENT OF
BEACHES
& HARBORS
Caring for Your Coast

From: Jeff Thomas [mailto:jeff.thomas@panoramaenv.com]
Sent: Wednesday, October 08, 2014 2:41 PM
To: Charlotte Miyamoto
Cc: mlau@esassoc.com
Subject: Ballona B&H Parking Structure

Hi Charlotte,

We haven't had an opportunity to meet yet. I'm the project manager hired by CDFW and SCC to oversee the environmental planning and permitting for the Ballona Wetlands Restoration. You may have previously interacted with Diana Hurlbert, my predecessor.

I left a voicemail message for you yesterday, but not sure I had the correct number. ESA is packaging the EIR/EIS project description this week for the project management team review. We have a scanned copy of the plan and cross section of the parking structure design prepared for B&H by Walker Parking Associates; however, the image isn't clean enough to be suitable for a figure in the EIR/EIS. Do you have access to a clean digital copy that ESA can use and source?

Thanks,

Jeff

Jeff Thomas, Senior Manager
Panorama Environmental, Inc.
One Embarcadero Center, Suite 740
San Francisco, CA 94111
o.650.373.1200 • d.650.290.7216 • c.510.646.2145
www.panoramaenv.com
PANORAMA
ENVIRONMENTAL INC.

O4-144 cont.

Michael Tripp

From: Charlotte Miyamoto
Sent: Wednesday, July 03, 2013 4:18 PM
To: Michael Tripp
Subject: FW: Area A Parking Questions
Attachments: Ballona Creek Restoration Area A Bike Path.pdf.html

FYI

Charlotte Miyamoto
(310) 305-9512

From: Barry Kurtz
Sent: Wednesday, July 03, 2013 3:48 PM
To: 'JSVENSSON@dpw.lacounty.gov'
Cc: John Kelly; Charlotte Miyamoto
Subject: FW: Area A Parking Questions

Josh,

In the email below I outlined some issues dealing with the proposed bike path in Area A as part of the Ballona Creek Restoration project. Let me know if you want to set up a meeting with DBH and DPW to go over these issues or just be kept in the loop.

Barry Kurtz, P.E.
County of L.A. Dept.of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone: (310) 821-0793
email: bkurtz@bh.lacounty.gov

From: Barry Kurtz
Sent: Wednesday, July 03, 2013 2:58 PM
To: Charlotte Miyamoto
Cc: John Kelly; Michael Tripp; 'Winter, Bill'; Lehman, Dean (DLEHMAN@dpw.lacounty.gov); 'Abramson, Allan'; 'Quintana, Daniel'
Subject: FW: Area A Parking Questions

Charlotte,

Michael and I met with Diana Hurlberg of the Santa Monica Bay Restoration Commission and Mike Crehan of Psomas to discussed the proposed parking structure and bike path in Area. Diana asked for elevations or views of the parking structure from all directions. Before I ask Dan Johns to provide the additional views, Diana will check to see if there is any other information she needs, so I won't have to ask Dan for more information. She asked that the plans show a restroom in the Bike Station adjacent to the parking structure. She mentioned that at a later time (not by Walker Parking Consultants) the aesthetics of the parking structure will be shown enhanced by landscaping other surface treatments.

O4-144 cont.

The attachment shows the proposed bike path in Area A. They recommend the alignment of the new bike path in Area A adjacent to Lincoln Boulevard be extended to Fiji Way, where the bicyclists would cross to the north side of Fiji Way en route to the Marvin Braude Bike Path at Admiralty Way. I mentioned that bicycle riding on Fiji Way between Lincoln Boulevard and Admiralty Way is not recommended. Fiji Way between Lincoln Boulevard and Admiralty Way has a high volume of traffic with heavy turns into the shopping center and turns onto Admiralty Way and Lincoln Boulevard. These factors and the lack of roadway for bike lanes make bike riding on this segment of Fiji Way very undesirable, especially for inexperienced cyclists. We recommended a bike crossing of Fiji Way at the Admiralty/Fiji traffic signal to connect to the proposed bike path in Area A. They do not favor that location for the connection because it would require construction of a bridge across the creek. Instead, they would like to have a midblock bike crossing of Fiji Way west of the creek, where a bridge is not necessary. I informed them that a second midblock bike crossing of Fiji Way is undesirable, and that it would have to be approved by DPW. As these bike issues need to be resolved, I will set up a meeting with DPW staff of T&L and the Bikeway Section.

Barry Kurtz, P.E.
County of L.A. Dept.of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone: (310) 821-0793
email: bkurtz@bh.lacounty.gov

From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Wednesday, July 03, 2013 10:53 AM
To: Charlotte Miyamoto; McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions

HI All,

I was wondering if you would bring the other elevations to the meeting today. As I mentioned in an e-mail the other day, when I open the pdf there is only the West elevation included. Also , I would appreciate if you could e-mail the rest to us...Thanks!

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

From: Charlotte Miyamoto [mailto:CMiyamoto@bh.lacounty.gov]
Sent: Thursday, June 27, 2013 7:35 PM
To: Diana Hurlbert; McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: rlmayfield@hotmail.com; Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions

Hello all. Attached is the parking structure conceptual sketch with elevations. Also, below are DBH/Barry Kurtz' answers to the questions shown in bold.

Thanks much.

Charlotte Miyamoto
(310) 305-9512

O4-144 cont.

-----Original Message-----
From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Tuesday, June 18, 2013 4:40 PM
To: McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: rlmayfield@hotmail.com; Charlotte Miyamoto; Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions
Importance: High

Hi Donna,

I will take a crack and answering some of your questions below and have Cc'd Rick Mayfield and the County folks so they can help fill in the gaps....D

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

From: McCormick, Donna [Donna.McCormick@icfi.com]
Sent: Tuesday, June 18, 2013 3:42 PM
To: Diana Hurlbert
Subject: Area A Parking Questions

Hi Diana:

Here are the questions I have about the B&H parking project now. If all these could be answered I could complete the project description and probably have everything we need for analysis.

My biggest concern is about the driveway entrance and what the structure would "look like" – elevations would be great. Heights and materials would be the next best thing.

Please address, or pass them along to the party that can. Of course, we need these asap – or absolutely by June 28 if we are to stay on schedule.

1. What will become of the existing parking adjacent to the structure (along the north/south extension of Fiji Way? It is within a dashed red line area on the plans. Will it be demolished and returned to wetlands or will it remain parking? Will the existing driveways remain?

DH - the existing asphalt parking and driveways will be removed and restored to upland habitat.

2. I am wondering about the new driveway location. It is "mid-block" allowing direct entry/exit only for the northbound lanes of Fiji Way. Others will have to U-turn to enter the driveway. Is this what is intended? Or will there be a new cut through the median on Fiji Way? Or would it be better to include a driveway all the way to the existing northern driveway into the parking lot (aligning with Fisherman's Village exit). This would result in less traffic impacts.

DH - County to answer

O4-144 cont.

BK - The driveway for the parking structure is intended to have right-turn in, right-turn out access only, with no median opening for the driveway. Westbound motorists on Fiji Way en route to the parking structure will drive to the end of Fiji Way and turn around. This is not considered to be an inconvenience to motorists. We explored the possibility of having a driveway aligning with Fisherman's Village exit, and found that incorporating a left-turn pocket at that location involves extensive utility relocations. It would require at a minimum, lowering the Edison vault, relocating the Edison vent cans to the back of sidewalk, relocating the cathodic protection system and power source to the back of sidewalk, and relocating the street light to back of sidewalk on the water side and back of curb on the Ballona Wetlands side. Also, constructing the entrance at the easterly location allows us to return more of the existing parking lot for the wetland project. Considering these factors, we recommend the driveway as shown on the plans.

3. How much parking would be available to the public? How much would be reserved for B&H, Sheriff, CDFW?

DH - County to answer but I don't think the Sheriff's parking needs are included in this garage

DBH - All spaces would be available to the public except Beaches and Harbors would need about 20 spaces to park County vehicles.

4. What amenities are proposed at eh bicycle station?

DH - I think it would be nice to have this as part an extension of the bicycle amenities proposed on Area C by the AF team, such as air and lock-ups. I am hoping that AF/DFW will look into having a bike share program for the Reserve where people could check a bike out from this and Area C and leave them in either area. Maybe it is something that BH would be interested in doing too and link it to the rest of the Marina

BK – The bike station would be strategically located at a location served by a Culver City Bus Line, the Marvin Braude Bicycle Trail, the most heavily used bicycle path in Los Angeles County, and Fisherman's Village, a major attraction in the region. It is close to other bus lines including Metro buses and Santa Monica's Big Blue Bus along Admiralty Way and Lincoln Boulevard.

5. Is this going to be a paid parking lot? If so, what collection system would be used? If not, how will you keep people headed for Fisherman's Village parking there for free?

DH - DFW/County to answer....I don't know if they want to charge for people to visit the Reserve

DBH – It will be a paid parking structure using pay stations. Parking rates will be consistent with the rates for public parking throughout the Marina.

6. What are the proposed hours of operation? How will it be secured?

DH - DFW/County

DBH – The parking structure will likely have opening and closing times, but they are yet undetermined It will be secured with a gate arm.

7. Who will operate & maintain the facility?

DH - DFW/County

BK - DBH will operate and maintain the facility.

8. Will we get elevations? Will we get heights?

O4-144 cont.

DH – County

DBH – A sketch of the parking structure with elevations and heights is attached.

9. What materials will be used? (Assuming concrete, but any special aesthetic treatment?)

DH – County

DBH – The building will be constructed of concrete. The design, materials, colors, signage, lighting and landscaping for the parking structure will need to be approved by the Marina del Rey Design Control Board.

10. Currently there occasionally are trailers and boats parked on the site. Will there be any accommodations for oversized vehicles, etc.

DH - DFW/County

DBH – We don't expect to accommodate boats or oversized vehicles. However, the facility would accommodate 8'2" vehicles for ADA vans. The trailers currently on the lot belong to CDFW.

11. Will the existing mobile home/office be moves or incorporated into the property somewhere?

DH - DFW/County

DBH - The trailers belong to CDFW.

12. What access will there be between the parking facility and the wetlands? Pedestrian? Bicycle? How will it connect with the trail system?

DH - This is going to be part of the Recreation/Access MP that Melendrez is working on....there would be bike and ped connection to the bike/ped levee trail we are proposing that goes along the perimeter of the restored wetlands in Area A

BK – There would also be a bike connection between the bike lanes along Fiji Way and the parking facility, bicycle station and bike/ped levee trail.

13. Will there be lighting? If so, what kind? If so, when will it operate (i.e., will there be lights on the roof 24/7)? Currently there is no lighting so this will be an important issue.

DH - DFW/County - There might already be safety lighting on the trailer but I don't know...the nearest lighting is maybe street lighting for Fiji or at Fisherman's Village

BK – The parking structure will have energy efficient LED or florescent lighting operating 24/7 on all levels. The lighting will be dark-sky compatible.

14. Will there be any amenities on the observation deck? (Signage, mapping, scopes?) If so, will this be coordinated with the Annenberg's visitor amenities?

DH - Yes, I would think so to both questions.....DFW/County to elaborate

BK – There will be an information kiosk with signage, maps and telescopes.

O4-144 cont.

15. Will there be removal of any existing landscaping? It seems like the lawn and tree area right at the turn of Fiji Way is not part of the "project" but that the new driveway would remove some street trees. (See my concerns about the new driveway in #2, above.)

DH - I would think that most of what is there is non-native and on Reserve property and that it along with other existing non-native plant material in Area A would be removed during restoration

BK – In addition, the existing landscaping in the vicinity of the driveway of the parking structure would be removed to provide adequate visibility for motorists exiting the driveway.

16. Would there be any additional landscaping? If so, what would be planted? Would it be irrigated (permanently or temporarily)?

DH - I would think that additional landscaping would be limited to the creation of restored uplands and transition habitats adjacent to the garage as part of the overall restoration....

BK – In addition, the existing landscaping in the vicinity of the driveway of the parking structure would be removed to provide adequate visibility for motorists exiting the driveway.

17. Besides electrical (to power elevator and for lighting), would there be any other utilities extended to the site (water)?

DH – County

DBH – Besides electrical power, there would be water supply and sewer lines to maintain the parking area.

18. Would the site drain into the existing storm drains? Would there be any special collection/traps, etc., to address runoff from parking areas, trash screens, etc. Very importantly, would the site be isolated from the wetlands with no draining from parking area/driveways into the wetlands.

DH - DFW/County ....but I would assume "yes"

DBH – Yes, the site would drain into existing storm drains in conformance with County Department of Public Works standards. We would be looking to include all appropriate BMPs.

19. Would the "project" include demolition of the parking at the south end of Fiji?

DH - DFW/County - Do you mean the lot used by the Sheriff....If so I don't think they are going away at this point....I would have a hard time believing they would want to park their vehicles along with the public but who knows....

BK – Department of Fish and Wildlife to address this.

20. Who would build the structure? Timing of the building, would it be done early in the restoration or even before? Who would reclaim the areas that would no longer be needed?

DH - DFW/County.....I would think the parking areas to be restored would be demo'd as part of the restoration of Area A....can't speak to the timing of the garage being built....

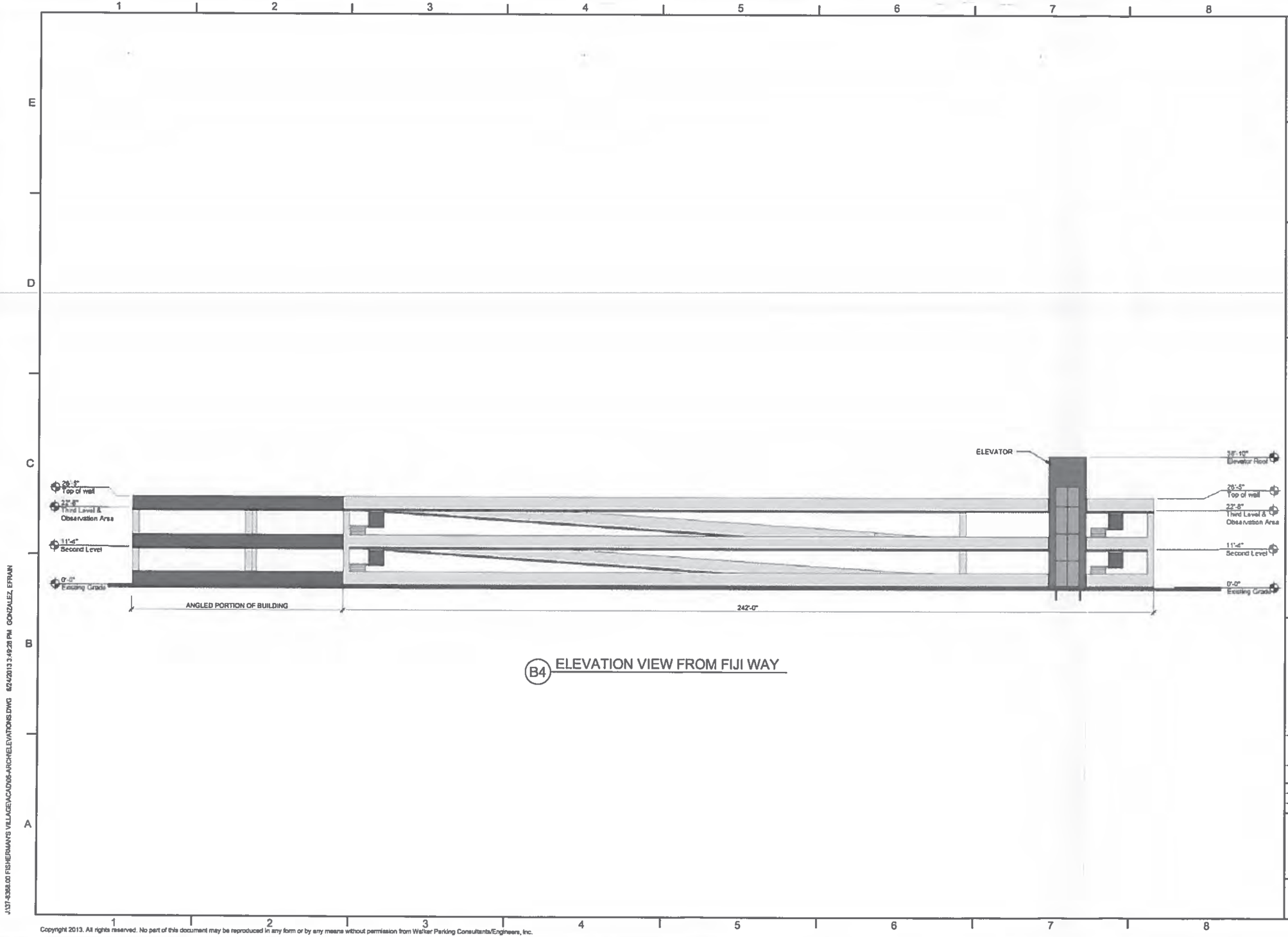
DBH – The County would build the structure within a timeframe that compliments the overall construction schedule for the larger Ballona Wetlands project.

O4-144 cont.

Donna

DONNA McCORMICK | Principal | 949.333.6611 (direct) | 949.929.3536 (mobile) | dmccormick@icfi.com<http://kiosk.jsanet.com/signature/> | icfi.com<http://www.icfi.com/> ICF INTERNATIONAL | 1 Ada, Suite 100, Irvine, CA 92618 | 949.333.6601 (fax) P Please consider the environment before printing this e-mail.

O4-144 cont.



B4 ELEVATION VIEW FROM FIJI WAY

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Suite 1100
Los Angeles, CA 90014
213.488.4488 Tel
213.488.4883 Fax
www.walkerparking.com
Walker Parking Consultants/Engineers, Inc.
Firm Certificate of Authority Number: XXXXXX
Printed Name & Discipline
EOR / AOR License Number: xxxxx

OWNER'S AND/OR BLDG'S LOGO

FISHERMAN'S VILLAGE
PARKING STRUCTURE
MARINA DEL REY
CALIFORNIA

MARK	DATE	DESCRIPTION
ISSUE:		

PROJECT NO: 37-8368.00
DRAWN BY: EG
CHECKED BY: DRJ
SHEET TITLE:
WEST ELEVATION

A202

J:\37-8368.00 FISHERMAN'S VILLAGE\ACAD\05-ARCH\ELEVATIONS.DWG 6/24/2013 3:49:28 PM GONZALEZ, EFRAIN

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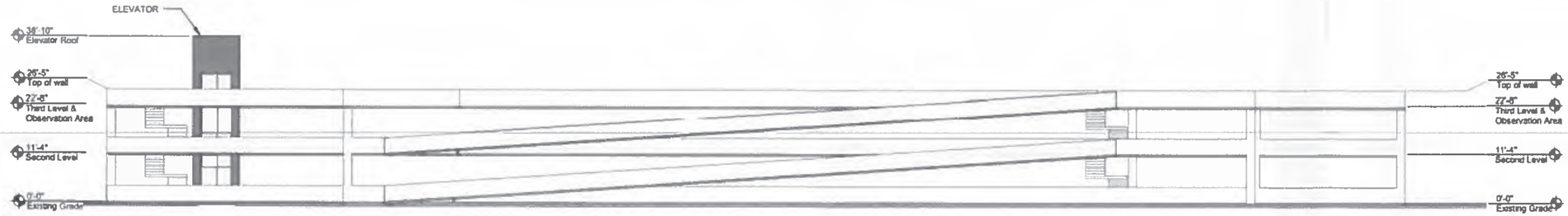
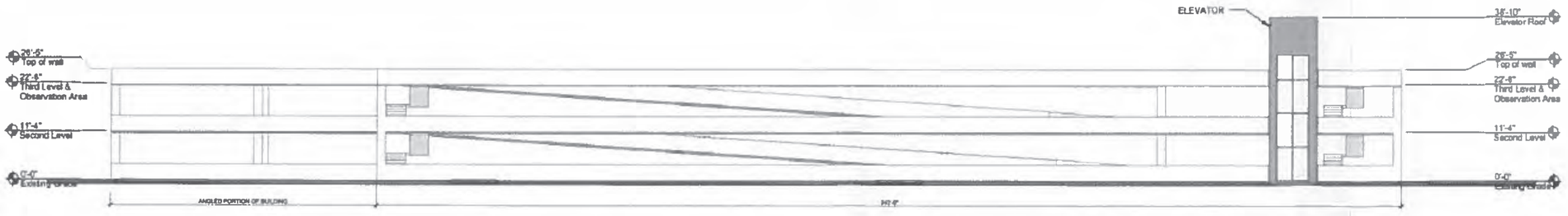


C4 EAST ELEVATION



A4 ELEVATION VIEW FROM FIJI WAY

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213.488.4983 Fax
www.walkerparking.com

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ECM / AGR License Number: xxxxx

OWNER'S AND/OR SUB'S LOGO

FISHERMAN'S VILLAGE
PARKING STRUCTURE
MARINA DEL REY
CALIFORNIA

MARK	DATE	DESCRIPTION
ISSUE:		

PROJECT NO: 37-8368.00
DRAWN BY: EG
CHECKED BY: DRJ

SHEET TITLE:
BUILDING ELEVATIONS

A202

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O4-145
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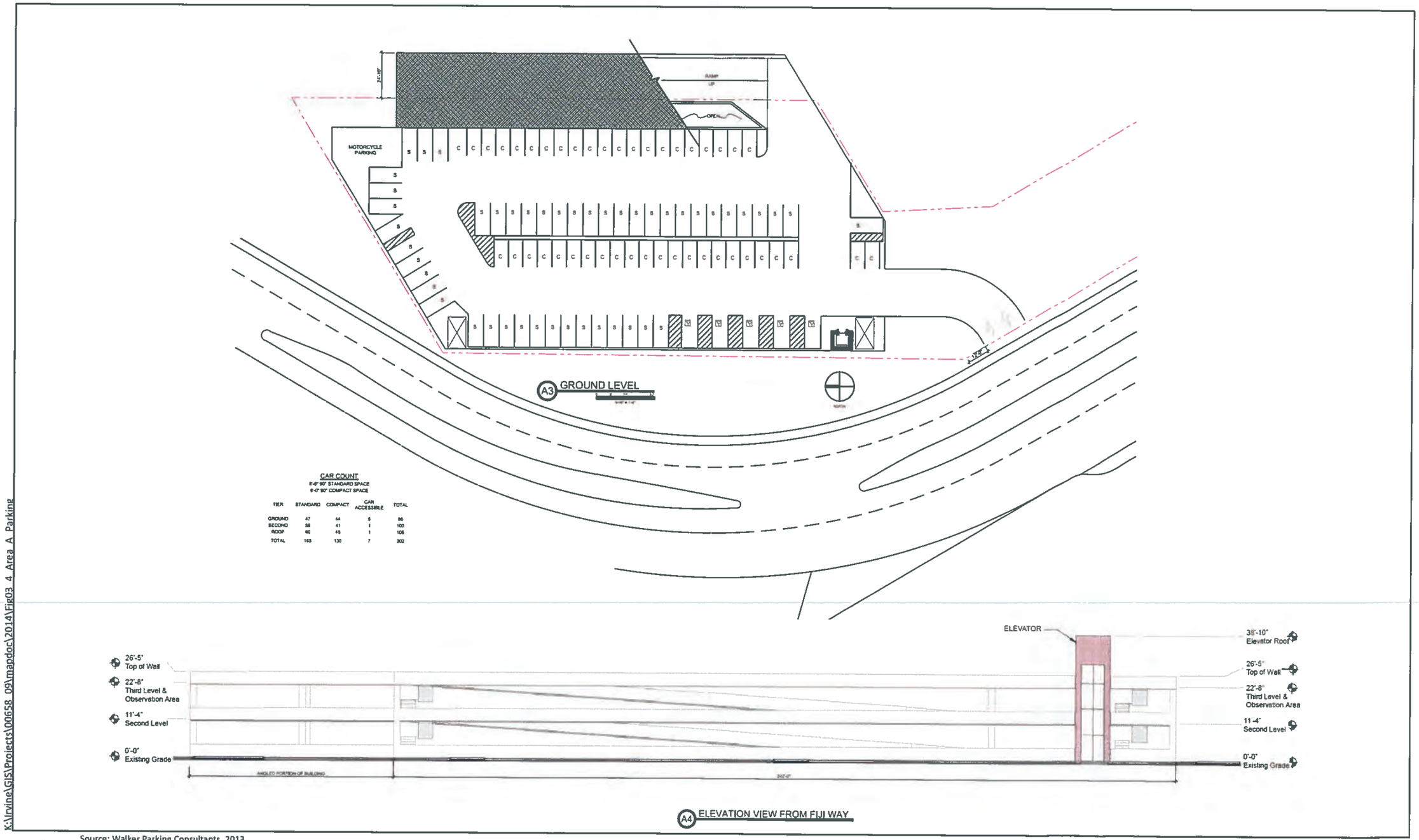


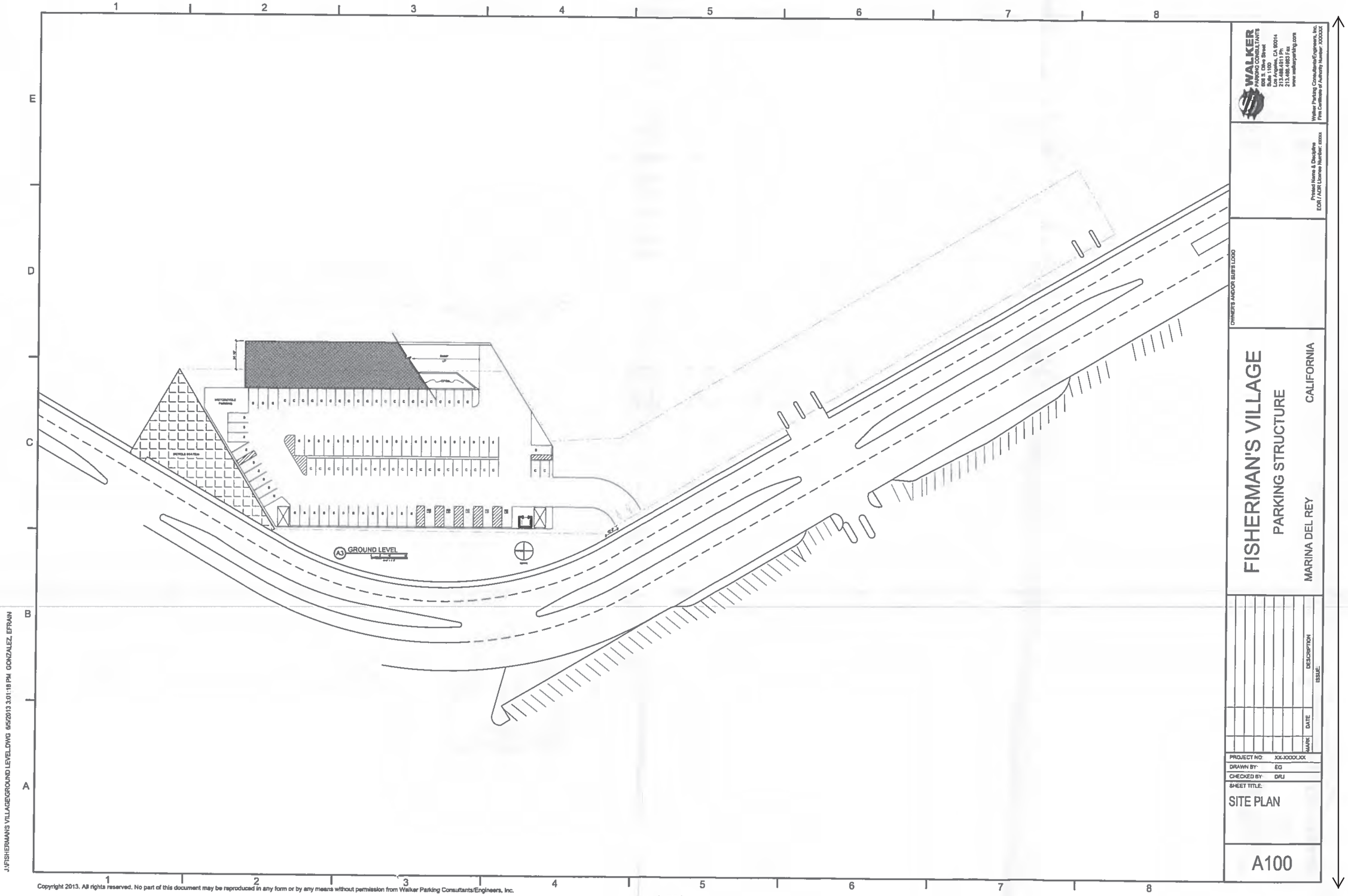
K:\Irvine\GIS\Projects\00658_09\mapdoc\2014\Fig03_4_Area_A_Parking

Source: Walker Parking Consultants, 2013

Ballona Wetlands Restoration Project EIR/EIS

Figure 3-4
Area A Parking

O4-145



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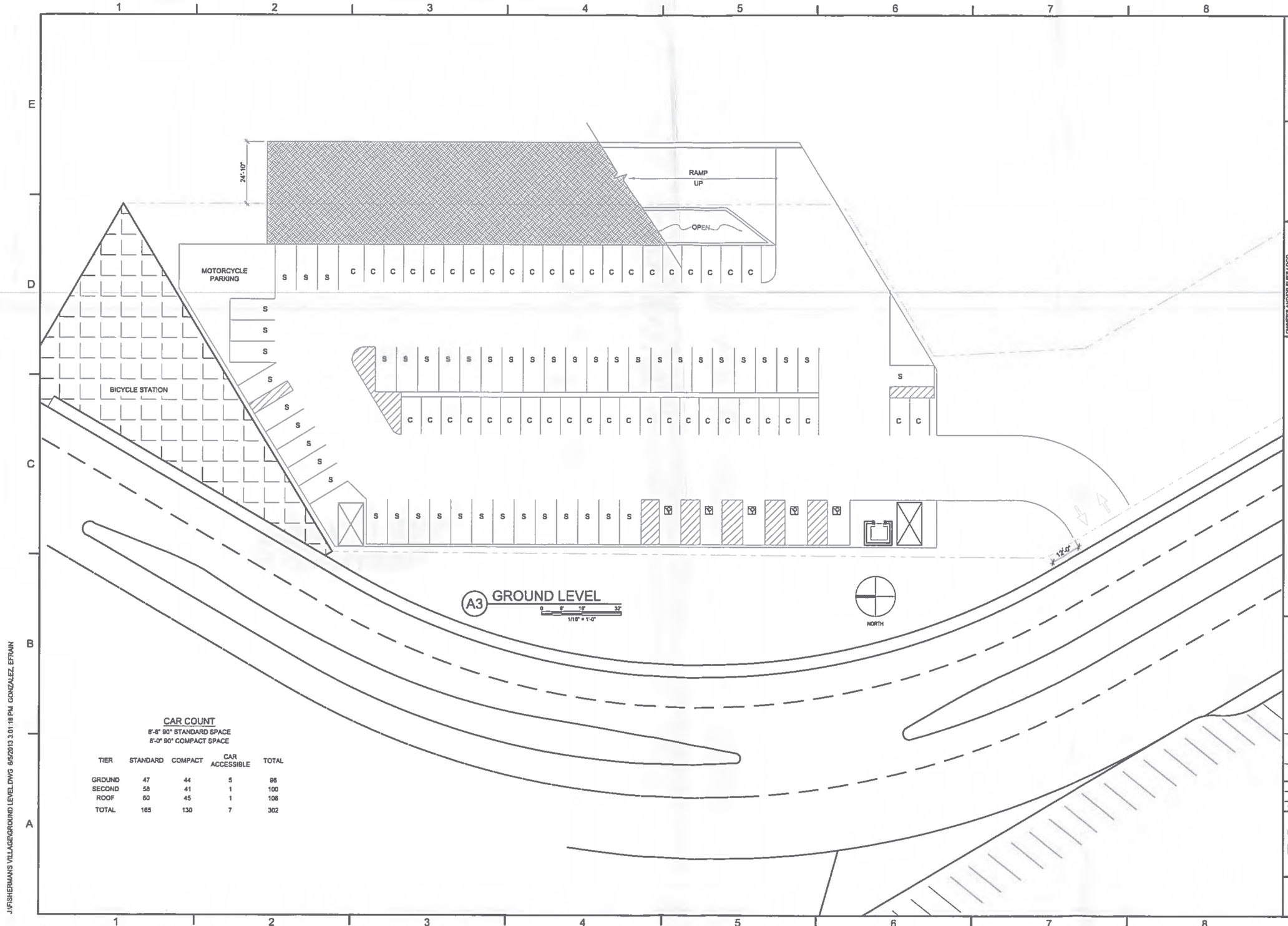

CAR COUNT

8'-6" 90° STANDARD SPACE
8'-0" 90° COMPACT SPACE

TIER	STANDARD	COMPACT	CAR ACCESSIBLE	TOTAL
GROUND	47	44	5	96
SECOND	58	41	1	100
ROOF	60	45	1	106
TOTAL	165	130	7	302

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MARINA DEL REY
CALIFORNIA

MARK	DATE	DESCRIPTION
ISSUE:		

PROJECT NO: XX-XXXX.XX
DRAWN BY: EG
CHECKED BY: DRJ
SHEET TITLE:
GROUND LEVEL

A101

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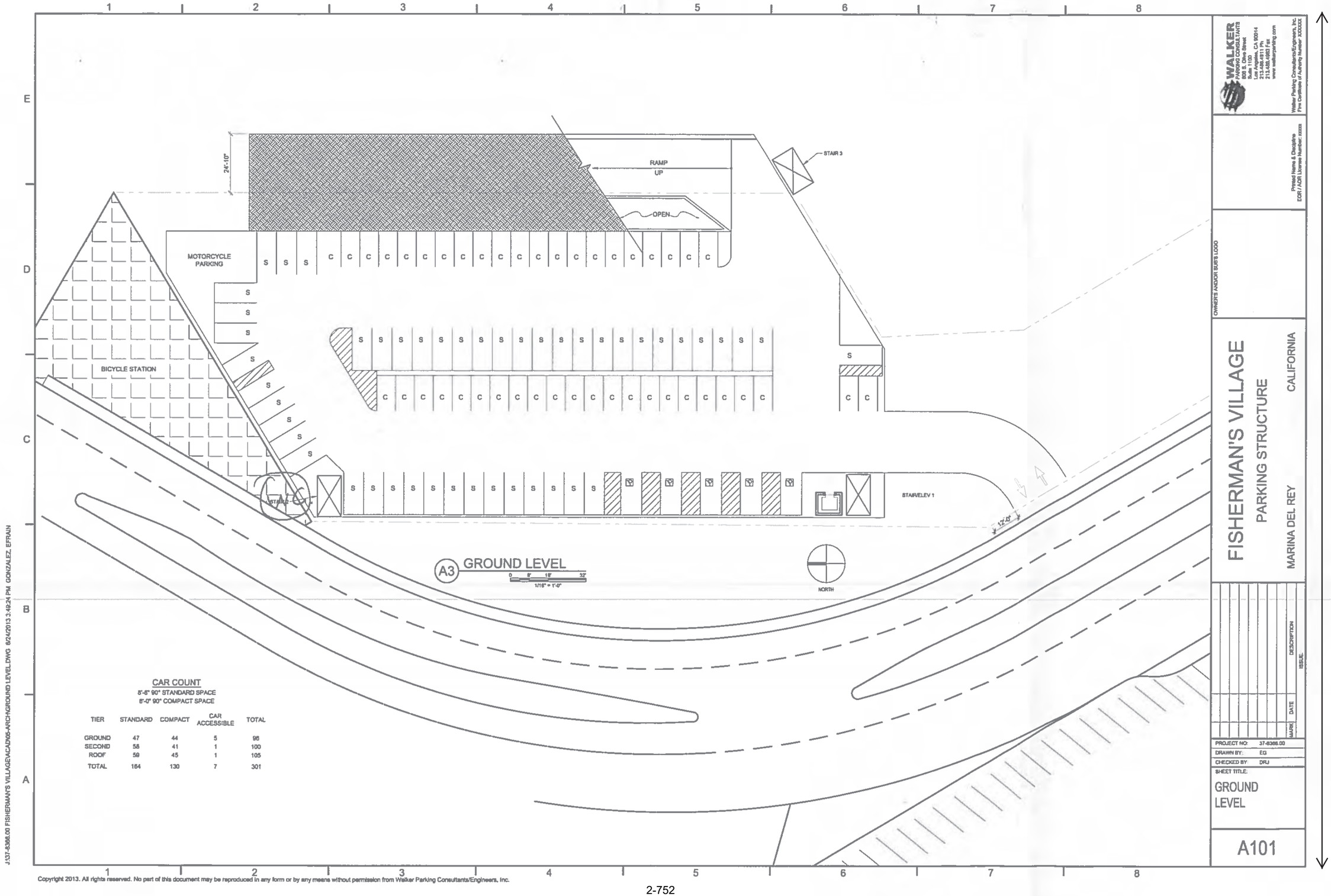

CAR COUNT
8'-6" 90° STANDARD SPACE
8'-0" 90° COMPACT SPACE

TIER	STANDARD	COMPACT	CAR ACCESSIBLE	TOTAL
GROUND	47	44	5	96
SECOND	58	41	1	100
ROOF	59	45	1	105
TOTAL	164	130	7	301

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PARKING STRUCTURE
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CALIFORNIA

MARK	DATE	DESCRIPTION
ISSUE:		

PROJECT NO: 37-8366.00
DRAWN BY: EG
CHECKED BY: DRJ
SHEET TITLE:
GROUND LEVEL

A101

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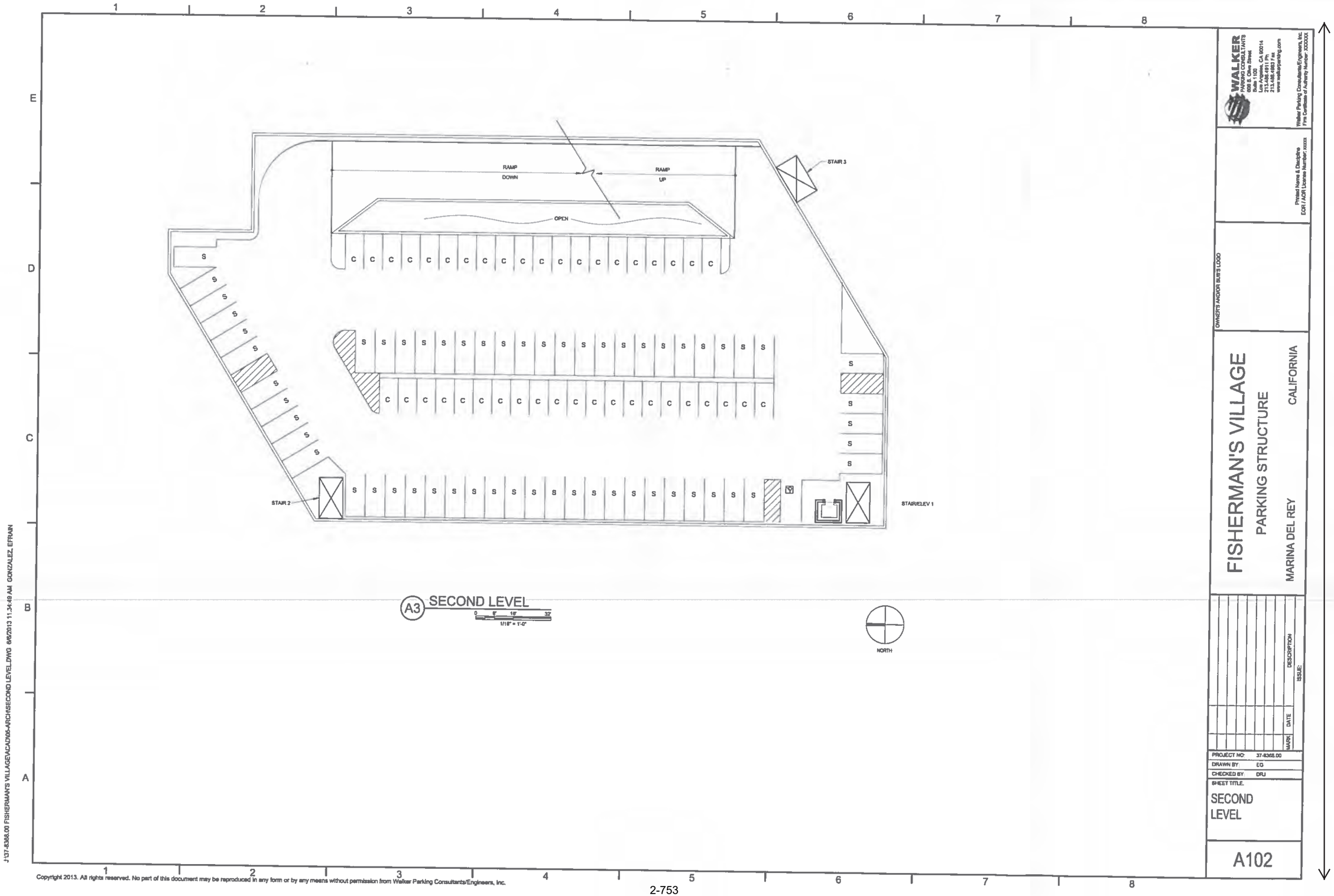

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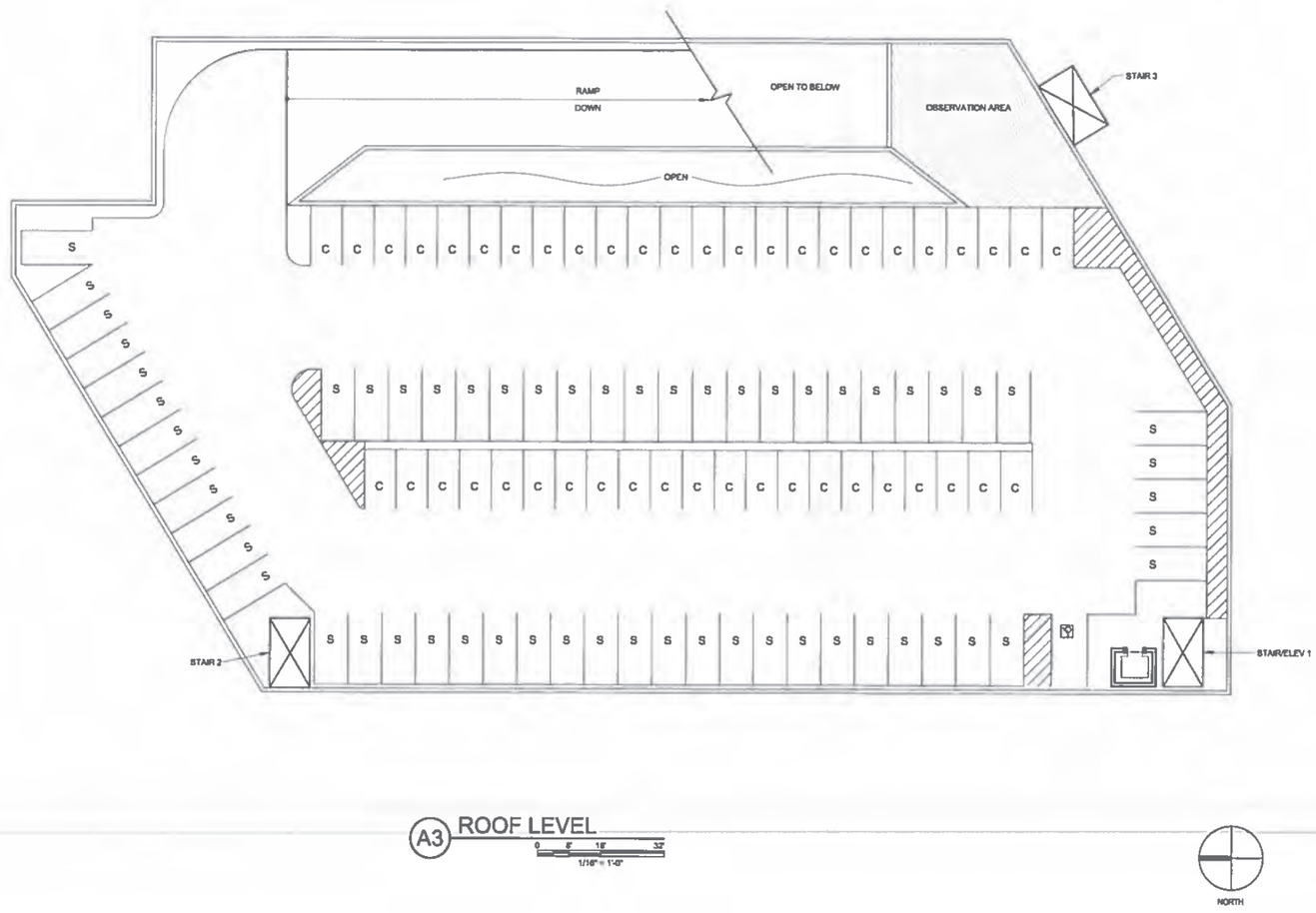

A3 ROOF LEVEL
0 8' 16' 32'
1/16" = 1'-0"

NORTH

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CALIFORNIA

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ISSUE:		

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ROOF LEVEL

A103

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O4-145
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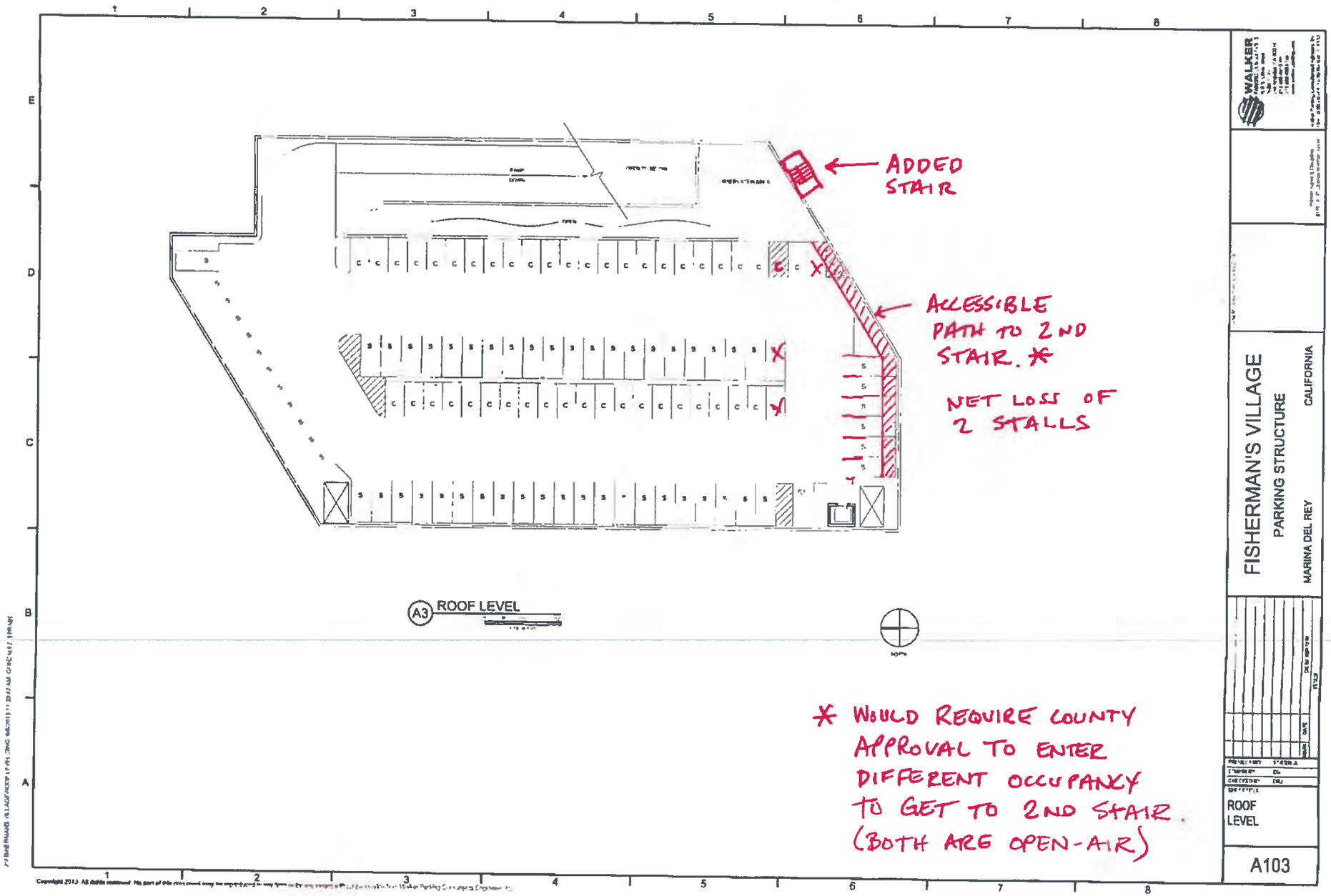
ADDED STAIR
ACCESSIBLE PATH TO 2ND STAIR. *
NET LOSS OF 2 STALLS
A3 ROOF LEVEL
* WOULD REQUIRE COUNTY APPROVAL TO ENTER DIFFERENT OCCUPANCY TO GET TO 2ND STAIR. (BOTH ARE OPEN-AIR)
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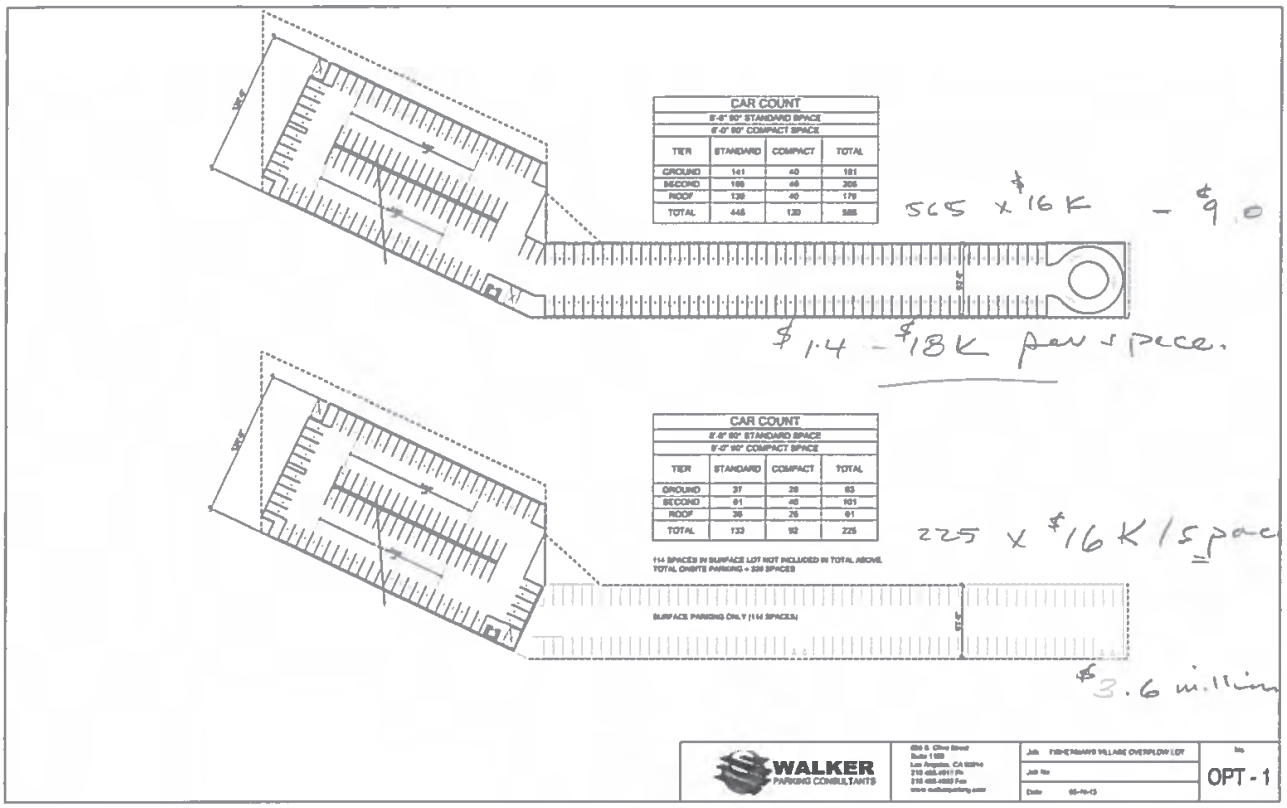
PARKING STRUCTURE
MARINA DEL REY
CALIFORNIA
ROOF LEVEL
A103

O4-145
cont.



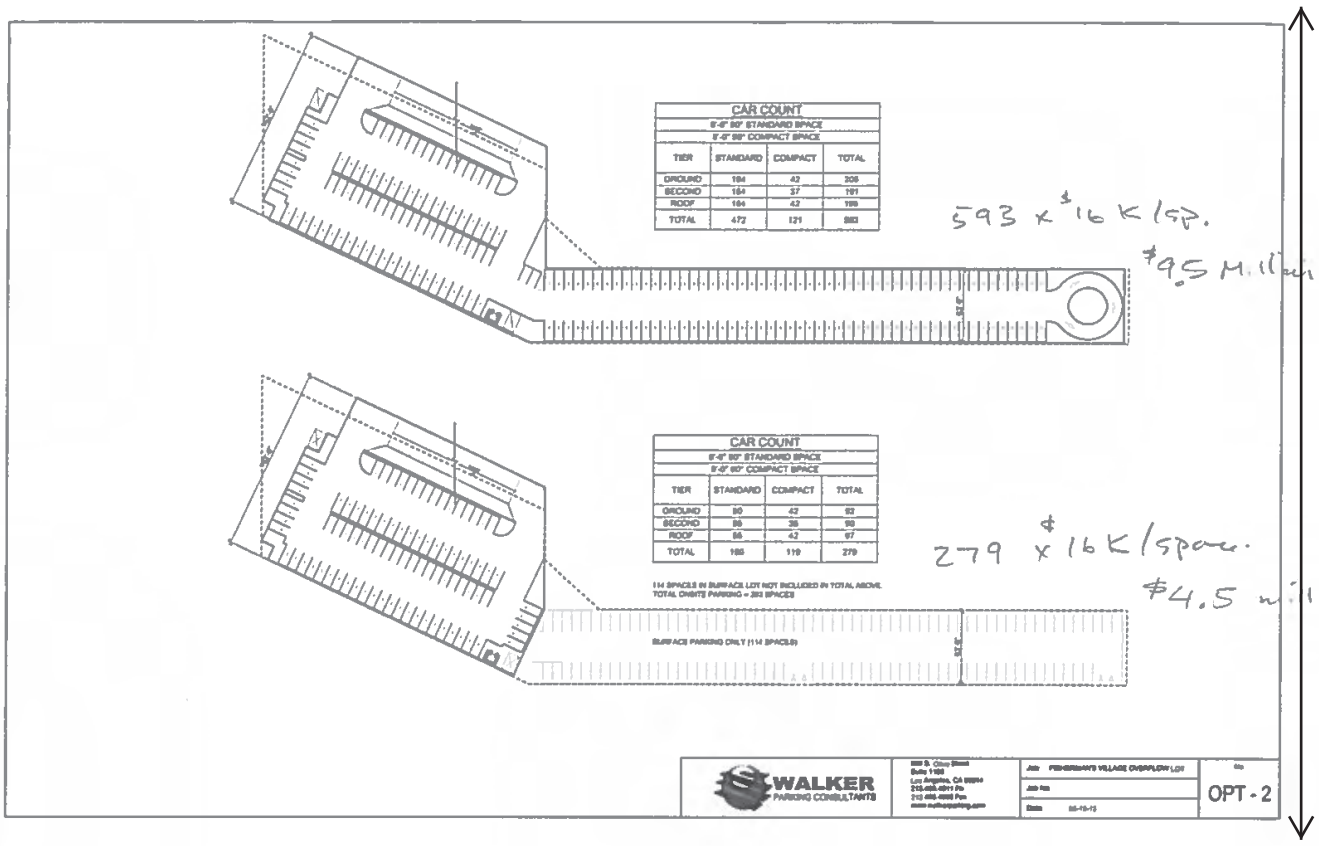
142
128
14

320 ft/space.

Cells

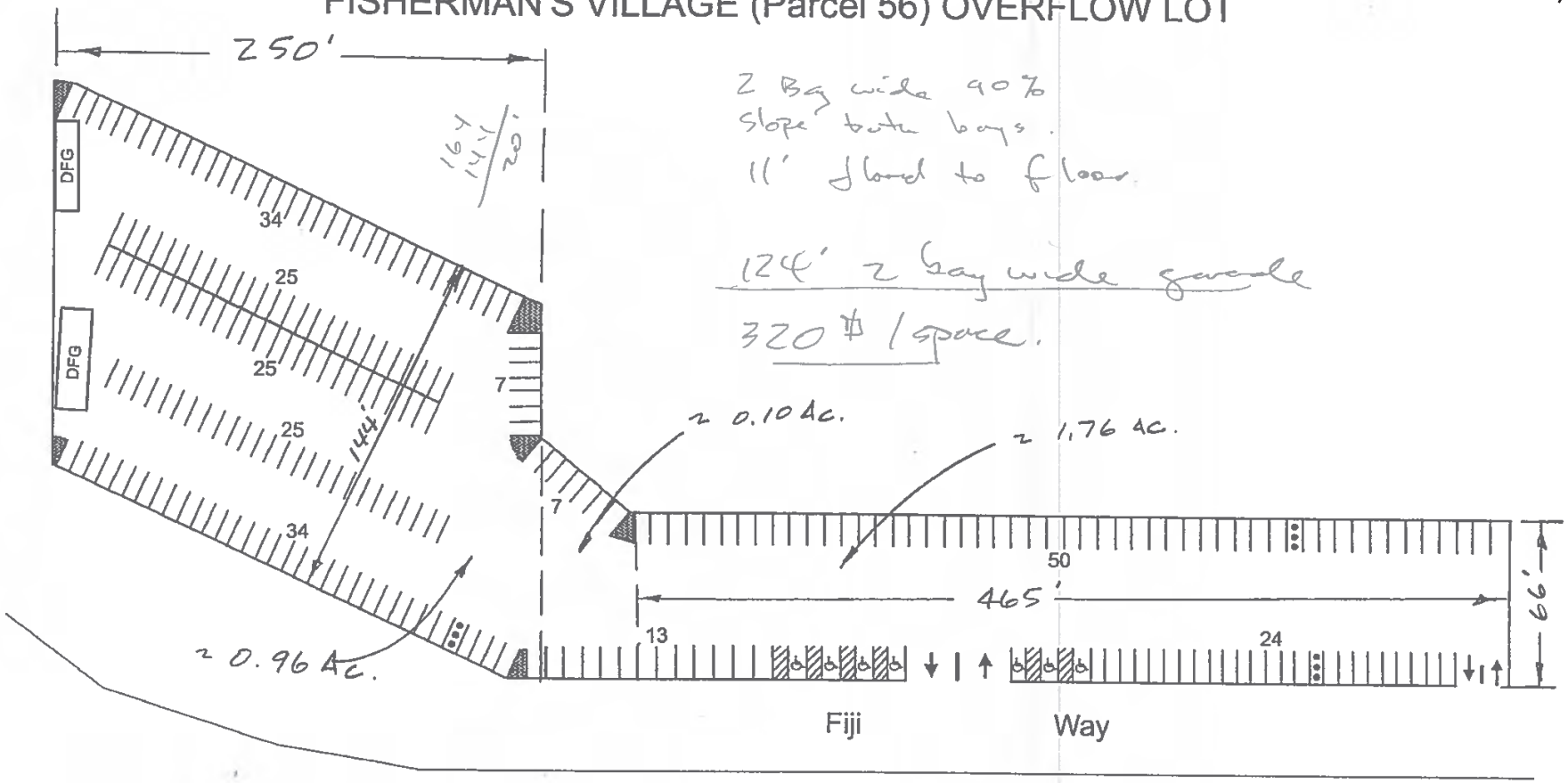
CM (310) 420 6137
MT 310 977 2289

ISD
Auto Park # 29
Elev from street + from wetlands
11.5 stories 2 stories
Basic Elevation,


CAR COUNT
8'-6" 90° STANDARD SPACE
8'-0" 90° COMPACT SPACE
TIER | STANDARD | COMPACT | TOTAL
GROUND | 184 | 42 | 226
SECOND | 184 | 37 | 221
ROOF | 104 | 42 | 189
TOTAL | 472 | 121 | 593
593 x $16 K/sp.
$9.5 Million
CAR COUNT
8'-6" 90° STANDARD SPACE
8'-0" 90° COMPACT SPACE
TIER | STANDARD | COMPACT | TOTAL
GROUND | 80 | 42 | 92
SECOND | 80 | 38 | 90
ROOF | 86 | 42 | 97
TOTAL | 166 | 119 | 279
114 SPACES IN SURFACE LOT NOT INCLUDED IN TOTAL ABOVE.
TOTAL DHHTS PARKING = 393 SPACES
279 x $16K/space.
$4.5 million
SURFACE PARKING ONLY (114 SPACES)
WALKER
PARKING CONSULTANTS
OPT - 2

-145
nt.

FISHERMAN'S VILLAGE (Parcel 56) OVERFLOW LOT



Map not to scale.

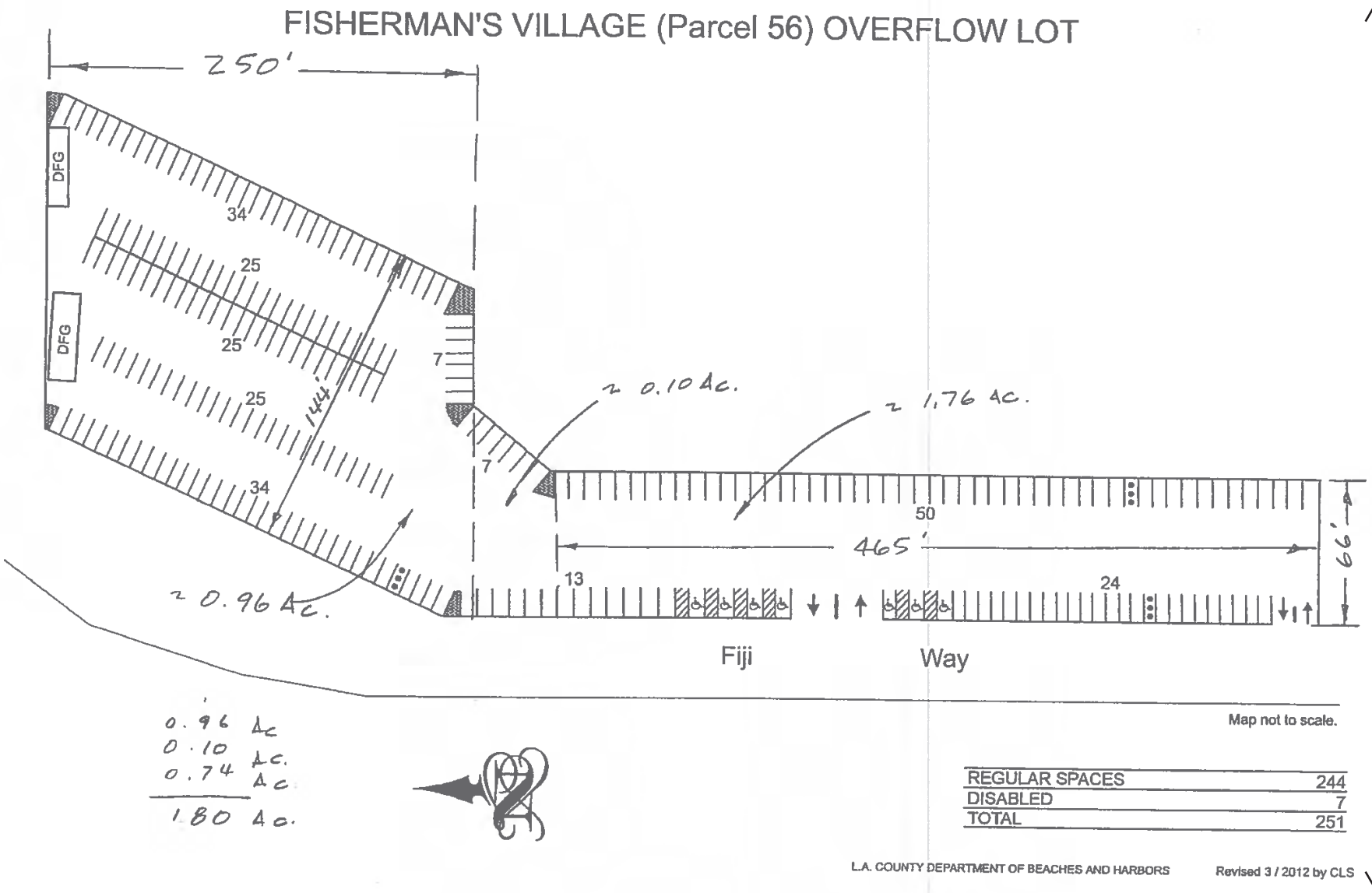
0.96 Ac
0.10 Ac.
0.74 Ac.
1.80 Ac.

REGULAR SPACES	244
DISABLED	7
TOTAL	251

L.A. COUNTY DEPARTMENT OF BEACHES AND HARBORS

Revised 3 / 2012 by CLS

4-145
nt.


FISHERMAN'S VILLAGE (Parcel 56) OVERFLOW LOT
250'
DFG
DFG
34
25
25
25
34
144'
7
7
≈ 0.10 Ac.
≈ 1.76 Ac.
≈ 0.96 Ac.
50
465'
99'
13
24
Fiji
Way
0.96 Ac
0.10 Ac.
0.74 Ac
1.80 Ac.
Map not to scale.
REGULAR SPACES 244
DISABLED 7
TOTAL 251
L.A. COUNTY DEPARTMENT OF BEACHES AND HARBORS
Revised 3 / 2012 by CLS

4-145
ont.

Costly idea not vetted.

Unfunded Capital Projects List

Public Restroom outside Sheriff Label it

Bike Racks All around

+ E.V.

24'-10"

RAMP UP

OPEN

STAIR 3

MOTORCYCLE PARKING

BICYCLE STATION

STAIR 2

STAIR/ELEV 1

12'-0"

A3 GROUND LEVEL

1/16" = 1'-0"

NORTH

S

C

CAR COUNT

8'-6" 90° STANDARD SPACE
8'-0" 90° COMPACT SPACE

TIER	STANDARD	COMPACT	CAR ACCESSIBLE	TOTAL
GROUND	47	44	5	96
SECOND	58	41	1	100
ROOF	59	45	1	105
TOTAL	164	130	7	301

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OWNER'S AND/OR SUB'S LOGO

FISHERMAN'S VILLAGE
PARKING STRUCTURE
MARINA DEL REY CALIFORNIA

MARK	DATE	DESCRIPTION
ISSUE:		

PROJECT NO: 37-8368.00
DRAWN BY: EG
CHECKED BY: DRJ

SHEET TITLE:
GROUND LEVEL

A101

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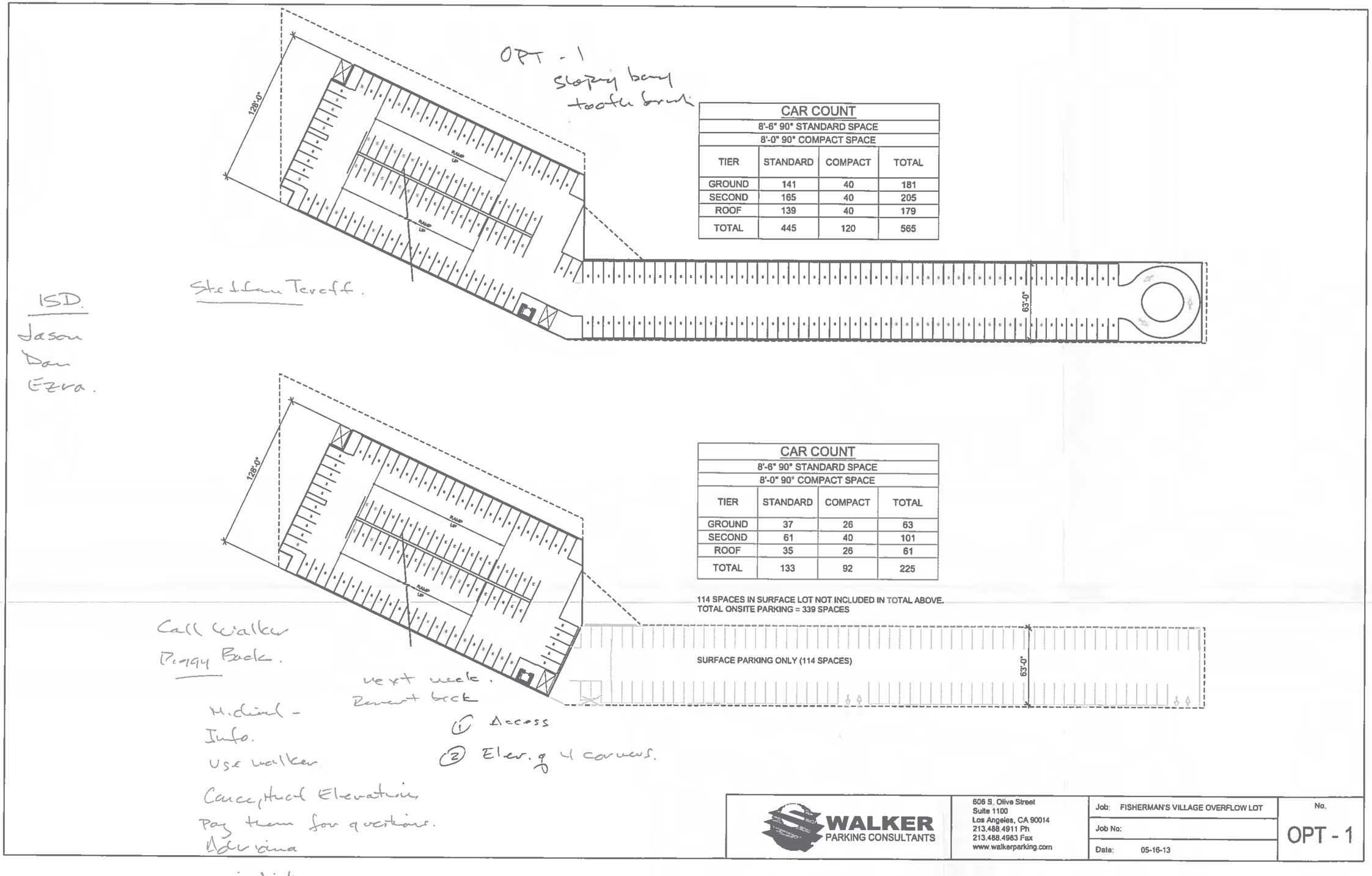
June 20, 2013

O4-145 cont.



CAR COUNT			
8'-6" 90° STANDARD SPACE			
8'-0" 90° COMPACT SPACE			
TIER	STANDARD	COMPACT	TOTAL
GROUND	141	40	181
SECOND	165	40	205
ROOF	139	40	179
TOTAL	445	120	565

CAR COUNT			
8'-6" 90° STANDARD SPACE			
8'-0" 90° COMPACT SPACE			
TIER	STANDARD	COMPACT	TOTAL
GROUND	37	26	63
SECOND	61	40	101
ROOF	35	26	61
TOTAL	133	92	225

114 SPACES IN SURFACE LOT NOT INCLUDED IN TOTAL ABOVE.
TOTAL ONSITE PARKING = 339 SPACES

WALKER PARKING CONSULTANTS

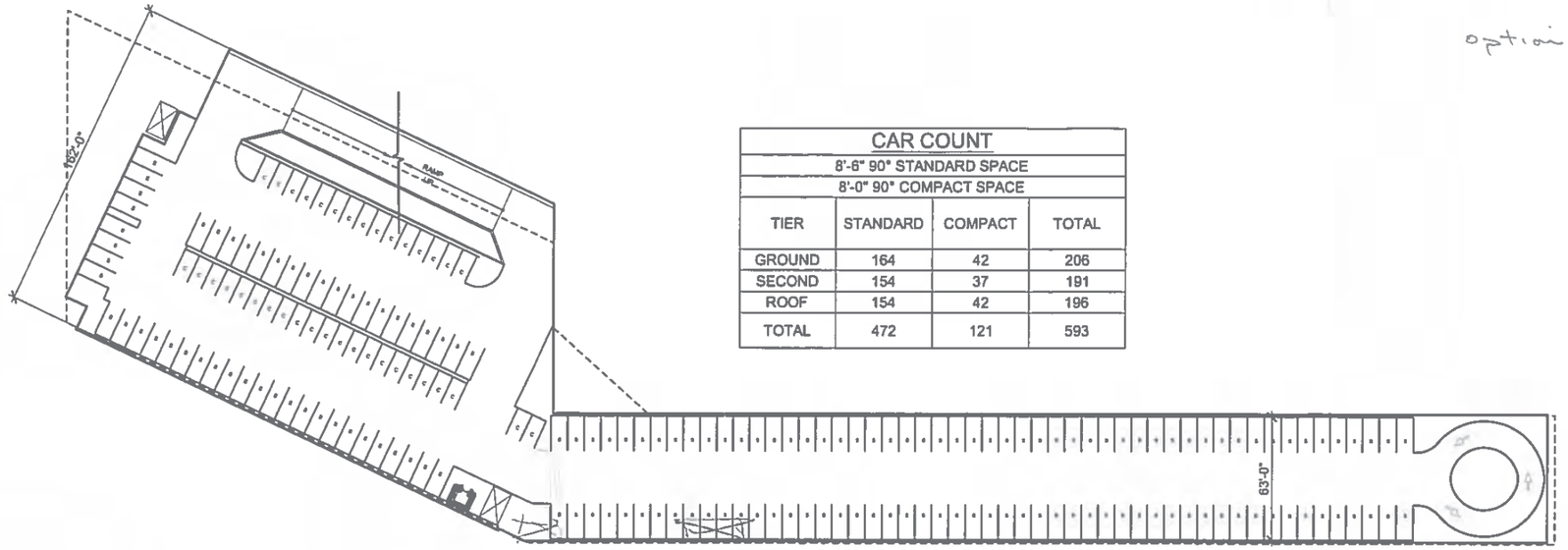
606 S. Olive Street
Suite 1100
Los Angeles, CA 90014
213.488.4911 Ph
213.488.4983 Fax
www.walkerparking.com

Job: FISHERMAN'S VILLAGE OVERFLOW LOT
Job No:
Date: 05-16-13

No. OPT - 1

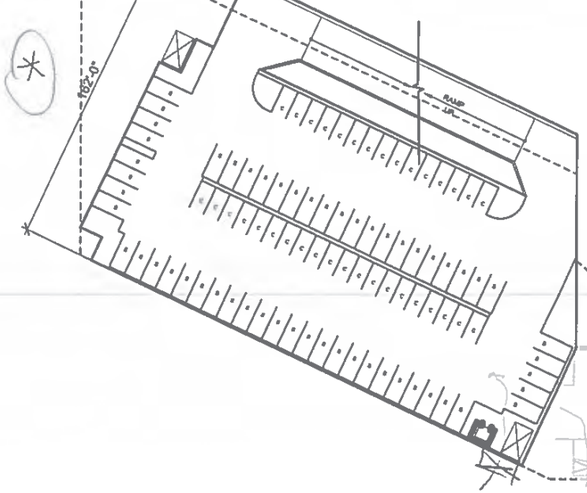
O4-145 cont.

option 1 sloping bays



CAR COUNT			
8'-6" 90° STANDARD SPACE			
8'-0" 90° COMPACT SPACE			
TIER	STANDARD	COMPACT	TOTAL
GROUND	164	42	206
SECOND	154	37	191
ROOF	154	42	196
TOTAL	472	121	593

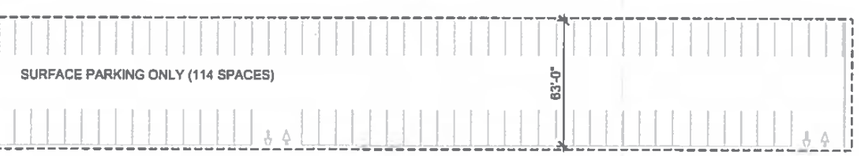
1SD
Jason
Dan
23,000



CAR COUNT			
8'-6" 90° STANDARD SPACE			
8'-0" 90° COMPACT SPACE			
TIER	STANDARD	COMPACT	TOTAL
GROUND	50	42	92
SECOND	55	35	90
ROOF	55	42	97
TOTAL	160	119	279

needs to reflect ADA

114 SPACES IN SURFACE LOT NOT INCLUDED IN TOTAL ABOVE.
TOTAL ONSITE PARKING = 393 SPACES



WALKER PARKING CONSULTANTS

606 S. Olive Street
Suite 1100
Los Angeles, CA 90014
213.488.4911 Ph
213.488.4983 Fax
www.walkerparking.com

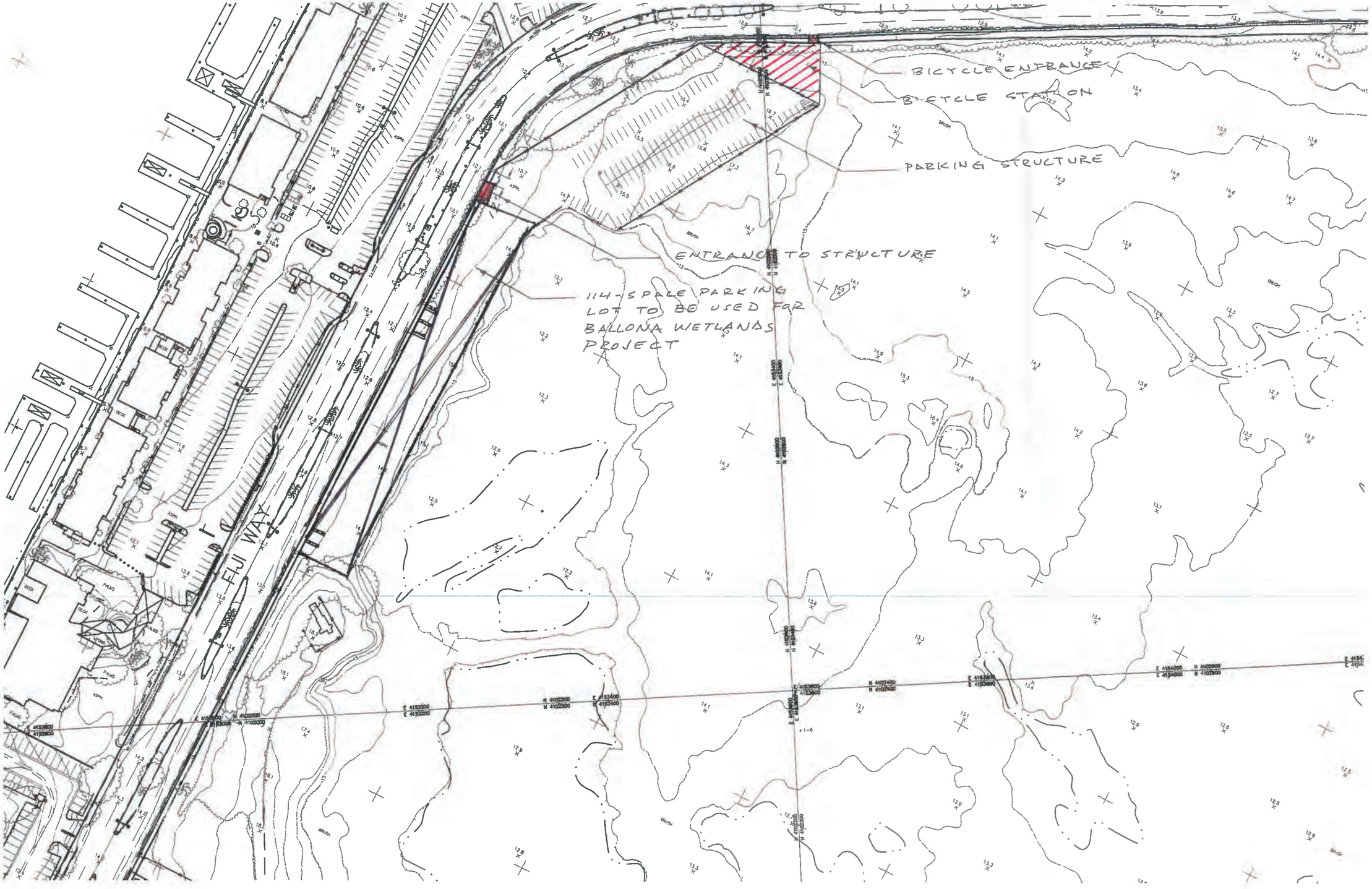
Job: FISHERMAN'S VILLAGE OVERFLOW LOT

Job No:

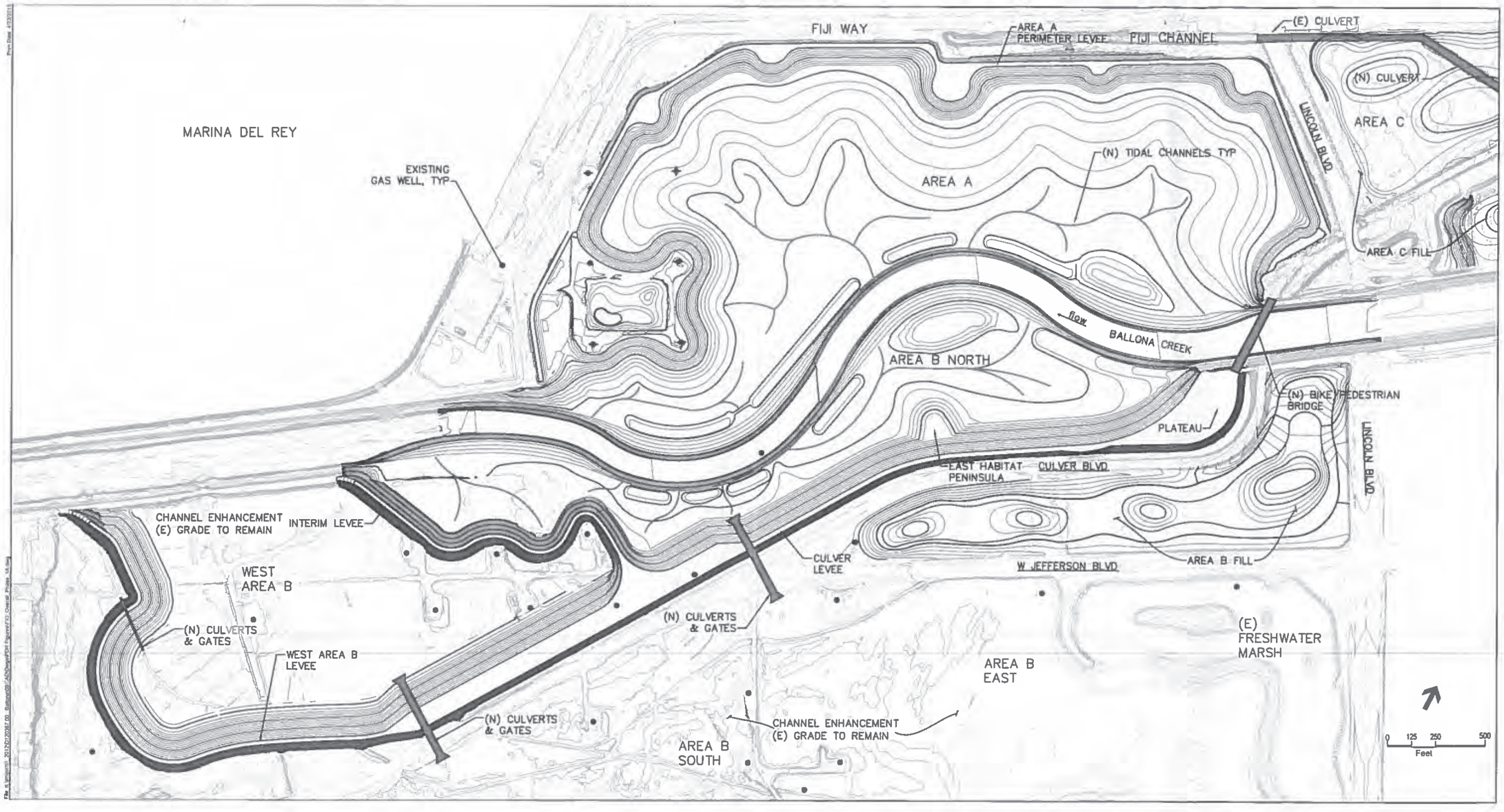
Date: 05-15-13

No. OPT - 2

O4-145 cont.


BICYCLE ENTRANCE
BICYCLE STATION
PARKING STRUCTURE
ENTRANCE TO STRUCTURE
114-SPACE PARKING LOT TO BE USED FOR BALLONA WETLANDS PROJECT
FIJI WAY

O4-145 cont.



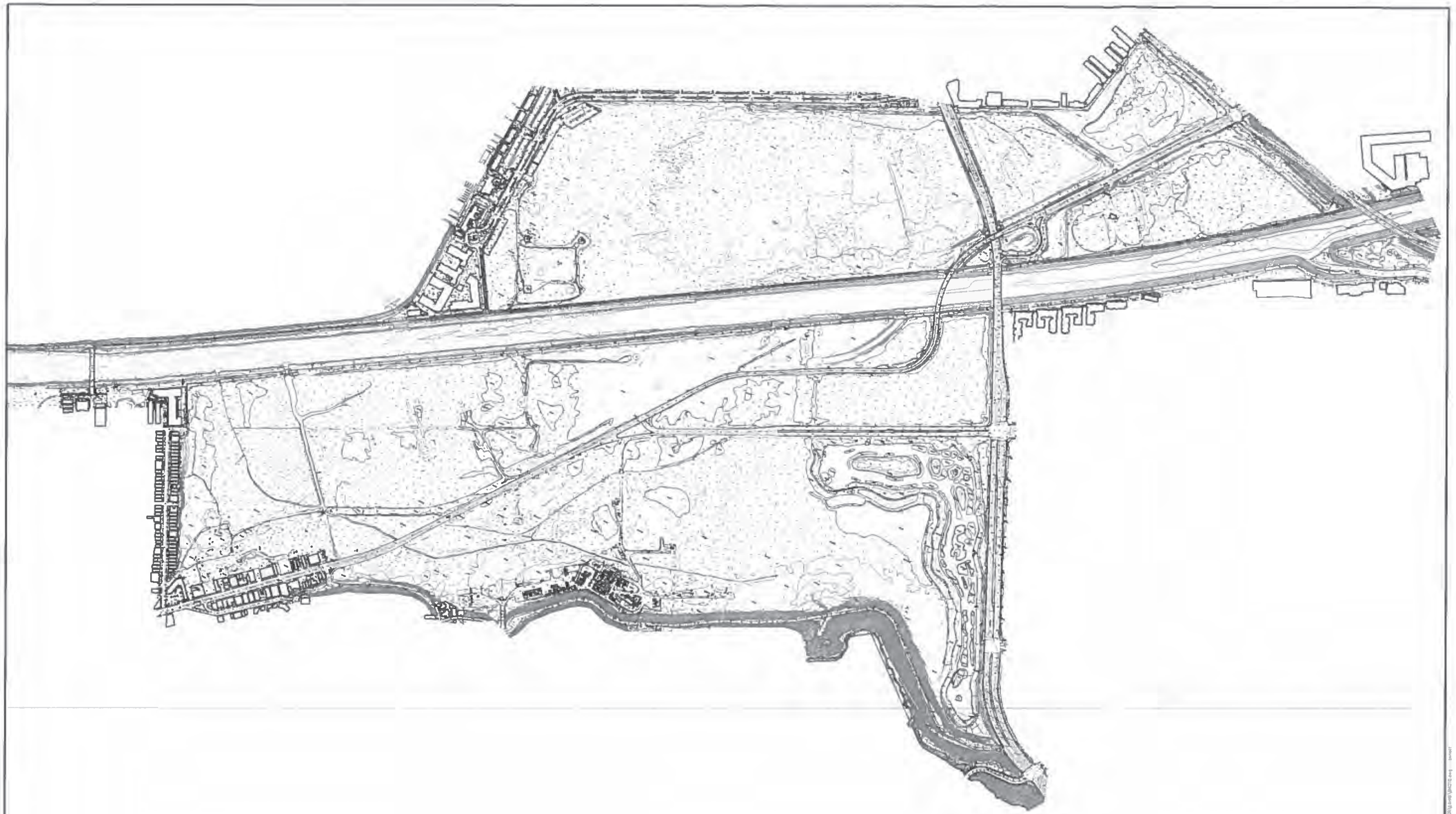
BALLONA WETLANDS D120367

Figure 5A

PRELIMINARY GRADING PLAN
INTERIM BUILD OUT - OPTION A

ESA PWA

O4-145 cont.



Overall
Existing Topography
Exhibit

CALIFORNIA COASTAL CONSERVANCY

PSOMAS

DATE 06-28-12 REVISED ON
JOB No.1CCC010100

SHEET 1 OF 1
BR010

GRAPHIC SCALE
Note: For reduced sized prints, original scale is in inches

O4-145
cont.

Barry Kurtz

From: Barry Kurtz
Sent: Wednesday, April 29, 2015 8:16 AM
To: Michael Tripp
Cc: Charlotte Miyamoto (CMiyamoto@bh.lacounty.gov)
Subject: RE: B&H Parking Plans

Michael,

The access ramp outside of the purple line is not for ADA, but a two-way drive aisle ramp to reach the various levels of the parking structure. In order to move the ramp to inside the purple line, it would require a major redesign of the parking structure by Walker Parking Consultants, who designed the current layout or another parking consultant. In order to remain within the area of the purple line, we expect there would be a significant loss of parking spaces. A large area of the existing surface parking lot is proposed to the returned to the wetlands, which more than makes up for the amount of structure outside of the purple area. The current design is most efficient and we do not recommend changing it.

Barry Kurtz, PE, Transportation Engineer
Planning Division
County of Los Angeles
Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292
Office: 310.821.0793
Email: bkurtz@bh.lacounty.gov

COUNTY OF LOS ANGELES DEPARTMENT OF BEACHES & HARBORS Caring for Your Coast

O4-145 cont.

From: Michael Tripp
Sent: Monday, April 27, 2015 2:37 PM
To: Barry Kurtz
Subject: FW: B&H Parking Plans

Barry,

Please see ESA's question below. Is it possible to reduce the size of the structure that much and still have it be functional?

Thank you,

Michael Tripp
310.305.9537

COUNTY OF LOS ANGELES DEPARTMENT OF BEACHES & HARBORS Caring for Your Coast

From: May Lau [mailto:MLau@esassoc.com]
Sent: Monday, April 27, 2015 2:31 PM
To: Michael Tripp

Cc: Terri Avila; Kimberly D. Comacho; Lindsey Sheehan; Maral Tashjian
Subject: RE: B&H Parking Plans

Thanks. Attached is the latest parking plan provided by Maral. We received a comment from California Department of Fish and Wildlife regarding the portion of the access ramp that extends beyond the purple line –the comment is that the footprint of the ramp needs to be confined to the purple property line. I understand the ramp needs to be there for ADA access, but can the County revise the plan to reduce the footprint to within the purple line?

Thanks,

May Lau
ESA | Biological Resources and Land Management
213-599-4307 direct

From: Michael Tripp [mailto:MTripp@bh.lacounty.gov]
Sent: Monday, April 27, 2015 1:26 PM
To: May Lau
Cc: Terri Avila; Kimberly D. Comacho; Lindsey Sheehan; Maral Tashjian
Subject: RE: B&H Parking Plans

Hi May,

We don't have a landscaping plan, but we would use native species that wouldn't interfere with the Ballona Wetlands. We would keep the structure lit from dusk till dawn.

O4-145 cont.

Thank you,

Michael Tripp
310.305.9537

COUNTY OF LOS ANGELES
DEPARTMENT OF
BEACHES
& HARBORS
Caring for Your Coast

From: May Lau [mailto:MLau@esassoc.com]
Sent: Monday, April 27, 2015 9:17 AM
To: Michael Tripp
Cc: Terri Avila; Kimberly D. Comacho; Lindsey Sheehan; Maral Tashjian
Subject: RE: B&H Parking Plans

Hi Michael,

Could you please provide an update on the landscaping and lighting plan? Thank you.

May Lau
ESA | Biological Resources and Land Management
213-599-4307 direct

From: May Lau
Sent: Wednesday, April 08, 2015 2:17 PM
To: 'Michael Tripp'
Cc: Terri Avila; Kimberly D. Comacho; Lindsey Sheehan; 'Maral Tashjian'
Subject: RE: B&H Parking Plans

HI Michael,

It has been a long time, but I wanted to follow up on my original email dated October 29th regarding a lighting plan (interior and exterior) and landscaping plan for the B&H parking lot & structure, as well as details regarding operations of the parking structure per my email below. Please let me know if and when the County will be able to provide the requested information.

Thank you,

May Lau
ESA | Biological Resources and Land Management
213-599-4307 direct

From: May Lau
Sent: Wednesday, November 12, 2014 12:05 PM
To: 'Maral Tashjian'; 'Michael Tripp'
Cc: Terri Avila
Subject: RE: B&H Parking Plans

Hi Mike,
I'm just following up on the status of the lighting plan, and O&M of the parking structure. Do you have a sense of when the lighting plan may be ready? Is this a question that should be directed to Charlotte instead?

Regards,
May

May Lau
ESA | Biological Resources and Land Management
213-599-4307 direct

From: May Lau
Sent: Wednesday, October 29, 2014 1:17 PM
To: 'Maral Tashjian'
Cc: Michael Tripp; Terri Avila
Subject: RE: B&H Parking Plans

Thank you very much. We would like to remove the purple line – is that possible? We have the CAD files if you prefer for us to make the edit.

ESA will also need a lighting plan (interior and exterior) and landscaping plan for the parking facility.

We currently have the following description, but any additional details regarding operations and maintenance of the parking structure would be helpful (i.e., security/B&H staff locking the parking structure or inspecting vehicles to ensure no overnight use).

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 DBH vehicles. An additional five 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 dawn to dusk. 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

3

O4-145 cont.

wayfinding, and exterior ambient lighting would be installed to provide security and safety for individuals walking to and from the parking structure.

Regards,
May

May Lau
ESA | Biological Resources and Land Management
213-599-4307 direct

From: Maral Tashjian [mailto:MTashjian@bh.lacounty.gov]
Sent: Monday, October 27, 2014 5:06 PM
To: May Lau
Cc: Michael Tripp
Subject: FW: B&H Parking Plans

Hi May,

Please see the revised figure attached.

Maral Tashjian, Planner
County of Los Angeles
Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292
Office: 310.578.0961
Email: MTashjian@bh.lacounty.gov

COUNTY OF LOS ANGELES
DEPARTMENT OF
BEACHES
& HARBORS
Caring for Your Coast

Web | Facebook | Twitter

From: May Lau [mailto:MLau@esassoc.com]
Sent: Thursday, October 09, 2014 11:22 AM
To: Michael Tripp
Cc: Jeff Thomas (jeff.thomas@panoramaenv.com); Terri Avila
Subject: B&H Parking Plans

Hi Michael,
I left you a message, but figured I would follow up with an email. Thanks for providing the parking plans to Jeff. He forwarded to us, and asked that we contact you directly for any EIS/R needs. ESA is preparing the EIS/R, and would like to include some of the B&H drawings in the project description.

Is it possible to revise Figure 3-4 to show the revised footprint of the parking structure (looks like it's shown in purple), and per the comments in the attached? The County decided to remove the bike station, so that would have to be removed from the figure. The area near the parking entrance will be CDFW Reserve's trailer/storage/parking area, noted in the marked up Fig. 3-4 and also shown on the Google earth image provided by Jeff. I'm not sure if B&H wants to include this in their revised parking plan, but just wanted to point that out.

If these revisions can be made today or tomorrow, that would be great so we can incorporate the new figures into the project description. However, we understand we're not giving you much notice, so we can leave the old drawings as

O4-145 cont.

placeholders for this internal draft. CAD files of the revised Figure 3-4 drawing and the elevation views from Fiji Way would be helpful so we can put it in our figure template.

Lastly, we currently have this language in the project description for the parking structure. If there's anything to add or modify, please let me know.

"Hours of operation for public use of the existing Beaches and Harbors parking lot in Area A is from dawn to dusk, and the same hours of operation will apply to the new parking structure. Parking will be locked after hours."

Thank you!

O4-145 cont.

May Lau
Senior Managing Associate
ESA | Biological Resources and Land Management
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017
213-599-4300 main | 213-599-4301 fax
213-599-4307 direct | 310-736-0529 cell
mlau@esassoc.com

Barry Kurtz

From: Michael Tripp
Sent: Wednesday, March 04, 2015 7:50 AM
To: Barry Kurtz
Subject: FW: Patricia McPherson Area A public request act folder

Thank you,

Michael Tripp
310.305.9537
COUNTY OF LOS ANGELES DEPARTMENT OF BEACHES & HARBORS
Caring for Your Coast

From: Don Geisinger
Sent: Tuesday, March 03, 2015 5:51 PM
To: Gary Jones; Brock Ladewig; Kerry Silverstrom; John Kelly; Charlotte Miyamoto; Steve Penn; Michael Tripp; Barry Kurtz; Mindy Sherwood; Kenneth Foreman; Vivian Paquin-Sanner; Caves, Amy (acaves@counsel.lacounty.gov)
Subject: FW: Patricia McPherson Area A public request act folder

Ms. McPherson has modified her the Public Records Act request regarding Area A in the Ballona Wetlands that she initially made. Please review her modified request below and respond accordingly with whatever documentation that you have in your files.

As background, I have included her initial PRA request below.

If you have documents please put them in the folder that was established in your name at the following link:

G:\Public Request Act\2015\2015-February-McPherson-Area A

Time is of the essence.

Thanks.

Best regards,

Don Geisinger
Office: (310) 305-9506
COUNTY OF LOS ANGELES DEPARTMENT OF BEACHES & HARBORS
Caring for Your Coast

From: Don Geisinger
Sent: Wednesday, February 25, 2015 7:01 AM

O4-145 cont.

To: Gary Jones; Brock Ladewig; Kerry Silverstrom; John Kelly; Charlotte Miyamoto; Steve Penn; Michael Tripp; Barry Kurtz; Mindy Sherwood; Amy Caves
Subject: FW: Patricia McPherson Area A public request act folder

Patricia McPherson has made a PRA request, which I will copy directly below. Please review your files for any information, electronic or hard copies, in connection with the PRA request. To the extent that the information is electronic, please place it in the file (or subfile under your name) created by our IT Department. Time is of the essence since the request was made on February 20, 2015.

Here is Ms. McPherson's PRA request.

"-----Original Message-----
From: patricia mc pherson [mailto:patriciamcpherson1@verizon.net]
Sent: Friday, February 20, 2015 12:36 PM
To: Yeni Maddox
Subject: PUBLIC RECORD ACT REQUEST

MS. Maddox,
Please forward this Public Record Act Request to Mr. K. Forman and B&H Commissioners,

Please provide any/all contracts, agreements, information within the LA County Dept. of Beaches & Harbors pertaining to the County use of the parking lots within the public owned, state stewarded Ballona Wetlands on the south and/or southwest side of Fiji Way.

Please provide any/all electronic communications, contracts, funding agreements between any/all state agencies and/or the private nonprofit known as the Santa Monica Bay Restoration Foundation and the County Supervisor Knabe and its office personnel and/or County of LA, including LA County Dept. of Beaches and Harbors personnel pertaining to any/all current and/or potential use of or by the County of the publicly owned Ballona Wetlands property currently being used by the County of LA as a parking lot or other use by County.

Thank you for assistance in these matters of great public concern, Patricia McPherson, Grassroots Coalition"

Thanks.

Don Geisinger
Office: (310) 305-9506

COUNTY OF LOS ANGELES
DEPARTMENT OF
BEACHES
& HARBORS
Caring for Your Coast

O4-145 cont.

From: Kevin Fountain
Sent: Tuesday, February 24, 2015 5:59 PM
To: Amy Caves
Cc: Don Geisinger
Subject: FW: Patricia McPherson Area A public request act folder

Forwarding to you as the DBH email address did not work.

Kevin Fountain

COUNTY OF LOS ANGELES
DEPARTMENT OF
BEACHES
& HARBORS
Caring for Your Coast

From: Kevin Fountain
Sent: Tuesday, February 24, 2015 5:58 PM
To: Don Geisinger; Gary Jones; Brock Ladewig; Kerry Silverstrom; John Kelly; Charlotte Miyamoto; Steve Penn; Michael Tripp; Barry Kurtz; Mindy Sherwood; Amy Caves
Cc: Stephanie Babb; Dale Mendez
Subject: Patricia McPherson Area A public request act folder

A new folder has been created on the G drive in which you may place the material for this public request act. The folder name is:

G:\Public Request Act\2015\2015-February-McPherson-Area-A

I have created individual folders for each of you in the above directory. Please let Dale, Stephanie, or myself know if you experience any issues using your designated folder.

Don Geisinger will communicate with you what materials to provide for this PRA.

Kevin Fountain, Information Technology Supervisor
Administrative Services Division
County of Los Angeles
Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292
Office: 310.305.9521
Cell: 310.428.5434
Email: kfountain@bh.lacounty.gov

COUNTY OF LOS ANGELES
DEPARTMENT OF
BEACHES
& HARBORS
Caring for Your Coast

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O4-145 cont.

Barry Kurtz

From: Barry Kurtz
Sent: Wednesday, July 03, 2013 2:58 PM
To: Charlotte Miyamoto
Cc: John Kelly; Michael Tripp; 'Winter, Bill'; Lehman, Dean (DLEHMAN@dpw.lacounty.gov); 'Abramson, Allan'; 'Quintana, Daniel'
Subject: FW: Area A Parking Questions
Attachments: Ballona Creek Restoration Area A Bike Path.pdf

Charlotte,

Michael and I met with Diana Hurlberg of the Santa Monica Bay Restoration Commission and Mike Crehan of Psomas to discussed the proposed parking structure and bike path in Area. Diana asked for elevations or views of the parking structure from all directions. Before I ask Dan Johns to provide the additional views, Diana will check to see if there is any other information she needs, so I won't have to ask Dan for more information. She asked that the plans show a restroom in the Bike Station adjacent to the parking structure. She mentioned that at a later time (not by Walker Parking Consultants) the aesthetics of the parking structure will be shown enhanced by landscaping other surface treatments.

The attachment shows the proposed bike path in Area A. They recommend the alignment of the new bike path in Area A adjacent to Lincoln Boulevard be extended to Fiji Way, where the bicyclists would cross to the north side of Fiji Way en route to the Marvin Braude Bike Path at Admiralty Way. I mentioned that bicycle riding on Fiji Way between Lincoln Boulevard and Admiralty Way is not recommended. Fiji Way between Lincoln Boulevard and Admiralty Way has a high volume of traffic with heavy turns into the shopping center and turns onto Admiralty Way and Lincoln Boulevard. These factors and the lack of roadway for bike lanes make bike riding on this segment of Fiji Way very undesirable, especially for inexperienced cyclists. We recommended a bike crossing of Fiji Way at the Admiralty/Fiji traffic signal to connect to the proposed bike path in Area A. They do not favor that location for the connection because it would require construction of a bridge across the creek. Instead, they would like to have a midblock bike crossing of Fiji Way west of the creek, where a bridge is not necessary. I informed them that a second midblock bike crossing of Fiji Way is undesirable, and that it would have to be approved by DPW. As these bike issues need to be resolved, I will set up a meeting with DPW staff of T&L and the Bikeway Section.

O4-145 cont.

Barry Kurtz, P.E.
County of L.A. Dept.of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone (310) 821-0793
email bkurtz@bh.lacounty.gov

From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Wednesday, July 03, 2013 10:53 AM
To: Charlotte Miyamoto; McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions

HI All,

I was wondering if you would bring the other elevations to the meeting today. As I mentioned in an e-mail the other day, when I open the pdf there is only the West elevation included. Also , I would appreciate if you could e-mail the rest to us...Thanks!

Diana Hurlbert

Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

From: Charlotte Miyamoto [mailto:CMiyamoto@bh.lacounty.gov]
Sent: Thursday, June 27, 2013 7:35 PM
To: Diana Hurlbert; McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: rlmayfield@hotmail.com; Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions

Hello all. Attached is the parking structure conceptual sketch with elevations. Also, below are DBH/Barry Kurtz' answers to the questions shown in bold.

Thanks much.

Charlotte Miyamoto
(310) 305-9512

-----Original Message-----
From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Tuesday, June 18, 2013 4:40 PM
To: McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: rlmayfield@hotmail.com; Charlotte Miyamoto; Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions
Importance: High

Hi Donna,

I will take a crack and answering some of your questions below and have Cc'd Rick Mayfield and the County folks so they can help fill in the gaps....D

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

From: McCormick, Donna [Donna.McCormick@icfi.com]
Sent: Tuesday, June 18, 2013 3:42 PM
To: Diana Hurlbert
Subject: Area A Parking Questions

Hi Diana:

Here are the questions I have about the B&H parking project now. If all these could be answered I could complete the project description and probably have everything we need for analysis.

My biggest concern is about the driveway entrance and what the structure would "look like" – elevations would be great. Heights and materials would be the next best thing.

O4-145 cont.

Please address, or pass them along to the party that can. Of course, we need these asap – or absolutely by June 28 if we are to stay on schedule.

1. What will become of the existing parking adjacent to the structure (along the north/south extension of Fiji Way? It is within a dashed red line area on the plans. Will it be demolished and returned to wetlands or will it remain parking? Will the existing driveways remain?

DH - the existing asphalt parking and driveways will be removed and restored to upland habitat.

2. I am wondering about the new driveway location. It is "mid-block" allowing direct entry/exit only for the northbound lanes of Fiji Way. Others will have to U-turn to enter the driveway. Is this what is intended? Or will there be a new cut through the median on Fiji Way? Or would it be better to include a driveway all the way to the existing northern driveway into the parking lot (aligning with Fisherman's Village exit). This would result in less traffic impacts.

DH - County to answer

BK - The driveway for the parking structure is intended to have right-turn in, right-turn out access only, with no median opening for the driveway. Westbound motorists on Fiji Way en route to the parking structure will drive to the end of Fiji Way and turn around. This is not considered to be an inconvenience to motorists. We explored the possibility of having a driveway aligning with Fisherman's Village exit, and found that incorporating a left-turn pocket at that location involves extensive utility relocations. It would require at a minimum, lowering the Edison vault, relocating the Edison vent cans to the back of sidewalk, relocating the cathodic protection system and power source to the back of sidewalk, and relocating the street light to back of sidewalk on the water side and back of curb on the Ballona Wetlands side. Also, constructing the entrance at the easterly location allows us to return more of the existing parking lot for the wetland project. Considering these factors, we recommend the driveway as shown on the plans.

O4-145 cont.

3. How much parking would be available to the public? How much would be reserved for B&H, Sheriff, CDFW?

DH - County to answer but I don't think the Sheriff's parking needs are included in this garage

DBH - All spaces would be available to the public except Beaches and Harbors would need about 20 spaces to park County vehicles.

4. What amenities are proposed at eh bicycle station?

DH - I think it would be nice to have this as part an extension of the bicycle amenities proposed on Area C by the AF team, such as air and lock-ups. I am hoping that AF/DFW will look into having a bike share program for the Reserve where people could check a bike out from this and Area C and leave them in either area. Maybe it is something that BH would be interested in doing too and link it to the rest of the Marina

BK – The bike station would be strategically located at a location served by a Culver City Bus Line, the Marvin Braude Bicycle Trail, the most heavily used bicycle path in Los Angeles County, and Fisherman's Village, a major attraction in the region. It is close to other bus lines including Metro buses and Santa Monica's Big Blue Bus along Admiralty Way and Lincoln Boulevard.

5. Is this going to be a paid parking lot? If so, what collection system would be used? If not, how will you keep people headed for Fisherman's Village parking there for free?

DH - DFW/County to answer....I don't know if they want to charge for people to visit the Reserve

DBH – It will be a paid parking structure using pay stations. Parking rates will be consistent with the rates for public parking throughout the Marina.

6. What are the proposed hours of operation? How will it be secured?

DH - DFW/County

DBH – The parking structure will likely have opening and closing times, but they are yet undetermined It will be secured with a gate arm.

7. Who will operate & maintain the facility?

DH - DFW/County

BK - DBH will operate and maintain the facility.

8. Will we get elevations? Will we get heights?

DH – County

DBH – A sketch of the parking structure with elevations and heights is attached.

9. What materials will be used? (Assuming concrete, but any special aesthetic treatment?)

O4-145 cont.

DH – County

DBH – The building will be constructed of concrete. The design, materials, colors, signage, lighting and landscaping for the parking structure will need to be approved by the Marina del Rey Design Control Board.

10. Currently there occasionally are trailers and boats parked on the site. Will there be any accommodations for oversized vehicles, etc.

DH - DFW/County

DBH – We don't expect to accommodate boats or oversized vehicles. However, the facility would accommodate 8'2" vehicles for ADA vans. The trailers currently on the lot belong to CDFW.

11. Will the existing mobile home/office be moves or incorporated into the property somewhere?

DH - DFW/County

DBH - The trailers belong to CDFW.

12. What access will there be between the parking facility and the wetlands? Pedestrian? Bicycle? How will it connect with the trail system?

DH - This is going to be part of the Recreation/Access MP that Melendrez is working on....there would be bike and ped connection to the bike/ped levee trail we are proposing that goes along the perimeter of the restored wetlands in Area A

BK – There would also be a bike connection between the bike lanes along Fiji Way and the parking facility, bicycle station and bike/ped levee trail.

13. Will there be lighting? If so, what kind? If so, when will it operate (i.e., will there be lights on the roof 24/7)? Currently there is no lighting so this will be an important issue.

DH - DFW/County - There might already be safety lighting on the trailer but I don't know...the nearest lighting is maybe street lighting for Fiji or at Fisherman's Village

BK – The parking structure will have energy efficient LED or florescent lighting operating 24/7 on all levels. The lighting will be dark-sky compatible.

14. Will there be any amenities on the observation deck? (Signage, mapping, scopes?) If so, will this be coordinated with the Annenberg's visitor amenities?

DH - Yes, I would think so to both questions.....DFW/County to elaborate

BK – There will be an information kiosk with signage, maps and telescopes.

15. Will there be removal of any existing landscaping? It seems like the lawn and tree area right at the turn of Fiji Way is not part of the "project" but that the new driveway would remove some street trees. (See my concerns about the new driveway in #2, above.)

O4-145 cont.

DH - I would think that most of what is there is non-native and on Reserve property and that it along with other existing non-native plant material in Area A would be removed during restoration

BK – In addition, the existing landscaping in the vicinity of the driveway of the parking structure would be removed to provide adequate visibility for motorists exiting the driveway.

16. Would there be any additional landscaping? If so, what would be planted? Would it be irrigated (permanently or temporarily)?

DH - I would think that additional landscaping would be limited to the creation of restored uplands and transition habitats adjacent to the garage as part of the overall restoration....

BK – In addition, the existing landscaping in the vicinity of the driveway of the parking structure would be removed to provide adequate visibility for motorists exiting the driveway.

17. Besides electrical (to power elevator and for lighting), would there be any other utilities extended to the site (water)?

DH – County

DBH – Besides electrical power, there would be water supply and sewer lines to maintain the parking area.

18. Would the site drain into the existing storm drains? Would there be any special collection/traps, etc., to address runoff from parking areas, trash screens, etc. Very importantly, would the site be isolated from the wetlands with no draining from parking area/driveways into the wetlands.

DH - DFW/County ....but I would assume "yes"

DBH – Yes, the site would drain into existing storm drains in conformance with County Department of Public Works standards. We would be looking to include all appropriate BMPs.

19. Would the "project" include demolition of the parking at the south end of Fiji?

DH - DFW/County - Do you mean the lot used by the Sheriff....If so I don't think they are going away at this point....I would have a hard time believing they would want to park their vehicles along with the public but who knows....

BK – Department of Fish and Wildlife to address this.

20. Who would build the structure? Timing of the building, would it be done early in the restoration or even before? Who would reclaim the areas that would no longer be needed?

DH - DFW/County.....I would think the parking areas to be restored would be demo'd as part of the restoration of Area A....can't speak to the timing of the garage being built....

DBH – The County would build the structure within a timeframe that compliments the overall construction schedule for the larger Ballona Wetlands project.

Donna

DONNA McCORMICK | Principal | 949.333.6611 (direct) | 949.929.3536 (mobile) | dmccormick@icfi.com<http://kiosk.jsanet.com/signature/> | icfi.com<http://www.icfi.com/> ICF INTERNATIONAL | 1 Ada, Suite 100, Irvine, CA 92618 | 949.333.6601 (fax) P Please consider the environment before printing this e-mail.

O4-145 cont.

Barry Kurtz

From: Barry Kurtz
Sent: Monday, June 24, 2013 2:00 PM
To: 'Johns, Dan'
Cc: John Kelly; Charlotte Miyamoto; Michael Tripp; 'pari.ashabi@walkerparking.com'
Subject: Parking Structure Elevations
Attachments: Fisherman's Village Overflow Parking Lot Elevations.pdf

Dan,

Please make changes to the plan as shown in red:

1. Label it as ELEVATION VIEW FROM FIJI WAY.
2. Show the elevations at the top of the parapet and show all elevations on the other side of the building.
3. At 0'-0" show as "Existing Grade."
4. Show the dimension of the length of the building.
5. Remove all landscaping, since the type of landscaping could be an issue.

Please copy our staff on the cc line.

Thank you,

Barry Kurtz, P.E.
County of L.A. Dept of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone: (310) 821-0793
email: bkurtz@bh.lacounty.gov

From: Barry Kurtz
Sent: Monday, June 24, 2013 8:15 AM
To: Charlotte Miyamoto
Cc: John Kelly; Michael Tripp
Subject: Parking Structure Elevations

Charlotte,

shows the evelation at the top of the parapet and the elevations above grade on the east side of the building as shown in red on the attachment. The plan should also show the length of the building.

O4-145 cont.

Barry Kurtz

From: Johns, Dan [Dan.Johns@walkerparking.com]
Sent: Friday, June 21, 2013 3:20 PM
To: Barry Kurtz; Charlotte Miyamoto; Michael Tripp
Subject: Fisherman's Village - West Elevation
Attachments: West Elevations.pdf

Attached is the building elevation from Fiji Way. The ground slopes up slightly from south to north, so we used the elevation at the south entrance grade as 0'-00". Hope this helps!

O4-145 cont.

Dan Johns, P.E.
Vice President

Walker Parking Consultants | Walker Restoration Consultants
606 S. Olive Street, Suite 1100 | Los Angeles, CA 90014
213.488.4911 (Office) | 818.397.1800 (Cell) | 213.488.4983 (Fax)
www.walkerparking.com

Barry Kurtz

From: Charlotte Miyamoto
Sent: Wednesday, June 19, 2013 7:14 PM
To: John Kelly
Cc: Barry Kurtz; barrykurtztraffic@gmail.com
Subject: Area A Parking Questions

Here's the response I propose we send to Diana. The highlighted responses are a bit different than what Barry provided. I wanted to make sure we weren't saying anything that hasn't yet received DBH buy-off. "DH" is Diana Hurlbert's response. "BK" is pretty much what Barry wrote. "DBH" is my response and may include some of Barry's response. For item 17, is the sewer line for a restroom in connection with the bike station idea, which I've removed. Is a restroom required otherwise? If not, I don't think we should put one in.

Here are the questions I have about the B&H parking project now. If all these could be answered I could complete the project description and probably have everything we need for analysis.

My biggest concern is about the driveway entrance and what the structure would "look like" – elevations would be great. Heights and materials would be the next best thing.

Please address, or pass them along to the party that can. Of course, we need these asap – or absolutely by June 28 if we are to stay on schedule.

1. What will become of the existing parking adjacent to the structure (along the north/south extension of Fiji Way? It is within a dashed red line area on the plans. Will it be demolished and returned to wetlands or will it remain parking? Will the existing driveways remain?

DH - the existing asphalt parking and driveways will be removed and restored to upland habitat.

2. I am wondering about the new driveway location. It is "mid-block" allowing direct entry/exit only for the northbound lanes of Fiji Way. Others will have to U-turn to enter the driveway. Is this what is intended? Or will there be a new cut through the median on Fiji Way? Or would it be better to include a driveway all the way to the existing northern driveway into the parking lot (aligning with Fisherman's Village exit). This would result in less traffic impacts.

DH - County to answer

BK - The driveway for the parking structure is intended to have right-turn in, right-turn out access only, with no median opening for the driveway. Westbound motorists on Fiji Way en route to the parking structure will drive to the end of Fiji Way and turn around. This is not considered to be an inconvenience to motorists. We explored the possibility of having a driveway aligning with Fisherman's Village exit, and found that incorporating a left-turn pocket at that location involves extensive utility relocations. It would require at a minimum, lowering the Edison vault, relocating the Edison vent cans to the back of sidewalk, relocating the cathodic protection system and power source to the back of sidewalk, and relocating the street light to back of sidewalk on the water side and back of curb on the Ballona Wetlands side. Also, constructing the entrance at the easterly location allows us to return more of the existing parking lot for the wetland project. Considering these factors, we recommend the driveway as shown on the plans.

3. How much parking would be available to the public? How much would be reserved for B&H, Sheriff, CDFW?

DH - County to answer but I don't think the Sheriff's parking needs are included in this garage

DBH - All spaces would be available to the public except Beaches and Harbors would need about 20 spaces to park County vehicles.

O4-145 cont.

4. What amenities are proposed at the bicycle station?

DH - I think it would be nice to have this as part an extension of the bicycle amenities proposed on Area C by the AF team, such as air and lock-ups. I am hoping that AF/DFW will look into having a bike share program for the Reserve where people could check a bike out from this and Area C and leave them in either area. Maybe it is something that BH would be interested in doing too and link it to the rest of the Marina

BK – The bike station would be strategically located at a location served by a Culver City Bus Line, the Marvin Braude Bicycle Trail, the most heavily used bicycle path in Los Angeles County, and Fisherman's Village, a major attraction in the region. It is close to other bus lines including Metro buses and Santa Monica's Big Blue Bus along Admiralty Way and Lincoln Boulevard.

5. Is this going to be a paid parking lot? If so, what collection system would be used? If not, how will you keep people headed for Fisherman's Village parking there for free?

DH - DFW/County to answer....I don't know if they want to charge for people to visit the Reserve

DBH – It will be a paid parking structure using pay stations. Parking rates will be consistent with the rates for public parking throughout the Marina.

6. What are the proposed hours of operation? How will it be secured?

DH - DFW/County

BK – We expect the hours of operation to be 24/7. It will be secured by DBH staff similar to the other parking lots in the Marina. The Sheriff's Department also provides enforcement.

O4-145 cont.

7. Who will operate & maintain the facility?

DH - DFW/County

BK - DBH will operate and maintain the facility.

8. Will we get elevations? Will we get heights?

DH – County

BK - We will have plans showing elevations and heights before the end of June 2013.

9. What materials will be used? (Assuming concrete, but any special aesthetic treatment?)

DH – County

BK – The building will be constructed of concrete. We will likely submit building designs, materials, colors, and landscaping for the parking structure to the Marina del Rey Design Control Board.

10. Currently there occasionally are trailers and boats parked on the site. Will there be any accommodations for oversized vehicles, etc.

DH - DFW/County

DBH – We don't expect to accommodate boats or oversized vehicles. However, the facility would accommodate 8'2" vehicles for ADA vans. The trailers all belong to CDFW.

11. Will the existing mobile home/office be moves or incorporated into the property somewhere?

DH - DFW/County

DBH - The trailers belong to CDFW.

12. What access will there be between the parking facility and the wetlands? Pedestrian? Bicycle? How will it connect with the trail system?

DH - This is going to be part of the Recreation/Access MP that Melendrez is working on....there would be bike and ped connection to the bike/ped levee trail we are proposing that goes along the perimeter of the restored wetlands in Area A

BK – There would also be a bike connection between the bike lanes along Fiji Way and the parking facility, bicycle station and bike/ped levee trail.

13. Will there be lighting? If so, what kind? If so, when will it operate (i.e., will there be lights on the roof 24/7)? Currently there is no lighting so this will be an important issue.

DH - DFW/County - There might already be safety lighting on the trailer but I don't know...the nearest lighting is maybe street lighting for Fiji or at Fisherman's Village

BK – The parking structure will have energy efficient LED or florescent lighting operating 24/7 on all levels. The lighting will be dark-sky compatible.

14. Will there be any amenities on the observation deck? (Signage, mapping, scopes?) If so, will this be coordinated with the Annenberg's visitor amenities?

DH - Yes, I would think so to both questions.....DFW/County to elaborate

BK – There will be an information kiosk with signage, maps and telescopes.

15. Will there be removal of any existing landscaping? It seems like the lawn and tree area right at the turn of Fiji Way is not part of the "project" but that the new driveway would remove some street trees. (See my concerns about the new driveway in #2, above.)

DH - I would think that most of what is there is non-native and on Reserve property and that it along with other existing non-native plant material in Area A would be removed during restoration

BK – In addition, the existing landscaping in the vicinity of the driveway of the parking structure would be removed to provide adequate visibility for motorists exiting the driveway.

16. Would there be any additional landscaping? If so, what would be planted? Would it be irrigated (permanently or temporarily)?

DH - I would think that additional landscaping would be limited to the creation of restored uplands and transition habitats adjacent to the garage as part of the overall restoration....

17. Besides electrical (to power elevator and for lighting), would there be any other utilities extended to the site (water)?

DH - County

BK – Besides electrical power, there would be water supply and sewer lines.

18. Would the site drain into the existing storm drains? Would there be any special collection/traps, etc., to address runoff from parking areas, trash screens, etc. Very importantly, would the site be isolated from the wetlands with no draining from parking area/driveways into the wetlands.

DH - DFW/County ....but I would assume "yes"

O4-145 cont.

BK – The site would drain into existing storm drains in conformance with County Department of Public Works standards.

19. Would the "project" include demolition of the parking at the south end of Fiji?

DH - DFW/County - Do you mean the lot used by the Sheriff....If so I don't think they are going away at this point....I would have a hard time believing they would want to park their vehicles along with the public but who knows....

BK – Department of Fish and Wildlife to address this.

20. Who would build the structure? Timing of the building, would it be done early in the restoration or even before? Who would reclaim the areas that would no longer be needed?

DH - DFW/County.....I would think the parking areas to be restored would be demo'd as part of the restoration of Area A....can't speak to the timing of the garage being built....

DBH – The Department of Beaches and Harbors would build the structure within a timeframe that compliments the overall construction schedule for the larger Ballona Wetlands project.

-----Original Message-----
From: Barry Kurtz
Sent: Wednesday, June 19, 2013 4:16 PM
To: Charlotte Miyamoto
Cc: Michael Tripp
Subject: FW: Area A Parking Questions
Importance: High

Charlotte,

This resend should make it clear that my comments follow Diana's comments:

Here are the questions I have about the B&H parking project now. If all these could be answered I could complete the project description and probably have everything we need for analysis.

My biggest concern is about the driveway entrance and what the structure would "look like" – elevations would be great. Heights and materials would be the next best thing.

Please address, or pass them along to the party that can. Of course, we need these asap – or absolutely by June 28 if we are to stay on schedule.

1. What will become of the existing parking adjacent to the structure (along the north/south extension of Fiji Way? It is within a dashed red line area on the plans. Will it be demolished and returned to wetlands or will it remain parking? Will the existing driveways remain?

DH - the existing asphalt parking and driveways will be removed and restored to upland habitat.

2. I am wondering about the new driveway location. It is "mid-block" allowing direct entry/exit only for the northbound lanes of Fiji Way. Others will have to U-turn to enter the driveway. Is this what is intended? Or will there be a new cut through the median on Fiji Way? Or would it be better to include a driveway all the way to the existing northern

O4-145 cont.

driveway into the parking lot (aligning with Fisherman's Village exit). This would result in less traffic impacts.

DH - County to answer

BK - The driveway for the parking structure is intended to have right-turn in, right-turn out access only, with no median opening for the driveway. Westbound motorists on Fiji Way en route to the parking structure will drive to the end of Fiji Way and turn around. This is not considered to be an inconvenience to motorists. We explored the possibility of having a driveway aligning with Fisherman's Village exit, and found that incorporating a left-turn pocket at that location involves extensive utility relocations. It would require at a minimum, lowering the Edison vault, relocating the Edison vent cans to the back of sidewalk, relocating the cathodic protection system and power source to the back of sidewalk, and relocating the street light to back of sidewalk on the water side and back of curb on the Ballona Wetlands side. Also, constructing the entrance at the easterly location allows us to return more of the existing parking lot for the wetland project. Considering these factors, we recommend the driveway as shown on the plans.

3. How much parking would be available to the public? How much would be reserved for B&H, Sheriff, CDFW?

DH - County to answer but I don't think the Sheriff's parking needs are included in this garage

BK - Currently DBH, ISD, Life Guards, and other public agencies use the lot. The lot is also used as an overflow parking lot by employees of Fisherman's Village and by the public on busy summer weekends, holidays and for special events. We expect to continue that use in the new parking structure. The parking structure will accommodate 302 parking spaces, 51 more than the present parking lot. Therefore, we expect a higher percentage of the public will use the new structure to visit the reserve, use the observation deck, and patronize the bike station to rent bicycles, etc.

O4-145 cont.

4. What amenities are proposed at the bicycle station?

DH - I think it would be nice to have this as part an extension of the bicycle amenities proposed on Area C by the AF team, such as air and lock-ups. I am hoping that AF/DFW will look into having a bike share program for the Reserve where people could check a bike out from this and Area C and leave them in either area. Maybe it is something that BH would be interested in doing too and link it to the rest of the Marina

BK - The bike station would be strategically located at a location served by a Culver City Bus Line, the Marvin Braude Bicycle Trail, the most heavily used bicycle path in Los Angeles County, and Fisherman's Village, a major attraction in the region. It is close to other bus lines including Metro buses and Santa Monica's Big Blue Bus along Admiralty Way and Lincoln Boulevard. Pursuant to an agreement with a selected vendor, the bike station could be similar to the bike stations in Long Beach and Santa Monica, which offer 24-hour indoor bicycle parking, bicycle rentals, professional repair services, a retail bike shop, lockers, bathrooms and showers for cyclists.

5. Is this going to be a paid parking lot? If so, what collection system would be used? If not, how will you keep people headed for Fisherman's Village parking there for free?

DH - DFW/County to answer....I don't know if they want to charge for people to visit the Reserve

BK – It will be a paid parking structure because there is a paid parking lot on the other side of the street in Fisherman's Village, and all the other public parking lots in the Marina have paid parking. We expect the collection system would be by pay stations, similar to other public parking lots in the Marina and elsewhere.

6. What are the proposed hours of operation? How will it be secured?

DH - DFW/County

BK – We expect the hours of operation to be 24/7. It will be secured by DBH staff similar to the other parking lots in the Marina. The Sheriff's Department also provides enforcement.

7. Who will operate & maintain the facility?

DH - DFW/County

BK - DBH will operate and maintain the facility.

8. Will we get elevations? Will we get heights?

DH – County

BK - We will have plans showing elevations and heights before the end of June 2013.

9. What materials will be used? (Assuming concrete, but any special aesthetic treatment?)

O4-145 cont.

DH – County

BK – The building will be constructed of concrete. We will submit building designs, materials, colors, and landscaping for the parking structure to the Marina del Rey Design Control Board.

10. Currently there occasionally are trailers and boats parked on the site. Will there be any accommodations for oversized vehicles, etc.

DH - DFW/County

BK – Boats and oversized vehicles will not park in the structure. However, the facility would accommodate 8'2" vehicles for ADA vans.

11. Will the existing mobile home/office be moves or incorporated into the property somewhere?

DH - DFW/County

BK – No.

12. What access will there be between the parking facility and the wetlands? Pedestrian? Bicycle? How will it connect with the trail system?

DH - This is going to be part of the Recreation/Access MP that Melendrez is working on....there would be bike and ped connection to the bike/ped levee trail we are proposing that goes along the perimeter of the restored wetlands in Area A

BK – There would also be a bike connection between the bike lanes along Fiji Way and the parking facility, bicycle station and bike/ped levee trail.

13. Will there be lighting? If so, what kind? If so, when will it operate (i.e., will there be lights on the roof 24/7)? Currently there is no lighting so this will be an important issue.

DH - DFW/County - There might already be safety lighting on the trailer but I don't know...the nearest lighting is maybe street lighting for Fiji or at Fisherman's Village

BK - The parking structure will have energy efficient LED or florescent lighting operating 24/7 on all levels. The lighting will be dark-sky compatible.

14. Will there be any amenities on the observation deck? (Signage, mapping, scopes?) If so, will this be coordinated with the Annenberg's visitor amenities?

DH - Yes, I would think so to both questions.....DFW/County to elaborate

BK – There will be an information kiosk with signage, maps and telescopes.

15. Will there be removal of any existing landscaping? It seems like the lawn and tree area right at the turn of Fiji Way is not part of the "project" but that the new driveway would remove some street trees. (See my concerns about the new driveway in #2, above.)

DH - I would think that most of what is there is non-native and on Reserve property and that it along with other existing non-native plant material in Area A would be removed during restoration

BK - In addition, the existing landscaping in the vicinity of the driveway of the parking structure would be removed to provide adequate visibility for motorists exiting the driveway.

O4-145 cont.

16. Would there be any additional landscaping? If so, what would be planted? Would it be irrigated (permanently or temporarily)?

DH - I would think that additional landscaping would be limited to the creation of restored uplands and transition habitats adjacent to the garage as part of the overall restoration....

17. Besides electrical (to power elevator and for lighting), would there be any other utilities extended to the site (water)?

DH - County

BK – Besides electrical power, there would be water supply and sewer lines.

18. Would the site drain into the existing storm drains? Would there be any special collection/traps, etc., to address runoff from parking areas, trash screens, etc. Very importantly, would the site be isolated from the wetlands with no draining from parking area/driveways into the wetlands.

DH - DFW/County ....but I would assume "yes"

BK - The site would drain into existing storm drains in conformance with County Department of Public Works standards.

19. Would the "project" include demolition of the parking at the south end of Fiji?

DH - DFW/County - Do you mean the lot used by the Sheriff....If so I don't think they are going away at this point....I would have a hard time believing they would want to park their vehicles along with the public but who knows....

BK - Department of Fish and Wildlife to address this.

20. Who would build the structure? Timing of the building, would it be done early in the restoration or even before? Who would reclaim the areas that would no longer be needed?

DH - DFW/County.....I would think the parking areas to be restored would be demo'd as part of the restoration of Area A....can't speak to the timing of the garage being built....

BK - The Department of Beaches and Harbors would build the structure as soon as possible to replace existing parking. The area of the existing parking lot that is no longer needed would be part of the wetlands project.

Barry Kurtz, P.E.

County of L.A. Dept.of Beaches and Harbors

13837 Fiji Way

Marina del Rey CA 90292

Phone: (310) 821-0793

email: bkurtz@bh.lacounty.gov

O4-145 cont.

-----Original Message-----
From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Tuesday, June 18, 2013 4:40 PM
To: McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: rlmayfield@hotmail.com; Charlotte Miyamoto; Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions
Importance: High

Hi Donna,

I will take a crack and answering some of your questions below and have Cc'd Rick Mayfield and the County folks so they can help fill in the gaps....D

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

From: McCormick, Donna [Donna.McCormick@icfi.com]
Sent: Tuesday, June 18, 2013 3:42 PM
To: Diana Hurlbert
Subject: Area A Parking Questions

Hi Diana:

Here are the questions I have about the B&H parking project now. If all these could be answered I could complete the project description and probably have everything we need for analysis.

My biggest concern is about the driveway entrance and what the structure would "look like" - elevations would be great. Heights and materials would be the next best thing.

Please address, or pass them along to the party that can. Of course, we need these asap - or absolutely by June 28 if we are to stay on schedule.

1. What will become of the existing parking adjacent to the structure (along the north/south extension of Fiji Way? It is within a dashed red line area on the plans. Will it be demolished and returned to wetlands or will it remain parking? Will the existing driveways remain?

DH - the existing asphalt parking and driveways will be removed and restored to upland habitat.

2. I am wondering about the new driveway location. It is "mid-block" allowing direct entry/exit only for the northbound lanes of Fiji Way. Others will have to U-turn to enter the driveway. Is this what is intended? Or will there be a new cut through the median on Fiji Way? Or would it be better to include a driveway all the way to the existing northern driveway into the parking lot (aligning with Fisherman's Village exit). This would result in less traffic impacts.

O4-145 cont.

DH - County to answer

3. How much parking would be available to the public? How much would be reserved for B&H, Sheriff, CDFW?

DH - County to answer but I don't think the Sheriff's parking needs are included in this garage

4. What amenities are proposed at eh bicycle station?

DH - I think it would be nice to have this as part an extension of the bicycle amenities proposed on Area C by the AF team, such as air and lock-ups. I am hoping that AF/DFW will look into having a bike share program for the Reserve where people could check a bike out from this and Area C and leave them in either area. Maybe it is something that BH would be interested in doing too and link it to the rest of the Marina

5. Is this going to be a paid parking lot? If so, what collection system would be used? If not, how will you keep people headed for Fisherman's Village parking there for free?

DH - DFW/County to answer....I don't know if they want to charge for people to visit the Reserve

6. What are the proposed hours of operation? How will it be secured?

DH - DFW/County

7. Who will operate & maintain the facility?

DH - DFW/County

8. Will we get elevations? Will we get heights?

DH - County

9. What materials will be used? (Assuming concrete, but any special aesthetic treatment?)

DH - County

10. Currently there occasionally are trailers and boats parked on the site. Will there be any accommodations for oversized vehicles, etc.

DH - DFW/County

11. Will the existing mobile home/office be moves or incorporated into the property somewhere?

DH - DFW/County

12. What access will there be between the parking facility and the wetlands? Pedestrian? Bicycle? How will it connect with the trail system?

DH - This is going to be part of the Recreation/Access MP that Melendrez is working on....there would be bike and ped connection to the bike/ped levee trail we are proposing that goes along the perimeter of the restored wetlands in Area A

13. Will there be lighting? If so, what kind? If so, when will it operate (i.e., will there be lights on the roof 24/7)? Currently there is no lighting so this will be an important issue.

DH - DFW/County - There might already be safety lighting on the trailer but I don't know...the nearest lighting is maybe street lighting for Fiji or at Fisherman's Village

14. Will there be any amenities on the observation deck? (Signage, mapping, scopes?) If so, will this be coordinated with the Annenberg's visitor amenities?

DH - Yes, I would think so to both questions.....DFW/County to elaborate

15. Will there be removal of any existing landscaping? It seems like the lawn and tree area right at the turn of Fiji Way is not part of the "project" but that the new driveway would remove some street trees. (See my concerns about the new driveway in #2, above.)

DH - I would think that most of what is there is non-native and on Reserve property and that it along with other existing non-native plant material in Area A would be removed during restoration

16. Would there be any additional landscaping? If so, what would be planted? Would it be irrigated (permanently or temporarily)?

DH - I would think that additional landscaping would be limited to the creation of restored uplands and transition habitats adjacent to the garage as part of the overall restoration....

17. Besides electrical (to power elevator and for lighting), would there be any other utilities extended to the site (water)?

DH - County

O4-145 cont.

18. Would the site drain into the existing storm drains? Would there be any special collection/traps, etc., to address runoff from parking areas, trash screens, etc. Very importantly, would the site be isolated from the wetlands with no draining from parking area/driveways into the wetlands.

DH - DFW/County ....but I would assume "yes"

19. Would the "project" include demolition of the parking at the south end of Fiji?

DH - DFW/County - Do you mean the lot used by the Sheriff....If so I don't think they are going away at this point....I would have a hard time believing they would want to park their vehicles along with the public but who knows....

20. Who would build the structure? Timing of the building, would it be done early in the restoration or even before? Who would reclaim the areas that would no longer be needed?

DH - DFW/County.....I would think the parking areas to be restored would be demo'd as part of the restoration of Area A....can't speak to the timing of the garage being built....

Donna

DONNA McCORMICK | Principal | 949.333.6611 (direct) | 949.929.3536 (mobile) | dmccormick@icfi.com<http://kiosk.jsanet.com/signature/> | icfi.com<http://www.icfi.com/>
ICF INTERNATIONAL | 1 Ada, Suite 100, Irvine, CA 92618 | 949.333.6601 (fax)
P Please consider the environment before printing this e-mail.

O4-145 cont.

Thank you,

Charlotte Miyamoto, Chief
Planning Division
County of Los Angeles
Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292
Office: 310-305-9512
email: CMiyamoto@bh.lacounty.gov

WALKER
PARKING CONSULTANTS

Walker Parking Consultants
606 S Olive Street, Suite 1100
Los Angeles, CA 90014

Voice: 213.488.4911
Fax: 213.488.4983
www.walkerparking.com

May 29, 2013

Mr. Barry Kurtz, P.E.
County of Los Angeles, Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292

Re: *Revised Proposal for Parking Consulting Services*
Fisherman's Village – Overflow Lot
Marina del Rey, California

Dear Barry:

Walker Parking Consultants is pleased to submit for your review our proposal to provide Parking Consulting Services for the above referenced parking lot.

We appreciate this opportunity to work with the County of Los Angeles ("LA County") on this exciting development! The following proposal is based on our current understanding of the project and covers our scope of services, professional fee and project schedule.

O4-145 cont.

PROJECT UNDERSTANDING

Walker Parking Consultants ("Walker") provided two options to LA County for providing a three story parking structure in the overflow lot at Fisherman's Village that fronts the Ballona Wetlands.

Option 1 included a parked-on ramp version where both bays are sloped with two-way traffic and straight-in parking stalls. Option 2 included level stories with a speed ramp on the wetlands side.

LA County wants Walker to provide updated floor plans and building elevations for Option 2 using the easterly portion of the 114-space surface lot as part of the structure and for access to the structure. The two elevations required are the ones facing Fiji Way and the wetlands. LA County also will require some response to questions from other entities reviewing the drawings.

The following outlines our scope of services, fees and schedule to complete this assignment.

SCOPE OF SERVICES

PARKING CONSULTING SERVICES

1. Meet by phone with LA County to discuss project goals, gather existing data plot plans, topographic survey, vehicular entrance and exit configurations, site constraints, etc. for garage.
2. Refine the conceptual parking layout for Option 2 showing revised parking layouts, vehicular circulation, and garage entrance/exit lanes. The 114 space surface lot to the south will not be separated from the parking structure. The westerly remaining portion of the 114-space parking lot will be returned to the State for wetlands project purposes.
3. Include recommendations for an observation platform location fronting the wetlands within the footprint of the structure for the general public's use.
4. Prepare up to two building elevations for Option 2. Elevations will be drawn facing the east and west sides.
5. A conceptual review for compliance with California Title 24 accessibility requirements and provide recommendations that comply with Americans with Disabilities Act Accessibility Guidelines (ADAAG) will be performed.
6. Submit revised floor plans and elevations to LA County in PDF format. If poster boards are required, we will plot and mat them as a reimbursable expense.
7. Meet with LA County to present our drawings.
8. Respond to a reasonable number of questions that may come from other entities.

O4-145 cont.

SCHEDULE

We are prepared to perform the above services at your direction. We can start within two (2) days from receiving your authorization to proceed, and we will have the drawings and elevation complete in ten (10) working days or sooner.

PROFESSIONAL FEE

We propose to provide the above-described Scope of Services on a lump sum basis including normal reimbursable expenses for five thousand dollars ($5,000). If presentation boards are required, we will bill these as reimbursable expenses.

We understand Walker will perform the work under subcontract to Barry Kurtz, P.E., Consulting Traffic Engineer.

~~We understand a purchase order will be used.~~ Until it is executed, the terms of our agreement will be in accordance with the attached General Conditions of Agreement.

WALKER
PARKING CONSULTANTS

We are prepared to discuss this proposal with you should you have any questions or comments. We can be reached at 213.488.4911.

If all is satisfactory, please sign and return this page signifying your acceptance and notice to proceed.

Sincerely,
WALKER PARKING CONSULTANTS

Pari Ashabi
Project Manager

Daniel R. Johns, P.E.
Vice President

DRJ/drj

Enclosures: General Conditions of Agreement for Consulting Services
Updated Sketch of Option 2
Certificate of Insurance

AUTHORIZATION

Trusting that the foregoing meets with your approval, please sign and return one copy signifying your acceptance and authorizing us to proceed.

LA County Beaches and Harbors

Accepted by: Barry Kurtz, P.E.

Title: Consulting Traffic Engineer

Date: May 30, 2013

O4-145 cont.

GENERAL CONDITIONS OF AGREEMENT
FOR CONSULTING SERVICES

WALKER PARKING CONSULTANTS

SERVICES

Walker Parking Consultants/Engineers, Inc. (WALKER) will provide the CLIENT professional services that are limited to the work described in the attached letter. Any additional services requested will be provided at our standard hourly rates or for a mutually agreeable lump sum fee. Professional services are provided solely in accordance with written information and documents supplied by the CLIENT, and our services are limited to and furnished solely for the specific use disclosed to us in writing by the CLIENT.

PAYMENT FOR SERVICES

WALKER will submit monthly invoices based on work completed. Payment is due upon receipt of invoice.

If for any reason the CLIENT does not deliver payment to WALKER within thirty (30) days of date of invoice, the CLIENT agrees to pay WALKER a monthly late charge of one and one half percent (1½%) per month of any unpaid balance of the invoice.

O4-145 cont.

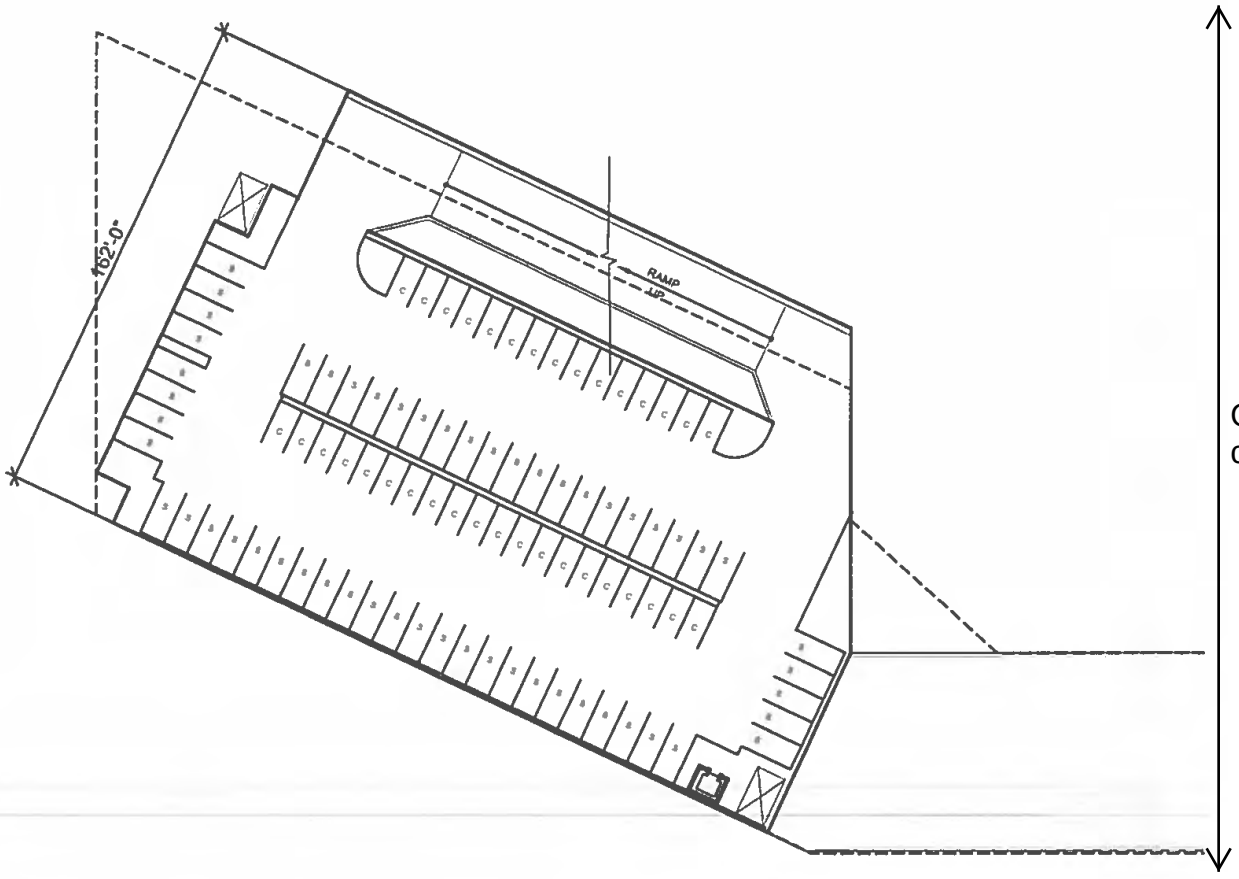
STANDARD OF CARE

WALKER will perform the services called for in the attached letter and this agreement in accordance with generally accepted standards of the profession. No other warranty, express or implied, is made. WALKER's liability to CLIENT and all persons providing work or materials to this project as a result of acts, errors or omissions of WALKER shall be limited to the fee.

Any estimates or projections provided by WALKER will be premised in part upon assumptions provided by the CLIENT. WALKER will not independently investigate the accuracy of the assumptions. Because of the inherent uncertainty and probable variation of the assumptions, actual results will vary from estimated or projected results and such variations may be material. As such, WALKER makes no warranty or representation, express or implied, as to the accuracy of the estimates or projections.

PERIOD OF SERVICE

Services shall be complete the earlier of (1) the date when final documents are accepted by the CLIENT or (2) thirty (30) days after final documents are delivered to the CLIENT.



O4-145
cont.

Barry Kurtz

From: Barry Kurtz
Sent: Wednesday, May 29, 2013 9:10 AM
To: 'Johns, Dan'
Cc: Charlotte Miyamoto
Subject: FW: Revised Proposal
Attachments: Fisherman's Village Overflow Parking Lot Driveway.pdf

Attached is a sketch of the parking lot showing an "X" in the westerly portion of the 114-space parking lot that will be returned to the State.

Barry Kurtz, P.E.
County of L.A. Dept.of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone (310) 821-0793
email bkurtz@bh.lacounty.gov

From: Barry Kurtz
Sent: Wednesday, May 29, 2013 9:04 AM
To: 'Johns, Dan'
Cc: Charlotte Miyamoto; Michael Tripp
Subject: RE: Revised Proposal

Dan,

Please make the following changes to the proposal:

Page 1, next to last paragraph: Change to, "LA County wants Walker to provide updated floor plans and building elevations for Option 2 using the easterly portion of the 114-space surface lot as part of the structure and for access to the structure."

Page 2, No. 2: Add, "The westerly remaining portion of the 114-space parking lot will be returned to the State for wetlands project purposes."

Page 3, first paragraph: "We understand Walker will perform the work under subcontract to Barry Kurtz, P.E. Consulting Traffic Engineer."

Include in the proposal a sketch of OPT-2 showing the structure extending to the driveway entrance opposite the entrance of County Parking Lot 1, as shown in the attachment. Also show an "X" in the westerly portion of the 114-space parking lot that will be returned to the State.

Please provide copies of Walker's insurance coverage.

Barry.

Thank you.

Barry Kurtz, P.E.
County of L.A. Dept.of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone (310) 821-0793
email: bkurtz@bh.lacounty.gov

1

O4-145 cont.

From: Johns, Dan [mailto:Dan.Johns@walkerparking.com]
Sent: Wednesday, May 22, 2013 3:11 PM
To: Barry Kurtz
Subject: Revised Proposal

Barry,

Please look through this one last time and make sure it reads correctly based on your changes. In the meantime, I'll get an insurance certificate ordered. Thanks.

O4-145 cont.

Dan Johns, P.E.
Vice President

Walker Parking Consultants | Walker Restoration Consultants
606 S. Olive Street, Suite 1100 | Los Angeles, CA 90014
213.488.4911 (Office) | 818.397.1800 (Cell) | 213.488.4983 (Fax)
www.walkerparking.com

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.

O4-145 cont.

WALKER
PARKING CONSULTANTS

Walker Parking Consultants
606 S. Olive Street, Suite 1100
Los Angeles, CA 90014

Voice: 213.488.4911
Fax: 213.488.4983
www.walkerparking.com

May 22, 2013

Mr. Barry Kurtz, P.E.
County of Los Angeles, Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292

Re: *Proposal for Parking Consulting Services*
Fisherman's Village – Overflow Lot
Marina del Rey, California

Dear Barry:

Walker Parking Consultants is pleased to submit for your review our proposal to provide Parking Consulting Services for the above referenced parking lot.

We appreciate this opportunity to work with the County of Los Angeles ("LA County") on this exciting development! The following proposal is based on our current understanding of the project and covers our scope of services, professional fee and project schedule.

O4-145 cont.

PROJECT UNDERSTANDING

Walker Parking Consultants ("Walker") provided two options to LA County for providing a three story parking structure in the overflow lot at Fisherman's Village that fronts the Ballona Wetlands.

Option 1 included a parked-on ramp version where both bays are sloped with two-way traffic and straight-in parking stalls. Option 2 included level stories with a speed ramp on the wetlands side.

LA County wants Walker to provide updated floor plans and building elevations for Option 2 ~~without~~ using the 114 space surface ~~single parking bay to the south~~ (easterly portion of lot for access). The two elevations required are the ones facing Fiji Way and the wetlands. LA County also will require some response to questions from other entities reviewing the drawings.

The following outlines our scope of services, fees and schedule to complete this assignment.

WALKER
PARKING CONSULTANTS

SCOPE OF SERVICES

PARKING CONSULTING SERVICES

1. Meet by phone with LA County to discuss project goals, gather existing data plot plans, topographic survey, vehicular entrance and exit configurations, site constraints, etc. for garage. Access to the proposed parking structure will be at the existing driveway to the 114 space parking lot opposite the exit of Parking Lot #1. The westerly remaining portion of the 114 space parking lot will return to the state
2. Refine the conceptual parking layout for Option 2 showing revised parking layouts, vehicular circulation, and garage entrance/exit lanes. A portion of the 114 space surface lot between the proposed parking structure and the existing driveway will be used to access the parking structure.
3. Include recommendations for an observation platform location fronting the wetlands within the footprint of the structure for the general public's use.
4. Prepare up to two building elevations for Option 2. Elevations will be drawn facing the east and west sides.
5. A conceptual review for compliance with California Title 24 accessibility requirements and provide recommendations that comply with Americans with Disabilities Act Accessibility Guidelines (ADAAG) will be performed. The car count will reflect any additional spaces from the portion of the 114 space parking lot between the proposed structure and the existing driveway and the number of accessible parking spaces.
6. Submit revised floor plans and elevations to LA County in PDF format. If poster boards are required, we will plot and mat them as a reimbursable expense.
7. Meet with LA County to present our drawings.
8. Respond to a reasonable number of questions that may come from other entities.

O4-145 cont.

SCHEDULE

We are prepared to perform the above services at your direction. We can start within two (2) days from receiving your authorization to proceed, and we will have the drawings and elevation complete in ten (10) working days or sooner.

PROFESSIONAL FEE

We propose to provide the above-described Scope of Services on a lump sum basis including normal reimbursable expenses for five thousand dollars ($5,000). If presentation boards are required, we will bill these separately as reimbursable expenses.

WALKER
PARKING CONSULTANTS

walker Parking Consultants will be under subcontract to Barry Kurtz, Consulting Traffic Engr

We understand ~~a purchase order will be issued for these services~~. Until it is executed, the terms of our agreement will be in accordance with the attached General Conditions of Agreement.

We are prepared to discuss this proposal with you should you have any questions or comments. We can be reached at 213.488.4911.

If all is satisfactory, please sign and return this page signifying your acceptance and notice to proceed.

Sincerely,
WALKER PARKING CONSULTANTS

Pari Ashabi
Project Manager

Daniel R. Johns, P.E.
Vice President

DRJ/drj

AUTHORIZATION

Trusting that the foregoing meets with your approval, please sign and return one copy signifying your acceptance and authorizing us to proceed.

LA County Beaches and Harbors

Accepted by: _____

Title: _____

Date: _____

O4-145 cont.

GENERAL CONDITIONS OF AGREEMENT

FOR CONSULTING SERVICES

WALKER PARKING CONSULTANTS

SERVICES

Walker Parking Consultants/Engineers, Inc. (WALKER) will provide the CLIENT professional services that are limited to the work described in the attached letter. Any additional services requested will be provided at our standard hourly rates or for a mutually agreeable lump sum fee. Professional services are provided solely in accordance with written information and documents supplied by the CLIENT, and our services are limited to and furnished solely for the specific use disclosed to us in writing by the CLIENT.

PAYMENT FOR SERVICES

WALKER will submit monthly invoices based on work completed. Payment is due upon receipt of invoice.

If for any reason the CLIENT does not deliver payment to WALKER within thirty (30) days of date of invoice, the CLIENT agrees to pay WALKER a monthly late charge of one and one half percent (1½%) per month of any unpaid balance of the invoice.

O4-145 cont.

STANDARD OF CARE

WALKER will perform the services called for in the attached letter and this agreement in accordance with generally accepted standards of the profession. No other warranty, express or implied, is made. WALKER's liability to CLIENT and all persons providing work or materials to this project as a result of acts, errors or omissions of WALKER shall be limited to the fee.

Any estimates or projections provided by WALKER will be premised in part upon assumptions provided by the CLIENT. WALKER will not independently investigate the accuracy of the assumptions. Because of the inherent uncertainty and probable variation of the assumptions, actual results will vary from estimated or projected results and such variations may be material. As such, WALKER makes no warranty or representation, express or implied, as to the accuracy of the estimates or projections.

PERIOD OF SERVICE

Services shall be complete the earlier of (1) the date when final documents are accepted by the CLIENT or (2) thirty (30) days after final documents are delivered to the CLIENT.

Barry Kurtz

From: Barry Kurtz
Sent: Wednesday, May 22, 2013 8:59 AM
To: Charlotte Miyamoto
Cc: Michael Tripp
Subject: FW: Overflow Lot at Fisherman's Village Proposal
Attachments: LTR Proposal Barry Kurtz 052013.pdf

My comments are as follows:

Page 2, No. 1: I recommend access to the parking structure be at the existing driveway of the 114-space parking lot opposite the exit of Parking Lot # 1. At this location there is ample visibility towards the west for motorists exiting the site. There is also an opening in the raised median at this location which would allow westbound Fiji Way traffic to left turn into the site. The other option for access, which would allow adequate visibility for motorists exiting the site, would be at the beginning of the curve of Fiji Way, just west of the proposed structure; however, this location would restrict access to right turns in and right turns out of the site.

Page 2, No. 2: Change the second sentence to, "A portion of the 114-space surface lot between the proposed parking structure and the existing driveway will be used to access the parking structure."

Page 2, No. 5: Add the sentence, "The car count shall reflect any additional spaces from the portion of the 114-space parking lot between the proposed structure and the existing driveway and the number of accessible parking spaces."

With these changes, Walker's proposal is acceptable.

per Nicette's Need & Proposal

O4-145 cont.

Barry Kurtz, P.E.
County of L.A. Dept.of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone (310) 821-0793
email bkurtz@bh.lacounty.gov

From: Johns, Dan [mailto:Dan.Johns@walkerparking.com]
Sent: Monday, May 20, 2013 4:46 PM
To: Michael Tripp; Charlotte Miyamoto
Cc: Barry Kurtz
Subject: FW: Overflow Lot at Fisherman's Village Proposal

Michael and Charlotte,

I forgot to copy you on our proposal. Sorry.

Dan Johns, P.E.
Vice President

Walker Parking Consultants | Walker Restoration Consultants
606 S. Olive Street, Suite 1100 | Los Angeles, CA 90014
213.488.4911 (Office) | 818.397.1800 (Cell) | 213.488.4983 (Fax)
www.walkerparking.com

From: Johns, Dan
Sent: Monday, May 20, 2013 4:30 PM

1

To: Barry Kurtz (BKurtz@dbh.lacounty.gov)
Cc: Ashabi, Pari; Cunningham, Rachel
Subject: Overflow Lot at Fisherman's Village Proposal

Barry,

Attached is our proposal. Let me know if you have any questions. Thanks.

Dan Johns, P.E.
Vice President

Walker Parking Consultants | Walker Restoration Consultants
606 S. Olive Street, Suite 1100 | Los Angeles, CA 90014
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O4-145 cont.

WALKER
PARKING CONSULTANTS

Walker Parking Consultants
606 S. Olive Street, Suite 1100
Los Angeles, CA 90014

Voice: 213.488.4911
Fax: 213.488.4983
www.walkerparking.com

May 20, 2013

Mr. Barry Kurtz, P.E.
County of Los Angeles, Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292

Re: *Proposal for Parking Consulting Services*
Fisherman's Village – Overflow Lot
Marina del Rey, California

Dear Barry:

Walker Parking Consultants is pleased to submit for your review our proposal to provide Parking Consulting Services for the above referenced parking lot.

We appreciate this opportunity to work with the County of Los Angeles ("LA County") on this exciting development! The following proposal is based on our current understanding of the project and covers our scope of services, professional fee and project schedule.

O4-145 cont.

PROJECT UNDERSTANDING

Walker Parking Consultants ("Walker") provided two options to LA County for providing a three story parking structure in the overflow lot at Fisherman's Village that fronts the Ballona Wetlands.

Option 1 included a parked-on ramp version where both bays are sloped with two-way traffic and straight-in parking stalls. Option 2 included level stories with a speed ramp on the wetlands side.

LA County wants Walker to provide updated floor plans and building elevations for Option 2 without using the 114 space surface single parking bay to the south. The two elevations required are the ones facing Fiji Way and the wetlands. LA County also will require some response to questions from other entities reviewing the drawings.

The following outlines our scope of services, fees and schedule to complete this assignment.

Rec. access opposite exit of Parking Lot #1, where there is a median opening and a left-turn lane in can be provided. Otherwise access will be at the beginning of the curve at Fiji Way just west of the structure to allow adequate sight distance for motorists exiting the site.

SCOPE OF SERVICES

PARKING CONSULTING SERVICES

1. Meet by phone with LA County to discuss project goals, gather existing data plot plans, topographic survey, vehicular entrance and exit configurations, site constraints, etc. for garage.
2. Refine the conceptual parking layout for Option 2 showing revised parking layouts, vehicular circulation, and garage entrance/exit lanes. The 114 space surface lot to the south will ~~not be separated from~~ be used to access the parking structure.
3. Include recommendations for an observation platform location fronting the wetlands within the footprint of the structure for the general public's use.
4. Prepare up to two building elevations for Option 2. Elevations will be drawn facing the east and west sides.
5. A conceptual review for compliance with California Title 24 accessibility requirements and provide recommendations that comply with Americans with Disabilities Act Accessibility Guidelines (ADAAG) will be performed. The east portion shall reflect the number of accessible parking spaces.
6. Submit revised floor plans and elevations to LA County in PDF format. If poster boards are required, we will plot and mat them as a reimbursable expense.
7. Meet with LA County to present our drawings.
8. Respond to a reasonable number of questions that may come from other entities.

O4-145 cont.

SCHEDULE

We are prepared to perform the above services at your direction. We can start within two (2) days from receiving your authorization to proceed, and we will have the drawings and elevation complete in ten (10) working days or sooner.

PROFESSIONAL FEE

We propose to provide the above-described Scope of Services on a lump sum basis including normal reimbursable expenses for five thousand dollars ($5,000). If presentation boards are required, we will bill these separately as reimbursable expenses.

We understand a purchase order will be issued for these services. Until it is executed, the terms of our agreement will be in accordance with the attached General Conditions of Agreement.

We are prepared to discuss this proposal with you should you have any questions or comments. We can be reached at 213.488.4911.

WALKER
PARKING CONSULTANTS

If all is satisfactory, please sign and return this page signifying your acceptance and notice to proceed.

Sincerely,
WALKER PARKING CONSULTANTS

Pari Ashabi
Project Manager

Daniel R. Johns, P.E.
Vice President

DRJ/drj

AUTHORIZATION

Trusting that the foregoing meets with your approval, please sign and return one copy signifying your acceptance and authorizing us to proceed.

LA County Beaches and Harbors

Accepted by: _____

Title: _____

Date: _____

O4-145 cont.

GENERAL CONDITIONS OF AGREEMENT

FOR CONSULTING SERVICES

WALKER PARKING CONSULTANTS

SERVICES

Walker Parking Consultants/Engineers, Inc. (WALKER) will provide the CLIENT professional services that are limited to the work described in the attached letter. Any additional services requested will be provided at our standard hourly rates or for a mutually agreeable lump sum fee. Professional services are provided solely in accordance with written information and documents supplied by the CLIENT, and our services are limited to and furnished solely for the specific use disclosed to us in writing by the CLIENT.

PAYMENT FOR SERVICES

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If for any reason the CLIENT does not deliver payment to WALKER within thirty (30) days of date of invoice, the CLIENT agrees to pay WALKER a monthly late charge of one and one half percent (1½%) per month of any unpaid balance of the invoice.

O4-145 cont.

STANDARD OF CARE

WALKER will perform the services called for in the attached letter and this agreement in accordance with generally accepted standards of the profession. No other warranty, express or implied, is made. WALKER's liability to CLIENT and all persons providing work or materials to this project as a result of acts, errors or omissions of WALKER shall be limited to the fee.

Any estimates or projections provided by WALKER will be premised in part upon assumptions provided by the CLIENT. WALKER will not independently investigate the accuracy of the assumptions. Because of the inherent uncertainty and probable variation of the assumptions, actual results will vary from estimated or projected results and such variations may be material. As such, WALKER makes no warranty or representation, express or implied, as to the accuracy of the estimates or projections.

PERIOD OF SERVICE

Services shall be complete the earlier of (1) the date when final documents are accepted by the CLIENT or (2) thirty (30) days after final documents are delivered to the CLIENT.

Barry Kurtz

From: Charlotte Miyamoto
Sent: Monday, May 20, 2013 9:55 AM
To: Charlotte Miyamoto; Gary Jones; John Kelly
Cc: Michael Tripp; Cesar Espinosa; Barry Kurtz
Subject: RE: Ballona Wetlands - Area A Parking Lots
Attachments: Area A Parking.pdf

This time with the attachment...

Charlotte Miyamoto
(310) 305-9512

-----Original Message-----
From: Charlotte Miyamoto
Sent: Monday, May 20, 2013 9:54 AM
To: Gary Jones; John Kelly
Cc: Michael Tripp; Cesar Espinosa; Barry Kurtz
Subject: FW: Ballona Wetlands - Area A Parking Lots

Last Thursday, I provided the attached parking structure concept plan that Barry helped secure, to Diana Hurlbert, project manager for the State's Ballona Wetlands project. Rick Mayfield was copied on my exchange with Diana. Rick called today and asked what the Sheriff's knew and I told him I hadn't spoken to them. Rick will be speaking to Reggie soon about the lot they use including:
-A CDP from Coastal Commission will be needed to make the lot "legal". The likelihood of Coastal's approval is unknown.
-If approved, the Sheriff will likely need to make some improvements given it is located in a preserve.
-Sheriff's vessels that are parked in the area we're proposing for a parking structure need to be removed.
-Rick would like them to patrol Area A for homeless encampments and other illegal activity.

If the Sheriff is still not willing to move into the Boat Central space, they might use the issue of having to move the boats out of Area A to justify more square footage.

Charlotte Miyamoto
(310) 305-9512

-----Original Message-----
From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Monday, May 20, 2013 9:30 AM
To: Charlotte Miyamoto
Cc: 'Rick Mayfield'; Michael Tripp
Subject: RE: Ballona Wetlands - Area A Parking Lots

Yes, Thanks, Charlotte....Got it now.....I just looked at the google map again and I guess I always thought the northern "hammerheadish area (where the DFG temp bldg/trailer is) was physically separate)...I see now that everything is one!

Cheers,

Diana Hurlbert

O4-145 cont.

Restoration Project Coordinator
Santa Monica Bay Restoration Commission
1 LMU Drive, North Hall
Pereira Annex MS:8160
Los Angeles, CA 90045
Tele: 310-216-9899
Cell: 831-241-3463
E-mail: dhurlbert@santamonicabay.org
Website: www.ballonarestoration.org

-----Original Message-----
From: Charlotte Miyamoto [mailto:CMiyamoto@bh.lacounty.gov]
Sent: Monday, May 20, 2013 8:57 AM
To: Diana Hurlbert
Cc: 'Rick Mayfield'; Michael Tripp
Subject: RE: Ballona Wetlands - Area A Parking Lots

I just took a walk to look at the northerly parking area to understand your reference to the two lots north of the gas company access gate. I think the second lot you are referring to is the southerly portion that has a driveway entrance separated by removable bollards. I believe these were installed several years ago at Rick's request when he was working on opening interim access to Area A. Those spaces in the southerly portion cordoned off by the removable bollards are included in current count of 256 spaces mentioned below. The Sheriff's lot is separate.

Did I answer your question?

Charlotte Miyamoto
(310) 305-9512

-----Original Message-----
From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Monday, May 20, 2013 8:26 AM
To: Charlotte Miyamoto
Cc: 'Rick Mayfield'; Michael Tripp
Subject: RE: Ballona Wetlands - Area A Parking Lots

So it does replace both lots to the north of the gas company access gate but not the sheriff's, correct?

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

From: Charlotte Miyamoto [CMiyamoto@bh.lacounty.gov]
Sent: Monday, May 20, 2013 7:42 AM
To: Diana Hurlbert
Cc: 'Rick Mayfield'; Michael Tripp
Subject: RE: Ballona Wetlands - Area A Parking Lots

O4-145 cont.

Good morning Diana. This concept doesn't involve the parking lot across the street from the Sheriff station used primarily by the Sheriff. Does that answer your question? Thanks.

Charlotte Miyamoto
(310) 305-9512

-----Original Message-----
From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Friday, May 17, 2013 11:27 AM
To: Charlotte Miyamoto
Cc: 'Rick Mayfield'; Michael Tripp
Subject: RE: Ballona Wetlands - Area A Parking Lots

Thanks, Charlotte....So would the other 2 parking lots still remain since it sounds like from the below that this parking only replaces the spaces in the northerly lot.

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

From: Charlotte Miyamoto [CMiyamoto@bh.lacounty.gov]
Sent: Thursday, May 16, 2013 8:38 PM
To: Diana Hurlbert
Cc: 'Rick Mayfield'; Michael Tripp
Subject: RE: Ballona Wetlands - Area A Parking Lots

Hello Diana. Attached is a preliminary design that maintains close to the same number of spaces that exist in the most northerly lot on Area A which is 256 spaces. This initial parking structure concept contains about 279 spaces in a 3-story structure, however, it doesn't consider the ADA spaces or a view deck. The structure would be located on the wider, most northerly end of the lot, but which spills over the existing lot boundary to the east. The narrow strip wouldn't be used for paved parking and the overall footprint of the parking area can be reduced.

Hopefully we can talk about this concept on Monday. Thanks much.

Charlotte Miyamoto
(310) 305-9512

-----Original Message-----
From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Monday, May 06, 2013 3:44 PM
To: Charlotte Miyamoto
Subject: RE: Ballona Wetlands - Area A Parking Lots

My pleasure.....Anytime!

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org

O4-145 cont.

Office - 310-216-9899
Cell - 831-241-3463

From: Charlotte Miyamoto [CMiyamoto@bh.lacounty.gov]
Sent: Monday, May 06, 2013 3:43 PM
To: Diana Hurlbert
Subject: RE: Ballona Wetlands - Area A Parking Lots

Nice talking to you Diana. Thanks for the info!

Charlotte Miyamoto
(310) 305-9512

-----Original Message-----
From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Monday, May 06, 2013 3:20 PM
To: Charlotte Miyamoto
Subject: RE: Ballona Wetlands - Area A Parking Lots

Hi Charlotte,

I will give you a call in a few minutes....If I miss you please feel free to call my cell # at you convenience....it is the best way to reach me..... 831-241-3463

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

From: Charlotte Miyamoto [CMiyamoto@bh.lacounty.gov]
Sent: Monday, May 06, 2013 2:50 PM
To: Diana Hurlbert
Cc: 'Rick Mayfield'
Subject: Ballona Wetlands - Area A Parking Lots

Hello Diana. Rick Mayfield directed me to you regarding a question about the Ballona Wetlands Area A parking lots on Fiji Way. When you get a chance, please give me a call. Thanks very much.

Best regards,

Charlotte Miyamoto, Chief
Planning Division
County of Los Angeles
Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292
Office: 310-305-9512
email: CMiyamoto@bh.lacounty.gov<mailto:CMiyamoto@bh.lacounty.gov>

[cid:image001.jpg@01CE4A68.F3244DE0]

O4-145 cont.

Barry Kurtz

From: Barry Kurtz
Sent: Wednesday, May 01, 2013 1:52 PM
To: 'JSVENSSON@dpw.lacounty.gov'
Cc: Charlotte Miyamoto
Subject: Potential Parking Structure in the Fisherman's Village Overflow Parking Lot

Josh,

I am looking into the possibility of a parking structure on the site occupied by the Fisherman's Village Overflow Parking Lot on the south side of at the dog leg curve of Fiji Way. The Proposed Bike Path Alignments and Amenities Exhibit, dated September 2012, from Appendix H of the Ballona Wetlands Restoration Preliminary Design report shows the bike path alignment on the top of the levee traverses the parking lot. It places the parking lot in the wetlands area. Is the bike path alignment fixed or is there a possibility to shift the alignment to avoid taking the parking lot?

O4-145 cont.

Thank you,

Barry Kurtz, P.E.
County of L.A. Dept.of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone (310) 821-0793
email bkurtz@bh.lacounty.gov

1

Barry Kurtz

From: Barry Kurtz
Sent: Monday, May 06, 2013 9:30 AM
To: 'steffen.turoff@walkerparking.com'
Cc: Charlotte Miyamoto
Subject: Site for a Parking Structure
Attachments: Overflow Parking Lot.pdf

Hi Steffen,

We are considering the construction of a parking structure on a site now used as a surface parking lot on the south side of Fiji Way in Marina del Rey. Do you think the attached surface parking lot as shown in the attachment can accommodate a parking structure? You can contact me at (310) 892-8536.

Thank you,

Barry Kurtz, P.E.
County of L.A. Dept of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone (310) 821-0793
email bkurtz@bh.lacounty.gov

O4-145 cont.

Barry Kurtz

From: Johns, Dan [Dan.Johns@walkerparking.com]
Sent: Thursday, May 16, 2013 11:29 AM
To: Barry Kurtz; Michael Tripp; Charlotte Miyamoto
Subject: Fisherman's Village Overflow PS
Attachments: OVERFLOW LOT_FISHERMANS VILLAGE-OPT - 1.pdf; OVERFLOW LOT_FISHERMANS VILLAGE-OPT - 2.pdf

Barry, Michael and Charlotte,

Attached are concepts of two options for a 3 level parking structure on the overflow lot. For each option, we included building structured parking on the long single bay with a turn-around at the end to maximize parking (top plan on each option). The bottom plan only builds supported parking on the wider portion and leaves the long single bay alone. We did not include ADA parking stalls, so you will lose a few spaces in each option to accommodate these. Let me know if you have any questions.

O4-145 cont.

Dan Johns, P.E.
Vice President

Walker Parking Consultants | Walker Restoration Consultants
606 S. Olive Street, Suite 1100 | Los Angeles, CA 90014
213.488.4911 (Office) | 818.397.1800 (Cell) | 213.488.4983 (Fax)
www.walkerparking.com

O4-145
cont.

O4-145
cont.

O4-145
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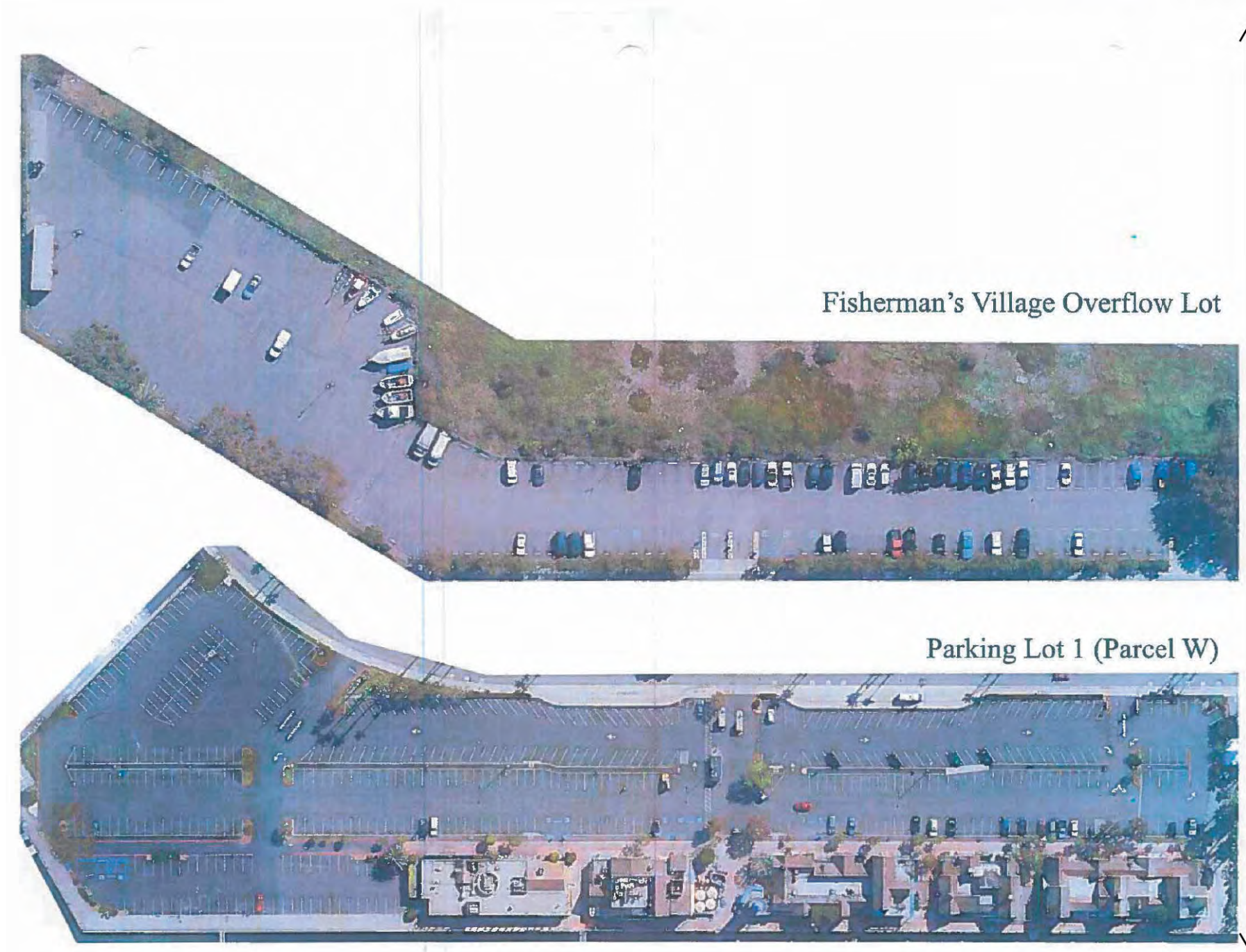
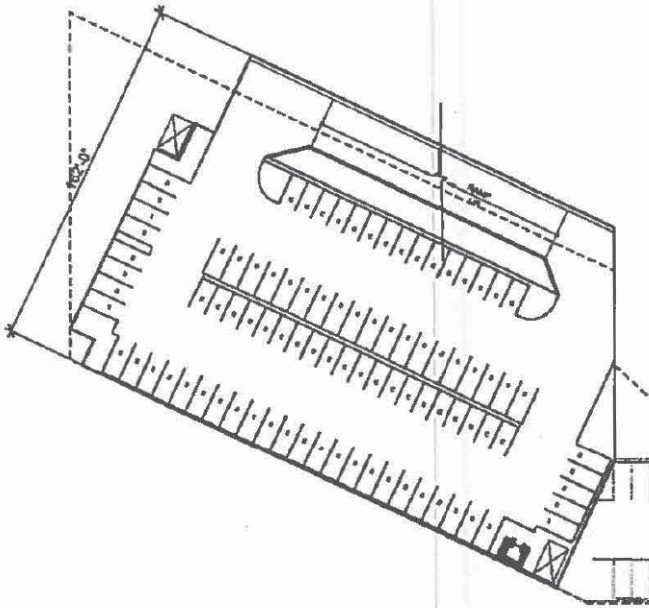
O4-145
cont.

O4-145
cont.

O4-145
cont.

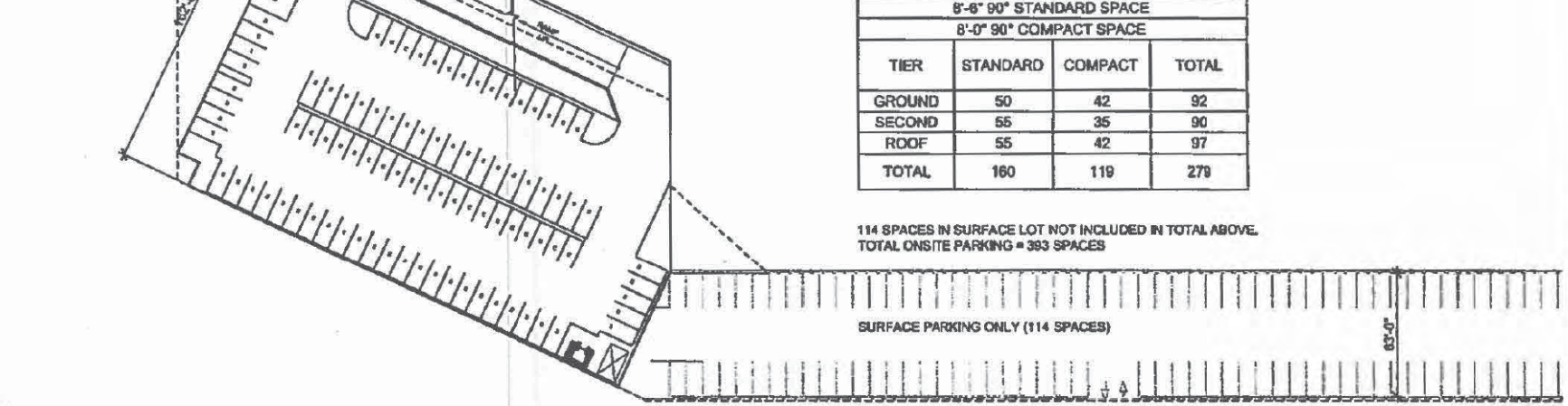


O4-145 cont.



CAR COUNT			
8'-6" 90° STANDARD SPACE			
8'-0" 90° COMPACT SPACE			
TIER	STANDARD	COMPACT	TOTAL
GROUND	50	42	92
SECOND	55	35	90
ROOF	55	42	97
TOTAL	160	119	279

114 SPACES IN SURFACE LOT NOT INCLUDED IN TOTAL ABOVE.
TOTAL ONSITE PARKING = 393 SPACES



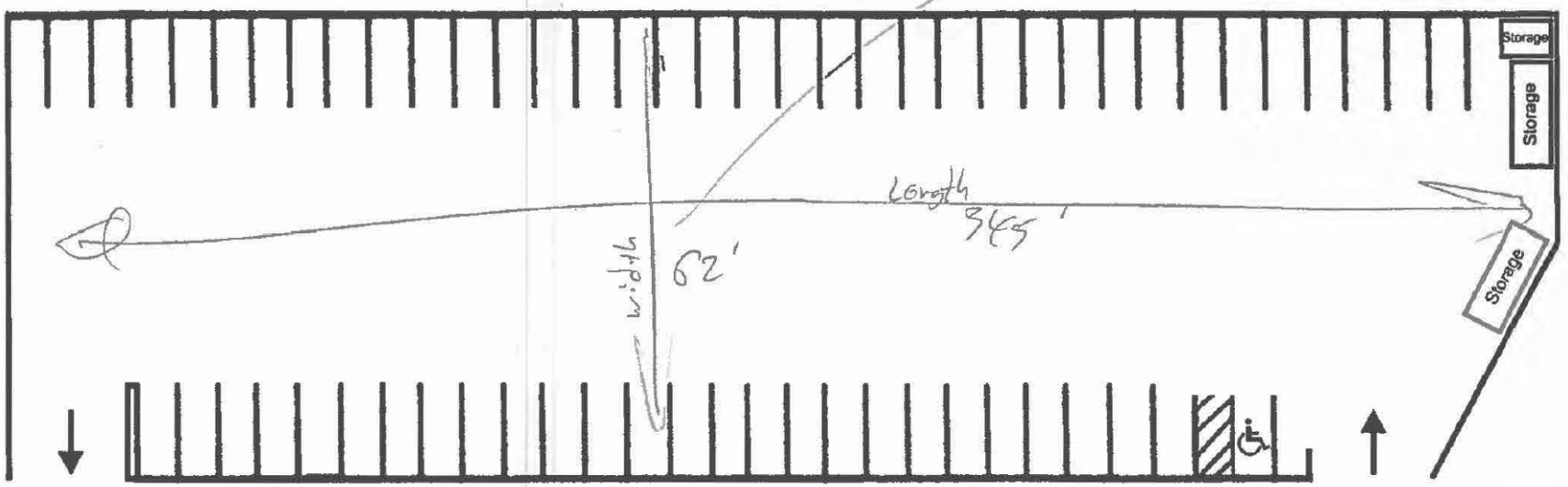
WALKER
PARKING CONSULTANTS

606 S. Olive Street
Suite 1100
Los Angeles, CA 90014
213.488.4911 Ph
213.488.4983 Fax
www.walkerparking.com

Job:
Job No:
Date:

O4-145
cont.

DBH ADMINISTRATION FACILITY
OVERFLOW LOT

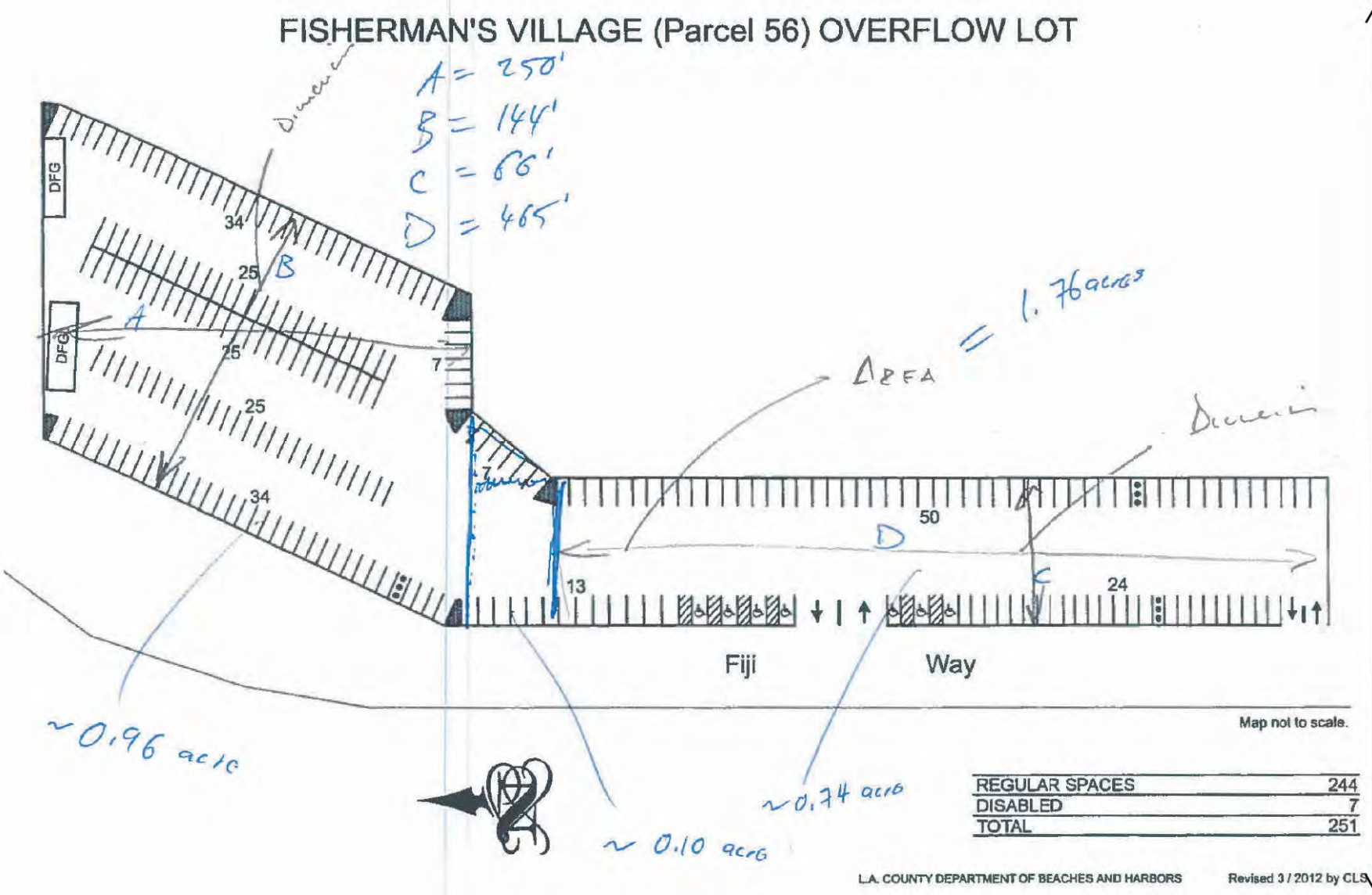


REGULAR SPACES	63
DISABLED	1
TOTAL	64

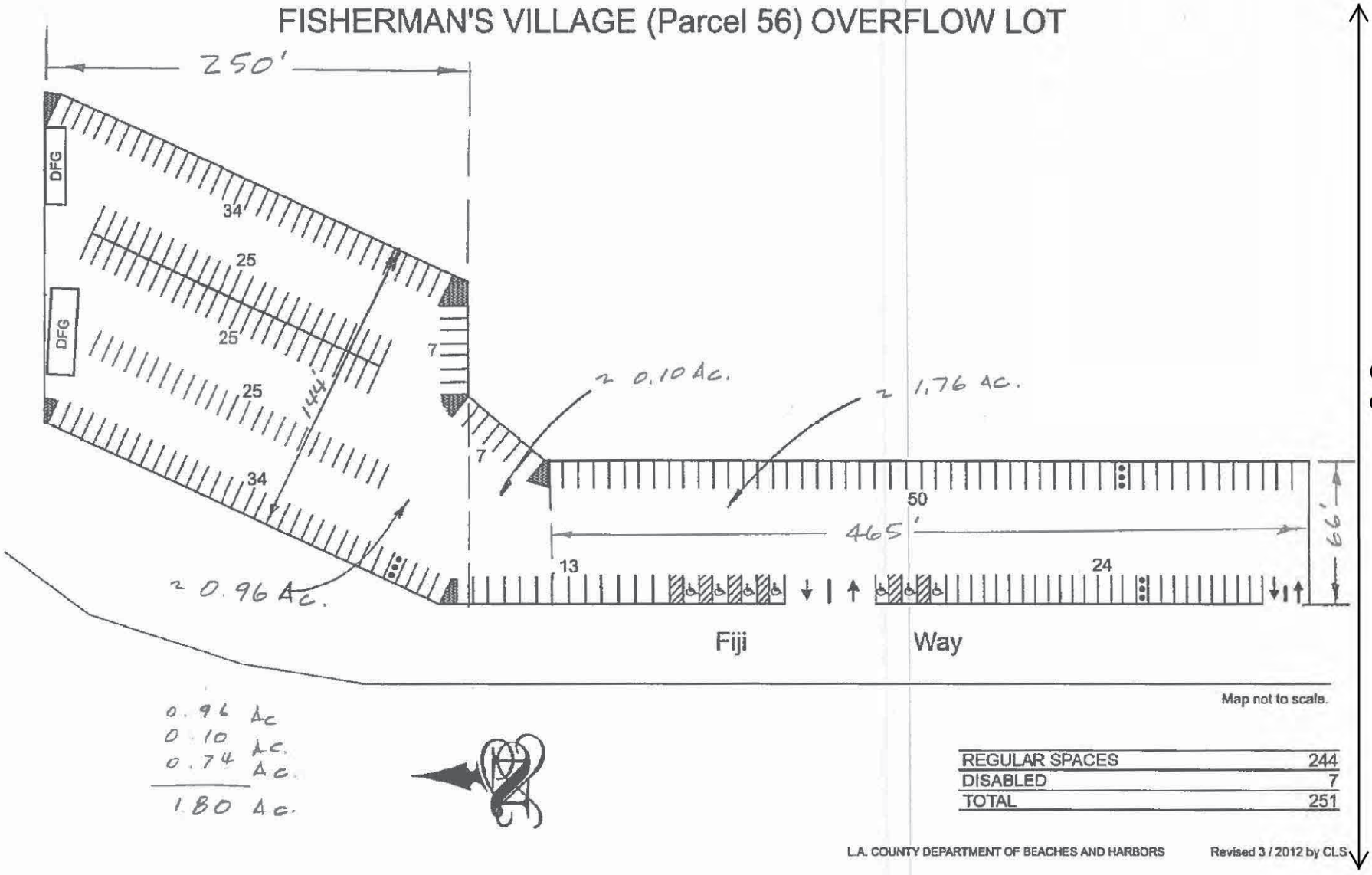
Map not to scale.

L.A. COUNTY DEPARTMENT OF BEACHES AND HARBORS Revised 3 / 2012 by CLS

O4-145 cont.


FISHERMAN'S VILLAGE (Parcel 56) OVERFLOW LOT
A = 250'
B = 144'
C = 66'
D = 465'
DFG
DFG
34
25
25
25
34
7
7
50
13
24
A
B
C
D
Fiji
Way
Map not to scale.
~0.96 acre
~0.74 acre
~ 0.10 acre
REGULAR SPACES 244
DISABLED 7
TOTAL 251
L.A. COUNTY DEPARTMENT OF BEACHES AND HARBORS
Revised 3 / 2012 by CLS

O4-145 cont.


FISHERMAN'S VILLAGE (Parcel 56) OVERFLOW LOT
250'
DFG
DFG
34
25
25
25
34
144'
7
7
± 0.10 Ac.
± 1.76 Ac.
± 0.96 Ac.
50
465'
99'
13
24
Fiji
Way
Map not to scale.
0.96 Ac
0.10 Ac.
0.74 Ac.
1.80 Ac.
REGULAR SPACES 244
DISABLED 7
TOTAL 251
L.A. COUNTY DEPARTMENT OF BEACHES AND HARBORS
Revised 3 / 2012 by CLS

O4-145 cont.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 5/24/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Professional Concepts Insurance Agency, Inc. 1127 South Old US Highway 23 Brighton MI 48114-9861	CONTACT NAME: certs@pciaonline.com PHONE (A/C, No, Ext): (800) 969-4041 FAX (A/C, No): (800) 969-4081 E-MAIL ADDRESS:
INSURED WALKER PARKING CONSULTANTS / ENGINEERS, INC. 606 S Olive Street Suite 1100 LOS ANGELES CA 94105	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A: Charter Oak Fire Ins. Co. — 25615 INSURER B: Travelers Prop Casualty of Ame — 25674 INSURER C: Travelers Indemnity Co — 25658 INSURER D: Farmington Casualty Company — 41483 INSURER E: XL Specialty Ins. Co. — 37885 INSURER F:

COVERAGES CERTIFICATE NUMBER: 13-14 #37 $1PL $2UMB REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X Contractual Liability X X,C,U GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC	X		6801839L533 6801847L188 - CA 6802303L828 - FL PCAP1848L308 - TX	5/23/2013	5/23/2014	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 300,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
B	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS X HIRED AUTOS SCHEDULED AUTOS X NON-OWNED AUTOS	X		BA4887N564	5/23/2013	5/23/2014	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) Hired and Nonowned Liability	$ 1,000,000 $ $ $ $ 1,000,000
C	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000			CUP1D319744	5/23/2013	5/23/2014	EACH OCCURRENCE AGGREGATE	$ 2,000,000 $ 2,000,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		UB3721T829 UB3721T922 - CA	5/23/2013	5/23/2014	X WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
E	Professional Liability			DPR9707503	5/23/2013	5/23/2014	Per Claim Aggregate	$ 1,000,000 $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Project: Fisherman's Village - Overflow Lot. 37-0400.00. County of Los Angeles, Beaches and Harbors and its Agents are considered additional insured's with respects to general and auto liability coverage as long as required within a written contract. Waiver of subrogation in favor of certificate holder and additional insured's as long as required within a written contract. Coverage is considered primary and non-contributory where applicable. 30 day written notice provided to certificate holder and additional insured's for cancellation of coverages listed. 10 day notice for nonpayment of listed policies.

O4-145 cont.

CERTIFICATE HOLDER

County of Los Angeles, Beaches and Harbor
13837 Fiji Way
Marina del Rey, CA 90292

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Kim Fricke/CHUCK

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Barry Kurtz

From: Barry Kurtz
Sent: Wednesday, June 19, 2013 3:48 PM
To: Charlotte Miyamoto
Cc: Michael Tripp
Subject: FW: Area A Parking Questions

Importance: High

Charlotte,

My comments follow Diana's comments:

Here are the questions I have about the B&H parking project now. If all these could be answered I could complete the project description and probably have everything we need for analysis.

My biggest concern is about the driveway entrance and what the structure would "look like" - elevations would be great. Heights and materials would be the next best thing.

Please address, or pass them along to the party that can. Of course, we need these asap - or absolutely by June 28 if we are to stay on schedule.

1. What will become of the existing parking adjacent to the structure (along the north/south extension of Fiji Way? It is within a dashed red line area on the plans. Will it be demolished and returned to wetlands or will it remain parking? Will the existing driveways remain?

DH - the existing asphalt parking and driveways will be removed and restored to upland habitat.

2. I am wondering about the new driveway location. It is "mid-block" allowing direct entry/exit only for the northbound lanes of Fiji Way. Others will have to U-turn to enter the driveway. Is this what is intended? Or will there be a new cut through the median on Fiji Way? Or would it be better to include a driveway all the way to the existing northern driveway into the parking lot (aligning with Fisherman's Village exit). This would result in less traffic impacts.

DH - County to answer
BK - The driveway for the parking structure is intended to have right-turn in, right-turn out access only, with no median opening for the driveway. Westbound motorists on Fiji Way en route to the parking structure will drive to the end of Fiji Way and turn around. This is not considered to be an inconvenience to motorists. We explored the possibility of having a driveway aligning with Fisherman's Village exit, and found that incorporating a left-turn pocket at that location involves extensive utility relocations. It would require at a minimum, lowering the Edison vault, relocating the Edison vent cans to the back of sidewalk, relocating the cathodic protection system and power source to the back of sidewalk, and relocating the street light to back of sidewalk on the water side and back of curb on the Ballona Wetlands side. Also, constructing the entrance at the easterly location allows us to return more of the existing parking lot for the wetland project. Considering these factors, we recommend the driveway as shown on the plans.

O4-145 cont.

3. How much parking would be available to the public? How much would be reserved for B&H, Sheriff, CDFW?

email count of Vivian's spaces in DL

DH - County to answer but I don't think the Sheriff's parking needs are included in this garage BK – Currently DBH, ISD, Life Guards, and other public agencies use the lot. The lot is also used as an overflow parking lot by employees of Fisherman's Village and by the public on busy summer weekends, holidays and for special events. We expect to continue that use in the new parking structure. The parking structure will accommodate 302 parking spaces, 51 more than the present parking lot. Therefore, we expect a higher percentage of the public will use the new structure to visit the reserve, use the observation deck, and patronize the bike station to rent bicycles, etc.

4. What amenities are proposed at the bicycle station?

DH - I think it would be nice to have this as part an extension of the bicycle amenities proposed on Area C by the AF team, such as air and lock-ups. I am hoping that AF/DFW will look into having a bike share program for the Reserve where people could check a bike out from this and Area C and leave them in either area. Maybe it is something that BH would be interested in doing too and link it to the rest of the Marina BK – The bike station would be strategically located at a location served by a Culver City Bus Line, the Marvin Braude Bicycle Trail, the most heavily used bicycle path in Los Angeles County, and Fisherman's Village, a major attraction in the region. It is close to other bus lines including Metro buses and Santa Monica's Big Blue Bus along Admiralty Way and Lincoln Boulevard. Pursuant to an agreement with a selected vendor, the bike station could be similar to the bike stations in Long Beach and Santa Monica, which offer 24-hour indoor bicycle parking, bicycle rentals, professional repair services, a retail bike shop, lockers, bathrooms and showers for cyclists.

O4-145 cont.

5. Is this going to be a paid parking lot? If so, what collection system would be used? If not, how will you keep people headed for Fisherman's Village parking there for free?

DH - DFW/County to answer....I don't know if they want to charge for people to visit the Reserve BK – It will be a paid parking structure because there is a paid parking lot on the other side of the street in Fisherman's Village, and all the other public parking lots in the Marina have paid parking. We expect the collection system would be by pay stations, similar to other public parking lots in the Marina and elsewhere.

6. What are the proposed hours of operation? How will it be secured?

DH - DFW/County
BK – We expect the hours of operation to be 24/7. It will be secured by DBH staff similar to the other parking lots in the Marina. The Sheriff's Department also provides enforcement.

7. Who will operate & maintain the facility?

DH - DFW/County
DBH will operate and maintain the facility.

8. Will we get elevations? Will we get heights?

DH – County
BK - We will have plans showing elevations and heights before the end of June 2013.

9. What materials will be used? (Assuming concrete, but any special aesthetic treatment?)

Barry Kurtz

From: Johns, Dan [Dan.Johns@walkerparking.com]
Sent: Monday, July 01, 2013 2:24 PM
To: Barry Kurtz
Cc: Charlotte Miyamoto; Michael Tripp
Subject: RE: Area A Parking Questions

The structure is the same on all elevations except the east side where the speed ramp is located. The earlier rendering was intended to illustrate this.

Dan Johns, P.E.
Vice President

Walker Parking Consultants | Walker Restoration Consultants
606 S. Olive Street, Suite 1100 | Los Angeles, CA 90014
213.488.4911 (Office) | 818.397.1800 (Cell) | 213.488.4983 (Fax)
www.walkerparking.com

From: Barry Kurtz [mailto:BKurtz@dbh.lacounty.gov]
Sent: Monday, July 01, 2013 2:07 PM
To: Johns, Dan
Cc: Charlotte Miyamoto; Michael Tripp
Subject: FW: Area A Parking Questions
Importance: High

Dan,

Please provide elevations for the other side. Are they the same? Please indicate on the plans.

Thank you,

Barry Kurtz, P E
County of L.A. Dept of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone (310) 821-0793
email bkurtz@bh.lacounty.gov

From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Monday, July 01, 2013 1:46 PM
To: Charlotte Miyamoto; McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov); 'Mike Crehan'
Cc: rlmayfield@hotmail.com; Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions
Importance: High

Was there supposed to be more than one elevation? The pdf attached only had the west elevation included.

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

1

O4-145 cont.

From: Charlotte Miyamoto [mailto:CMiyamoto@bh.lacounty.gov]
Sent: Thursday, June 27, 2013 7:35 PM
To: Diana Hurlbert; McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: rlmayfield@hotmail.com; Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions

Hello all. Attached is the parking structure conceptual sketch with elevations. Also, below are DBH/Barry Kurtz' answers to the questions shown in bold.

Thanks much.

Charlotte Miyamoto
(310) 305-9512

-----Original Message-----
From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Tuesday, June 18, 2013 4:40 PM
To: McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: rlmayfield@hotmail.com; Charlotte Miyamoto; Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions
Importance: High

Hi Donna,

I will take a crack and answering some of your questions below and have Cc'd Rick Mayfield and the County folks so they can help fill in the gaps....D

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

From: McCormick, Donna [Donna.McCormick@icfi.com]
Sent: Tuesday, June 18, 2013 3:42 PM
To: Diana Hurlbert
Subject: Area A Parking Questions

Hi Diana:

Here are the questions I have about the B&H parking project now. If all these could be answered I could complete the project description and probably have everything we need for analysis.

My biggest concern is about the driveway entrance and what the structure would "look like" – elevations would be great. Heights and materials would be the next best thing.

Please address, or pass them along to the party that can. Of course, we need these asap – or absolutely by June 28 if we are to stay on schedule.

O4-145 cont.

1. What will become of the existing parking adjacent to the structure (along the north/south extension of Fiji Way? It is within a dashed red line area on the plans. Will it be demolished and returned to wetlands or will it remain parking? Will the existing driveways remain?

DH - the existing asphalt parking and driveways will be removed and restored to upland habitat.

2. I am wondering about the new driveway location. It is "mid-block" allowing direct entry/exit only for the northbound lanes of Fiji Way. Others will have to U-turn to enter the driveway. Is this what is intended? Or will there be a new cut through the median on Fiji Way? Or would it be better to include a driveway all the way to the existing northern driveway into the parking lot (aligning with Fisherman's Village exit). This would result in less traffic impacts.

DH - County to answer

BK - The driveway for the parking structure is intended to have right-turn in, right-turn out access only, with no median opening for the driveway. Westbound motorists on Fiji Way en route to the parking structure will drive to the end of Fiji Way and turn around. This is not considered to be an inconvenience to motorists. We explored the possibility of having a driveway aligning with Fisherman's Village exit, and found that incorporating a left-turn pocket at that location involves extensive utility relocations. It would require at a minimum, lowering the Edison vault, relocating the Edison vent cans to the back of sidewalk, relocating the cathodic protection system and power source to the back of sidewalk, and relocating the street light to back of sidewalk on the water side and back of curb on the Ballona Wetlands side. Also, constructing the entrance at the easterly location allows us to return more of the existing parking lot for the wetland project. Considering these factors, we recommend the driveway as shown on the plans.

3. How much parking would be available to the public? How much would be reserved for B&H, Sheriff, CDFW?

DH - County to answer but I don't think the Sheriff's parking needs are included in this garage

DBH - All spaces would be available to the public except Beaches and Harbors would need about 20 spaces to park County vehicles.

4. What amenities are proposed at eh bicycle station?

DH - I think it would be nice to have this as part an extension of the bicycle amenities proposed on Area C by the AF team, such as air and lock-ups. I am hoping that AF/DFW will look into having a bike share program for the Reserve where people could check a bike out from this and Area C and leave them in either area. Maybe it is something that BH would be interested in doing too and link it to the rest of the Marina

BK – The bike station would be strategically located at a location served by a Culver City Bus Line, the Marvin Braude Bicycle Trail, the most heavily used bicycle path in Los Angeles County, and Fisherman's Village, a major attraction in the region. It is close to other bus lines including Metro buses and Santa Monica's Big Blue Bus along Admiralty Way and Lincoln Boulevard.

5. Is this going to be a paid parking lot? If so, what collection system would be used? If not, how will you keep people headed for Fisherman's Village parking there for free?

DH - DFW/County to answer....I don't know if they want to charge for people to visit the Reserve

DBH – It will be a paid parking structure using pay stations. Parking rates will be consistent with the rates for public parking throughout the Marina.

O4-145 cont.

6. What are the proposed hours of operation? How will it be secured?

DH - DFW/County

DBH – The parking structure will likely have opening and closing times, but they are yet undetermined It will be secured with a gate arm.

7. Who will operate & maintain the facility?

DH - DFW/County

BK - DBH will operate and maintain the facility.

8. Will we get elevations? Will we get heights?

DH – County

DBH – A sketch of the parking structure with elevations and heights is attached.

9. What materials will be used? (Assuming concrete, but any special aesthetic treatment?)

DH – County

DBH – The building will be constructed of concrete. The design, materials, colors, signage, lighting and landscaping for the parking structure will need to be approved by the Marina del Rey Design Control Board.

10. Currently there occasionally are trailers and boats parked on the site. Will there be any accommodations for oversized vehicles, etc.

DH - DFW/County

DBH – We don't expect to accommodate boats or oversized vehicles. However, the facility would accommodate 8'2" vehicles for ADA vans. The trailers currently on the lot belong to CDFW.

11. Will the existing mobile home/office be moves or incorporated into the property somewhere?

DH - DFW/County

DBH - The trailers belong to CDFW.

12. What access will there be between the parking facility and the wetlands? Pedestrian? Bicycle? How will it connect with the trail system?

DH - This is going to be part of the Recreation/Access MP that Melendrez is working on....there would be bike and ped connection to the bike/ped levee trail we are proposing that goes along the perimeter of the restored wetlands in Area A

BK – There would also be a bike connection between the bike lanes along Fiji Way and the parking facility, bicycle station and bike/ped levee trail.

13. Will there be lighting? If so, what kind? If so, when will it operate (i.e., will there be lights on the roof 24/7)? Currently there is no lighting so this will be an important issue.

O4-145 cont.

DH - DFW/County - There might already be safety lighting on the trailer but I don't know...the nearest lighting is maybe street lighting for Fiji or at Fisherman's Village

BK – The parking structure will have energy efficient LED or florescent lighting operating 24/7 on all levels. The lighting will be dark-sky compatible.

14. Will there be any amenities on the observation deck? (Signage, mapping, scopes?) If so, will this be coordinated with the Annenberg's visitor amenities?

DH - Yes, I would think so to both questions.....DFW/County to elaborate

BK – There will be an information kiosk with signage, maps and telescopes.

15. Will there be removal of any existing landscaping? It seems like the lawn and tree area right at the turn of Fiji Way is not part of the "project" but that the new driveway would remove some street trees. (See my concerns about the new driveway in #2, above.)

DH - I would think that most of what is there is non-native and on Reserve property and that it along with other existing non-native plant material in Area A would be removed during restoration

BK – In addition, the existing landscaping in the vicinity of the driveway of the parking structure would be removed to provide adequate visibility for motorists exiting the driveway.

16. Would there be any additional landscaping? If so, what would be planted? Would it be irrigated (permanently or temporarily)?

DH - I would think that additional landscaping would be limited to the creation of restored uplands and transition habitats adjacent to the garage as part of the overall restoration....

BK – In addition, the existing landscaping in the vicinity of the driveway of the parking structure would be removed to provide adequate visibility for motorists exiting the driveway.

17. Besides electrical (to power elevator and for lighting), would there be any other utilities extended to the site (water)?

DH – County

DBH – Besides electrical power, there would be water supply and sewer lines to maintain the parking area.

18. Would the site drain into the existing storm drains? Would there be any special collection/traps, etc., to address runoff from parking areas, trash screens, etc. Very importantly, would the site be isolated from the wetlands with no draining from parking area/driveways into the wetlands.

DH - DFW/County ....but I would assume "yes"

DBH – Yes, the site would drain into existing storm drains in conformance with County Department of Public Works standards. We would be looking to include all appropriate BMPs.

19. Would the "project" include demolition of the parking at the south end of Fiji?

O4-145 cont.

DH - DFW/County - Do you mean the lot used by the Sheriff....If so I don't think they are going away at this point....I would have a hard time believing they would want to park their vehicles along with the public but who knows....

BK – Department of Fish and Wildlife to address this.

20. Who would build the structure? Timing of the building, would it be done early in the restoration or even before? Who would reclaim the areas that would no longer be needed?

DH - DFW/County.....I would think the parking areas to be restored would be demo'd as part of the restoration of Area A....can't speak to the timing of the garage being built....

DBH – The County would build the structure within a timeframe that compliments the overall construction schedule for the larger Ballona Wetlands project.

Donna

DONNA McCORMICK | Principal | 949.333.6611 (direct) | 949.929.3536 (mobile) | dmccormick@icfi.com<http://kiosk.jsanet.com/signature/> | icfi.com<http://www.icfi.com/> ICF INTERNATIONAL | 1 Ada, Suite 100, Irvine, CA 92618 | 949.333.6601 (fax) P Please consider the environment before printing this e-mail.

O4-145 cont.

Barry Kurtz

From: Diana Hurlbert [dhurlbert@santamonicabay.org]
Sent: Friday, June 28, 2013 12:32 PM
To: Charlotte Miyamoto; McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: rlmayfield@hotmail.com; Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions

Thanks, Charlotte....Any news on a time to meet with you next week? I forwarded Mike's availability to you the other day.....Please let us know....D

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

From: Charlotte Miyamoto [CMiyamoto@bh.lacounty.gov]
Sent: Thursday, June 27, 2013 7:35 PM
To: Diana Hurlbert; McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: rlmayfield@hotmail.com; Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions

Hello all. Attached is the parking structure conceptual sketch with elevations. Also, below are DBH/Barry Kurtz' answers to the questions shown in bold.

Thanks much.

Charlotte Miyamoto

(310) 305-9512

-----Original Message-----
From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Tuesday, June 18, 2013 4:40 PM
To: McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: rlmayfield@hotmail.com; Charlotte Miyamoto; Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions
Importance: High

Hi Donna,

I will take a crack and answering some of your questions below and have Cc'd Rick Mayfield and the County folks so they can help fill in the gaps....D

1

O4-145 cont.

Diana Hurlbert

Restoration Project Coordinator

Santa Monica Bay Restoration Commission

dhurlbert@santamonicabay.org<mailto:dhurlbert@santamonicabay.org>

Office - 310-216-9899

Cell - 831-241-3463

From: McCormick, Donna [Donna.McCormick@icfi.com]

Sent: Tuesday, June 18, 2013 3:42 PM

To: Diana Hurlbert

Subject: Area A Parking Questions

O4-145 cont.

Hi Diana:

Here are the questions I have about the B&H parking project now. If all these could be answered I could complete the project description and probably have everything we need for analysis.

My biggest concern is about the driveway entrance and what the structure would "look like" - elevations would be great. Heights and materials would be the next best thing.

Please address, or pass them along to the party that can. Of course, we need these asap - or absolutely by June 28 if we are to stay on schedule.

1. What will become of the existing parking adjacent to the structure (along the north/south extension of Fiji Way? It is within a dashed red line area on the plans. Will it be demolished and returned to wetlands or will it remain parking? Will the existing driveways remain?

DH - the existing asphalt parking and driveways will be removed and restored to upland habitat.

2. I am wondering about the new driveway location. It is "mid-block" allowing direct entry/exit only for the northbound lanes of Fiji Way. Others will have to U-turn to enter the driveway. Is this what is intended? Or will there be a new cut through the median on Fiji Way? Or would it be better to include a driveway all the way to the existing northern driveway into the parking lot (aligning with Fisherman's Village exit). This would result in less traffic impacts.

DH - County to answer

BK - The driveway for the parking structure is intended to have right-turn in, right-turn out access only, with no median opening for the driveway. Westbound motorists on Fiji Way en route to the parking structure will drive to the end of Fiji Way and turn around. This is not considered to be an inconvenience to motorists. We explored the possibility of having a driveway aligning with Fisherman's Village exit, and found that incorporating a left-turn pocket at that location involves extensive utility relocations. It would require at a minimum, lowering the Edison vault, relocating the Edison vent cans to the back of sidewalk, relocating the cathodic protection system and power source to the back of sidewalk, and relocating the street light to back of sidewalk on the water side and back of curb on the Ballona Wetlands side. Also, constructing the entrance at the easterly location allows us to return more of the existing parking lot for the wetland project. Considering these factors, we recommend the driveway as shown on the plans.

O4-145 cont.

3. How much parking would be available to the public? How much would be reserved for B&H, Sheriff, CDFW?

DH - County to answer but I don't think the Sheriff's parking needs are included in this garage

DBH - All spaces would be available to the public except Beaches and Harbors would need about 20 spaces to park County vehicles.

4. What amenities are proposed at eh bicycle station?

DH - I think it would be nice to have this as part an extension of the bicycle amenities proposed on Area C by the AF team, such as air and lock-ups. I am hoping that AF/DFW will look into having a bike share program for the Reserve where people could check a bike out

from this and Area C and leave them in either area. Maybe it is something that BH would be interested in doing too and link it to the rest of the Marina

BK - The bike station would be strategically located at a location served by a Culver City Bus Line, the Marvin Braude Bicycle Trail, the most heavily used bicycle path in Los Angeles County, and Fisherman's Village, a major attraction in the region. It is close to other bus lines including Metro buses and Santa Monica's Big Blue Bus along Admiralty Way and Lincoln Boulevard.

5. Is this going to be a paid parking lot? If so, what collection system would be used? If not, how will you keep people headed for Fisherman's Village parking there for free?

DH - DFW/County to answer....I don't know if they want to charge for people to visit the Reserve

DBH – It will be a paid parking structure using pay stations. Parking rates will be consistent with the rates for public parking throughout the Marina.

O4-145 cont.

6. What are the proposed hours of operation? How will it be secured?

DH - DFW/County

DBH – The parking structure will likely have opening and closing times, but they are yet undetermined It will be secured with a gate arm.

7. Who will operate & maintain the facility?

DH - DFW/County

BK - DBH will operate and maintain the facility.

8. Will we get elevations? Will we get heights?

DH – County

DBH – A sketch of the parking structure with elevations and heights is attached.

9. What materials will be used? (Assuming concrete, but any special aesthetic treatment?)

DH – County

DBH – The building will be constructed of concrete. The design, materials, colors, signage, lighting and landscaping for the parking structure will need to be approved by the Marina del Rey Design Control Board.

10. Currently there occasionally are trailers and boats parked on the site. Will there be any accommodations for oversized vehicles, etc.

O4-145 cont.

DH - DFW/County

DBH – We don't expect to accommodate boats or oversized vehicles. However, the facility would accommodate 8'2" vehicles for ADA vans. The trailers currently on the lot belong to CDFW.

11. Will the existing mobile home/office be moves or incorporated into the property somewhere?

DH - DFW/County

DBH - The trailers belong to CDFW.

12. What access will there be between the parking facility and the wetlands? Pedestrian? Bicycle? How will it connect with the trail system?

DH - This is going to be part of the Recreation/Access MP that Melendrez is working on....there would be bike and ped connection to the bike/ped levee trail we are proposing that goes along the perimeter of the restored wetlands in Area A

BK - There would also be a bike connection between the bike lanes along Fiji Way and the parking facility, bicycle station and bike/ped levee trail.

13. Will there be lighting? If so, what kind? If so, when will it operate (i.e., will there be lights on the roof 24/7)? Currently there is no lighting so this will be an important issue.

DH - DFW/County - There might already be safety lighting on the trailer but I don't know...the nearest lighting is maybe street lighting for Fiji or at Fisherman's Village

BK – The parking structure will have energy efficient LED or florescent lighting operating 24/7 on all levels. The lighting will be dark-sky compatible.

14. Will there be any amenities on the observation deck? (Signage, mapping, scopes?) If so, will this be coordinated with the Annenberg's visitor amenities?

DH - Yes, I would think so to both questions.....DFW/County to elaborate

BK – There will be an information kiosk with signage, maps and telescopes.

15. Will there be removal of any existing landscaping? It seems like the lawn and tree area right at the turn of Fiji Way is not part of the "project" but that the new driveway would remove some street trees. (See my concerns about the new driveway in #2, above.)

DH - I would think that most of what is there is non-native and on Reserve property and that it along with other existing non-native plant material in Area A would be removed during restoration

BK – In addition, the existing landscaping in the vicinity of the driveway of the parking structure would be removed to provide adequate visibility for motorists exiting the driveway.

O4-145 cont.

16. Would there be any additional landscaping? If so, what would be planted? Would it be irrigated (permanently or temporarily)?

DH - I would think that additional landscaping would be limited to the creation of restored uplands and transition habitats adjacent to the garage as part of the overall restoration....

BK – In addition, the existing landscaping in the vicinity of the driveway of the parking structure would be removed to provide adequate visibility for motorists exiting the driveway.

17. Besides electrical (to power elevator and for lighting), would there be any other utilities extended to the site (water)?

DH - County

DBH - Besides electrical power, there would be water supply and sewer lines to maintain the parking area.

O4-145 cont.

18. Would the site drain into the existing storm drains? Would there be any special collection/traps, etc., to address runoff from parking areas, trash screens, etc. Very importantly, would the site be isolated from the wetlands with no draining from parking area/driveways into the wetlands.

DH - DFW/County ....but I would assume "yes"

DBH - Yes, the site would drain into existing storm drains in conformance with County Department of Public Works standards. We would be looking to include all appropriate BMPs.

19. Would the "project" include demolition of the parking at the south end of Fiji?

DH - DFW/County - Do you mean the lot used by the Sheriff....If so I don't think they are going away at this point....I would have a hard time believing they would want to park their vehicles along with the public but who knows....

BK - Department of Fish and Wildlife to address this.

20. Who would build the structure? Timing of the building, would it be done early in the restoration or even before? Who would reclaim the areas that would no longer be needed?

DH - DFW/County.....I would think the parking areas to be restored would be demo'd as part of the restoration of Area A....can't speak to the timing of the garage being built....

DBH – The County would build the structure within a timeframe that compliments the overall construction schedule for the larger Ballona Wetlands project.

O4-145 cont.

Donna

DONNA McCORMICK | Principal | 949.333.6611 (direct) | 949.929.3536 (mobile) | dmccormick@icfi.com<http://kiosk.jsanet.com/signature/<mailto:dmccormick@icfi.com%3chttp://kiosk.jsanet.com/signature/>> | icfi.com<http://www.icfi.com/> ICF INTERNATIONAL | 1 Ada, Suite 100, Irvine, CA 92618 | 949.333.6601 (fax) P Please consider the environment before printing this e-mail.

DH - DFW/County
County staff will operate and maintain the facility, similar to the other parking facilities in the Marina.

8. Will we get elevations? Will we get heights?

DH - County
BK - We will have plans showing elevations and heights by the end of the June 2013.

9. What materials will be used? (Assuming concrete, but any special aesthetic treatment?)

DH - County
BK – We will submit building designs, materials, colors, and landscaping for the parking structure to the Marina del Rey Design Control Board.

10. Currently there occasionally are trailers and boats parked on the site. Will there be any accommodations for oversized vehicles, etc.

DH - DFW/County
BK –

11. Will the existing mobile home/office be moves or incorporated into the property somewhere?

DH - DFW/County
BK –

12. What access will there be between the parking facility and the wetlands? Pedestrian? Bicycle? How will it connect with the trail system?

DH - This is going to be part of the Recreation/Access MP that Melendrez is working on....there would be bike and ped connection to the bike/ped levee trail we are proposing that goes along the perimeter of the restored wetlands in Area A
BK – There would also be a bike connection between the bike lanes along Fiji Way and the parking facility, bicycle station and bike/ped levee trail.

13. Will there be lighting? If so, what kind? If so, when will it operate (i.e., will there be lights on the roof 24/7)? Currently there is no lighting so this will be an important issue.

DH - DFW/County - There might already be safety lighting on the trailer but I don't know...the nearest lighting is maybe street lighting for Fiji or at Fisherman's Village

14. Will there be any amenities on the observation deck? (Signage, mapping, scopes?) If so, will this be coordinated with the Annenberg's visitor amenities?

O4-145 cont.

DH - Yes, I would think so to both questions.....DFW/County to elaborate

15. Will there be removal of any existing landscaping? It seems like the lawn and tree area right at the turn of Fiji Way is not part of the "project" but that the new driveway would remove some street trees. (See my concerns about the new driveway in #2, above.)

DH - I would think that most of what is there is non-native and on Reserve property and that it along with other existing non-native plant material in Area A would be removed during restoration

16. Would there be any additional landscaping? If so, what would be planted? Would it be irrigated (permanently or temporarily)?

DH - I would think that additional landscaping would be limited to the creation of restored uplands and transition habitats adjacent to the garage as part of the overall restoration....

17. Besides electrical (to power elevator and for lighting), would there be any other utilities extended to the site (water)?

DH - County

18. Would the site drain into the existing storm drains? Would there be any special collection/traps, etc., to address runoff from parking areas, trash screens, etc. Very importantly, would the site be isolated from the wetlands with no draining from parking area/driveways into the wetlands.

DH - DFW/County ....but I would assume "yes"

19. Would the "project" include demolition of the parking at the south end of Fiji?

DH - DFW/County - Do you mean the lot used by the Sheriff....If so I don't think they are going away at this point....I would have a hard time believing they would want to park their vehicles along with the public but who knows....

20. Who would build the structure? Timing of the building, would it be done early in the restoration or even before? Who would reclaim the areas that would no longer be needed?

DH - DFW/County.....I would think the parking areas to be restored would be demo'd as part of the restoration of Area A....can't speak to the timing of the garage being built....

Donna

O4-145 cont.

Hi Diana:

Here are the questions I have about the B&H parking project now. If all these could be answered I could complete the project description and probably have everything we need for analysis.

My biggest concern is about the driveway entrance and what the structure would "look like" - elevations would be great. Heights and materials would be the next best thing.

Please address, or pass them along to the party that can. Of course, we need these asap - or absolutely by June 28 if we are to stay on schedule.

1. What will become of the existing parking adjacent to the structure (along the north/south extension of Fiji Way? It is within a dashed red line area on the plans. Will it be demolished and returned to wetlands or will it remain parking? Will the existing driveways remain?

DH - the existing asphalt parking and driveways will be removed and restored to upland habitat.

2. I am wondering about the new driveway location. It is "mid-block" allowing direct entry/exit only for the northbound lanes of Fiji Way. Others will have to U-turn to enter the driveway. Is this what is intended? Or will there be a new cut through the median on Fiji Way? Or would it be better to include a driveway all the way to the existing northern driveway into the parking lot (aligning with Fisherman's Village exit). This would result in less traffic impacts.

DH - County to answer
BK - The driveway for the parking structure is intended to have right-turn in, right-turn out access only, with no median opening for the driveway. Westbound motorists on Fiji Way en route to the parking structure will drive to the end of Fiji Way and turn around. This is not considered to be an inconvenience to motorists. We explored the possibility of having a driveway aligning with Fisherman's Village exit, and found that incorporating a left turn pocket at that location involves extensive utility relocations. It would require at a minimum, lowering the Edison vault, relocating the Edison vent cans to the back of sidewalk, relocating the cathodic protection system and power source to the back of sidewalk, and relocating the street light to back of sidewalk on the water side and back of curb on the Ballona Wetlands side. Also, constructing the entrance at the easterly location allowed us to return more of the existing parking lot for the wetland project. Considering these factors, we recommend the driveway as shown on the plans.

3. How much parking would be available to the public? How much would be reserved for B&H, Sheriff, CDFW?

DH - County to answer but I don't think the Sheriff's parking needs are included in this garage

O4-145 cont.

BK – Currently DBH, Sheriff, ISD, Life Guards, and other public agencies park in the lot. The lot is also used as an overflow parking lot by employees of Fisherman's Village and by the public on busy summer weekends, holidays and for special events. We expect to continue that use in the new parking structure. However, we expect a higher percentage of the public will use the new structure to visit the reserve, use the observation deck, and use the bike station to rent bicycles, etc.

4. What amenities are proposed at eh bicycle station?

DH - I think it would be nice to have this as part an extension of the bicycle amenities proposed on Area C by the AF team, such as air and lock-ups. I am hoping that AF/DFW will look into having a bike share program for the Reserve where people could check a bike out from this and Area C and leave them in either area. Maybe it is something that BH would be interested in doing too and link it to the rest of the Marina

BK – The bike station would be strategically located at a location served by a Culver City Bus Line, the Marvin Braude Bicycle Trail, the most heavily used bicycle path in Los Angeles County, and Fisherman's Village a major attraction in the region. It is close to other bus lines including Metro and Santa Monica's Big Blue Bus along Admiralty Way and Lincoln Boulevard. Pursuant to an agreement with a selected vendor, the bike station could be similar to the bike stations in Long Beach and Santa Monica, which offer 24-hour indoor bicycle parking, bicycle rentals, professional repair services, a retail bike shop, lockers, bathrooms and showers for cyclists.

O4-145 cont.

5. Is this going to be a paid parking lot? If so, what collection system would be used? If not, how will you keep people headed for Fisherman's Village parking there for free?

DH - DFW/County to answer....I don't know if they want to charge for people to visit the Reserve
BK - We expect the it will be a paid parking structure because of the paid parking lot on the other side of the street in Fisherman's Village and all the other public parking lots in the Marina have paid parking. We expect the collection system would be similar to other public parking lots in the Marina, with park and pay stations.

6. What are the proposed hours of operation? How will it be secured?

DH - DFW/County
BK - We expect the hours of operation would be ____ . It will be secured by ___ similar to the other parking lots in the Marina.

7. Who will operate & maintain the facility?

6. What are the proposed hours of operation? How will it be secured?

DH - DFW/County
BK – We expect the hours of operation would be ____. It will be secured by ___ similar to the other parking lots in the Marina.

7. Who will operate & maintain the facility?

DH - DFW/County
County staff will operate and maintain the facility, similar to the other parking facilities in the Marina.

8. Will we get elevations? Will we get heights?

DH – County
BK - We will have plans showing elevations and heights by the end of the June 2013.

9. What materials will be used? (Assuming concrete, but any special aesthetic treatment?)

DH – County
BK – We will submit building designs, materials, colors, and landscaping for the parking structure to the Marina del Rey Design Control Board.

10. Currently there occasionally are trailers and boats parked on the site. Will there be any accommodations for oversized vehicles, etc.

DH - DFW/County
BK –

11. Will the existing mobile home/office be moves or incorporated into the property somewhere?

DH - DFW/County
BK –

12. What access will there be between the parking facility and the wetlands? Pedestrian? Bicycle? How will it connect with the trail system?

DH - This is going to be part of the Recreation/Access MP that Melendrez is working on....there would be bike and ped connection to the bike/ped levee trail we are proposing that goes along the perimeter of the restored wetlands in Area A

O4-145 cont.

BK – There would also be a bike connection between the bike lanes along Fiji Way and the parking facility, bicycle station and bike/ped levee trail.

13. Will there be lighting? If so, what kind? If so, when will it operate (i.e., will there be lights on the roof 24/7)? Currently there is no lighting so this will be an important issue.

DH - DFW/County - There might already be safety lighting on the trailer but I don't know...the nearest lighting is maybe street lighting for Fiji or at Fisherman's Village

14. Will there be any amenities on the observation deck? (Signage, mapping, scopes?) If so, will this be coordinated with the Annenberg's visitor amenities?

DH - Yes, I would think so to both questions.....DFW/County to elaborate

15. Will there be removal of any existing landscaping? It seems like the lawn and tree area right at the turn of Fiji Way is not part of the "project" but that the new driveway would remove some street trees. (See my concerns about the new driveway in #2, above.)

DH - I would think that most of what is there is non-native and on Reserve property and that it along with other existing non-native plant material in Area A would be removed during restoration

16. Would there be any additional landscaping? If so, what would be planted? Would it be irrigated (permanently or temporarily)?

DH - I would think that additional landscaping would be limited to the creation of restored uplands and transition habitats adjacent to the garage as part of the overall restoration....

17. Besides electrical (to power elevator and for lighting), would there be any other utilities extended to the site (water)?

DH - County

18. Would the site drain into the existing storm drains? Would there be any special collection/traps, etc., to address runoff from parking areas, trash screens, etc. Very importantly, would the site be isolated from the wetlands with no draining from parking area/driveways into the wetlands.

DH - DFW/County ....but I would assume "yes"

19. Would the "project" include demolition of the parking at the south end of Fiji?

O4-145 cont.

DH - DFW/County
DBH will operate and maintain the facility.

8. Will we get elevations? Will we get heights?

DH – County
BK - We will have plans showing elevations and heights before the end of the June 2013.

9. What materials will be used? (Assuming concrete, but any special aesthetic treatment?)

DH – County
BK – The building will be constructed of concrete. We will submit building designs, materials, colors, and landscaping for the parking structure to the Marina del Rey Design Control Board.

10. Currently there occasionally are trailers and boats parked on the site. Will there be any accommodations for oversized vehicles, etc.

DH - DFW/County No boats
BK – No oversized vehicles will park in the structure. However, the facility would accommodate 8'2" vehicles for ADA vans.

11. Will the existing mobile home/office be moves or incorporated into the property somewhere?

DH - DFW/County
BK – No.

12. What access will there be between the parking facility and the wetlands? Pedestrian? Bicycle? How will it connect with the trail system?

DH - This is going to be part of the Recreation/Access MP that Melendrez is working on....there would be bike and ped connection to the bike/ped levee trail we are proposing that goes along the perimeter of the restored wetlands in Area A
BK – There would also be a bike connection between the bike lanes along Fiji Way and the parking facility, bicycle station and bike/ped levee trail.

13. Will there be lighting? If so, what kind? If so, when will it operate (i.e., will there be lights on the roof 24/7)? Currently there is no lighting so this will be an important issue.

DH - DFW/County - There might already be safety lighting on the trailer but I don't know...the nearest lighting is maybe street lighting for Fiji or at Fisherman's Village
BK – The parking structure will have energy efficient LED or flurescent lighting operating 24/7.

O4-145 cont.

14. Will there be any amenities on the observation deck? (Signage, mapping, scopes?) If so, will this be coordinated with the Annenberg's visitor amenities?

DH - Yes, I would think so to both questions.....DFW/County to elaborate
BK – There will be an information kiosk with signage, maps and telescopes.

15. Will there be removal of any existing landscaping? It seems like the lawn and tree area right at the turn of Fiji Way is not part of the "project" but that the new driveway would remove some street trees. (See my concerns about the new driveway in #2, above.)

DH - I would think that most of what is there is non-native and on Reserve property and that it along with other existing non-native plant material in Area A would be removed during restoration
BK – In addition, the existing landscaping in the vicinity of the driveway of the parking structure would be removed to provide adequate visibility for motorists exiting the driveway.

16. Would there be any additional landscaping? If so, what would be planted? Would it be irrigated (permanently or temporarily)?

DH - I would think that additional landscaping would be limited to the creation of restored uplands and transition habitats adjacent to the garage as part of the overall restoration....

O4-145 cont.

17. Besides electrical (to power elevator and for lighting), would there be any other utilities extended to the site (water)?

DH - County
BK – Besides electrical power, there would be water supply and sewer lines.

18. Would the site drain into the existing storm drains? Would there be any special collection/traps, etc., to address runoff from parking areas, trash screens, etc. Very importantly, would the site be isolated from the wetlands with no draining from parking area/driveways into the wetlands.

DH - DFW/County ....but I would assume "yes"
BK – The site would drain into existing storm drains. in conformance with DPW's std.

19. Would the "project" include demolition of the parking at the south end of Fiji?
Dept of
ask fish + wildlife to address.

DH - DFW/County - Do you mean the lot used by the Sheriff....If so I don't think they are going away at this point....I would have a hard time believing they would want to park their vehicles along with the public but who knows....

DO it asap. to replace play.

20. Who would build the structure? Timing of the building, would it be done early in the restoration or even before? Who would reclaim the areas that would no longer be needed?

Barry Kurtz

From: Diana Hurlbert [dhurlbert@santamonicabay.org]
Sent: Tuesday, June 18, 2013 4:40 PM
To: McCormick, Donna; Rick Mayfield (rmayfield@dfg.ca.gov)
Cc: rlmayfield@hotmail.com; Charlotte Miyamoto; Barry Kurtz; Michael Tripp
Subject: RE: Area A Parking Questions

Importance: High

Hi Donna,

I will take a crack and answering some of your questions below and have Cc'd Rick Mayfield and the County folks so they can help fill in the gaps....D

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899
Cell - 831-241-3463

From: McCormick, Donna [Donna.McCormick@icfi.com]
Sent: Tuesday, June 18, 2013 3:42 PM
To: Diana Hurlbert
Subject: Area A Parking Questions

Hi Diana:

Here are the questions I have about the B&H parking project now. If all these could be answered I could complete the project description and probably have everything we need for analysis.

My biggest concern is about the driveway entrance and what the structure would "look like" - elevations would be great. Heights and materials would be the next best thing.

Please address, or pass them along to the party that can. Of course, we need these asap - or absolutely by June 28 if we are to stay on schedule.

1. What will become of the existing parking adjacent to the structure (along the north/south extension of Fiji Way? It is within a dashed red line area on the plans. Will it be demolished and returned to wetlands or will it remain parking? Will the existing driveways remain?

DH - the existing asphalt parking and driveways will be removed and restored to upland habitat.

2. I am wondering about the new driveway location. It is "mid-block" allowing direct entry/exit only for the northbound lanes of Fiji Way. Others will have to U-turn to enter the driveway. Is this what is intended? Or will there be a new cut through the median on Fiji Way? Or would it be better to include a driveway all the way to the existing northern driveway into the parking lot (aligning with Fisherman's Village exit). This would result in less traffic impacts.

O4-145 cont.

DH - County to answer

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4. What amenities are proposed at eh bicycle station?

DH - I think it would be nice to have this as part an extension of the bicycle amenities proposed on Area C by the AF team, such as air and lock-ups. I am hoping that AF/DFW will look into having a bike share program for the Reserve where people could check a bike out from this and Area C and leave them in either area. Maybe it is something that BH would be interested in doing too and link it to the rest of the Marina

5. Is this going to be a paid parking lot? If so, what collection system would be used? If not, how will you keep people headed for Fisherman's Village parking there for free?

DH - DFW/County to answer....I don't know if they want to charge for people to visit the Reserve

6. What are the proposed hours of operation? How will it be secured?

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7. Who will operate & maintain the facility?

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DH - DFW/County

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DH - This is going to be part of the Recreation/Access MP that Melendrez is working on....there would be bike and ped connection to the bike/ped levee trail we are proposing that goes along the perimeter of the restored wetlands in Area A

O4-145 cont.

Dan Johns 213 488 4911
Vivian 310 305 9505 cell 310 628-2049
Frank Vergez 310 577 7959 cell 310 420 6137
Charlotte 310 305 9512
cell

Hi Diana:

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O4-145 cont.

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DH - County to answer
BK - The driveway for the parking structure is intended to have right-turn in, right-turn out access only, with no median opening for the driveway. Westbound motorists on Fiji Way en route to the parking structure will drive to the end of Fiji Way and turn around. This is not considered to be an inconvenience to motorists. We explored the possibility of having a driveway aligning with Fisherman's Village exit, and found that incorporating a left turn pocket at that location involves extensive utility relocations. It would require at a minimum, lowering the Edison vault, relocating the Edison vent cans to the back of sidewalk, relocating the cathodic protection system and power source to the back of sidewalk, and relocating the street light to back of sidewalk on the water side and back of curb on the Ballona Wetlands side. Also, constructing the entrance at the easterly location allowed us to return more of the existing parking lot for the wetland project. Considering these factors, we recommend the driveway as shown on the plans.

3. How much parking would be available to the public? How much would be reserved for B&H, Sheriff, CDFW?

DH - County to answer but I don't think the Sheriff's parking needs are included in this garage
BK – Currently DBH, Sheriff, ISD, Life Guards, and other public agencies park in the lot. The lot is also used as an overflow parking lot by employees of Fisherman's Village and by the public on busy summer weekends, holidays and for special events. We expect to continue that use in the new parking structure. However, we expect a higher percentage of the public will use the new structure to visit the reserve, use the observation deck, and use the bike station to rent bicycles, etc.

4. What amenities are proposed at eh bicycle station?

DH - I think it would be nice to have this as part an extension of the bicycle amenities proposed on Area C by the AF team, such as air and lock-ups. I am hoping that AF/DFW will look into having a bike share program for the Reserve where people could check a bike out from this and Area C and leave them in either area. Maybe it is something that BH would be interested in doing too and link it to the rest of the Marina

BK – The bike station would be strategically located at a location served by a Culver City Bus Line, the Marvin Braude Bicycle Trail, the most heavily used bicycle path in Los Angeles County, and Fisherman's Village a major attraction in the region. It is close to other bus lines including Metro and Santa Monica's Big Blue Bus along Admiralty Way and Lincoln Boulevard. Pursuant to an agreement with a selected vendor, the bike station could be similar to the bike stations in Long Beach and Santa Monica, which offer 24-hour indoor bicycle parking, bicycle rentals, professional repair services, a retail bike shop, lockers, bathrooms and showers for cyclists.

Key Card for Employees.
Ticket is validated + pay station

Yes. Same as FV

O4-145 cont.

5. Is this going to be a paid parking lot? If so, what collection system would be used? If not, how will you keep people headed for Fisherman's Village parking there for free?

DH - DFW/County to answer....I don't know if they want to charge for people to visit the Reserve
BK – We expect the it will be a paid parking structure because of the paid parking lot on the other side of the street in Fisherman's Village and all the other public parking lots in the Marina have paid parking. We expect the collection system would be similar to other public parking lots in the Marina, with park and pay stations. application

20. Who would build the structure? Timing of the building, would it be done early in the restoration or even before? Who would reclaim the areas that would no longer be needed?

DH - DFW/County.....I would think the parking areas to be restored would be demo'd as part of the restoration of Area A....can't speak to the timing of the garage being built....
BK – The Department of Beaches and Harbors would build the structure as soon as possible to replace existing parking. The areas now longer needed would be part of the wetlands project.

O4-145 cont.

DH - DFW/County
DBH will operate and maintain the facility.

8. Will we get elevations? Will we get heights?

DH – County
BK - We will have plans showing elevations and heights before the end of the June 2013.

9. What materials will be used? (Assuming concrete, but any special aesthetic treatment?)

DH – County
BK – The building will be constructed of concrete. We will submit building designs, materials, colors, and landscaping for the parking structure to the Marina del Rey Design Control Board.

10. Currently there occasionally are trailers and boats parked on the site. Will there be any accommodations for oversized vehicles, etc.

DH - DFW/County
BK – No. Boats and oversized vehicles will park in the structure. However, the facility would accommodate 8'2" vehicles for ADA vans.

O4-145 cont.

11. Will the existing mobile home/office be moves or incorporated into the property somewhere?

DH - DFW/County
BK – No.

12. What access will there be between the parking facility and the wetlands? Pedestrian? Bicycle? How will it connect with the trail system?

DH - This is going to be part of the Recreation/Access MP that Melendrez is working on....there would be bike and ped connection to the bike/ped levee trail we are proposing that goes along the perimeter of the restored wetlands in Area A
BK – There would also be a bike connection between the bike lanes along Fiji Way and the parking facility, bicycle station and bike/ped levee trail.

13. Will there be lighting? If so, what kind? If so, when will it operate (i.e., will there be lights on the roof 24/7)? Currently there is no lighting so this will be an important issue.

DH - DFW/County - There might already be safety lighting on the trailer but I don't know...the nearest lighting is maybe street lighting for Fiji or at Fisherman's Village
BK – The parking structure will have energy efficient LED or florescent lighting operating 24/7 on all levels. The lighting will be dark-sky compatible.

14. Will there be any amenities on the observation deck? (Signage, mapping, scopes?) If so, will this be coordinated with the Annenberg's visitor amenities?

DH - Yes, I would think so to both questions.....DFW/County to elaborate
BK – There will be an information kiosk with signage, maps and telescopes.

15. Will there be removal of any existing landscaping? It seems like the lawn and tree area right at the turn of Fiji Way is not part of the "project" but that the new driveway would remove some street trees. (See my concerns about the new driveway in #2, above.)

DH - I would think that most of what is there is non-native and on Reserve property and that it along with other existing non-native plant material in Area A would be removed during restoration
BK – In addition, the existing landscaping in the vicinity of the driveway of the parking structure would be removed to provide adequate visibility for motorists exiting the driveway.

16. Would there be any additional landscaping? If so, what would be planted? Would it be irrigated (permanently or temporarily)?

DH - I would think that additional landscaping would be limited to the creation of restored uplands and transition habitats adjacent to the garage as part of the overall restoration....

17. Besides electrical (to power elevator and for lighting), would there be any other utilities extended to the site (water)?

DH - County
BK – Besides electrical power, there would be water supply and sewer lines.

18. Would the site drain into the existing storm drains? Would there be any special collection/traps, etc., to address runoff from parking areas, trash screens, etc. Very importantly, would the site be isolated from the wetlands with no draining from parking area/driveways into the wetlands.

DH - DFW/County ....but I would assume "yes"
BK – The site would drain into existing storm drains in conformance with County Department of Public Works standards.

19. Would the "project" include demolition of the parking at the south end of Fiji?

DH - DFW/County - Do you mean the lot used by the Sheriff....If so I don't think they are going away at this point....I would have a hard time believing they would want to park their vehicles along with the public but who knows....
BK – Department of Fish and Wildlife to address this.

O4-145 cont.

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DH - the existing asphalt parking and driveways will be removed and restored to upland habitat.

2. I am wondering about the new driveway location. It is "mid-block" allowing direct entry/exit only for the northbound lanes of Fiji Way. Others will have to U-turn to enter the driveway. Is this what is intended? Or will there be a new cut through the median on Fiji Way? Or would it be better to include a driveway all the way to the existing northern driveway into the parking lot (aligning with Fisherman's Village exit). This would result in less traffic impacts.

DH - County to answer
BK - The driveway for the parking structure is intended to have right-turn in, right-turn out access only, with no median opening for the driveway. Westbound motorists on Fiji Way en route to the parking structure will drive to the end of Fiji Way and turn around. This is not considered to be an inconvenience to motorists. We explored the possibility of having a driveway aligning with Fisherman's Village exit, and found that incorporating a left-turn pocket at that location involves extensive utility relocations. It would require at a minimum, lowering the Edison vault, relocating the Edison vent cans to the back of sidewalk, relocating the cathodic protection system and power source to the back of sidewalk, and relocating the street light to back of sidewalk on the water side and back of curb on the Ballona Wetlands side. Also, constructing the entrance at the easterly location allowed us to return more of the existing parking lot for the wetland project. Considering these factors, we recommend the driveway as shown on the plans.

3. How much parking would be available to the public? How much would be reserved for B&H, Sheriff, CDFW?

DH - County to answer but I don't think the Sheriff's parking needs are included in this garage

O4-145 cont.

BK – Currently DBH, Sheriff, ISD, Life Guards, and other public agencies park in the lot. The lot is also used as an overflow parking lot by employees of Fisherman's Village and by the public on busy summer weekends, holidays and for special events. We expect to continue that use in the new parking structure. The parking structure will accommodate 302 parking spaces, 51 more than the present parking lot. Therefore, we expect a higher percentage of the public will use the new structure to visit the reserve, use the observation deck, and patronize the bike station to rent bicycles, etc.

4. What amenities are proposed at the bicycle station?

DH - I think it would be nice to have this as part an extension of the bicycle amenities proposed on Area C by the AF team, such as air and lock-ups. I am hoping that AF/DFW will look into having a bike share program for the Reserve where people could check a bike out from this and Area C and leave them in either area. Maybe it is something that BH would be interested in doing too and link it to the rest of the Marina

BK – The bike station would be strategically located at a location served by a Culver City Bus Line, the Marvin Braude Bicycle Trail, the most heavily used bicycle path in Los Angeles County, and Fisherman's Village, a major attraction in the region. It is close to other bus lines including Metro and Santa Monica's Big Blue Bus along Admiralty Way and Lincoln Boulevard. Pursuant to an agreement with a selected vendor, the bike station could be similar to the bike stations in Long Beach and Santa Monica, which offer 24-hour indoor bicycle parking, bicycle rentals, professional repair services, a retail bike shop, lockers, bathrooms and showers for cyclists.

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DH - DFW/County to answer....I don't know if they want to charge for people to visit the Reserve
BK – It will be a paid parking structure because there is a paid parking lot on the other side of the street in Fisherman's Village, and all the other public parking lots in the Marina have paid parking. We expect the collection system would be by pay stations, similar to other public parking lots in the Marina and elsewhere.

6. What are the proposed hours of operation? How will it be secured?

DH - DFW/County
BK – We expect the hours of operation to be 24/7. It will be secured by DBH staff similar to the other parking lots in the Marina. The Sheriff's Department also provides enforcement.

7. Who will operate & maintain the facility?

O4-145 cont.

DH - County
BK - The building will be constructed of concrete. We will submit building designs, materials, colors, and landscaping for the parking structure to the Marina del Rey Design Control Board.

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DH - DFW/County
BK - Boats and oversized vehicles will not park in the structure. However, the facility would accommodate 8'2" vehicles for ADA vans.

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BK - No.

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O4-145 cont.

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BK - Besides electrical power, there would be water supply and sewer lines.

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DH - DFW/County.....I would think the parking areas to be restored would be demo'd as part of the restoration of Area A....can't speak to the timing of the garage being built....
BK - The Department of Beaches and Harbors would build the structure as soon as possible to replace existing parking. The area of the existing parking lot no longer needed would be part of the wetlands project.

O4-145 cont.

Barry Kurtz, P.E.

County of L.A. Dept.of Beaches and Harbors

13837 Fiji Way

Marina del Rey CA 90292

Phone: (310) 821-0793

email: bkurtz@bh.lacounty.gov

-----Original Message-----
From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
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DH - DFW/County - There might already be safety lighting on the trailer but I don't know...the nearest lighting is maybe street lighting for Fiji or at Fisherman's Village

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O4-145 cont.

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DH - DFW/County.....I would think the parking areas to be restored would be demo'd as part of the restoration of Area A....can't speak to the timing of the garage being built....

Donna

DONNA McCORMICK | Principal | 949.333.6611 (direct) | 949.929.3536 (mobile) | dmccormick@icfi.com<http://kiosk.jsanet.com/signature/> | icfi.com<http://www.icfi.com/> ICF INTERNATIONAL | 1 Ada, Suite 100, Irvine, CA 92618 | 949.333.6601 (fax) P Please consider the environment before printing this e-mail.

O4-145 cont.

Barry Kurtz

From: Charlotte Miyamoto
Sent: Monday, May 20, 2013 1:08 PM
To: Nicolette Taylor
Cc: Barry Kurtz
Subject: Traffic Engineer Contract - Subcontracting

Hi Nicolette. Barry's contract has a subcontracting provision. It reads as follows:

2.39 SUBCONTRACTING

2.39.1 The requirements of this Contract may not be subcontracted by the Contractor **without the advance written approval of the County**. Any attempt by the Contractor to subcontract without the prior consent of the County may be deemed a material breach of this Contract.

2.39.2 If the Contractor desires to subcontract, the Contractor shall provide the following information promptly at the County's request:

- A description of the work to be performed by the Subcontractor;
- A draft copy of the proposed subcontract; and
- Other pertinent information and/or certifications requested by the County.

2.39.3 The Contractor shall indemnify, defend and hold the County harmless with respect to the activities of each and every Subcontractor in the same manner and to the same degree as if such Subcontractor(s) were the Contractor employees.

2.39.4 The Contractor shall remain fully responsible for all performances required of it under this Contract, including those that the Contractor has determined to subcontract, notwithstanding the County's approval of the Contractor's proposed subcontract.

2.39.5 The County's consent to subcontract shall not waive the County's right to prior and continuing approval of any and all personnel, including Subcontractor employees, providing services under this Contract. The Contractor is responsible to notify its Subcontractors of this County right.

O4-145 cont.

Contract, As-Needed Traffic Engineer Consultant Services Page 36

2.39.6 The Department's Director is authorized to act for and on behalf of the County with respect to approval of any subcontract and Subcontractor employees. After approval of the subcontract by the County, Contractor shall forward a fully executed subcontract to the County for their files.

2.39.7 The Contractor shall be solely liable and responsible for all payments or other compensation to all Subcontractors and their officers, employees, agents, and successors in interest arising through services performed hereunder, notwithstanding the County's consent to subcontract.

2.39.8 The Contractor shall obtain certificates of insurance, which establish that the Subcontractor maintains all the programs of insurance required by the County from each approved Subcontractor. The Contractor shall ensure delivery of all such documents to:

Los Angeles County Department of Beaches and Harbors
Administrative Services Division / Contracts Unit
13483 Fiji Way, Trailer 3
Marina del Rey, California 90292

before any Subcontractor employee may perform any work hereunder.

150 Mgr.
Gerald R. Planner
(323) 267-2670
Lillian Fong. (323) 267
Yolanda Young; 3101
's secy.

What do you need from Gary for approval of a subcontractor? Provided we can get the materials from the subcontractor, can DBH's part go quickly?

Joe Sandoval (323) 267 2101
Marie Nunez works for Joe

Thank you,

1

Charlotte Miyamoto, Chief
Planning Division
County of Los Angeles
Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292
Office: 310-305-9512
email: CMiyamoto@bh.lacounty.gov

PMT comments on the 10-31-12 Admin Draft USACE Section 408 Permit - Submittal A
2-1-13 responses to comments provided for Screen-check Draft Submittal A

Comment					Response			Concurrence		
Page Number	Line Number	Comment	Reviewer Name	Contact Info	Response	Lead	Follow up required in subsequent submittal?	Concurrence by Commenting Agency (Y/N/Hold)	Contact	Contact Info
General Comments										
n/a	n/a	The bike lanes on Lincoln Boulevard south of Jefferson should be extended to Fiji Way. While many cyclists may be going to the coastal Venice area, others are trying to travel north on Lincoln Boulevard. Future bike lanes on the portion of Lincoln Boulevard may be beyond the scope of this project, however, the planning of the bike lanes should be coordinated with the Westside Mobility Plan, which will include a project to improve Lincoln Boulevard between Fiji Way and Jefferson Boulevard.	Michael Tripp (Dept. of Beaches & Harbors)	MTripp@bh.lacounty.gov	The proposed bike path allows for bikers to take the proposed bridge across the channel and then travel north parallel to Lincoln, but on DFW property. This could provide easy access to commute on Lincoln. Continuing the bike path along Lincoln Blvd would require Caltrans to widen the road, which is beyond this project's scope as noted. Will look to coordinate with Westside Mobility Plan.	Psomas	Y	OK for submittal A. We would like further consideration/discussion prior to Submittal B		
n/a	n/a	We recommend the Marvin Braude Bike Path (MBBP) at the south end of Admiralty Way, where it turns to the west on Fiji Way, be extended southerly to the proposed bike/pedestrian paths. This short connection would provide a more direct connection for bicyclists on the MBBP who wish to ride southerly.	Michael Tripp (Dept. of Beaches & Harbors)	MTripp@bh.lacounty.gov	Crossing the Fiji ditch is not within the project scope. Connection approximately 950 feet west of Admiralty to the bike path can be accomodated.	Psomas	Y	OK for submittal A. We would like further consideration prior to Submittal B. It is our experience with the present bike path crossing of Fiji Way, that a new crossing of Fiji way approximately 950 feet west of Admiralty Way is undesirable because of the potential conflicts between bikes and motor vehicles. The conflicts will increase in the future with additional development and increased traffic volumes along Fiji Way. Considering that the purpose of the new bicycle path in Area A is to provide for pedestrian and bicycle access to Ballona Wetlands Restoration area, we believe it would be appropriate to include the ditch crossing at Admiralty Way in the scope and connect the MBBP with the bike path in Area A.		
n/a	n/a	Any additional soft bottom area that is added the channel will likely result in increased sediment deposit near the entrance of the Marina. The Marina entrance already must be dredged every 5 years, and we are concerned that the proposed project may increase the need for dredging.	Michael Tripp (Dept. of Beaches & Harbors)	MTripp@bh.lacounty.gov	We have initiated a sedimentation analysis, which will be completed in subsequent phases to address the concern and evaluate the potential impacts for the EIR/S including harbor entrance dredging. Our hypothesis is that sediment deposition in the harbor entrance is due to a combination of sand transport and deposition from the coast/beaches and intermittent transport of sediment from the Ballona Creek watershed and channel during high Ballona Creek flows. Additional analysis will be completed to address the question of whether the restoration will increase sediment deposition in the harbor entrance.	PWA	Y	OK for Submittal A. If after your research is completed, it is found that the project will increase the sediment deposits, we would like the Flood Control District to mitigate this by contributing a fair share amount towards the ongoing dredging of the Marina.		

O4-145 cont.

Barry Kurtz

From: Barry Kurtz
Sent: Monday, April 08, 2013 7:14 AM
To: 'Svensson, Joshua'
Cc: John Kelly; Charlotte Miyamoto; Abramson, Allan; Shadmani, Paul; Ariki, Menerva; Michael Tripp
Subject: RE: Ballona Wetlands Restoration Project - Response to Comments Section 408 Permit

Joshua,

The comments look OK to submit to SMBRC.

Thank you,

Barry Kurtz, P E
County of L.A. Dept of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone (310) 821-0793
email bkurtz@bh.lacounty.gov

From: Svensson, Joshua [mailto:JSVENSSON@dpw.lacounty.gov]
Sent: Wednesday, April 03, 2013 3:28 PM
To: Michael Tripp; Barry Kurtz
Cc: John Kelly; Charlotte Miyamoto; Abramson, Allan; Shadmani, Paul; Ariki, Menerva
Subject: RE: Ballona Wetlands Restoration Project - Response to Comments Section 408 Permit

Michael, Barry-
Thank you for your comments. Please see the revised comment spreadsheet and let me know if this is OK to submit to SMBRC.

Regards,

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Michael Tripp [mailto:MTripp@bh.lacounty.gov]
Sent: Wednesday, April 03, 2013 3:13 PM
To: Barry Kurtz; Svensson, Joshua
Cc: John Kelly; Charlotte Miyamoto; Abramson, Allan
Subject: RE: Ballona Wetlands Restoration Project - Response to Comments Section 408 Permit

Josh,

DBH also made the comment that the additional soft bottom area added to the channel will likely increase sediment deposited near the mouth of the Marina, and may require additional dredging. If after your research is completed, it is found that the project will increase the sediment deposits, we would like the Flood Control District to mitigate this by contributing a fair share amount towards the ongoing dredging of the Marina.

Thank you,

O4-145 cont.

Michael Tripp
310-305-9537

From: Barry Kurtz
Sent: Wednesday, April 03, 2013 2:38 PM
To: 'jsvensson@dpw.lacounty.gov'
Cc: John Kelly; Charlotte Miyamoto; Abramson, Allan; Michael Tripp
Subject: Ballona Wetlands Restoration Project - Response to Comments Section 408 Permit

Josh,

The following comment is in response to PMT's comment number 9 (attached):
The Proposed Bike Path Alignments and Amenities Exhibit (attached) shows the proposed bike path in Area A approximately parallel to Fiji Way but with no connection between the proposed bike path and the Marvin Braude Bicycle Path (MBBP) along Fiji Way . In our previous comment we recommended that the MBBP at the south end of Admiralty Way be extended southerly a short distance to the proposed bike/pedestrian path for bicyclists on the MBBP who wish to ride southerly. PMT's response to our comment stated, "Crossing the Fiji ditch is not within the project scope. Connection approximately 950 feet west of Admiralty to the bike path can be accommodated." It is our experience with the present bike path crossing of Fiji Way, that a new crossing of Fiji way approximately 950 feet west of Admiralty Way is undesirable because of the potential conflicts between bikes and motor vehicles. The conflicts will increase in the future with additional development and increased traffic volumes along Fiji Way. Considering that the purpose of the new bicycle path in Area A is to provide for pedestrian and bicycle access to Ballona Wetlands Restoration area, we believe it would be appropriate to include the ditch crossing at Admiralty Way in the scope and connect the MBBP with the bike path in Area A.

Barry Kurtz, P.E
County of L.A. Dept.of Beaches and Harbors
13837 Fiji Way
Marina del Rey CA 90292
Phone: (310) 821-0793
email: bkurtz@bh.lacounty.gov

O4-145 cont.

Walter Lamb

From: Don Geisinger
Sent: Thursday, March 10, 2011 12:57 PM
To: Gary Jones; Charlotte Miyamoto; Kerry Silverstrom
Cc: Vivian Paquin-Sanner; Kenneth Foreman; testSK
Subject: Area A Parking Lots

I had 2 conversations with David Lawhead of the Department of Fish and Game (DFG) yesterday and would like to recap the issues that were discussed.

1. Parking Lots: DFG is now willing to discuss leasing the parking lots to DBH. Rather than pay rent, DFG is proposing that we maintain (Facilities) and monitor (Parking) the Gordon's Market parking lot. In our initial conversation, David was reluctant to discuss a long-term lease or sale although he acknowledged that there had been discussions about building a parking structure in connection with the development of Fisherman's Village. I explained that DBH needs a long-term commitment in order to factor the parking lots into the Department's long-term visioning plan.
2. I discussed the conversation with both Santos and Kerry. Santos prefers a sale and would be willing to agree to maintain the Gordon's Market parking lot in exchange. Kerry raised the issue of parking and asked that I check with Vivian about the difficulties the Department would have in providing a monitoring program. (In a later conversation with Vivian, Vivian stated that there is no problem at all in providing monitoring.)
3. I spoke with David about a sale. He initially had several objections that included: a) he did not know whether a portion of the Ballona Wetlands could be sold as bonds were issued to purchase the land. b) DFG is finalizing or near finalizing the proposed plan for the development of the Ballona Wetlands and is concerned that the environmental groups might reject the plan if it were announced that the parking lots would be sold. c) if a sale could be accomplished, the money would go to the State's General Fund and would not benefit the Ballona Wetlands. This last objection appears to be critically significant because DFG appears to be concerned about having sufficient funds to maintain the Wetlands once it is developed.
4. In this connection, David raised another issue-whether DBH would be willing to have the baseball field in Area C transferred to DBH with the understanding that: a) the baseball field would be kept as a baseball field; and b) DBH would maintain the area.
5. As soon as David raised this issue, I asked why DFG could not transfer the parking lots if DFG is able and willing to "transfer" the baseball field. It appears as if it may be more an issue of timing (after the plans have been approved so that the environmental groups will not oppose the entire plans).
6. Ken Foreman and I visited both Gordon's Market and the baseball field. Several issues arose about the size and scope of work on each location. I will call DFG for more detailed information.

Finally, in discussions about negotiating for the parking lots, the issue arose as to which entity, DBH or the CEO, will be the lead agency. I will check but would appreciate any comments on this issue.

This is simply an outline of what has been discussed. If anyone has any comments or wants to give advice or instructions please do so. It appears as if there is an opportunity to acquire or control the parking lots in Area A.

O4-146

Don Geisinger
Senior Real Property Agent
County of Los Angeles
Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292
Office: (310) 305-9506
e-mail: dgeisinger@bh.lacounty

Michael Tripp

From: Charlotte Miyamoto
Sent: Tuesday, April 16, 2013 6:39 PM
To: Gary Jones; Michael Tripp; John Kelly
Cc: Kerry Silverstrom
Subject: Area A Parking Lots

I met with Rick Mayfield of State Fish and Wildlife Department today and we discussed the following:

- Ballona Wetlands DEIR is expected to be out for public comment early to mid summer. The State wants to address the issue of building the interpretive center on Pcl 49 (launch ramp parking) and the parking lots on Area A.
- A cursory evaluation is being conducted on locating the proposed interpretive center that Annenberg wants to build on Pcl 49R. You may recall there is a pet adoption facility proposed as part of the interpretive center. Michael has determined this isn't an allowed use and would require an LCP amendment. I passed this along to Rick.
- Rick would like us to get back to him this week with what we'd like to see in the future for the Area A parking lots. Some of the options we discussed were:
  - Leave them as is. State and or County would need to get a CDP amendment (if that's even possible since the permit was issued by the Coastal Commission in connection with the 1984 Olympics). I believe the permit under which the lots were built required them to be removed.
  - Build a parking structure under a long term agreement (for which legislation will be needed) that includes a viewing deck and the like. This would reduce the area of the preserve covered by parking facilities. County (Sheriffs too) will need to fund the construction.
  - Eliminate the parking lots and restore habitat.
- It might be a good idea to have Rick join the meeting with Susan McCabe scheduled for April 30. He works very closely with the Annenberg folks and is willing to attend.

As for any land tenure issues, if the State acquires the lease for Pcl 49 (or whatever other conveyance document is used), there are Government code sections (65402 and 25365 among them) that would allow the Board with a 4/5 vote, to lease directly with the State.

If ultimately the interpretive center is built on Area C, Fish and Wildlife would need to seek legislation for a long term lease or other agreement of some kind with Annenberg. I would imagine if the parking structure option was selected by the County, the long term use of the State's property for that would be part of the Annenberg legislation.

Next Step: We need to discuss what we want to tell Rick about the use of the Area A parking lots.

O4-147

Thank you,

Charlotte Miyamoto, Chief
Planning Division
County of Los Angeles
Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292
Office: 310-305-9512
email: CMiyamoto@bh.lacounty.gov

Caring for Your Coast

Coastal Conservancy

MEMO

August 13, 2004

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

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

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

RE: Ballona Wetland Restoration Planning, Proposed Approach

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

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

O4-148

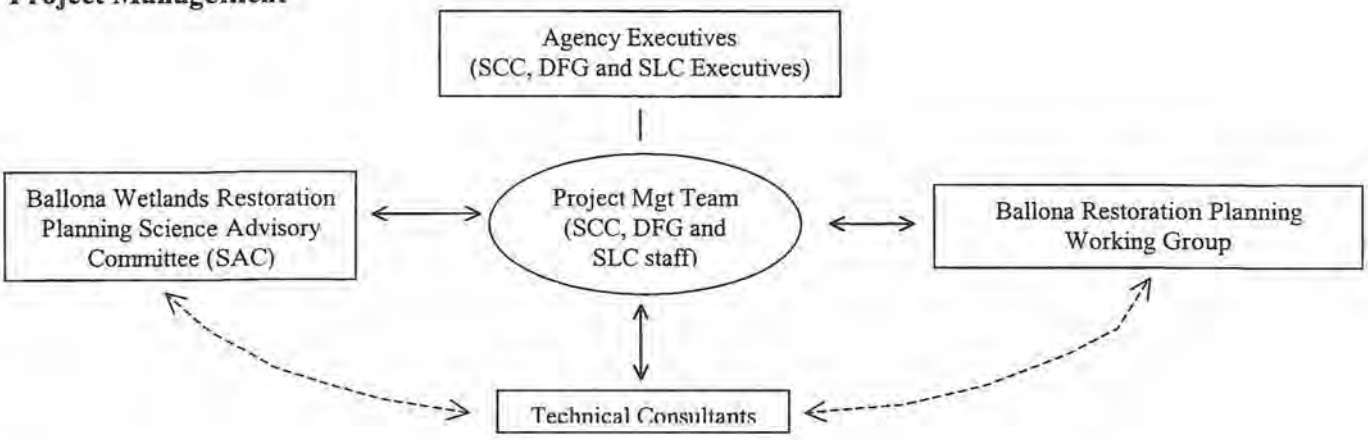
Goals/Principles

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

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

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

Project Management



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

O4-148 cont.

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

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

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

<u>Ballona Restoration Planning Working Group: Stakeholder Committee and Public Involvement</u>

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

Ballona Wetlands Restoration Planning Science Advisory Committee (SAC)

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

Work Program Overview

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

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

O4-148 cont.

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

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

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

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

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

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

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

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

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

O4-148 cont.

Project Schedule

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

Next Steps – Project Initiation

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

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

O4-148 cont.

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

Sincerely,

Marc Beyeler
Southern California Regional Manager

Mary Small
Senior Project Manager, Ballona Wetlands
Restoration Planning Project

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

Coastal Conservancy

August 18, 2014

Mr. Charles Smith
ICF International
1 Ada Parkway, Suite 100
Irvine, CA 92618

RE: Contract 08-137

Dear Mr. Smith:

This letter provides ICF International with written notification that the Coastal Conservancy is terminating contract #08-137 with ICF for the Ballona Wetlands project. Pursuant to the terms of this contract, please provide to the Conservancy by next Monday August 25th, all work, material, data, information, and written, graphic or other work produced or developed under this contract (whether completed or partial) in appropriate, readily usable form.

As we have discussed on many occasions, most recently at our meeting on August 1st, the Conservancy is not satisfied with the work ICF produced under this contract. As only one, but an essential example, the draft project description prepared by ICF lacked adequate detail to satisfy the purposes of CEQA and NEPA. The Conservancy has had to pay other technical consultants to produce the work products due to the inadequacy of the work products provided by ICF to the Conservancy.

On June 24, 2014, the Conservancy directed ICF to stop work on this project pending resolution of ongoing project management problems, submissions of poor work products and budget overruns. As a proposed settlement of outstanding invoices, the Conservancy agreed to pay ICF up to the approved total budget for specific tasks even though the Conservancy does not accept ICF's work as complete or final. Consequently, the Conservancy will terminate its contract with ICF.

O4-149

Sincerely,

Mary Small
Deputy Executive Officer

1330 Broadway, 13th Floor
Oakland, California 94612-2512
510·286·1015 Fax: 510·286·0470

Coastal Conservancy

August 11, 2010

Mr. Bloom, Chairman
Santa Monica Bay Restoration Commission
320 W. Fourth Street; Suite #200
Los Angeles, CA; 90013

Dear Chairman Bloom:

The California State Coastal Conservancy and the Department of Fish & Game are working with the staff of the Santa Monica Bay Restoration Commission (SMBRC) to plan and implement the restoration of the Ballona Wetlands Ecological Reserve. We are grateful for the collaborative working relationship we have with the SMBRC, and we appreciate the involvement and support of the SMBRC Governing Board. We look forward to continuing this collaboration with SMBRC as the project moves into the CEQA phase and beyond.

The restoration of the Ballona Wetlands is a regional priority in southern California and an important task in the Santa Monica Bay Plan. It has the potential to be the largest wetland restoration on Santa Monica Bay. As with many large-scale projects around the State, the Coastal Conservancy and Department of Fish and Game are working with partner organizations to develop a plan for the restoration of this important site. The SMBRC has played a valuable role in this project by providing local staff with specific technical expertise and intimate familiarity with the site and surrounding areas.

O4-150

The data collection program being implemented by Karina Johnston has provided an enormous amount of scientific data about ecological conditions on the property. Working with professional scientist, students and volunteers, Ms. Johnston has implemented the first fully comprehensive ecological surveys of the wetlands, and in a very cost effective manner. The scientific planning and data collection activities have been overseen by SMBRC staff Sean Bergquist, and advised by wetlands biologist and ecologists from our Science Advisory Committee.

Restoration planning has been underway since 2006. More than 40 public meetings were held over three years, to obtain input into all aspects of the proposed project, including meetings of our Scientific Advisory Committee. Many of these meetings were coordinated by SMBRC staff whose ability to communicate complex issues to the public, to answer questions in a timely and clear manner, and to collect and synthesize numerous and often conflicting public comments for input into project designs, has been invaluable.

SMBRC has provided staff with expertise in ecological restoration and specific knowledge about the Ballona ecosystem to coordinate the restoration planning process. Now that the CEQA process is about to begin, SMBRC staff member Diana Hurlbert will also help move this project forward by providing her specific CEQA expertise. Because your offices are near the restoration site, SMBRC staff has been able to effectively coordinate with the public and entities such as the Gas Co, LA County, the City of Los Angeles, and Caltrans. Through its work in the Ballona watershed, SMBRC staff is also able to coordinate the proposed project at the wetlands with other restoration efforts throughout the watershed.

O4-150 cont.

Planning and implementation of a project on this scale is very complex and time consuming. We appreciate your participation in this project and we look forward to our ongoing partnership.

Sincerely,

Mary Small
Southern CA Regional Manager
Coastal Conservancy

Karen Miner
Lands Program Supervisor, South Coast Region
Department of Fish and Game

MEMORANDUM OF UNDERSTANDING

among the

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

and the

STATE COASTAL CONSERVANCY

and the

SANTA MONICA BAY RESTORATION COMMISSION

and

THE ANNENBERG FOUNDATION

regarding

RESTORATION PLANNING FOR THE BALLONA WETLANDS

O4-151

This Memorandum of Understanding ("MOU") is by and between the California Department of Fish and Wildlife, hereinafter called the "Department," the State Coastal Conservancy, hereinafter called "SCC," the Santa Monica Bay Restoration Commission, hereinafter called "SMBRC," and The Annenberg Foundation, hereinafter called the "Foundation." The Department, SCC, SMBRC, and Foundation are collectively the "Parties." The Department, SCC, and SMBRC are collectively the "Public Agencies." This MOU is for the purpose of defining the objectives and planning processes for the collaborative development of an innovative public/private partnership to facilitate the possible creation of an interpretive center and related public access amenities that would greatly improve the benefit to the public of the proposed restoration of the Ballona Wetlands Ecological Reserve ("BWER"). One goal of the Parties is that this collaboration could serve as a model for similar joint efforts that are intended to facilitate the implementation of public projects while incorporating philanthropic partners and community programs. This MOU memorializes the Parties' understanding concerning their expectations, goals, and objectives related to the BWER, and as such, is not intended to create any legal obligation between or among any of the Parties.

WHEREAS, Section 1580 of the Fish and Game Code states that the policy of the State of California is to protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and nonmarine aquatic, or large heterogeneous natural gene pools through the establishment of ecological reserves; and

WHEREAS, the Department, SCC, SMBRC, and the State Lands Commission ("SLC") are undertaking the Ballona Wetland restoration project (the "Restoration Project") for lands owned by the State of California adjacent to Ballona Creek near the Santa Monica Bay, a total of

approximately 571 acres that include the 547 acres, parcels "A," "B," and "C," under the fee title ownership of the Department and the approximately 24 acres under the fee title ownership of SLC; and

WHEREAS, the Department, SCC and SLC have previously agreed to a planning approach for the Restoration Project set forth in those certain memoranda dated August 13, 2004, and May 19, 2008 for the purpose of developing project alternatives, conducting environmental review, obtaining permits, and completing planning for the restoration of all the state-owned properties, including Area C; and

WHEREAS, the Foundation is a non-profit, charitable organization that exists to advance the public well-being through improved communication and by creating opportunities and experiences that enhance quality of life, and

WHEREAS, the Foundation supports the goals and objectives of the entire 571 acre Restoration Project and desires to construct and operate interpretive facilities within a portion of Area C comprising approximately fifteen to twenty (15-20) acres (the "Ballona Interpretive Center") as well as provide funding for a uniform and consistent design related to the Restoration Project and more specifically to certain areas surrounding the Ballona Interpretive Center in furtherance of the conservation, restoration, educational and recreational uses on the BWER.

O4-151 cont.

NOW THEREFORE, the Department, SCC, SMBRC, and the Foundation agree as follows:

I.aaa GOALS AND PRINCIPLESaaa

The Parties agree that the Ballona Interpretive Center furthers the goals and objectives ofaaa the Restoration Project and could serve as a model for future public private philanthropic partnerships. The Parties agree to work together to evaluate the feasibility of locating the Ballona Interpretive Center within Area C. The goal of the Ballona Interpretive Center is to promote respect, appreciation and stewardship among people, animals and all natural ecosystems, including the wildlife that lives within BWER and Santa Monica Bay. This goal furthers the restoration and enhancement of BWER by creating opportunities for aesthetic, cultural, recreation, conservation, research, and educational use of BWER that are compatible with the environmentally sensitive resources of the area and Department regulations and policies.

The Foundation is willing to design, construct, maintain, and operate the Ballona Interpretive Center and supporting infrastructure which could include such items as restrooms, interpretive elements, recreation elements, and landscape elements. The Foundation intends to plan and design the area surrounding the Ballona Interpretive Center as an integrated element of the Restoration Project.

The Foundation's objective is to start construction of the Ballona Interpretive Center in 2014. The Parties agree that the Ballona Interpretive Center may be planned, designed, and permitted to proceed in a phased approach that would enable its construction to commence prior to the restoration work on Areas A, B, as well as the balance of Area C.

The Parties expect an undetermined amount of fill originating from Areas A and B to be deposited within Area C. The Parties agree to collaborate in developing feasible options for the disposition of such fill and that the final quantity of fill that will require depositing within Area C may not be determined until construction begins in Area A and/or B. Nevertheless, the Parties agree to, the extent reasonably feasible, establish options that would accommodate the Foundation's objective to start construction by the end of 2014.

The Foundation would design the Ballona Interpretive Center, with input from the Department, SCC, and SMBRC, with the final approval of the design subject to the mutual agreement of the Department and the Foundation.

The Parties agree to cooperate with each other and coordinate with regard to any communication with any other entity not a party to this MOU concerning the Restoration Project and/or the Ballona Interpretive Center.

II. THE BALLONA INTERPRETIVE CENTER PROJECT OBJECTIVES

The Parties understand that the Foundation's objectives for the Ballona Interpretive Center project are as follows: The Ballona Interpretive Center would be devoted to interpretive facilities, as well as renovated habitats and public access and uses that would support the Parties' overall goal of restoring, enhancing, and creating estuarine habitat and processes in BWER, as further set forth herein.

O4-151 cont.

The Foundation is prepared to make a capital investment of approximately $35 to $45 million towards the Ballona Interpretive Center, including site earthwork and grading as needed for the Interpretive Center (the "Capital Investment"), as well as provide funding for the maintenance and operations of the Interpretive Center for the duration of the lease or similar agreement for the Ballona Interpretive Center. The Foundation is further prepared to provide additional funding and/or in kind benefits as set forth in Sections II a-f. The Foundation recognizes that circumstances could require it to increase the amount of its Capital Investment and such circumstances could include: unbudgeted cost overruns related to the Ballona Interpretive Center, additional environmental review as contemplated in Section III of this MOU, as well as larger than expected costs for removal of fill.

The Foundation contemplates the construction of the Ballona Interpretive Center as encompassing a footprint of not more than 46,000 square feet of building and likely including: an auditorium, classrooms, a public lobby, facilities for an animal adoption and care program, exhibits on and inclusive of wildlife and domestic animals, veterinary facilities limited to care for program related animals housed on site only, office space for administrative and educational staff (including at least one Department employee), optional retail space and associated parking consistent with applicable code requirements to facilitate access to both the Ballona Interpretive Center and the Restoration Project.

The wildlife and domestic animal program and exhibits housed in the Ballona Interpretive Center would provide interpretation about animals and their habitats, including: responsible treatment of all animals, domestic and wild; proper techniques for recreating outdoors with pets in ways that are respectful of sensitive natural ecosystems and allow humans,

domestic animals, and wildlife to coexist; human-wildlife interactions and how to minimize conflicts; the cultural history of the area including the ways that the Native Americans incorporated wildlife and animals into their lives; and other educational messages about the importance of wetlands, conserving and protecting wildlife and their habitats. The final design and content of the initial program and exhibits housed in the Ballona Interpretive Center shall be subject to mutual approval of the Department and the Foundation prior to project construction. Any changes to programs and exhibits shall continue to be subject to mutual approval of the Department and Foundation.

The Foundation contemplates that the space within the Ballona Interpretive Center will be designed to encourage congregation and visitation, including promoting and facilitating responsible outdoor recreation. The Parties envision that the allocation of space within the Ballona Interpretive Center would comprise the following: up to 25% used for live animal programming, approximately 50% for education (including education related to the role of animals in urban ecology), and approximately 25% for administration and support spaces. The live animal programming would include an animal adoption program with themed adoption rooms for dogs and cats, holding/intake space for future adoptive pets, and veterinary services for the pets while in residence. Animals other than dogs and cats will not be included in any Ballona Interpretive Center animal adoption program without prior Department approval. Nor will hybrids of dogs or cats be included in any Ballona Interpretive Center animal adoption program without prior Department approval. The Ballona Interpretive Center will be designed to manage access of people and animals to sensitive habitat. The Foundation also contemplates that any veterinary services at the Ballona Interpretive Center would be capable of caring for both wild and domestic animals housed on site and would be available to the Department for uses in furtherance of its mission as part of the public education and outreach portion of the Ballona Interpretive Center (e.g., wild animal triage, law enforcement dogs, etc.).

O4-151 cont.

A key goal of the Foundation will be to provide support for existing programs currently run within BWER, such as marsh and dune tours, providing program space for classes and lectures furthering the current volunteer based habitat restoration program and the promotion of nature study, bird watching classes and tours.

In addition to its Capital Investment, the Foundation will assist the Restoration Project by providing the benefits set forth in Sections a-f below:

a)ooo Commencing on the date sixty (60) days after execution of this MOU, andooo continuing for a period of five (5) years unless earlier terminated for the reasons set forth below, the Foundation or a related entity will provide financial support for ongoing day to day operations throughout the BWER (but excluding the Ballona Interpretive Center) including: habitat and species management and protection, biological and public use monitoring and oversight, enforcement of ecological reserve rules and regulations (especially illegal dumping, homeless encampments, etc.), one staff person either hired by or for the Department, infrastructure improvements and maintenance, monitoring and oversight, exotic plant control, and other expenses identified in the Property Analysis Record ("PAR") prepared for the Department a copy of which is attached hereto as Exhibit "A". Such support will be in the form of a grant from the Foundation or a related entity to the State of California or a mutually agreed upon entity, and any such grants will be restricted for the expenses described above. The

Department will be required to provide annual reporting to the Foundation on the use of such funds. The amount of such grant will be $200,000.00 per year for a period of five (5) years, provided, however, that if the timeline of December, 2014 for issuance of all permits and regulatory approvals necessary to permit the Foundation to commence construction of the Ballona Interpretive Center, as set forth on Exhibit "B" attached hereto, cannot be met, the Foundation and the Department will meet to discuss and confer as to the reasons for any such delay, and the Foundation will have the option to terminate any further grant payments under this section IIa if it determines in good faith that the originally contemplated timeline cannot be met.

b)aaa Providing financial support directly from the Foundation or a related entity for on-going, day-to-day operations throughout the BWER (but excluding the Ballona Interpretive Center) including: habitat and species management and protection, biological and public use monitoring and oversight, enforcement of ecological reserve rules and regulations (especially illegal dumping, homeless encampments, etc.), one staff person either hired by or for the Department, infrastructure improvements and maintenance, monitoring and oversight, exotic plant control, and other expenses identified in the PAR. Such support will be in the form of a grant from the Foundation or a related entity to the State of California or a mutually agreed upon entity, and any such grants will be restricted for expenses set forth in the PAR. The Department will be required to provide annual reporting to the Foundation on the use of such funds. The amount of such grant will be $400,000.00 per year, subject to adjustment as provided below, commencing on the completion of the Ballona Interpretive Center, and terminating upon the expiration of the lease or similar agreement for the Ballona Interpretive Center. The annual grant amount stated above is based on the value of the United States Dollar on the January 1 preceding the date of completion of the Restoration Project. The amount shall be adjusted on an annual basis by the Foundation based on the rolling average of the percentage increase in the Consumer Price Index for the Los Angeles-Riverside-Orange County area (All Urban Consumers, All Items, Not Seasonally Adjusted) published by the United States Department of Labor, Bureau of Labor Statistics (the "Index") for the three (3) calendar year period preceding the date of adjustment, provided that in determining such average, a three percent (3%) increase will be substituted for any actual yearly increase in the Index that exceeds that percentage. If the Index or Bureau is discontinued without a successor being established, the Foundation shall reasonably designate a substitute index which shall be reasonably used in a like manner to determine the change in the value of the Dollar from time to time.

O4-151 cont.

c) Developing a uniform, integrated design for Areas A, B, and C by providing design plans and standards for public access and signage.

d) Assisting with a public education campaign about the Restoration Project and the Ballona Interpretive Center. If the Ballona Interpretive Center is constructed, the Parties acknowledge that such public education efforts may need to be continued until the end of the construction of the Restoration Project, and will discuss ways in which the Foundation can assist in supporting such public education efforts post completion of the Ballona Interpretive Center.

e) Providing community access and an educational gateway to the Restoration Project through the restoration of habitat in an area around the Ballona Interpretive Center that includes trails and other features, up to a maximum dollar commitment of $2 million.

f) Restoring and improving the existing Little League Fields in Area C.

III. PROJECT PLANNING MANAGEMENT

A Ballona Interpretive Center management team consisting of staff from the Department, SCC, SMBRC, and the Foundation (collectively the "Management Team") will develop a meeting schedule in order to coordinate activities and resolve issues related to reviewing the feasibility and planning the design of the Ballona Interpretive Center including any regulatory changes required to accommodate the Ballona Interpretive Center within BWER. Upon signing this MOU, the Management Team members will provide to the Foundation all of the relevant documentation reasonably requested by the Foundation to permit the Foundation to plan and design the Ballona Interpretive Center. If the siting of the Ballona Interpretive Center is deemed feasible within Area C by all members of the Management Team, and subject to any required environmental review, the Foundation will seek to enter into a long-term lease, operating agreement, or other mutually acceptable arrangement that will allow it to construct and operate the Ballona Interpretive Center within Area C. Along with such agreement would be a proposed "Public Access, Management and Operating Plan" for the Ballona Interpretive Center that would be developed by the Foundation with input from the Management Team. Any final Public Access, Management and Operating Plan would require mutual approval by the Department and Foundation. The Department and Foundation agree to cooperate on all required local, state or federal permits, approvals, and environmental review necessary to construct and operate the Ballona Interpretive Center consistent with the Foundation's objective to commence construction by 2014.

O4-151 cont.

The Department and Foundation further agree to collaborate on matters that the Parties agree are necessary to facilitate development of the Ballona Interpretive Center or the Restoration Project. Such collaboration could include consideration of legislation that would authorize the Department to lease the Ballona Interpretive Center site to the Foundation for a term of not less than fifty (50) years.

Consistent with II.(d.) above, the Management Team will also collaborate on a public education campaign related to the Restoration Project which would include the Ballona Interpretive Center project.

The Parties acknowledge the environmental review process for the Restoration Project is underway. The Department agrees to conduct a project-level review of the Ballona Interpretive Center's environmental effects in accordance with the California Environmental Quality Act ("CEQA") as an integrated part of the Restoration Project. Accordingly, the Foundation agrees to provide the Department with information required to prepare a legally defensible environmental review of the Ballona Interpretive Center project and alternatives as required under CEQA. In the event that analyzing the Ballona Interpretive Center's project as an integrated part of the Restoration Project necessitates additional environmental review that otherwise would not have been required without the Ballona Interpretive Center project, the Foundation and the Department agree to discuss additional funding from the Foundation for the reasonable costs of such additional environmental review. Additional environmental review includes: revising and recirculating a draft environmental impact report ("EIR"), preparing a supplemental EIR, preparing a subsequent EIR, and preparing an addendum to an EIR.

The Parties agree to work together to clear any title issues and to ensure that the Ballona Interpretive Center project is consistent with all regulatory and statutory requirements.

The Parties agree to undertake a reasonable, good faith effort to meet the timeline for construction of the Ballona Interpretive Center as set forth in Exhibit "B" attached hereto. The Parties acknowledge that the timeline in Exhibit "B" represents goals and that the failure to meet the timeline does not serve as the basis for a claim by the Foundation against any of the Public Agencies. As part of its reasonable, good faith effort, the Department will endeavor to complete the necessary and appropriate compliance with CEQA, including any certification of a final EIR for the Ballona Interpretive Center, within the timeline in Exhibit "B." If it appears to the Parties that the Ballona Interpretive Center cannot commence construction by the end of 2014, the Foundation may collaborate with the Department to place a temporary, mobile structure on the Ballona Interpretive Center's proposed location. The placement of such temporary, mobile structure shall comply with applicable laws and regulations and would be for purposes of commemorating certain Foundation milestones in place of commencing construction. The Parties anticipate that such temporary, mobile structure would house plans, specifications, models, and/or similar informational items related to the Ballona Interpretive Center, Restoration Project, and BWER.

O4-151 cont.

The Parties agree and acknowledge that the Ballona Interpretive Center will be named "The Wallis Annenberg Interpretive, Education and Ecology Center at Ballona Wetlands", or such other name as mutually agreed to by the Foundation and the Department.

Nothing in this MOU shall be construed as an approval by any of the Public Agencies of the proposed Ballona Interpretive Center, or as limiting any of the Public Agencies' discretion with regard to the consideration of the Foundation's request for approval of the Ballona Interpretive Center project following the Department's completion of environmental review in accordance with the requirements of CEQA. Additionally, this MOU shall not be construed as limiting the Department's independent judgment and analysis in preparing and certifying the environmental review for the Ballona Interpretive Center project or as limiting the Department's consideration of meaningful alternatives to or mitigation measures for the Ballona Interpretive Center project as required by CEQA.

IV. AMENDMENT AND TERMINATION

This MOU can only be amended or modified by a written agreement duly executed by all of the signatory parties: the Department, SCC, SMBRC, and the Foundation. This MOU will terminate automatically at the conclusion of the planning process, defined for the purpose of this MOU as execution of a lease, operating agreement, or other mutually acceptable arrangement that would allow the Foundation to construct and operate the Ballona Interpretive Center on Area C. This MOU may be terminated by the Department, SCC, SMBRC, or the Foundation with 60 days notice, during which time the Parties agree to meet in good faith to try to resolve any differences.

O4-151 cont.

California Department of Fish and Wildlife

By: _____ Date: Jan 25, 2013
Its: Director

State Coastal Conservancy

By: _____ Date: 1/28/13
Its: _____

Santa Monica Bay Restoration Commission

By: _____ Date: Jan. 28, 2013
Its: _____

The Annenberg Foundation

By: Wallis Annenberg Date: _____
Its: _____

Exhibit A

[PAR]

O4-151 cont.

Exhibit B

April 2013	Circulation of Draft EIR or other CEQA document with project-level review of the Ballona Interpretive Center
December 2013	Publication of Final EIR or other CEQA document with project-level details of the Ballona Interpretive Center
January 2014	Certification of EIR and potential approval of Department and Foundation Agreements
December 2014	Issuance of any other permits necessary to commence construction of the Ballona Interpretive Center
August 2016	Completion of construction for Ballona Interpretive Center

O4-151 cont.

SUP. KNABE, CHAIRMAN: THANK YOU. NEXT?

JACK NEFF: I'M JACK NEFF, I'M SPEAKING TO YOU IN TWO CAPACITIES TODAY. ONE IS AS THE VICE PRESIDENT OF THE GABRIELINO TONGVA SPRINGS FOUNDATION, WE HAVE BEEN ACKNOWLEDGED BY THE COUNTY. THANK YOU, BOARD OF SUPERVISORS FOR HEARING ME ON THIS. THE ISSUE IS OF FRESH WATER RUNNING FROM THE WATERSHED, INCLUDING THE GABRIELINO TONGVA SPRINGS IN WEST LOS ANGELES, THE COLDWATER CANYON BASIN, CENTINELLA CREEK BASIN. ALL THE GREAT CONTRIBUTIONS OF FRESH WATER THAT COME ANNUALLY TO THE L.A. BASIN ARE BEING LUMPED IN THIS M.O.U. TOGETHER WITH THE GARBAGE, THE REFUSE, THE POLLUTION THAT ACCUMULATES WITH THE FRESH WATER AND USES THE FRESH WATER TO DRIVE IT DOWN TOWARDS BALLONA CREEK. SO IN THAT REGARD, PLEASE REMOVE THE BALLONA WETLANDS RESTORATION PROGRAM FROM THE M.O.A. PERSONALLY, I FEEL IT'S TAKING THE STAGING AREA USED BY THE PROPOSED BULLDOZING PLAN WILL IMPACT THE WETLANDS NEGATIVELY, HARM WILDLIFE AND TAKE A PUBLIC SPACE AWAY. THANK YOU.

O4-152

SUP. KNABE, CHAIRMAN: NEXT AND I ASK KEN MINAULT TO JOIN US PLEASE.

SHELLEY LUCE: I'M DR. SHELLEY LUCE, AND I'M THE DIRECTOR OF THE SANTA MONICA BAY RESTORATION COMMISSION. WE HAVE BEEN

WORKING IN PARTNERSHIP WITH THE DEPARTMENT OF FISH AND WILDLIFE AND THE STATE COASTAL CONSERVANCY ON THE BALLONA WETLANDS SINCE ABOUT 2005 AND WE'RE MOSTLY SCIENTISTS ON OUR STAFF. SO WE HAVE BEEN CONDUCTING THE FIRST COMPREHENSIVE ASSESSMENT OF THIS 600-ACRE PUBLICLY OWNED PARCEL. THE ANNUAL REPORTS FROM THOSE ASSESSMENTS ARE AVAILABLE ON OUR WEBSITE IF YOU'RE INTERESTED. AND THEY'VE GIVEN US A REALLY GOOD UNDERSTANDING OF THE RESOURCES THAT ARE AT THE BALLONA WETLANDS TODAY. SO PART OF OUR WORK HAS BEEN TO CONDUCT PUBLIC OUTREACH AND EDUCATION ON THAT INFORMATION. WE HOLD SCIENTIFIC SYMPOSIA EVERY YEAR. WE CONDUCT TOURS. WE'VE HAD DESIGN CHARRETTES AND OTHER TYPES OF WORKSHOPS TO GET PUBLIC INPUT. AND WE ARE NOW ALSO HELPING THE DEPARTMENT OF FISH AND WILDLIFE AND THE COASTAL CONSERVANCY TO COORDINATE THE MANY LOCAL AGENCIES AND CONSULTANTS WHO ARE DOING IF COMPLICATED ANALYSES OF THE ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL IMPACT STATEMENT. SO WE'RE VERY EXCITED TO BE MOVING THIS PROCESS FORWARD. IT IS NOT QUICK, BUT IT IS VERY IMPORTANT BECAUSE THE PEOPLE OF CALIFORNIA DESERVE THE BEST POSSIBLE PROJECT AT THIS LOCATION. SO I HOPE THAT YOU WILL APPROVE TODAY'S MOTION TO WORK IN PARTNERSHIP WITH THE ARMY CORPS TO MAKE SURE WE GET THE BEST POSSIBLE ANALYSIS OF THE PROJECT ALTERNATIVES.

O4-152
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 SANTA MONICA BAY RESTORATION COMMISSION	Defendant Counsel	NO APPEARANCES

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:

SABRINA D. VENSKUS, VENSKUS & ASSOCIATES, 603 WEST OJAI AVE., SUITE F, OJAI, CA 93023

KURT WEISSMULLER, DEPUTY ATTY GENERAL, 300 S. SPRING ST., SUITE 1702, LOS ANGELES, CA 90013

O4-153

MINUTES ENTERED
03/01/16
COUNTY CLERK

Ballona Wetlands Land Trust,

v.

Santa Monica Bay Restoration Commission,

BS 154128

Judge Mary Strobel
Hearing: January 26, 2016

FILED
Superior Court of California
County of Los Angeles
MAR - 1 2016
Sherri R. Carter, Executive Officer/Clerk
By N. DiGiambattista Deputy

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.

O4-153 cont.

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.

O4-153 cont.

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.)

O4-153 cont.

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.*)

O4-153 cont.

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.*)

O4-153 cont.

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.)

O4-153 cont.

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.

O4-153 cont.

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.' [Citaitons]." (*Id.* at 593-594.) O4-153 cont.

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.)

O4-153 cont.

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

O4-153 cont.

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.)

O4-153 cont.

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, Exh. 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. Exh. 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. (Exh. 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. Exh. 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. O4-153 cont.

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. Exh. 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. Exh. 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.)

O4-153 cont.

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 abount private entities that Foundation is bound to keep confidential. (Newman Decl. ¶ 4.)

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[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 supports 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.

O4-153 cont.

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 Records[4]." (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

O4-153 cont.

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

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[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.)

O4-153 cont.

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.)

O4-153 cont.

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.

O4-153 cont.

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

O4-153 cont.

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

MARY H. STROBEL
JUDGE OF THE SUPERIOR COURT

Vidanagama, Tharake; Ariki, Menerva
Subject: RE: Meeting Notes: Ballona Wetlands

Looks good to me. Good Job. Thanks Josh.

From: Svensson, Joshua
Sent: Wednesday, March 19, 2014 8:36 AM
To: Grant, Terri; Hildebrand, Gary
Cc: Chebabi, Youssef; Flores, Adriana; Lim, Christian J.; Tacconelli, Linda; Vidanagama, Tharake; Ariki, Menerva
Subject: Meeting Notes: Ballona Wetlands

Please see my notes below. Let me know if you have any comments/corrections, etc.
-Josh

Ballona Wetlands Restoration Project
Meeting with US Army Corps of Engineers Colonel Kimberly Colloton

Tuesday, March 18, 2014, 1:00 to 2:00 p.m.
12th Floor Conference Room, U.S. Army Corps of Engineers, Los Angeles District
915 Wilshire Blvd. Los Angeles, CA 90017

Attendees (25):
Santa Monica Bay Restoration Commission: Shelley Luce (Director)
California Dept. of Fish and Wildlife: Terri Stewart (Environmental Programs Manager), Richard Brody (Land Manger, Ballona Reserve)
L.A. County Dept. of Public Works: Mark Pestrella, Gary Hildebrand, Terri Grant, Josh Svensson
California State Coastal Conservancy: Mary Small (Deputy Executive Officer), Christopher Kroll (Project Manager)
U.S. Army Corps of Engineers: Colonel Kimberly Colloton, David Von Dorpe (Deputy District Engineer), Rick Leifield (Chief-Engineering), Josephine Axt (Chief-Planning), Larry Minch (Counsel), Funke Ojuri (Civil Engineer), David Castanon (Chief-Regulatory), Aaron Allen (Branch Chief-Regulatory), Dan Swenson (Section Chief-Regulatory), Terri Kaplan (Chief-Asset Mgmt.), Phil Serpa (Project Manager-Asset Mgmt.), Bonnie Rogers (Regulatory), Jodi Clifford, Ken Wong, Lilian Danporri, Bri McGuffie

Action Items:

1. Colonel Colloton signs WRDA Agreements (USACE)
2. LACDPW issues checks to USACE (LACDPW)
3. USACE and LACDPW schedule WRDA kick-off meeting (LACDPW)
4. USACE and Ballona project team schedule Ballona kick-off meeting (Coastal Conservancy)
5. USACE develops project management plan for Ballona project (USACE)
6. USACE and Ballona team prepare organizational charts of all participating staff (All)
7. Ballona team provide updated documents from Submittal A to Corps (Coastal Conservancy)
8. Ballona team prepares timeline of regulatory actions and authorities (Conservancy/USACE)

Key Items Discussed

* Colonel Colloton: We need to have quarterly "touchpoint" meetings to make sure this effort is staying on track
* David Von Dorpe: We (the Corps) owes you our commitment to meet our promised schedule, cost, and scope of work, to make sure you're comfortable with the substantial investment your making into this review
* Mark Pestrella increased the LACDPW's commitment to $240,000; the overall budget is now $542,020
* None of the USACE staff said the proposed 18-24 month schedule was impossible, but many of them expressed concerns with the several potential delays that could come from environmental and technical complexities of the project.

Detailed Meeting Notes

O4-154

1. Introductions of Agencies and Roles

* CA DFW (Terri Stewart)
  * We purchased land in 2004, we own land, we are CEQA lead, co-applicant for 408 permit
  * Our goal is to restore wetland functions, create wetlands, protect and enhance habitat for sensitive species, address climate change, also we have a mandate for public use and education.
  * Brody is our land manager

* LACDPW (Mark Pestrella)
  * We are operators of the channel, maintain the channel under easement, applicant for 408 permit.
  * This is our most significant 408 permit application ever
  * The Board of Supervisors supports this project, we are excited about this project, it's in line with the LACFCD's mission
  * We recognize the controversy and are committed to thorough and transparent review

* CA Coastal Conservancy (Mary Small)
  * We administer the bond funds from prop 12 supporting project development
  * Have been involved in planning efforts for many years

* SMBRC (Shelley Luce)
  * We have been public face of project, serving as project coordinator.
  * We overlook wetlands, have been performing scientific research and comprehensive bio assessment for 8 years
  * We see this project as a way to connect the land back to the ocean, want to set the levees back, provide equal or better flood protection
  * Diana Hurlbert (project manager) recently left, but we plan to rehire someone soon

2. US Army Corps of Engineers Staff Comments

* Rick Leifield (Engineering Chief) -
  * Sole authority of Corps to review and approve modifications to infrastructure constructed by Corps, no matter who is current operator
  * This permit will need to go to Washington DC for review and approval
    * Col. Colloton: "I think we should get the guys from DC to come out here rather than all of us going out there"
  * Funke Ojouri will be 408 technical lead
  * Phil Serpa will be primary point of contact for 408 permit review

* Aaron Allen (Regulatory Chief)
  * Ken Wong will be Planning division point of contact
    * Phil: but Ken's time is not budgeted in 408 WRDA 214 estimate (??)
  * 408 will require technical NEPA review, but will also require substantial environmental review
  * This project is more complicated than just a 404 or a 408 permit alone
  * Dan Swenson will be Regulatory point of contact

* David Castanon (Regulatory Chief)

O4-154 cont.

* Ken Wong was set to be NEPA lead, but more money would allow us to "surge"
* Aaron: we had been "envisioning" and had the "understanding" that Ballona would be paid under the WRDA agreement, as it makes more sense for Regulatory to be the NEPA lead (which would cost $50K more)
* Mark Pestrella offered to up LACDPW's commitment by $50,000 to bring total estimate to $542,020 and LACDPW's contribution to $240,000

* Rick Leifield

* We will be asking for "external independent review", performed at applicant's cost by third party consultant
* We may want to send this package to DC before the planned submittal B just to get them ready for what's coming and hopefully reduce review time
* We need to come up with project management plan
* Josh Svensson - We can provide the corps with updated Submittal A documents, as it's been since July 2013 that we prepared them [note actual delivery on August 6, 2013]
* The plan for armored levees covered with vegetated fill is... possible, but will be very controversial

Analysis of Desired Outcomes

* Corps on board as a partner working to implement this important project

* Corps leadership expressed commitment to establish and meet expectations

* Corps willing to make changes to speed up their staff work

* This issue was not directly discussed, but the Corps did come with a clear project team ready

* Corps commitment to complete all the work they need to do with the existing approved budget

* Comments from David Von Dorpe were consistent with this goal

* Process for senior management to check in regularly as project advances

* Colonel Colloton and Mark Pestrella both expressed strong support for regular briefings

* Understanding of what other project partners need to do to help the Corps make this a success

* This issue was not directly discussed, but several action items were requested by Corps along these lines.

Josh SVENSSON
Watershed Management Division
Los Angeles County Dept. of Public Works
(626) 458-7157 | jsvensson@dpw.lacounty.gov

From: Svensson, Joshua
Sent: Wednesday, March 19, 2014 8:35 AM
To: Grant, Terri; Hildebrand, Gary
Cc: Chebabi, Youssef; Flores, Adriana; Lim, Christian J. (CHLIM@dpw.lacounty.gov); Tacconelli, Linda; Vidanagama, Tharake; Ariki, Menerva
Subject: Meeting Notes: Ballona Wetlands

Please see my notes below. Let me know if you have any comments/corrections, etc.
-Josh

Ballona Wetlands Restoration Project
Meeting with US Army Corps of Engineers Colonel Kimberly Colloton

O4-154 cont.

bay restoration commission
STEWARDS OF SANTA MONICA BAY
santa monica bay restoration commission 320 west 4th street, ste 200; los angeles, california 90013
213/576-6615 phone 213/576-6646 fax www.smbrc.ca.gov

January 26, 2012

Dr. Cindy Lin (lin.cindy@epa.gov)
U.S. Environmental Protection Agency
Southern California Field Office
600 Wilshire Blvd. Suite 1460
Los Angeles, CA 90017

RE: DRAFT BALLONA CREEK WETLANDS TOTAL MAXIMUM DAILY LOADS FOR SEDIMENT AND INVASIVE EXOTIC VEGETATION.

Dear Dr. Lin,
Thank you for the opportunity to comment on the draft Total Maximum Daily Load for sediment and invasive exotic vegetation at Ballona Wetlands. The Ballona Wetlands area is a critical natural resource in urbanized west Los Angeles County, surrounded by more than ten million residents and associated urban development. It has suffered enormous degradation due to channelization, fill and other impacts. We support the draft TMDL and believe it will address impairments and achieve the beneficial uses of the Ballona Wetlands.

The Santa Monica Bay Restoration Commission is a state commission and a National Estuary [redacted]. We work 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. Repairing habitat and restoring beneficial uses at the Ballona Wetlands are high priorities in our Bay Restoration Plan, which was updated and adopted by our Governing Board in 2008. [redacted] local NGOs, schools, and businesses to educate the public about the wetlands and [redacted]

O4-155

The Ballona Wetlands restoration planning effort, led by the Department of Fish and Game and the State Coastal Conservancy, has been in progress since 2005. The planning effort is a science-based approach and the primary goal is to "restore, enhance, and create estuarine habitat and processes in the Ballona Ecosystem to support a natural range of habitat and functions, especially as related to estuarine dependent plants and animals."[1] The restoration project is being planned to achieve beneficial uses at the site to the maximum extent possible within the constraints of the substantial urban development and infrastructure that surround it. An important component of restoring

[1] Ballona Wetlands Restoration Plan: Goals and Objectives. July 2006 viewed 1/25/12 at www.ballonarestoration.org.

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habitat at Ballona Wetlands will be removal of sediment and levees that impair hydrologic function at the site and is compatible with the general intent of the draft TMDL.

While we strongly support the overall approach in the draft TMDL, we have two recommendations provided below.

Recommendations:

1. *Habitat acreage targets should be based on the lowest historic proportions of each habitat type within the southern California wetlands considered in USEPA's analysis, rather than the historic averages across wetlands or the historic proportions at Ballona.*

   The habitat acreage targets in the draft TMDL were based on proportions of different habitat types shown in historic maps of the Ballona wetlands, or on historic averages for southern California wetlands (the lower of the two numbers). We agree with the approach of using historical wetland conditions to select targets, but we suggest the targets should be based on the lowest proportion of a given habitat from the historical condition of all the southern California wetlands considered in the analysis. This gives a broader range of habitat sizes and allows greater flexibility in designing a restored wetland, while requiring at least as much function as the most limited historical wetlands.

   The analysis of habitat proportions in the draft TMDL does not include the historical surrounding environs of the wetlands. The wetlands were likely surrounded by buffer and upland habitat. While we cannot measure this precisely today, it is likely that it would lower the proportions of marsh habitats, if we could assess the historic system as a whole. Therefore we suggest using the lowest proportion of each wetland habitat type available in the historic data.

   According to the T-sheet atlas, the historic minimum proportions of each habitat type in southern California wetlands are: Intertidal/mudflat: 10%, salt pan: 0%, subtidal: 0%, and vegetated marsh: 55%. We suggest these should be used as minimum targets for the TMDL.

O4-155 cont.

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Re-calculating Table 10 in the draft TMDL to reflect these habitat proportions would result in the following numeric targets for Ballona Wetlands:

Habitat	Lowest so-Cal historic %	Corresponding BWER Acres
Intertidal/Mudflat	10	63
Salt Pan	0	N/A
Subtidal	0	N/A
Vegetated Marsh	55	344
Total	**65**	**407**

2. *Numeric targets for invasive exotic species should be zero where the ecological impacts are significant, but should be 10% cover for less ecologically-damaging exotic species.*

   Invasive exotic vegetation that is highly invasive and habitat altering must have a numeric target of zero. Examples of this type of invasive vegetation on Ballona Wetlands include pampas grass *(Cortaderia selloana),* giant reed *(Arundo donax),* ice plant *(Carpobrotus edulis)*, and others. Some exotic plants are either less invasive, cause less damage to habitat, or are performing similar ecological functions as a native plant. In some cases, frequent removal of these plants may disturb habitat unnecessarily. Invasive exotic plants in this category should have a numeric target of 10%, so that they must be controlled but not necessarily eradicated if site managers find it is not beneficial to do so.

O4-155 cont.

We recommend that invasive exotic vegetation have a numeric target of zero percent cover if

- it is listed on the California State Noxious Weed List[2]; and/or
- it is rated "High" or "Moderate" on the California Invasive Plant Council's Invasive Plant Inventory[3] or if the Inventory notes show that "impacts can be higher locally"; and/or
- it is determined by the state Department of Fish and Game to pose a significant threat to the ecosystem health and beneficial uses at Ballona Wetlands.

Other invasive exotic vegetation that does not meet these criteria could have a numeric target of 10% cover.

[2] California State-listed Noxious Weeds. US Department of Agriculture, Natural Resources Conservation Service. Viewed 1/25/2012 at http://plants.usda.gov/java/noxious?rptType=State&statefips=06.
[3] California Invasive Plant Inventory Database. California Invasive Plant Council. Viewed 1/26/2012. http://www.cal-ipc.org/ip/inventory/weedlist.php.

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In addition to the recommendations above, we have one further comment on the TMDL related to climate change. The science-based planning process for the Ballona Wetlands restoration project considers climate change and predicts that future habitat proportions may alter over the next 100 years. Specifically, sea level rise may alter the relative elevations and therefore shift marsh and transition habitats to mudflat or intertidal habitats. The restoration is being designed to accommodate these changes but cannot eliminate them. The TMDL could contain some language that reflects an understanding that eventual changes may occur in the habitat proportions.

Thank you for the opportunity to comment on the Draft Ballona Creek Wetlands TMDL for Sediment and Invasive Exotic Vegetation. Please feel free to contact Dr. Shelley Luce (sluce@santamonicabay.ort) or Karina Johnston (kjohnston@santamonicabay.org) to discuss our comments further.

O4-155 cont.

Sincerely,

Shelley Luce, D.Env
Executive Director
Santa Monica Bay Restoration Commission

Karina Johnston, M.S.
Restoration Ecologist and Project Manager
Santa Monica Bay Restoration Commission

Penick, Megan@Wildlife

From: Shelley Luce <sluce@santamonicabay.org>
Sent: Tuesday, February 07, 2012 10:42 AM
To: Levin, Stephanie; Charlton "Chuck" Bonham (Director@dfg.ca.gov); sschuchat@scc.ca.gov; Ed Pert (EPert@dfg.ca.gov); Terri Stewart; Rick Mayfield; Mary Small; Litwak, Howard D.; Jaakola, Jackie; David Ulich; Kevin Takei; Diana Hurlbert
Subject: RE: Meeting at the Annenberg Foundation, Tuesday, January 24, 2012 at 11 am

Hello All,

Thank you to Leonard and the Annenberg Foundation for the lovely and productive working lunch meeting at the end of January. I speak for the all the agencies present when I say that we left that meeting feeling inspired and excited about the potential to create an incredible visitor experience in Area C, in partnership with the Annenberg Foundation.

Since the meeting, Chuck, Sam and I have discussed with each other and our staffs, and we believe we can develop and MOU that is agreeable to all parties. The two points that we feel need further discussion are the companion animal component, and the need for Area C to accommodate fill from Area A. In order to move forward, we feel that the purpose of the companion animal center should be stated more broadly in the MOU, allowing us to explore options that would be consistent with DFG's mission and the intentions of the state when Ballona was purchased, as well as the vision of the Foundation.

O4-156

We also agree that the MOU could recognize the need for Area C to accommodate future fill from Area A while allowing the visitor center to be built as an early phase of the project. At the meeting Howard articulated how site development in Area C could occur to allow the visitor center to move forward and still prepare the balance of the site to accommodate future fill disposal. It would be helpful if some of that information was included in the MOU.

We look forward to finalizing the MOU and moving ahead with a partnership to create a center that will inspire, educate and delight Angelenos and visitors for generations to come. Ballona is a rare and precious opportunity and we appreciate that the Annenberg Foundation recognizes its potential and wants to contribute to its long term success as an asset to the greater community of Los Angeles and California. Thank you for the time and effort you have already invested in this idea, and we look forward to working with your team on this project.

Sincerely,
Shelley

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444

www.santamonicabay.org

bay restoration commission
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santa monica bay restoration commission ~ 320 west 4th street, ste 200; los angeles, california 90013
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July 17, 2012

Colonel R. Mark Toy
District Commander
Los Angeles District, US Army Corp of Engineers
915 Wilshire Blvd.
Los Angeles, CA 90017

RE: Request to Terminate the Lower Ballona Ecosystem Restoration Feasibility Study (LBERFS)

Dear Colonel Toy:

On June 30th, 2005 the US Army Corps of Engineers and the Santa Monica Bay Restoration Authority (SMBRA), as the project's Sponsor, entered into an agreement to conduct a Feasibility Phase Study and cost share agreement to evaluate restoration alternatives for the Ballona Creek Ecosystem and its watershed.

Since the initiation of the agreement seven years ago, some studies and modeling have been conducted, including the baseline conditions report in January 2012. We have also worked with Corps staff to develop hydrodynamic modeling of the lower creek and some of the data collected by the Corps will be helpful for the proposed project. However, limited progress has been made by the Corps toward completion of most of the deliverables required in the PMP. In addition, Corps staff has recommended amending the PMP and the Study budget. The original total estimated cost for the *Study* at the time of the agreement was $4,612,000. Corps staff is currently recommending that the PMP budget be amended to a new total estimated cost of $9,458,124.

O4-157

At this time, the SMBRA does not have funds available for a cost increase of this size nor do we expect the necessary funds to become available in the foreseeable future. We are also now working with the Regulatory Division of the Corps on a Section 408 permit that requires all of our available resources. This being the case, we respectfully request that the LBERFS be terminated at this time.

If you would like to discuss this further or need additional information please feel free to contact me at (310) 216-9827, or Diana Hurlbert of my staff at (831) 241-3463.

Sincerely,

Dr. Shelley Luce, D.Env.
Executive Director

our mission: to restore and enhance the santa monica bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, and protect the bay's benefits and values

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
dhurlbert@santamonicabay.org
Office - 310-216-9899

From: Shelley Luce
Sent: Tuesday, October 30, 2012 1:59 PM
To: Diana Hurlbert; Mary Small
Cc: Scott Valor; Marcelo Villagomez
Subject: RE: Ballona Wetland Restoration: Draft MOU

Hi all,
I added Scott and Marcelo to this email list because they deal with our JPA. I think it will work like this:

- JPA board will adopt a reso about the project

- SCC will write a contract to the SMBRA, our SMBRA Board president will sign it (that is John Sibert)

- SMBRA will pay LAC FCD, or ACOE, or whoever needs to get paid, via contracts to those entities.

Contracts from SMBRA to LACFCD are straightforward but do go through the same review etc. as all other contracts. LACFCD will cut checks (or otherwise transfer funds) from the SMBRA account to the FCD accounts accordingly. Scott, Marcelo, please correct me if I am wrong.

Also I wanted Marcelo to know about this because he works with the LAC staff who deals with SMBRA business and will be primary contact on this. please keep him in the loop!

Diego is on vacation since last week, until this coming Monday. I am glad Bruce is on board and see no reason that Diego would not be, and I will connect with him as soon as I can next week.
shelley

O4-158

Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-216-9827

www.santamonicabay.org<http://www.santamonicabay.org/>

From: Diana Hurlbert
Sent: Tuesday, October 30, 2012 1:16 PM
To: Shelley Luce; Mary Small
Subject: FW: Ballona Wetland Restoration: Draft MOU
Importance: High

Hi There,

Please see the below and attached….I chatted with Patrick & Bruce yesterday and again explained the potential benefits of going through the JPA for all involved. I did tell them I didn't know how agreements between the JPA partners were memorialized, I figured it was through a resolution that the JPA would adopt…..They were very open to the JPA idea and we all agreed that we should finalize the language we had been developing for use in the MOU because it could then provide the basis/language for a JPA reso or whatever would come next…..With that said…please review again and let me know what comments, if any you have….second….I was wondering if Shelley had gotten a hold of Diego and what he had said….third, next steps for me with Co. staff or others, if any…..Thanks!

Cheers,

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
1 LMU Drive, North Hall
Pereira Annex MS:8160
Los Angeles, CA 90045
Tele: 310-216-9899
E-mail: dhurlbert@santamonicabay.org<mailto:dhurlbert@santamonicabay.org>
Website: www.ballonarestoration.org<http://www.ballonarestoration.org>

From: Holland, Patrick [mailto:PHOLLAND@dpw.lacounty.gov]
Sent: Tuesday, October 30, 2012 1:09 PM
To: Diana Hurlbert
Cc: Hamamoto, Bruce; Sim, Youn; Vidanagama, Tharake
Subject: RE: Ballona Wetland Restoration: Draft MOU

Hi Diana,
As discussed on the phone yesterday, we accepted most of the changes including the deletions you proposed. See attached revised version. If you concur with the changes, we will have County Counsel review it.

Regards,
Patrick

From: Diana Hurlbert [mailto:dhurlbert@santamonicabay.org]
Sent: Monday, August 27, 2012 2:07 PM
To: Holland, Patrick
Cc: Hamamoto, Bruce
Subject: RE: Ballona Wetland Restoration: Draft MOU
Importance: High

Hi Patrick & Bruce,

Attached is the marked up MOU and our major comments below….Please let me know if you have any questions.

Here are our major comments:

If it is an MOU with LA Co, SMBRC and SCC it should not address maintenance. We think that should be addressed in a separate MOU between LA Co and DFG.

The SCC will need authorization from their Board to commit funds. Mary will need that before they can sign. SCC & SMBRC couldn't commit to providing "all needed funding", but if authorized they could commit to a specific amount as the Co has done. The original estimate from the Corp was ~$500k, we have inserted $310,000 as it is the difference between the County's proposed contribution and the Corp's estimated cost.

In terms of logistics, Mary will seek authorization to grant funds to the Co for this purpose. If approved, then SCC would enter into a grant agreement with the Co. That agreement would have a much more detailed scope. We would work with both FCD and the Corps to generate that detailed scope and agree on invoicing procedures etc.

We should probably set up a time to discuss with the Co. Please let me know what times/days would work for your team.

Cheers,

Diana Hurlbert
Restoration Project Coordinator
Santa Monica Bay Restoration Commission
1 LMU Drive, North Hall
Pereira Annex MS:8160
Los Angeles, CA 90045
Tele: 310-216-9899
E-mail: dhurlbert@santamonicabay.org<mailto:dhurlbert@santamonicabay.org>

O4-158 cont.

AGREEMENT SUMMARY (Model Form 215 Igov – SCC Rev. 11/12)
STD 215 (Rev 4/2002)

☐ CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED

AGREEMENT NUMBER	AMENDMENT NUMBER
12-107	

1. CONTRACTOR'S NAME: Santa Monica Bay Restoration Authority
2. FEDERAL I.D. NUMBER: 02-0752393
3. AGENCY TRANSMITTING AGREEMENT: State Coastal Conservancy
4. DIVISION, BUREAU, OR OTHER UNIT: Contracts Unit
5. AGENCY BILLING CODE: 13090
6. NAME AND TELEPHONE NUMBER OF CONTRACT ANALYST FOR QUESTIONS REGARDING THIS AGREEMENT: Mary Small, Project Manager, 510-286-4181
7. HAS YOUR AGENCY CONTRACTED FOR THESE SERVICES BEFORE?
☒ NO ☐ YES (*If YES, enter prior contractor name and Agreement Number*)
8. BRIEF DESCRIPTION OF SERVICES - LIMIT 72 CHARACTERS INCLUDING PUNCTUATION AND SPACES: The SMBRA will support a proposed restoration project with technical review and public outreach.
9. AGREEMENT OUTLINE *(Include reason for Agreement: Identify specific problem, administrative requirement, program need or other circumstances making the Agreement necessary; include special or unusual terms and conditions.)*

Santa Monica Bay Restoration Authority ("SMBRA") is a joint powers authority comprised of the Santa Monica Bay Restoration Commission ("SMBRC") and the Los Angeles County Flood Control District ("LACFCD"). The State Coastal Conservancy is working with the SMBRA and several other partner agencies to develop a restoration project for the Ballona Wetlands State Ecological Reserve. The proposed project will require a Section 408 permit from the US Army Corps of Engineers ("Corps") and LACFCD will be the permit applicant. This agreement will provide funding to the SMBRA to support the proposed restoration project, including obtaining early permit consultation and technical review by the Corps staff and public outreach about the proposed project. The SMBRA is uniquely qualified to complete this work because its member agency, LACFCD is the permit applicant. Funding is from Proposition 12 funds specifically for the Ballona Wetlands.

O4-159

10. PAYMENT TERMS *(More than one may apply.)*
☐ MONTHLY FLAT RATE ☐ QUARTERLY ☐ ONE -TIME PAYMENT ☐ PROGRESS PAYMENT
☒ ITEMIZED INVOICE ☒ WITHHOLD 10 % ☐ ADVANCED PAYMENT NOT TO EXCEED
☐ REIMBURSEMENT/REVENUE $ _____ or _____ %
☐ OTHER *(Explain)*

11. PROJECTED EXPENDITURES FUND TITLE	ITEM	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
Safe Neighborhood Parks, Clean Water, Air &...	3760-30203-0005 (2)(B) Reap. by Ch. 712/10;47/06;208/04	2000	052	00/01	$300,000.00

OBJECT CODE: Enhancement
AGREEMENT TOTAL $ 300,000.00
OPTIONAL USE: Ballona Wetlands
AMOUNT ENCUMBERED BY THIS DOCUMENT $ 300,000.00
I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.
PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT $ -0-
ACCOUNTING OFFICER'S SIGNATURE: Rong Uhuong
DATE SIGNED: 6/14/13
TOTAL AMOUNT ENCUMBERED TO DATE $ 300,000.00

12. AGREEMENT	TERM From	TERM Through	TOTAL COST OF THIS TRANSACTION	BID, SOLE SOURCE, EXEMPT
Original	Signature	06/30/2015	$ 300,000.00	Exempt
Amendment No. 1			$ -0-	
		TOTAL	$ 300,000.00	

(Continue)

STATE OF CALIFORNIA
AGREEMENT SUMMARY
STD. 215 (Rev 04/2002)

13. BIDDING METHOD USED:
☐ REQUEST FOR PROPOSAL (RFP) ☐ INVITATION FOR BID (IFB) ☐ USE OF MASTER SERVICE AGREEMENT
(Attach justification if secondary method is used)
☐ SOLE SOURCE CONTRACT *(Attach STD 821)* ☒ EXEMPT FROM BIDDING *(Give authority for exempt status)* ☐ OTHER *(Explain)* PCC §§10335(a); See SCM 5.80
NOTE: *Proof of advertisement in the State Contracts Register or an approved form STD. 821, Contract Advertising Exemption Request, must be attached*

14. SUMMARY OF BIDS *(List of bidders, bid amount and small business status) (If an amendment, sole source, or exempt, leave blank)*
N/A

15. IF AWARD OF AGREEMENT IS TO OTHER THAN THE LOWER BIDDER, PLEASE EXPLAIN REASON(S) *(If an amendment, sole source, or exempt, leave blank)*
N/A

16. WHAT IS THE BASIS FOR DETERMINING THAT THE PRICE OR RATE IS REASONABLE?
N/A

17. JUSTIFICATION FOR CONTRACTING OUT *(Check one)*
☐ Contracting out is based on cost savings per Government Code 19130(a). The State Personnel Board has been so notified.
☒ Contracting out is justified based on Government Code 19130(b). Justification for the Agreement is described below.
Justification:
The services contracted related to the review of the Section 408 permit are not available within civil service and are of such a highly specialized or technical nature that the necessary expert knowledge, experience and ability are only available from Corps staff. The public outreach task is also highly specialized and requires a locally based public agency that can represent the proposed restoration project at local meetings and respond to the public in a timely manner. This is one time contract to funds specific work to support a proposed wetland restoration project, this work is not an ongoing function. The proposed restoration project is currently undergoing environmental review and permit submittals are being prepared, it is expected that this work will be completed by April 2015.

O4-159 cont.

18. FOR AGREEMENTS IN EXCESS OF $5,000, HAS THE LETTING OF THE AGREEMENT BEEN REPORTED TO THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING?
☐ NO ☒ YES ☐ N/A

19. HAVE CONFLICT OF INTEREST ISSUES BEEN IDENTIFIED AND RESOLVED AS REQUIRED BY THE STATE CONTRACT MANUAL SECTION 7.10?
☐ NO ☐ YES ☒ N/A

20. FOR CONSULTING AGREEMENTS, DID YOU REVIEW ANY CONTRACTOR EVALUATIONS ON FILE WITH THE DGS LEGAL OFFICE?
☐ NO ☐ YES ☐ NONE ON FILE ☒ N/A

21. IS A SIGNED COPY OF THE FOLLOWING ON FILE AT YOUR AGENCY FOR THIS CONTRACTOR?
A. CONTRACTOR CERTIFICATION CLAUSES ☐ NO ☐ YES ☒ N/A
B. STD. 204, VENDOR DATA RECORD ☐ NO ☒ YES ☐ N/A

22. REQUIRED RESOLUTIONS ARE ATTACHED
☐ NO ☐ YES ☒ N/A

23. ARE DISABLED VETERANS BUSINESS ENTERPRISE GOALS REQUIRED? *(If an amendment, explain changes, if any)*
☒ NO *(Explain below)* ☐ YES *(If YES complete the following)*
DISABLED VETERAN BUSINESS ENTERPRISES: ____ % OF AGREEMENT
☐ Good faith effort documentation attached if 3% goal is not reached.
☐ We have determined that the contractor has made a sincere good faith effort to meet the goal.
Explain:
N/A

24. IS THIS A SMALL BUSINESS CERTIFIED BY OSBCR?
☒ NO ☐ YES *(Indicate Industry Group)*
SMALL BUSINESS REFERENCE NUMBER

25. IS THIS AGREEMENT (WITH AMENDMENTS) FOR A PERIOD OF TIME LONGER THAN ONE YEAR? *(If YES, provide justification)*
☐ NO ☒ YES
This is a highly complex restoration project, the engineering work to support the permit application and the outreach to the public will take longer than one year to complete.

I certify that all copies of the referenced Agreement will conform to the original Agreement sent to the Department of General Services.

CONTRACT MANAGER'S SIGNATURE
DATE SIGNED 6/19/13

STATE OF CALIFORNIA
STANDARD AGREEMENT
STD 213 (Rev 06/03)

AGREEMENT NUMBER: 12-107
REGISTRATION NUMBER:

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME
State Coastal Conservancy

CONTRACTOR'S NAME
Santa Monica Bay Restoration Authority

2. The term of this Agreement is: Signature through June 30, 2015

3. The maximum amount of this Agreement is: $300,000.00 (Three hundred thousand dollars)

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	2 pages
Exhibit A – Attachment 1	2 pages
Exhibit B – Budget Detail and Payment Provisions	3 pages
Exhibit B – Attachment 1	1 pages
Exhibit C*– General Terms and Conditions (GTC-610)	2 pages
Check mark one item below as Exhibit D:	
☒ Exhibit - D Special Terms and Conditions (Attached hereto as part of this agreement)	3 pages
☐ Exhibit - D* Special Terms and Conditions	
Exhibit E – Additional Provisions	

O4-159 cont.

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at www.ols.dgs.ca.gov/Standard+Language. A copy is also attached for ease of reference.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME *(if other than an individual, state whether a corporation, partnership, etc.)*
Santa Monica Bay Restoration Authority

BY *(Authorized Signature)*: [signature] DATE SIGNED *(Do not type)*: 6/3/13

PRINTED NAME AND TITLE OF PERSON SIGNING
Dr. Shelley Luce, Executive Director

ADDRESS
320 W. 4th Street, Suite 200, Los Angeles, CA 90013

STATE OF CALIFORNIA

AGENCY NAME
State Coastal Conservancy

BY *(Authorized Signature)*: [signature] DATE SIGNED *(Do not type)*: 6/19/13

PRINTED NAME AND TITLE OF PERSON SIGNING
Samuel Schuchat, Executive Officer

ADDRESS
1330 Broadway, Suite 1300, Oakland, CA 94612

California Department of General Services Use Only

APPROVED
JUL - 5 2013
DEPT OF GENERAL SERVICES

[signature]

☐ Exempt per:

STATE OF CALIFORNIA
STANDARD AGREEMENT
STD 213 (Rev 06/03)

AGREEMENT NUMBER
12-107
REGISTRATION NUMBER

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☒ Exhibit - D Special Terms and Conditions (Attached hereto as part of this agreement)	3 pages
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O4-159 cont.

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IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME *(if other than an individual, state whether a corporation, partnership, etc.)*
Santa Monica Bay Restoration Authority

BY *(Authorized Signature)* — DATE SIGNED *(Do not type)*: 6/3/13

PRINTED NAME AND TITLE OF PERSON SIGNING
Dr. Shelley Luce, Executive Director

ADDRESS
320 W. 4th Street, Suite 200, Los Angeles, CA 90013

STATE OF CALIFORNIA

AGENCY NAME
State Coastal Conservancy

BY *(Authorized Signature)* — DATE SIGNED *(Do not type)*: 6/19/13

PRINTED NAME AND TITLE OF PERSON SIGNING
Samuel Schuchat, Executive Officer

ADDRESS
1330 Broadway, Suite 1300, Oakland, CA 94612

California Department of General Services Use Only

☐ Exempt per:

EXHIBIT A
(Standard Agreement)

SCOPE OF WORK

Santa Monica Bay Restoration Authority ("SMBRA") is a joint powers authority comprised of the Santa Monica Bay Restoration Commission ("SMBRC") and the Los Angeles County Flood Control District ("LACFCD"). The State Coastal Conservancy is working with the SMBRA and several other partner agencies to develop a restoration project for the Ballona Wetlands State Ecological Reserve in Los Angeles County.

This agreement will fund two tasks to be completed by the SMBRA:

Task 1: Section 408 Permit Review and Technical Coordination

The proposed Ballona Wetlands Restoration Project involves modification of an existing flood control channel that was built by the U.S. Army Corps of Engineers ("Corps") and that is maintained by LACFCD. The proposed modification will require a Section 408 permit from the Corps; LACFCD will be the permit applicant. Under the provisions of Section 214 of Federal Water Resources Development Act of 2000 ("WRDA"), LACFCD has entered into an agreement with the Corps to provide funding to support early coordination, technical review and expedited permit evaluation. LACFCD and the other project partners support this agreement because completing the permit application requires significant engineering work and public investment. Obtaining early consultation, review and comment from the Corps at each stage of the permit process will help ensure that the engineering work adequately supports the Corps needs. The purpose of this task is to provide funding to SMBRA to support up to $240,000 of the costs incurred under the Section 214 agreement with the Corps for the Ballona Wetlands Restoration Project's Section 408 permit.

The detailed work program for the U.S. Army Corps of Engineers Section 408 Permit Coordination and Technical Review is described in the MOU between LACFCD and the Corps, attached as Exhibit A.

Total Budget Task 1: $240,000

Task 2: Public Outreach

SMBRA will coordinate efforts to communicate with the public about the proposed Ballona Wetlands Restoration Project. This outreach will include maintaining a project website, posting information for the public, responding to inquiries from the press and making presentations to the public. The project partners are committed to planning the proposed restoration project with

O4-159 cont.

1. Develop a 1-year strategic communications plan, with a budget, schedule and milestones/deliverables, for educational outreach about Ballona Wetlands and wetland restoration, which may include but not be limited to:

   a. An outreach plan for local online/offline outlets (i.e. website, newspaper, radio, internet, co-op advertising, freestanding direct mail, internet/banners).

   b. Social media strategies and messaging.

   c. Educational tours for students, the public, government officials and others.

   d. Identifying outreach opportunities such as special events like farmers markets, environmental fairs, etc.

2. Update and maintain a project website to provide the public with current information about the proposed Ballona Wetlands restoration project. This task will include planning, creating, designing, writing, developing layouts, producing and updating the project website.

3. Identify and produce deliverables for outreach that may include, but not be limited to, the following:

   a. Create talking points (modified ongoing as needed) & Key Words (English/Spanish).

   b. Print and other materials, and miscellaneous graphic needs, in English and Spanish.

      - Printed materials may include signs, stickers, bumper stickers, etc.
      - Electronic materials – i.e. newsletters, YouTube videos, slideshows

   c. Plan/implement tours and special events such as tables at local Farmer's Markets, connecting with online sites, etc.

4. Collaborate with partner organizations/agencies, stakeholder groups, and other interested parties.

5. Implement other tools/processes for effectively communicating information about the project and understanding community concerns about the project. This may include developing graphics or visuals to communicate the proposed project to the public.

6. Provide communications support and assistance to project partners interacting with media or presenting the project to the public.

The Contractor shall perform all services in close consultation with Conservancy staff.

O4-159 cont.

EXHIBIT B
(Standard Agreement)

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing

   A. For services satisfactorily rendered, and upon receipt and approval of Requests for Disbursement, the Conservancy agrees to compensate the Contractor for actual expenditures incurred in accordance with the rates specified herein, which is attached hereto and made a part of this Agreement.

   B. Requests for Disbursement shall include the Agreement Number and shall be submitted in triplicate not more frequently than monthly in arrears to Erlinda Corpuz, Contracts Manager, 1330 Broadway, Suite 1300, Oakland, CA 94612.

2. Budget Contingency Clause

   A. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.

   B. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to Contractor to reflect the reduced amount.

3. Payment

   A. Costs for this Agreement shall be computed in accordance with State Administrative Manual Sections 8752 and 8752.1.

   B. Nothing herein contained shall preclude advance payments pursuant to Article 1, Chapter 3, Part 1, Division 3, Title 2 of the Government Code of the State of California.

O4-159 cont.

4. Additional Payment Provisions

The total amount of funds disbursed under this contract shall not exceed $300,000 (three hundred thousand dollars).

The Conservancy shall make disbursements to Contractor on the basis of services rendered and costs incurred to date, less ten percent, upon satisfactory progress in accordance with schedules, budgets, and other provisions of this contract, and upon submission of a "Request for Disbursement" form (available from the Conservancy), which shall be submitted no more frequently than monthly but no less frequently than quarterly.

Services shall be billed at no more than the rates for the personnel of Contractor and its subcontractors, as specified in Attachment 1 to this Exhibit B.

The Conservancy will reimburse Contractor for direct expenses necessary to the provision of services under Task 2 of this contract when documented by appropriate receipts. The Conservancy will reimburse travel and related expenses at actual costs not to exceed the rates provided in Title 2, Division 1, Chapter 3, Subchapter 1, Article 2 of the California Code of Regulations, except that reimbursement may be in excess of these rates upon provision of documentation that rates in compliance are not reasonably available to Contractor. Reimbursement for the cost of operating a private vehicle shall not, under any circumstance, exceed the current rate specified by the State of California for unrepresented state employees as of the date the cost is incurred. All travel other than automobile travel within the County of Los Angeles must be approved in advance by the Executive Officer of the Conservancy ("the Executive Officer"). The Conservancy will reimburse Contractor at cost for other necessary expenses if those expenses are reasonable in nature and amount taking into account the services provided and other relevant factors.

O4-159 cont.

No overhead or indirect expenses of the Contractor or its subcontractors will be reimbursed.

Each Request for Disbursement submitted by Contractor must include Contractor's name and address, the number of this contract, Contractor's authorized signature, the date of submission, the total amount of costs incurred for the period, a brief description of the services rendered and work products completed, and an itemized description, including time, materials and expenses incurred, of all work done for which disbursement is requested. The Request for Disbursement must also indicate itemized cumulative expenditures to date, expenditures during the reporting period, and the unexpended balance of contract funds. Each Request for Disbursement shall be accompanied by:

1. All receipts and any other source documents for direct expenditures and costs incurred by Contractor.

2. Invoices from subcontractors that the contractor engaged to complete any portion of the work funded under this contract and any receipts and any other source documents for costs incurred and expenditures by any such subcontractor, unless the Executive Officer makes a specific exemption in writing.

3. A supporting progress report summarizing the current status of the tasks under this contract and comparing it to the status required by the "WORK PLAN" described above in Attachment 1 to Exhibit A, and including written substantiation of completion of the portion of the tasks for which disbursement is requested.

Contractor shall submit a final Request for Disbursement within thirty days after the completion date provided in the "Term of Agreement" section.

Contractor's failure to submit and supporting documents, as required by this section, will relieve the Conservancy of its obligation to disburse funds to Contractor until Contractor corrects all deficiencies.

O4-159 cont.

EXHIBIT B – ATTACHMENT 1

BUDGET DETAIL

Overall Budget

Description	SCC	LACFCD	Total
Task 1A. Basic Permit Review	$200,000.00	$98,740.00	$298,740.00
Task 1B. Oversight and Technical Coordination	40,000.00	91,260.00	131,260.00
Task 2: Public Outreach	60,000.00	0.00	60,000.00
	$300,000.00	$190,000.00	$490,000.00

***Note limitations of subcontracting out more than $50,000 or 25% of the contract, whichever is less (SCM § 3.06(D).**

O4-159 cont.

Task 1 – Budget Detail

Funds under this task will be expended to pay the costs incurred by the SMBRA or its member entities associated with the Ballona Wetlands project. Costs may include Corps staff (including salary and associated benefits) dedicated to completing the work in this interagency agreement. Funds may be used to pay for staff performing technical analyses and writing, Agency Technical Review, real estate evaluation, risk analysis, copying or other clerical/support tasks, acquisition of data, site visits, coordination activities, additional personnel (including support/clerical staff), construction quality assurance and control, environmental documentation preparation and review; other permit evaluation related activities. Funds from this agreement will NOT be used for overhead, travel, or costs associated with the review of the Corps' work undertaken by supervisors or other persons or elements of the Corps in the decision-making chain of command. However, if a supervisor is performing staff work and not supervisory oversight, funds may be used.

Task 2 – Budget Detail

Funds under this task will be expended to pay the costs of staff (including salary and associated benefits) of the Santa Monica Bay Restoration Authority dedicated to completing the work in this interagency agreement. Within the limitations noted above, some funds may be used to pay for subcontractors to work on specific outreach tasks, if approved by the Coastal Conservancy. Funds under Task 2 may also be used to pay for direct expenses associated with the project outreach, such as website services and publications. Funds under this agreement will not be used to purchase food or pay for travel.

EXHIBIT C - GIA 610
(Standard Agreement)

GENERAL TERMS AND CONDITIONS

NOTE: the General Terms and Conditions are included in the contract by reference to the internet site http://www.ols.dgs.ca.gov/Standard+Language/default.htm. A copy of the version of the General Terms and Conditions applicable to this contract may be downloaded from that site and printed for your files. In addition, for ease of reference, a copy of the applicable General Terms and Conditions ("Exhibit C") are attached, below.

1. APPROVAL: This Agreement is not valid until signed by both parties and approved by the Department of General Services, if required.

2. AUDIT: The agency performing work under this Agreement agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement if it exceeds $10,000. The agency performing work agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of record retention is stipulated.

3. PAYMENT: Costs for this Agreement shall be computed in accordance with State Administrative Manual Section 8752 and 8752.1.

4. AMENDMENT: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties, and approved as required. No oral understanding or agreement not incorporated in the Agreement is binding on any of the parties.

5. SUBCONTRACTING: All subcontracting must comply with the requirements of the State Contracting Manual, Section 3.06.

6. ADVANCE PAYMENT: The parties to this interagency agreement may agree to the advancing of funds as provided in Government Code Sections 11257 through 11263.

7. DISPUTES: The agency performing work under this Agreement shall continue with the responsibilities under this Agreement during any dispute.

8. TIMELINESS: Time is of the essence in this Agreement.

O4-159 cont.

9. NON-PAYMENT OF INVOICES – FUND TRANSACTION REQUEST: In accordance with Government Code Section 11255, the parties agree that when an invoice is not paid by the requested due date to the Contractor (agency providing the service) and the invoice is not disputed by the contracting Department (agency receiving the service), Contractor may send the contracting Department a 30-day notice that it intends to initiate a transfer of funds through a Transaction Request sent to the State Controller's Office. To facilitate a Transaction Request should one be needed, the contracting Department shall no later than 10 business days following execution of this agreement provide data to the Contractor for the appropriation to be charged including: fund number, organization code, fiscal year, reference, category or program, and, if applicable, element, component, and task.

O4-159
cont.

EXHIBIT D
(Standard Agreement)

SPECIAL TERMS AND CONDITIONS

1. Term of Agreement

This agreement shall be deemed executed and effective when signed by both parties and approved by the Department of General Services and received in the office of the Conservancy. An authorized representative of Contractor shall sign the first page of the originals of this agreement in ink. This agreement shall run from the effective date through June 30, 2015 (the "termination date") unless otherwise terminated or amended as provided in this agreement. However, all work shall be completed by March 31, 2015. The final Request for Disbursement must be received by April 25, 2015.

The term of this contract is based on the current level of funding available for the services to be provided under this contract. If additional funding is authorized, the parties anticipate that the term of the contract will be extended and the scope of work will be revised by amendment.

2. Early Termination, Suspension or Failure to Perform

The Conservancy may terminate this contract for any reason by providing seven days written notice to the Contractor. During the term, the Conservancy may also suspend the contract before the work is complete. In either case, upon receipt of notice of termination, the Contractor shall immediately stop work under the contract and take whatever measures are necessary to prevent further costs to the Conservancy under this contract. The Conservancy shall be responsible for any reasonable and non-cancelable obligations incurred by the Contractor in the performance of this contract up to the date of notice to terminate or suspend, but only up to the unpaid balance of total funds authorized under this contract. Any notice suspending work under this contract shall remain in effect until further written notice from the Conservancy authorizes work to resume. On or before the date of termination of the contract under this section, the Contractor shall provide the Conservancy with all work, material, data, information, and written, graphic or other work produced or developed under this contract (whether completed or partial), in appropriate, readily useable form. The Contractor shall include in any contract with any subcontractor retained for work under this contract a provision that entitles the Contractor to suspend or terminate the contract with the subcontractor for any reason on written notice and on the same terms and conditions specified in this section.

O4-159 cont.

3. Authorization

The signature of the Executive Officer of the Conservancy ("Executive Officer") on this agreement certifies that at its January 19, 2012 meeting, the Conservancy authorized this agreement and the agreement is executed pursuant to that authorization.

4. Expenditure of Funds and Allocation of Funding Among Budget Items

The total amount of this contract may not be increased except by written amendment to this agreement. The contractor shall expend funds consistent with the approved project budget. Expenditure on items contained in the approved project budget may vary by as much as ten percent without prior approval by the Executive Officer, provided the contractor submits a revised budget prior to requesting disbursement based on the revised budget. Any deviation greater than ten percent must be identified in a revised budget and approved in advance and in writing by the Executive Officer. The Conservancy may withhold payment for items which exceed the amount allocated in the project budget by more than ten percent and which have not received the approval required above. Any increase in the funding for any particular budget item shall mean a decrease in the funding for one or more other budget items unless there is a written amendment to this agreement.

O4-159 cont.

5. Executive Officer's Designee

The Executive Officer shall designate a Conservancy project manager who shall have authority to act on behalf of the Executive Officer with respect to this agreement. The Executive Officer shall notify Contractor of the designation in writing.

6. Project Completion

Contractor shall complete the work under this agreement by the completion date completion date provided in the "TERM OF AGREEMENT" section, above. Upon completion of the project, Contractor shall supply the Conservancy with evidence of completion by submitting: (1) the required work products; and (2) a fully executed final Request for Disbursement form. Within thirty days of Contractor's compliance with this paragraph, the Conservancy shall determine whether the project has been satisfactorily completed. If the Conservancy determines that the project has been satisfactorily completed, the Conservancy shall issue to Contractor a letter of acceptance of the project. The project shall be deemed complete as of the date of the letter of acceptance.

7. Computer Software

Contractor certifies that it has instituted and will employ systems and controls appropriate to ensure that, in the performance of this Agreement, state funds will not be used for the acquisition, operation or maintenance of computer software in violation of copyright laws.

8. Work Products

Contractor hereby assigns to the Conservancy and the Conservancy accepts the assignment of all rights and interest in all material, data, information, and written, graphic or other work produced under this contract, including, without limitation, any right to copyright, patent or trademark the work. All material, data, information, and written, graphic or other work produced under this contract shall be in the public domain and shall be available to the public generally.

Contractor shall include in any subcontract with a third party for work under this contract a provision that preserves the rights created by the first paragraph of this section, and that identifies the Conservancy as a third-party beneficiary of that provision.

Pursuant to Government Code section 7550, any document or written report that is produced under this contract by non-state employees at a cost of greater than $5,000 shall contain a separate section disclosing all contracts and subcontracts related to the production of the document or written report, including the contractor or subcontractor name, contract number, and total amount of the contract or subcontract.

9. Locus

This agreement is deemed to be entered into in the County of Alameda.

O4-159 cont.

Coastal Conservancy

May 15, 2014

Dr. Guang-yu Wang
Santa Monica Bay Restoration Authority
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

RE: Termination of Interagency Agreement #12-107

Dear Guang-yu:

A few weeks ago, Dr. Shelley Luce and I agreed to terminate our Interagency Agreement #12-107 related to the Ballona Wetlands Project. Consistent with the terms of the agreement, this letter is the Coastal Conservancy's formal notice to the Authority that it is terminating the agreement. The SMBRA has not been authorized to start work under this agreement and no funds have been disbursed under the agreement.

O4-160

Sincerely,

Mary Small
Deputy Executive Officer

1330 Broadway, 13th Floor
Oakland, California 94612-2512
510·286·1015 Fax: 510·286·0470

bay restoration commission
STEWARDS OF SANTA MONICA BAY
santa monica bay restoration commission ✐ 320 west 4th street, ste 200; los angeles, california 90013
213/576-6615 phone ✐ 213/576-6646 fax ✐ www.smbrc.ca.gov

Level 3 Indicator Assessment for Tidal Estuarine Systems

Wetland Program Development Grant
Semi-Annual Report, October 2014 – March 2015
Contract ID: CD-00T73001-0

30 March, 2015

Discussion of Activities

Task 1: Development of Indicators and Protocols – *completed*

Task 2: Refine Level 3 Monitoring Protocols and QAPP – *completed*

Task 3: Field Test Level 3 Protocols – *completed*

The final data for the field portion of the Level 3 protocol and method testing was completed in December, with some ongoing data sonde maintenance and calibration efforts. While the majority of the field surveys were completed in September and October of 2014, Malibu Lagoon, as a bar-built estuary, needed to breach before collecting the final round of samples. The breach occurred in early December and was immediately followed up with the final field protocol evaluations at the site. The other sites, including: Ballona Wetlands Ecological Reserve, Los Cerritos Wetlands, Mugu Lagoon, and Ormond Beach Lagoon are also complete. Multiple SOPs were evaluated at each location and refinement of the protocols continues based on the completed technical implementation and ongoing scientific review.

O4-161

Fieldwork, data entry, and initial data QAQC and management were all finalized in the previous quarter. The QAQC Officer continues the final QAQC procedure checks and subsequent analyses for the monitoring report. Initial outlines and rough drafts of several sections of the monitoring report have begun, with further review and more time dedicated to the report drafting over the upcoming months. Additional work continued coordinating regional monitoring efforts with other programs.

A supplemental product was developed, underwent external scientific review, and was finalized at the request of the site managers for the Ballona Wetlands Restoration Project (Appendix 1, "Condition Assessment of the Wetland Habitats in the Ballona Wetlands Ecological Reserve, Los Angeles, CA"). This 600-acre former wetland is undergoing restoration planning, and the Wetland Program Development Grant (WPDG) California Rapid Assessment Method (CRAM) results, as compared to regional and state-wide data, were summarized in a publically available memorandum to supplement the restoration planning process and to assist in assessing the overall health and condition of the site.

bay restoration commission
STEWARDS OF SANTA MONICA BAY
santa monica bay restoration commission 320 west 4th street, ste 200; los angeles, california 90013
213/576-6615 phone 213/576-6646 fax www.smbrc.ca.gov

Lastly, a no-cost extension was requested and approved for this contract through 30 June, 2015, specifically to incorporate the 2014 additional field work season through the acquisition of additional monitoring matching funds through a grant from the California State Coastal Conservancy (SCC 11-086). Task 3 is scheduled for final completion upon the submittal of the final monitoring report and associated appendices.

- **Product(s):** BWER CRAM Memo; Final Report & Data Appendices
- **Deadline(s):**
  - BWER CRAM Memo: Completed
  - Final Report, including summary data and assessments: Next Quarter

Task 4: Develop Level 3 Monitoring Manual – *ongoing*

The Level 3 monitoring manual is being developed through an iterative process and the final document will include detailed protocols, recommended priority for implementation, cost estimates and prioritization, and field and lab effort levels, time commitments, and expertise required to implement protocols. The manual will establish a solid framework to inform the development of future wetland monitoring programs.

Work and development of the manual continued through outreach to several technical advisory committees and workgroups and continued communication with the CWMW and the L3 subcommittee of the CWMW (see Task 5, below). Initial discussions identified the need and audience for the final product, scope of usefulness, integration of existing uniform performance metrics, several data gaps to target in the development of the product, and a timeline for bringing it back after draft development to the initial review groups such as the Wetland Recovery Project's Wetland Managers Group (WRP WMG) and the California Wetland Monitoring Workgroup (CWMW) for draft input.

O4-161 cont.

A workshop occurred on 20 October, 2014 with a subcommittee group of scientists who outlined the key points and structure of the manual document (see the agenda and summary notes, Appendix 2), and finalized an assessment and evaluation framework that will be used for each of the Standard Operating Procedures (Appendix 3). This included a discussion of prioritization of monitoring methods based on project-level logistics such as cost-effort relationships, management needs, and permitting restrictions. Staff- and site-based considerations were also identified such as habitat types, seasonal limitations, training level requirements and/or ease of implementation. Data will begin to be incorporated into the draft manual as soon as the QAQC process is complete. Appendix 3 is currently receiving external scientific review.

The workshop also discussed potential future web-based data dissemination and information updating strategies to ensure the long-term accessibility and relevance of project products. User-friendly digital formats and interfaces were suggested as mediums to provide easy and accurate access to recommendations based on a selection of limiting project- and site-specific variables. Additionally, workshop participants recognized that the distribution of standardized auto-calculating data input templates might complement the shift to comparative regional data analyses. While these may not be possible to implement as part of this specific grant, they will be

bay restoration commission
STEWARDS OF SANTA MONICA BAY
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summarized and included as suggestions in the Manual. It is important to have these types of conversations about appropriate data submittals into public web-based domains so that resource managers will be able to access regional and state-wide wetland data in the future.

- **Product(s):** Monitoring Manual, including recommendations and detailed protocols
- **Deadline:** 30 June 2015

Task 5: Outreach – *ongoing*

Program outreach continues strongly throughout the southern California region as well as to statewide groups such as the CWMW and their L3 subcommittee and to other wetland monitoring programs in the region. Significant input from all groups is being incorporated into the monitoring manual development. Additional discussions and feedback on the development of the manual will continue to be solicited from groups and other scientists.

Additionally, three abstracts have been accepted for oral presentations highlighting the WPDG program work and regional data collections to the Southern California Academy of Sciences Annual Meeting scheduled for 15 May 2015. In summary, presentations will concentrate on (1) the purpose and scope of the WPDG program including project-level CRAM assessments to compare the condition of regional wetlands in relation to historic impacts, (2) an in-depth case study of pre- and post-restoration conditions and ecosystem service assessments at Malibu Lagoon using WPDG L3 and L2 methods, and (3) a site-specific examination of the functioning of the Los Cerritos Wetlands complex through monitoring and method comparisons. The Meeting will allow for feedback from additional regional scientists who are not currently active on the project's technical advisory committee. PDF copies of each presentation will be provided with the rest of the final products for this grant.

O4-161 cont.

Problems Encountered

No significant problems were encountered during the seventh reporting period. The EPA approved a requested no-cost extension through 30 June, 2015, to increase the outreach potential of the manual to multiple state-wide groups and workshops. The no-cost extension also allowed for additional field work through matching funds provided by the California State Coastal Conservancy.

Planned Activities

The next steps for the Level 3 indicator development grant include:

- Finalize analyses and report writing for each field location;
- Finalize SOPs based on technical implementation and scientific review as well as incorporating input from the manual workshop;
- Complete a draft of the Monitoring Manual and submit to external technical advisory committee and EPA for review;
- Finalize Monitoring Manual; and
- Continue grant and monitoring program outreach.

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213/576-6615 phone ✐ 213/576-6646 fax ✐ www.smbrc.ca.gov

Budget Summary

Table 1 provides details of the budget for the seventh semi-annual reporting period (October 2014 – March 2015). The next and last semi-annual reporting period will finalize all tasks. At the time of submittal of this semi-annual report, the last quarter had not been processed by the SMBRC's administrative department. A budget summary for that quarter will be submitted separately as soon as that quarter's finances are finalized internally.

Table 1. Budget summary for the seventh semi-annual reporting period (Oct 2014 – Mar 2015).

Quarter	Category	Summary	Cost ($)
Oct – Dec, 2014	Labor	Task 3, 4 & 5 – coordination; field work and data management; outreach	$ 13,371.60
	Expenses	Task 3 – travel, project supplies, field supplies	$ 109.70
	Contracts	Administrative oversight; Tidal Influence: Field Work; SCCWRP: scientific review	$ 469.35
	Other	----	$ 0.00
	TOTAL	**----**	**$ 13,950.65**
Jan – Mar, 2015	Labor	Task 3, 4 & 5 – coordination; field work and data management; manual development; outreach	TBD
	Expenses	----	TBD
	Contracts	Administrative oversight; Tidal Influence: Field Work; SCCWRP: scientific review	TBD
	TOTAL	**----**	**TBD**
CUMULATIVE PROJECT COST	**----**	**----**	**TBD**

O4-161 cont.

Please do not hesitate to contact me with any questions or comments.

Regards,

Karina Johnston
Director of Watershed Programs
Santa Monica Bay Restoration Commission
Office: (310) 216-9824
kjohnston@santamonicabay.org

From: Mike Crehan
To: Diana Hurlbert; Karina Johnston; Shelley Luce; Lisa Fimiani; Mayfield, Rick@Wildlife
Subject: RE: Google Alert - Ballona Wetlands
Date: Thursday, July 11, 2013 3:33:33 PM

FYI:

These inlets are intended to eliminate standing water immediately around them (holes in the sides); and, the top is set at an elevation slightly above the surrounding ground. Since the area around the drains are cut off from any flooding by surrounding roads and higher area, flooding cannot occur from any stormwater other than what falls directly on the area. So, it is intended for large storms only.

Three other points:

1. If these inlets were plugged, there would be no chance of any flooding ever reaching the adjacent roadways as the roads are about three feet higher than the surrounding grades. A three foot storm would be something on the order of the 1,000,000-year event (purely a guess, but you get the idea) and L.A. would not notice a little flooding here.
2. There is actually some tidal action that occasionally (at very high tides) occurs that brings some tidal flows to the few hundred square feet around these inlets.
3. Playa Vista is also looking at this. You might touch base with Marc Huffman.

O4-162

Mike

PSOMAS
Michael J. Crehan, P.E.
Vice President / Principal
555 South Flower Street, Suite 4300
Los Angeles, CA 90071
(213) 223-1400
mcrehan@psomas.com

1481142

FILED
In the office of the Secretary of State
of the State of California
MAY 3 1990

MARCH FONG EU, Secretary of State

ARTICLES OF INCORPORATION

OF

SANTA MONICA BAY RESTORATION FOUNDATION

I

The name of this corporation is Santa Monica Bay Restoration Foundation.

II

A. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes.

B. The specific purpose of this corporation is to assist in the restoration and enhancement of the Santa Monica Bay and other coastal waters.

III

The name and address in the State of California of this corporation's initial agent for service of process is: William M. Ramseyer, 272 South Los Robles Avenue, Pasadena, California 91101.

IV

O4-163

A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

V

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and

liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

DATED: April 12, 1990

Catherine Tyrrell

Catherine Tyrrell, Incorporator

O4-163 cont.

-2-

PLAYA VISTA

THE WESTSIDE.
RE-IMAGINED.

Post-it® Fax Note 7671	Date 4-14-05	# of pages ▶ 4
To Sabrina Venkus	From Mary Small	
Co./Dept. Ballona Land Trust	Co. SCC	
Phone # 213-482-4206	Phone # 510-286-4181	
Fax # 213-482-4246	Fax #	

January 7, 2005

VIA FACSIMILE & U.S. MAIL

Charles Raysbrook
Regional Manager of South Coast Region
California Department of Fish and Game
4949 Viewridge Avenue
San Diego, California 92123

Terry Stewart
Project Manager
California Department of Fish and Game
4949 Viewridge Avenue
San Diego, California 92123

Re: Proposal to Designate Portions of Ballona Wetlands as an Ecological Reserve

Dear Mr. Raysbrook and Ms. Stewart:

Playa Capital Company LLC ("Playa") submits this letter in response to your December 20, 2004 request for comments on the proposal to request that the Fish and Game Commission designate at least portions of Areas A, B and C of the former Playa Vista Planning Area as an Ecological Reserve at its February 2005 meeting. Given the statutory authority regarding ecological reserves, we assume such designation would exclude those portions of Areas B and C not owned by the State. We respectfully request that such designation also exclude the Freshwater Marsh in Area B and the Ballona Channel.

O4-164

There are several reasons that designation of the Freshwater Marsh as an ecological reserve is not appropriate. Although the area of the Freshwater Marsh was transferred to the State Lands Commission in 2004, Playa remains obligated to construct, monitor and maintain the Freshwater Marsh in perpetuity under the Department of Fish and Game's Streambed Alteration Agreement, as well as under permits issued by the U.S. Army Corps of Engineers, the California Coastal

5510 Lincoln Blvd.
Suite 100
Playa Vista, CA 90094

Tel: 310-822-0074
Fax: 310-821-9429
www.playavista.com

Comment Letter O4

Commission, the California Regional Water Quality Control Board and the City of Los Angeles. The State Land Commission's ownership of the Freshwater Marsh is subject to rights retained by Playa to act in the Freshwater Marsh consistent with the permit requirements. Moreover, there is no need to tax the financial resources of the State to oversee the Freshwater Marsh as an ecological reserve because the Freshwater Marsh has an independent funding source for its operations, maintenance and monitoring as dictated by the regulatory permits, and the Freshwater Marsh is already heavily regulated and monitored by the State and several other governmental entities. Designation of the Ballona Channel as an ecological reserve is also not appropriate in light of the County Flood Control easement over the Channel and its current and historical use. These issues, along with background on the Freshwater Marsh, are discussed below.

Background

The Freshwater Wetlands System, which includes the Freshwater Marsh in Area B and the Riparian Corridor in Area D, was designed in the early 1990s as a regional watershed approach to improve the quality of storm runoff from the Playa Vista project and a large off-site tributary area, including the Westchester Bluffs and already developed areas along Jefferson Boulevard, to provide ecologically sound flood control facilities, and to provide wildlife habitat in an area where severe habitat degradation had occurred. The construction and maintenance of the Freshwater Marsh is required under permits issued by several federal and state agencies, including a Section 404 Permit issued by the Army Corps of Engineers in 1992, a Section 1603 Agreement with the California Department of Fish and Game from 1996, a Coastal Development Permit issued by the California Coastal Commission in 1991, and a Section 401 Certification issued by the Regional Water Quality Control Board in 1995, as well as the City of Los Angeles in approvals commencing in 1993 of various aspects of the Playa Vista project.

Playa completed construction and revegetation of most of the Freshwater Marsh in Area B in 2002. This portion of the Freshwater Marsh was opened to the public in April 2003, with a pedestrian trail around the completed portion of the marsh. As indicated in the December 2003 Annual Report of Operation, Maintenance, and Monitoring of the Ballona Freshwater Marsh at Playa Vista, the completed marsh is thriving, with bird observations about five years ahead of schedule in terms of breeding species and water quality monitoring data indicating the marsh is functioning successfully as a biological system. Completion has been delayed on the southern-most portion of the Freshwater Marsh due to the need to coordinate the construction of the Freshwater Marsh in this area with a California Department of Transportation project to widen Lincoln Boulevard south of Jefferson Boulevard, during which the Riparian Box will be installed to allow flows from the Riparian Corridor in Area D to enter the Freshwater Marsh in Area B. Construction of this portion of the Freshwater Marsh began in June 2004. Once completed, the Freshwater Wetland System will provide 51.1 acres of native mixed riparian, marsh, willow scrub and upland habitat.

O4-164 cont.

Comment Letter O4

Pursuant to arrangements with the State for the Freshwater Marsh dating back to the early 1990's, Playa transferred certain portions of Area B, including the area of the Freshwater Marsh, to the State Lands Commission in February 2004, subject to certain easements and reservations of rights. Most importantly, Playa expressly reserved the right to construct, alter, monitor and maintain the Freshwater Marsh as required under the federal and state agency permits.

Discussion of Issues

The Department of Fish and Game's Section 1603 Agreement along with the other permits require Playa to construct the Freshwater Wetlands System and fully implement the wetland mitigation and monitoring plan as described in the Ballona Wetlands Freshwater Wetland System Habitat Mitigation and Monitoring Plan. The HMMP, as it is called, is a comprehensive, long-term monitoring and maintenance plan for the Freshwater Wetlands System. This maintenance plan anticipates the need to lubricate mechanical devices, to remove plants at hydraulic structures, to repair slope erosion, to control mosquitoes, rodents, pollutants and odors, to periodically remove sediment and sludge to maintain flood control capacity and water quality, to replant vegetation to maintain the functional capacity of the system, and to harvest plants to manage flood control capacity, water quality and habitat values of the system. The permits also require an annual report to the permitting agencies.

O4-164 cont.

As you are likely aware, Dr. Edith Read is the current Freshwater Marsh Preserve Manager, who is in charge of the day to day monitoring and maintenance of the Freshwater Marsh required by the HMMP. As part of her duties, Dr. Read and others under her direction enter areas of the Freshwater Marsh off limits to the general public. During and after heavy rains, Playa personnel also may enter the Freshwater Marsh to maintain flood control or repair eroded slopes. Finally, County of Los Angeles Vector Control frequently stocks the Freshwater Marsh with mosquito fish.

Maintenance of the completed portion of the Freshwater Marsh is performed by the Ballona Wetlands Conservancy. The State has a seat on the Conservancy's Board, which is currently held by Mr. Raysbrook. Consistent with the regulatory regime, Freshwater Marsh maintenance is funded by Playa Vista residential and business owner organizations including the Playa Vista Community Services (PVCS), The Campus at Playa Vista Corporation and Playa Vista-Waters Edge LLC. Thus, the funding for operations and maintenance of this system exceeds what would be available for a State ecological reserve, and the State already has oversight over the system.

As demonstrated above, the inclusion of the Freshwater Marsh in the Ballona Wetlands Ecological Reserve is neither necessary nor consistent with the Department's regulations. The Freshwater Marsh already is regulated by five federal, state and local agencies that require Playa to adhere to a comprehensive monitoring and maintenance program established in the HMMP and approved by the Department of Fish and Game . Although the public is allowed on the trail constructed around the completed marsh, it is excluded from the sensitive area of the marsh. On the other hand, in order to comply with permit requirements and the HMMP, Playa needs and is

Comment Letter O4

entitled to have access to the Freshwater Marsh to conduct monitoring and maintenance activities, including the removal of vegetation and sediments. As a result, designation of the Freshwater Marsh as an Ecological Reserve is inconsistent with the Department of Fish and Game's 1603 Agreement with Playa, the grant deed under which the State Lands Commission acquired title to the Freshwater Marsh, and the activities required under the HMMP to maintain the functionality of the Freshwater Wetlands System. Accordingly, we respectfully request the exclusion of the Freshwater Marsh from any proposed Ballona Wetlands Ecological Reserve.

The Commission also should exclude the Ballona Channel from the proposed Ballona Wetlands Ecological Reserve as its current uses are inconsistent with those of an Ecological Reserve. The Los Angeles County Flood Control District uses and maintains the Ballona Channel for flood control purposes. It is also used for active recreation, including boating, in particular by the UCLA crew team.

We would be happy to meet with you prior to the February 2005 Commission meeting to discuss the Freshwater Marsh in further detail. If you have any questions or comments, please do not hesitate to call me at (310) 448-4676. Thank you for your consideration, and we look forward to continuing Playa's longstanding cooperative relationship with the Department of Fish and Game regarding the Freshwater Wetlands System.

O4-164 cont.

Very truly yours,

Catherine Tyrrell

Catherine Tyrrell
Director, Coastal and Environmental Affairs

cc: Mr. Sam Schuchat
Mr. Marc Beyeler
Ms. Deborah Ruddock
Mr. Marc Huffman
Patricia T. Sinclair, Esq.
Kathleen Truman, Esq.

LMU|LA
Loyola Marymount University

Office of the
Senior Vice President
University Relations

University Hall
1 LMU Drive, Suite 2800
Los Angeles, CA 90045-2659

Tel 310.338.5127
Fax 310.338.4450
www.lmu.edu

May 21, 2013

Director Charlton "Chuck" Bonham
California Department of Fish and Wildlife
1416 Ninth Street, 12th Floor
Sacramento, CA 95814

Mr. Leonard Aube
Executive Director
The Annenberg Foundation
2000 Avenue of the Stars, Suite 1000 S
Los Angeles, CA 90067

Sent via email to: director@wildlife.ca.gov and laube@annenbergfoundation.org

Dear Mr. Bonham and Mr. Aube,

On behalf of Loyola Marymount University, I am writing to express the university's support for the concept of a first-class Visitor Center at Ballona as the Annenberg Foundation has proposed. While it is premature to support a specific project until the environmental analysis is complete, the concept of a Visitor Center would dovetail nicely with the university's focus on the field of urban ecology.

Through LMU's Center for Urban Resilience (CURes) and our faculty, which includes some of the country's leading experts in the urban ecology field, the university is already encouraging new interdisciplinary courses and research experiences. These learning opportunities will equip LMU graduates for the increasingly complex challenges associated with maintaining a sustainable environment in the face of increasing urbanization and its demands on the existing ecosystem services.

Given the unique and special place Ballona could become if the state's overall restoration efforts are realized, a Visitor Center designed to help the public interpret what they see at Ballona would create an interactive classroom like no other. The opportunities for formal and informal education, volunteerism and scientific study would be almost unlimited and would undoubtedly spark a renewed interest in science among our community's young people. There are few places where students can immerse themselves in a living laboratory of community engagement and environmental stewardship, especially at the scale and complexity of Ballona.

Beyond the obvious benefits, a partnership between the state and the Annenberg Foundation would provide both LMU faculty and students with real-world experiences and applications in the context of a true, working public/private model. Much research has been done on public/private partnerships in the area of parks and conservation, and it is clear that conservation efforts are more successful, last longer and have more long-term impact than similar efforts where a government entity goes it alone.

For all of these reasons and more, we encourage you to continue to explore the concept of a Visitor Center. Thank you.

O4-165

Sincerely,

Dennis Slon,
Senior Vice President for University Relations

cc: Senator Ted Lieu
Councilman Bill Rosendahl

From: Ojuri, Olufunke A SPL
To: Serpa, Phil Sr SPL
Cc: Mesa, Chuck SPL; Ryan, Joseph A SPL; Dombrosky, Gregory A SPL
Subject: RE: Ballona Major 408 - Submittal A Review (UNCLASSIFIED)
Date: Thursday, June 05, 2014 4:50:58 PM

Classification: UNCLASSIFIED
Caveats: NONE

Phil,

Can you create a LCC for Coastal review?

Thanks,
Funke

From: Dombrosky, Gregory A SPL
Sent: Thursday, June 05, 2014 4:48 PM
To: Ojuri, Olufunke A SPL
Cc: Mesa, Chuck SPL; Ryan, Joseph A SPL
Subject: RE: Ballona Major 408 - Submittal A Review (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Funke,

Is there funding available to add Coastal Engineering to the PDT? The proposed project has the potential to impact the existing flap gates, the Federal jetties, and the Federal channel at Marina del Rey.

Talking with Chuck, he would expect that their involvement would be on an as-needed basis and a quick overall review of the submittals. Therefore, their funding requirements would probably be less than other members of the PDT.

Thanks,
Greg
x3592

From: Ojuri, Olufunke A SPL
Sent: Thursday, May 29, 2014 3:24 PM
To: Perry, Mylene M SPL; Tran, David SPL; Yang, Julia P SPL; Ngo, Robert SPL; Dombrosky, Gregory A SPL; Serpa, Phil Sr SPL; Vaughn, Stephen H SPL
Subject: RE: Ballona Major 408 - Submittal A Review (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

If I missed any of the salient points, please let me know.

Minutes of May 27, 2014 PDT meeting
* Three total submittals A, B & C should be expected. Submittal B will be in early 2015 and C in mid/late 2015.
* It is suggested that we all keep a log with time and description when working on Ballona. Phil will report

O4-166

quarterly on expenditures with input from PDT. Section 214 has an important reporting component.
* Labor cost keys are being revised and will be available tomorrow. Separate funding is provided for meetings and for review of the submittals. Please use correct LCC.
* All agreed to the deadline of inputting comments into DrChecks by June 5, 2014. DrChecks will be setup today.
* Phil will coordinate AM & OC review. Phil will provide OC reviewer so they can be added to DrChecks review.
* Funke to check if RE plan is included in the submittal.
* Tour of the project site will be either June 10, 11 or 12. Final selected date is June 12.

Thanks, Funke

-----Original Appointment-----
From: Ojuri, Olufunke A SPL
Sent: Tuesday, May 27, 2014 12:01 PM
To: Perry, Mylene M SPL; Tran, David SPL; Yang, Julia P SPL; Ngo, Robert SPL; Dombrosky, Gregory A SPL; Serpa, Phil Sr SPL; Vaughn, Stephen H SPL
Subject: Ballona Major 408 - Submittal A Review (UNCLASSIFIED)
When: Tuesday, May 27, 2014 1:00 PM-1:45 PM (UTC-08:00) Pacific Time (US & Canada).
Where: 13th Floor Conference Room

Classification: UNCLASSIFIED
Caveats: NONE

Just a REMINDER: Meeting today at 1:00 pm

Classification: UNCLASSIFIED
Caveats: NONE

PDT,

Let’s meet to discuss the progress of the Submittal A review. If you need anything for your review that is missing in the folder, please let me know asap.

Funke

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

<< Message: Ballona Wetlands Restoration - Submittal A_3 - EE2011-52 (UNCLASSIFIED) >>

Classification: UNCLASSIFIED

O4-166 cont.

Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

ENVIRO GROUPS UNITE TO BACK WETLANDS RESTORATION

Leading orgs endorse key elements of state plan ahead of Nov. 8 public meeting; public urged to voice support for robust restoration of Ballona Ecological Reserve

LOS ANGELES (Tuesday, Nov. 7, 2017) – A coalition of L.A.'s leading environmental groups and scientists today formally endorsed a robust revitalization plan for the troubled Ballona Wetlands Ecological Reserve.

The Wetlands Restoration Principles Coalition (WRP) includes such science-based organizations as Friends of Ballona Wetlands, Heal the Bay, Surfrider Foundation South Bay Chapter, Trust for Public Land, Loyola Marymount University's Center for Urban Resilience, and Los Angeles Waterkeeper. The combined groups represent more than 25,000 active members.

After reviewing the Draft Environmental Impact Report/Study (DEIR/S) released on Sept. 25 by the state Department of Fish & Wildlife and the U.S. Army Corps of Engineers, the Coalition's steering committee determined that elements of Alternatives 1 and 2 hold the most promise for bringing Ballona back to a functioning wetland. Besides providing natural flood control and improved water quality, wetlands serve as fertile nursery grounds and a critical base of the food chain.

O4-167

The endorsement comes amid a newly extended public comment period that ends Feb. 5. The WRP Coalition is urging the general public to study the proposal and voice its support for robust restoration. State and federal officials will hold a public meeting this Wednesday, Nov. 8, at 6 p.m. at Burton Chace Park in Marina del Rey to provide an overview of the alternatives and gather public input.

Currently only about 18 acres of semi-functioning wetlands remain out of the approximately 561-acre area addressed by the DEIR/Study. That total represents 0.8% of the original wetlands. Only 3% of the Reserve's total area of 577 acres is functioning wetland habitat, according to the state.

There are 4 alternatives analyzed in the EIR: Alternatives 1 and 2, described below; Alternative 3, a modified variation; and Alternative 4, no project at all.

In weighing the various alternatives, the Coalition focused on three key outcomes:

- increased sustainable habitat acreage and quality to benefit native wildlife,
- increased tidal flows balanced with a functioning ecosystem, and
- increased compatible public access

The Coalition's science committee determined that Alternatives 1 and 2, with some modifications and more complete mitigation and monitoring, have the best potential to attain these outcomes.

Alternative 1 proposes a sinuous, naturalized Ballona Creek by removing concrete barriers and lowering elevations along the creek. It also seeks to reconnect the creek to the greater floodplain, leading to greatly increased tidal flow. A series of earthen levees around the reserve perimeter is designed to provide enhanced flood protection.

Alternative 2 mirrors Alternative 1 in calling for a naturalized creek, but restores full tidal wetlands to a lesser extent, leaving West Area B, currently the most functional wetland, as is. Both alternatives call for bike paths, gateways and educational and art features.

Costs vary for the various alternatives listed in the EIR, with Alternative 1 estimated at roughly $150 million. Federal grants and state water bonds are being earmarked to pay for restoration. None of the coalition groups will actively participate in formal restoration and none has any financial interest in the project.

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Representatives of the Coalition offered the following insights about the planned restoration:

- Ruth Lansford, Founder of **Friends of Ballona Wetlands**, commented: "In less than two centuries, humans have reduced Ballona from a 2,100-acre pristine ecosystem to less than 600 acres -- out of which only about 18 acres are still functioning wetland. Restoration cannot wait. Doing nothing (Alternative 4 in the DEIR) is a death sentence for this last remaining wetland in Los Angeles."

- Tori Kjer, Los Angeles Program Director of the **Trust for Public Land**, said: "The Trust for Public Land facilitated the purchase of the Ballona Wetlands in order to ensure this regionally significant wetlands would be restored to provide maximum ecological and recreational benefit to the region. We support meaningful, significant restoration as was envisioned by all parties to the purchase. "

- Dr. Eric Strauss, President's Professor and Executive Director of **LMU's Center for Urban Resilience** commented: "The Ballona Wetlands are highly degraded from landfill deposited by the creation of Marina del Rey and the lack of salt water input because of the channelizing of Ballona Creek in the 1930s. The result is an invasion of non-native plants and loss of native wildlife, reducing the economic, ecological and social value of this last wetland in Los Angeles."

- "Robust restoration that is based on sound science works," said Dr. Katherine Pease, **Heal the Bay**'s chief watershed scientist. "A recently completed revitalization of the degraded Malibu Lagoon is now paying such proven dividends as improved hydrology, increased circulation and enhanced biodiversity."

- Craig Cadwallader, Policy Coordinator for **Surfrider Foundation South Bay Chapter,** pointed to the successful revitalization of a smaller freshwater marsh at Ballona as an example of the value of robust restoration. "Surfrider South Bay has conducted water quality sampling and testing at the Ballona freshwater marsh since 2005. We have documented significant improvement in the quality of water discharged from the freshwater marsh as a direct result of recontouring the marsh and surrounding land, and as a bonus, have observed impressive increases in wildlife using the marsh for foraging and nesting. We need similar restoration and rehabilitation efforts applied more broadly and expect significant beneficial results across much of the Ballona Ecological Reserve."

- Melissa von Mayrhauser, Watershed Programs Manager **of Los Angeles Waterkeeper** said, "We see great promise in a scientifically-driven process that reconnects flows with floodplains, restores critical habitat and plans for sea level rise. These changes connect to what we would like to see for the Ballona Creek Watershed as a whole. It is our hope that this restoration process will lead to strong public access opportunities that are in harmony with watershed health goals."

O4-167 cont.

About the Wetlands Principles Coalition: The Steering Committee of the Coalition consists of Friends of Ballona Wetlands, Heal the Bay, Surfrider Foundation, Los Angeles Waterkeeper, Trust for Public Land, and Loyola Marymount University Center for Urban Resilience.

The Steering Committee adopted its 9 Principles of Wetland Restoration in 2015.

The full Coalition that endorsed the restoration principles includes 10 other organizations: Environment California, Ocean Conservancy, Amigos de los Rios, Ballona Creek Renaissance, Wildcoast, Friends of the L.A. River, River L.A., Theodore Payne Foundation, the River Project, and Friends of Madrona Marsh. For more information on the Wetlands Restoration Principles Coalition: www.wetlandsrestoration.org

# # # #

Media Contacts:

Scott Culbertson, Friends of Ballona Wetlands, scott@ballonafriends.org, (310) 306-5994
Matthew King, Heal the Bay, mking@healthebay.org, (310) 463-6266
Sharon Licht, Los Angeles Waterkeeper, sharon@lawaterkepeer.org, (310) 394-6162 x108

DRAFT

Ballona Wetlands Early Action Plan

Prepared for State Coastal Conservancy,
Department of Fish and Game,
and State Lands Commission

November 2007

O4-168

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Purpose and Context of the Early Action Plan 1

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- Signage

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- Fencing
- Signage

Focus Point: Ecological Reserve Sign 12

Focus Point: North Levee Trail Interpretive Signs

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PURPOSE
Purpose and Context of the Early Action Plan

This Early Action Plan is intended to serve as a blueprint for specific actions that are ready to be implemented to improve public access and habitat conditions at the wetlands. The purpose of this plan is to take recommendations and concepts from the Interim Stewardship Access and Management Plan (ISAMP) and identify specific projects that can be implemented prior to full restoration of the Ballona Wetlands. The projects included in this plan will improve public access, increase interpretive/educational opportunities and reduce impacts to the resources of the wetlands. Many of the actions in this plan are on the perimeter of the wetlands and improve the interface between the wetlands and adjacent land uses. All of the actions in this plan are consistent with all of the alternatives for physical restoration of the site and long term access management.

Some activities identified in the ISAMP are already being implemented by the volunteer organizations engaged in protecting and restoring Ballona. In addition, California Conservation Corps workers have begun removal of invasive species and a regular on-site warden from the Mountains Restoration Conservation Agency has assisted with security patrols and removal of homeless encampments.

O4-168 cont.

The Early Action Plan describes additional projects, such as gateway development, perimeter trails and signage programs that could be implemented in the next twelve months by the State Coastal Conservancy, the California Department of Fish and Game, the State Lands Commission and the other partner organizations working on this project. This plan recognizes that some actions may require regulatory approvals by such agencies as the California Coastal Commission, the City of Los Angeles and Los Angeles County.

The three projects described in this document include, establishing gateways to the Ecological Reserve at Gordon's Market and Fisherman's Village (see figure below), as well as installation of a regional sign at the intersection of Culver and Jefferson Boulevards identifying the Ecological Reserve.

Fisherman's Village Gateway

Gordon's Market Gateway

FOCUS POINT: Gordon's Market/Vista Del Mar Gateway

Current Conditions and Usage
Gordon's Gateway is at the southwestern most corner of the Ballona Wetlands located in the parking lot behind Gordon's Market on Culver Boulevard. The current parking lot is unimproved and unpaved; it generates dust in the summer and has impassible mud holes during the rainy season. Spaces are not delineated and there is no signage indicating that the lot is owned by Department of Fish and Game. Between the parking lot and the wetlands there is a chain link fence which is in need of replacement. Groups that access Area B for educational programs, enter the Ecological Reserve through a gate at the corner of the lot. Some, less formal, access also takes place via Titmouse Park, located along Culver Blvd.

The area behind Gordon's Market receives some of the heaviest usage of the entire wetlands complex, with the possible exception of the little league fields in Area C. Approximately 300 - 400 people per week utilize this location for access into the wetlands. Individuals and groups, such as the Friends of the Ballona Wetlands and the Sierra Club, seeking access to the wetlands for educational, scientific and restoration projects, have formal approval to enter the wetlands.

The parking lot is also used by the adjacent businesses such as Gordon's Market, Playa Del Rey Florist, as well as the neighboring restaurants which valet park in the lot. Area residents also use the lot. Both Gordon's Market and the florist have a month-to-month parking agreement. The valet services and area residents do not.

O4-168 cont.

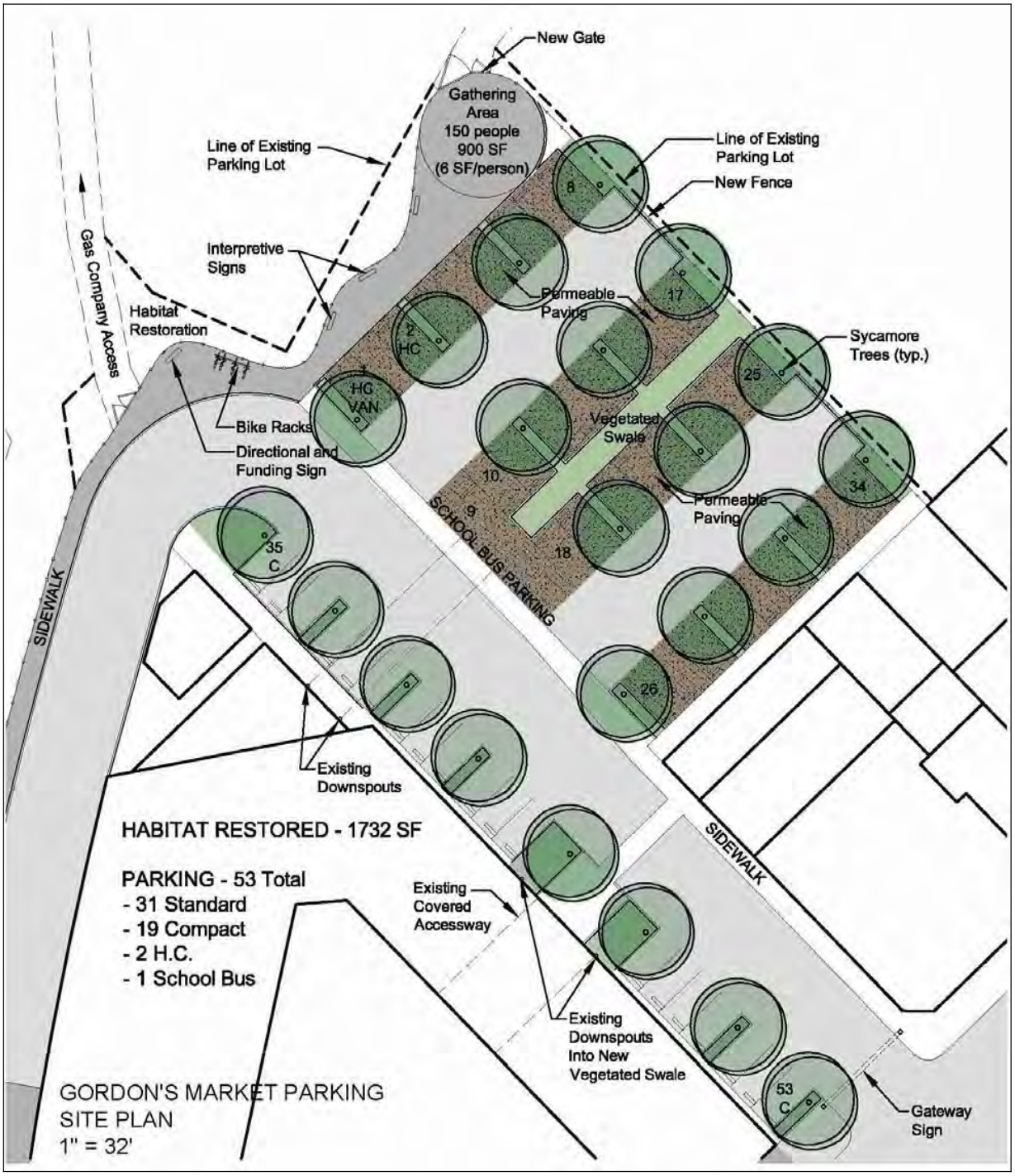
The Gas Company, who owns a gas well nearby, has its own entrance to the wetlands that is adjacent to the stakeholder entrance and off of the same staging area. This entrance is used on a regular basis for operational and maintenance needs.

Proposed Project
Gordon's Market Gateway development will improve the existing parking lot and staging area (see below) in order to:

- Create a public staging area with visible access to the site
- Improve visitors experience by providing a safe staging area and interpretive information
- Reduce run-off from the parking lot by installing stormwater best management practices (BMP's
- Provide sufficient parking for the visitors to the site, including school buses
- Reduce management issues by increasing public presence and use of the site

Circulation: Circulation and signage should maximize the visibility of this gateway to passersby as well as return visitors. Access to this gateway will continue to be from Culver Blvd via the alleyway between Gordon's and Matilla shopping center and from Vista Del Mar. Because visual access to the site is problematic for drivers traveling westbound on Culver Blvd., directional signage should be placed along Culver and at its signalized intersection with Vista Del Mar. Within the site, the alleyway will provide one-way ingress and Vista Del Mar will provide for two way ingress and egress.

Parking Area Site Plan



O4-168 cont.

Parking Area Design and Landscape Treatment: The acreage of the existing parking lot will be reduced to provide for a net increase in restored natural areas of approximately 1,700 sq. ft. In redesigning the parking lot, it is important to provide sufficient parking to meet anticipated near-term parking demand. The existing parking layout is inefficient. When reconfigured, the

same number of spaces is retained with the additional benefits of restoring the edge habitat, increasing visibility, shade, permeability and providing educational opportunities.

Parking lot upgrades will include:

- Improving circulation
- Restoring native plant habitat
- Designating parking spaces and public walkways
- Resurfacing the lot with permeable paving and integrating urban storm water best management practices
- Installing canopy trees to provide shade as well as air quality benefits (Note: If it is determined that canopy trees provide perching areas for predatory birds such as crows, this design element will be revised to entail a different landscape treatment.)

Month-to month access and parking agreements and an updated fee structure will also need to be negotiated with adjacent uses so as to balance their operational needs with the provision of sufficient public access and parking amenities for visitors to the Ballona wetlands.

School Bus Staging and Visitor drop-off: The proposed parking lot design will allow improved access for school buses including a drop-off area complimented with interpretive and informational signage. Sufficient space will be set aside for benches, signage, group assembly and tour/volunteer coordination prior to entering into the wetlands themselves. School buses will be able to enter the gateway area turning right from Culver Blvd. or Vista Del Mar and exiting via Vista Del Mar to its signalized intersection with Culver Blvd.

O4-168 cont.

Multi-Modal Features: Bicycle racks will be installed on the pedestrian sidewalk adjacent to the parking lot near the entrance to the wetlands. The nearest MTA #115 and MTA# 220 bus stops are at Culver and Vista Del Mar. Directional signage will be placed at these transit stops to facilitate wayfinding.

Amenities: This gateway design will include the following:

- Portable restrooms
- Trash receptacles for waste and recycling
- Benches and gathering area for groups
- Decorative Gates (see below)
- Picnic Tables

Trails

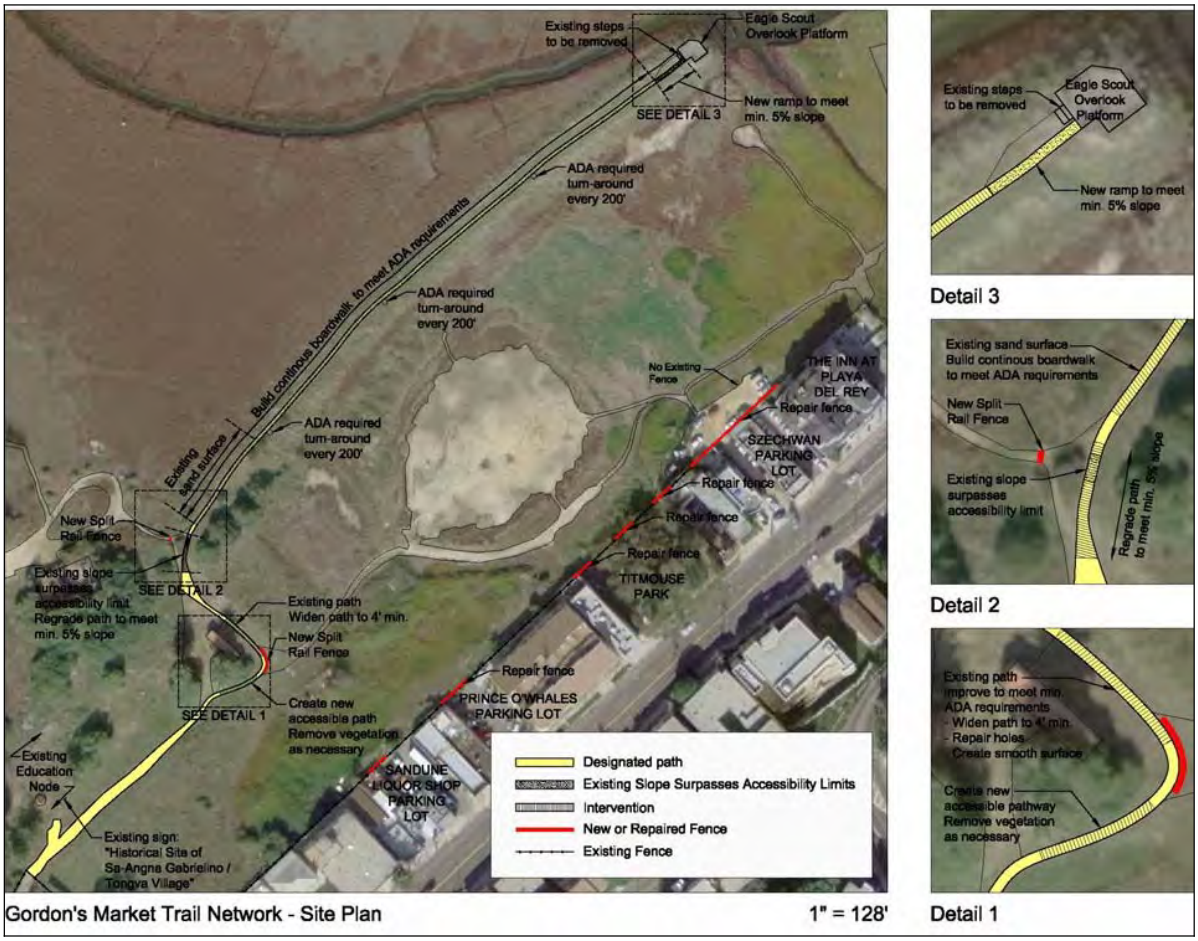
The existing trail from the Gordon's parking lot to the Boy Scout Overlook Platform will be improved so that it meets accessibility standards. Physical demarcation of the trail will entail the placement of logs, railroad ties or other natural materials in such a manner as to convey the access limitations associated with the site's sensitivity. The proposed alignment of the trail is shown below.

In order to comply with ADA requirements, this trail may need to be re-graded with decomposed granite or improved with a wooden boardwalk to insure disability access.

Fencing

The existing chain link fencing and access gates will be removed and replaced with new fencing and gate material providing an improved level of security. The gas company access gate and fencing will be relocated south to provide a restoration opportunity near the existing stand of native willows.

Internal Access, Trail Network and Related Improvements



For the current gateway at the northeast corner, a new lockable gate will be installed to create a public entry point. The gate will be designed to comply with ADA requirements, but preclude bicycle access.

There are several other areas along the southwest property boundary that generate access management challenges. Currently, individuals some with unleashed dogs enter the property from Titmouse Park and other properties along Culver Blvd. Split-rail or other attractive fencing needs to be installed, along with limited regulatory signage along these property interfaces. In certain areas, chain link fences need to be repaired to preclude access as well. In the near term, signage will also need to be installed redirecting access to the Gordon's Market gateway.

O4-168 cont.

Signage

Directional Signage: Directional signage will guide visitors from the surrounding vicinity to the gateway entrance. Directional signage will be installed at the intersection of Vista Del Mar with Culver Boulevard; at the entrance to the parking lot on Culver Blvd.; and at the closest bus stop. Installation of this signage will require approvals from the City of Los Angeles.

Gateway Signage: Gateway signage will span the alley which provides vehicular access from Culver Blvd. north to the state-owned parking area. This signage will serve to draw visitors through the alley to the gateway with artistic elements emblematic of the wetlands area (herons or other wetland bird species, etc.). The gateway signage will extend to the entrance to the site.

O4-168 cont.

Regulatory Signage will be installed to instruct visitors of the regulations accompanying the site's status as an Ecological Reserve, as well as a brief explanation that helps visitors understand how compliance contributes to the visitor experience as well as to preservation of species, habitat and overall resource values.

Funding Sign
A sign will be installed at the Gordon's Market gateway area acknowledging Proposition 12 which funded the acquisition and the restoration planning for this property. This sign will comply with the Proposition 12 sign guidelines (attached).

Interpretive Panels: The purpose of the interpretive signs is to facilitate connections between the meanings in the resource and the interests of the visitor, provoking interest and effecting change in knowledge attitude and behavior. Interpretive panels will reflect three qualities – attractiveness, brevity and clarity. Examples of such signage are included as an appendix. Interpretive panels will be located at the staging area as well as at three select areas which would provide visitor insights regarding the habitat types proximate to this gateway – dune, upland, and tidal habitats. as well as Native American site usage and watershed, history.

FOCUS POINT: Fisherman's Village Gateway and Staging Area

Current Condition and Usage

The Fisherman's Village Gateway and Staging Area is located on the western most edge of Area A along Fiji Way, North of Ballona Creek. It is located directly across Fiji Way from the Fisherman's Village. Currently there is a chain-link access gate used by Southern California Gas Co. for operations and maintenance of existing gas wells. Beyond the gate is a large dirt pad and access roads that lead to the gas wells immediately to the north and south. The southerly road loops around the gas wells to within 50 feet of the fenced bikeway that runs along the north levee of the Ballona Creek channel. There is currently no public use of this site.

There are two paved parking lots to the north and south of this area. The northerly lot is leased to the LA County Dept. of Beaches and Harbors for Fisherman's Village and the southerly one is leased to the Los Angeles County Sheriff for vehicle storage purposes.

The heavily used Coastal Bike Trail which extends from Will Rogers State Beach to Torrance passes by this gateway. There are proposals to realign the existing Coastal Bike Trail to create a Class II bike path on Fuji Way and to widen Fiji Way in selected locations to the South and East.

Proposed Gateway and Staging Area Project

This site presents a significant opportunity to allow visitors visual access into the wetlands and to create a short trail that links to the Ballona Creek Bike Path. Gateway improvements will be installed to:

- Develop improved visual access in a manner that minimizes operational and maintenance issues,
- Provide a departure point for walks along the Gas Company access roads,
- Provide a loop trail system on existing gravel access roadways,
- Provide a direct pedestrian linkage from the loop trail to the bikeway along the north levee,
- Improve visual access to the wetlands with an observation platform.

Parking Area

There will be limited parking for this gateway area. A single handicapped space will be provided along with one or two standard parking spaces. Sufficient space will be set aside to provide turn-around space for small to medium sized vans. This staging area will be re-graded and surfaced with gravel to provide an all weather, permeable surface that complies with ADA requirements. Paid parking is available across the street in the Fisherman's Village parking lots operated by Beaches and Harbors. Improvements to the parking area will include:

- Re-compact and re-grade existing dirt staging area to provide smooth, erosion-resistant parking area;
- Re-grade the driveway into the parking area
- Delineate 3 parking spaces in staging area.
- Replace the existing chain link fence and gate along Fiji Way at the entrance to the gateway/staging area with a fence that surrounds the parking area.
- Limited restoration of selected edge areas

O4-168 cont.

- Trim non-native vegetation along Fiji Way to improve visual access to and through gateway/staging area.

Viewing Platform

An elevated viewing platform will be installed in this staging area to allow the public to view the wetlands.

Staging Area Site Plan

O4-168 cont.

Trails

The existing gravel roads will be improved to accommodate pedestrian users and comply with ADA requirements. The trail will be physically demarcated using logs, railroad ties or other natural materials to encourage the public to stay on the trail. Low fencing may be installed in certain areas to direct access. The trails will connect from the Ballona Creek Bike Path to the Fisherman's Village Gateway, the proposed alignment of the trail is shown below.

Internal Access, Trail Network and Related Improvements

Fencing

The staging area will be opened by removing the existing chain link fence and replacing it with a fence that separates the parking and staging area from the wetlands. New fencing will be installed around the staging area and lockable security gate will be installed across the access road for southerly gas wells.

A pedestrian gate will be installed along the Ballona Creek Bike Path to allow access from the Bike Path into Area A.

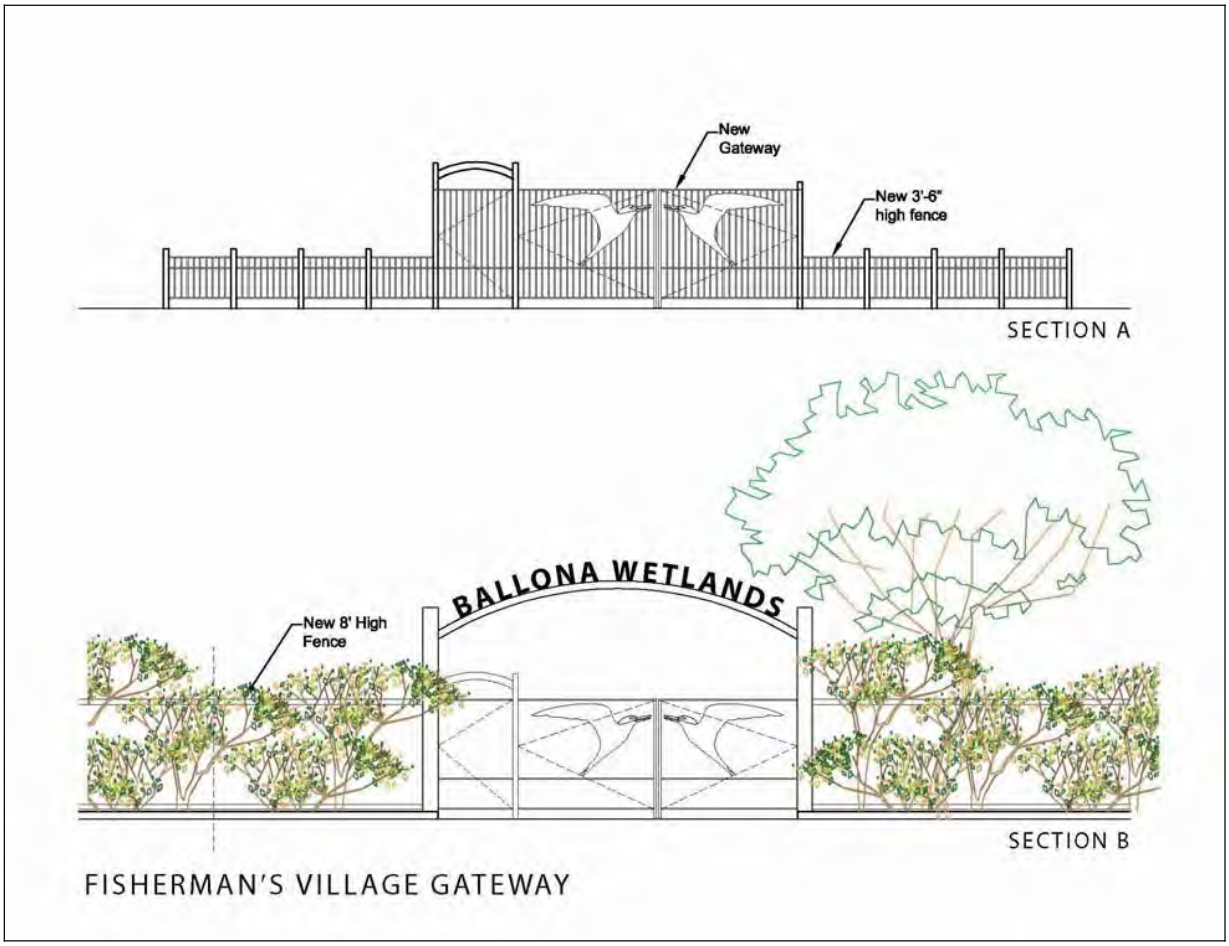
O4-168 cont.

Signage

Directional Signage: Directional signage will be installed at bus stops along Fiji Way and proximate to the gateway in the landscaped median of Fiji Way to direct visitors to the Fisherman's Village Gateway.

Gateway Signage: A gateway sign will be installed at the entrance to this gateway along Fiji Way. The signage will serve to draw visitors into the staging area and to the viewing platform.

Fisherman's Village Gateway Signage



O4-168 cont.

Regulatory Signage will be installed at the gateway, along the fence adjacent to the Ballona Creek bike Path and along the trails to instruct visitors of the regulations accompanying the site's status as an Ecological Reserve, as well as a brief explanation that helps visitors understand how compliance contributes to the visitor experience as well as to preservation of species, habitat and overall resource values.

Interpretive Panels: Interpretive panels will be installed at this site to help visitors understand the resources that they are viewing and to educate them about the restoration project.

Focus Point: Ecological Reserve Sign:
A monument-type sign that identifies the Ballona Wetlands Ecological Reserve will be installed so that drivers and their passengers know that they are passing through the wetlands. The sign will a three-sided sign within the raised median separator at the intersection of Jefferson Blvd. and Culver Blvd.

O4-168 cont.

COASTAL CONSERVANCY

Staff Recommendation
June 5, 2008

BALLONA WETLANDS EARLY ACTION PLAN

File No. 04-088
Project Manager: Mary Small

RECOMMENDED ACTION: Authorization to disburse up to $175,000 to the Mountains Recreation and Conservation Authority to complete final design and permit applications for the implementation access and interpretive improvements identified in the Ballona Wetlands Early Action Plan, Los Angeles County.

LOCATION: Ballona Wetlands Ecological Reserve, located along the Ballona Creek Channel in Los Angeles County. A portion of the project is in the City of Los Angeles and a portion is in unincorporated Los Angeles County (Exhibit 1)

PROGRAM CATEGORY: Resource Enhancement and Public Access

EXHIBITS

Exhibit 1: Project Location and Site Photos

Exhibit 2: Gateway and Trail Improvements South of Ballona Creek

Exhibit 3: Gateway and Trail Improvements North of Ballona Creek

Exhibit 4: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31251-31270 and 31400 et seq of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes an amount not to exceed one hundred seventy five thousand dollars ($175,000) to the Mountains Recreation and Conservation Authority (MRCA) to complete final design and permit applications for the implementation access and interpretive improvements identified in the Ballona Wetlands Early Action Plan. Prior to disbursement of any funds, MRCA shall submit to the Conservancy's Executive Officer for approval a work plan, including budget, and any contractors MRCA proposes to use for the project."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

O4-169

1. The proposed project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding System of Public Accessways.
3. The project serves greater than local need."

PROJECT SUMMARY:

The proposed project would provide a grant to the Mountains Recreation and Conservation Authority (MRCA) to complete final design, environmental review and permit applications for projects identified in the Ballona Wetlands Early Action Plan. The projects included in this plan will improve public access and increase interpretive and educational opportunities at the Ballona Wetlands Ecological Reserve (BWER). Currently, the access to the BWER is limited to individuals or groups with permission access letters from the Department of Fish and Game (DFG), the landowner. When implemented, the improvements planned through this project would allow the site to be opened to the general public.

Most of the proposed projects are on the perimeter of the wetlands and improve the interface between the wetlands and adjacent land uses. All of the actions proposed are consistent with all of the alternatives for physical restoration of the site that are currently being evaluated in a restoration feasibility study.

O4-169 cont.

Gateway Entrance and Trail Improvements South of Ballona Creek

The main entrance to BWER is located at a dirt parking lot at the southwestern corner of the site. The lot is behind Gordon's Market on Culver Boulevard in Playa del Rey. The current parking lot is unimproved and unpaved; it generates dust in the summer and has impassible mud holes during the rainy season (Exhibit 2). Spaces are not delineated and there is no signage indicating that the lot is owned by the DFG. Between the parking lot and the wetlands there is a chain link fence which is in need of replacement.

Groups that access this part of the BWER for educational programs, enter the through a gate at the corner of the lot. This entrance receives some of the heaviest usage of the entire BWER. Approximately 300 - 400 people per week utilize this location for access into the wetlands. Individuals and groups that have formal approval to enter the wetlands, use this access point for educational, scientific and restoration projects.

The Early Action Plan proposes improving the existing parking lot and creating a public staging area. The existing trail, approximately one half mile long, from the Gordon's parking lot to an overlook platform in the wetlands, would also be improved to meet accessibility standards. This is one of the best sites to view the resources of the BWER. The proposed project will complete final design, environmental evaluation and permit applications for these trail improvements. The trail may need to be re-graded with decomposed granite or improved with a wooden boardwalk to improve access. The specific elements that will be designed and evaluated, are as follows:

- Reconfigure existing parking lot to increase planted areas and improve circulation, including new permeable paving, vegetated swales, and shade planting.

- Design new gateway signage to span vehicular entrance to parking area.
- Create new staging and drop-off area with seating, signage, bicycle racks, trash cans as needed.
- Locate and site portable restrooms.
- Improve existing trail from parking area to the wooden overlook to comply with accessibility standards and prevent impacts to sensitive areas.
- Replace or relocate fencing and gates, add new lockable gate.
- Provide new directional, regulatory, funding, and interpretive signage.

Gateway Entrance and Trail Improvements North of Ballona Creek

The proposed location of a second gateway entrance to the site is at the northwestern most edge of the BWER, along Fiji Way in the County of Los Angeles. This entrance is located directly from the Fisherman's Village in Marina del Rey. This entrance is adjacent to the heavily used Coastal Bike Trail which extends from Will Rogers State Beach to Torrance and the Ballona Creek Bike Path. There is currently no public use of this area of the BWER, though there is a chain-link access gate and dirt area used by Southern California Gas Co. for operations and maintenance of its wells. An Aerial photo of this site and concept plans for its improvement are provided in Exhibit 3.

This site presents a significant opportunity to allow visitors visual access into the wetlands and to create a short trail that links to the Ballona Creek Bike Path. Gateway improvements to be designed and evaluated include:

O4-169 cont.

- New parking area for two ADA-compliant parking spaces, turn-around space for a mid-size van, and permeable surfacing.
- Bicycle parking.
- New perimeter fencing around staging area, installation of a new lockable security gate, and new pedestrian gate.
- Limited plant restoration, and brush clearance around parking area.
- New directional, gateway, regulatory, and interpretive signage.
- New elevated viewing platform.
- Improve existing roads to accommodate pedestrians and including grading, clearing, fencing and edging as needed to create a trail linkage to the Ballona Creek Bike Path.
- New gate and entrance to the site from the Ballona Creek Bike Path.

Signage

The final element of the Early Action Plan is design of signs at and around the BWER to increase public understanding and awareness of the wetlands. This project will fund final design of entrance signs at the two gateways described above and interpretive signage at those gateways and along the Ballona Creek Bike Path. If approved, this grant will complement a River Parkway grant to MRCA to design interpretive signs along the Ballona Creek Bike Path upstream of the BWER. In addition, a single, large sign that identifies the BWER will be designed to be visible from the roads traversing the wetlands.

The Mountains Recreation and Conservation Authority) is a local government entity established in 1985 pursuant to the Joint Powers Act. The MRCA is a partnership between the Santa Monica Mountains Conservancy, which is a state agency, and the Conejo Recreation and Park District and the Rancho Simi Recreation and Park District, both of which are local park agencies established by the vote of the people in those communities. The MRCA is dedicated to the preservation and management of local open space and parkland, watershed lands, trails, and wildlife habitat. The MRCA manages and provides ranger services for almost 50,000 acres of public lands and parks that it owns and that are owned by the Santa Monica Mountains Conservancy or other agencies and provides comprehensive education and interpretation programs for the public. Most recently, the MRCA has provided rangers to assist with the management of the BWER. MRCA is also working in partnership with the Baldwin Hills Conservancy to design and build new pocket parks along the Ballona Creek Bike Path, upstream of the BWER.

Site Description:

The historic wetland complex at the mouth of Ballona Creek probably occupied about 2000-acres. Much of that area has been developed. The State of California now owns 600-acres of the former wetland complex. The DFG owns 540 acres, and that land was purchased with funds provided from the Conservancy to the Wildlife Conservation Board. The State Lands Commission owns 60-acres, including a newly created freshwater marsh and adjacent vacant land. All of the DFG property and a portion of the SLC property is part of the Ballona Wetlands Ecological Reserve, designated by the Fish and Game Commission.

Despite the degradation of site resources, significant wetland habitat remains within the Ballona Wetlands. Plant species within the project site include wetland indicators such as pickleweed, marsh heather, saltgrass, arrowgrass and glasswort, and a variety of upland and exotic species including brome, iceplant, oxalis, and ryegrass. Bird surveys indicate that the site is used seasonally by a variety of migratory shorebirds, as well as by typical shoreline residents (gulls, terns, and ducks) and typical upland birds including small raptors. Bird species of special interest observed in the project area include nesting pairs of Belding's Savannah sparrow and foraging use by California least terns.

O4-169 cont.

Project History:

There have been more than thirty years of intense conflict about land use at this site. Several development proposals and regulatory approvals have resulted in litigation, some of which continues today. In 2001, The Trust for Public Land entered into a purchase agreement with Playa Capital Company, the former landowner. Through this purchase agreement, the Department of Fish and Game ultimately took title to 540 acres of the property in 2004. The Conservancy provided $10 million for that acquisition.

The Conservancy has long supported enhancement and public access at the Ballona Wetlands. The first Conservancy project at this site was a 1986 grant to the National Audubon Society for environmental education facility associated with a proposed site restoration. That project was never implemented due to the ongoing conflicts about development. Beginning in the late 1980s, the Conservancy provided funding for planning and implementation of enhancements to the

nearby Ballona Lagoon and transferred to the City of Los Angeles easements for resource enhancement over much of the land bordering the Lagoon.

In 2005, the Conservancy initiated conceptual planning and feasibility analysis of restoration alternatives for the property. This project is being implemented in partnership with the Department of Fish and Game and the State Lands Commission, the two state agency owners of the property. The feasibility analysis is nearly complete and detailed engineering as well as environmental impact analysis will begin this year. Staff is also recommending authorization of funding for additional data collection to support the long-term restoration plan at this meeting.

When the restoration planning began, the Conservancy funded the development of an Interim Site Stewardship Plan to address the pressing concerns related to site management. Many of the projects proposed in the Ballona Early Action Plan were identified in that plan. Throughout the Ballona Creek Watershed, the Conservancy has approved several grants for projects that help implement the Santa Monica Bay Restoration Plan, including water quality improvement projects and trail enhancements.

PROJECT FINANCING:

Coastal Conservancy	$175,000
MRCA	100,000
Total Project Cost	**$275,000**

O4-169 cont.

The Conservancy funding would be derived from an appropriation of funds specifically designated for the acquisition, protection and enhancement of the Ballona Wetlands in the 2000 park bond, Proposition 12. Public Resources Code Section 5096.352(f) provides that $25 million is available to the Conservancy for this purpose.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project would be consistent with Division 21, Chapter 9, Sections 31400 *et seq*. of the Public Resources Code, which directs the Conservancy to take a principal role in the implementation of a system of public accessways so that the public can exercise its right to access and enjoy the coastal resources. Consistent with Section 31400.1, the Conservancy may award grants to public agencies to develop accessways that sever greater than local public needs. The proposed project will benefit more than local public access, as described below.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2, Objective A** of the Conservancy's 2007 Strategic Plan, the proposed project will develop plans for improvements to open a currently inaccessible area, including designs for making a trail comply with accessibility standards.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on September 20, 2007, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** There is broad public support for developing a restoration plan for this site. This project is supported by the Department of Fish and Game and its letter of support is attached as Exhibit 4.
4. **Location:** The proposed project would be located within the coastal zone of Los Angeles County.
5. **Need:** Conservancy funds are needed to complete this project. Neither MRCA or the Department of Fish and Game, the owner of the site, have resources to complete this planning.
6. **Greater-than-local interest:** The proposed project is adjacent to the both the regional Ballona Creek Bike Path and the Coastal Bike Trail. The nearby Dockweiler State Beach receives approximately three million visitors each year. Currently, visitors to this area can not access the Ballona Wetlands and there is no interpretive signage to inform them about the resources of the area. The proposed project will help open this site for pubic access and improve a valuable and scenic open space in the heart of congested Los Angeles County. The project complements the restoration of the Ballona Wetlands, currently the largest wetland restoration project being planned in Los Angeles County.

O4-169 cont.

Additional Criteria

7. **Resolution of more than one issue:** The proposed project will seek to improve public access to a restricted area while protecting the natural resources of the BWER. The project will focus access to already disturbed areas, improve the use of existing staging areas to reduce the overall footprint and will design improvements to protect adjacent resources.
8. **Leverage:** See the "Project Financing" section above.
9. **Readiness:** If approved, the MRCA can begin work immediately.
10. **Realization of prior Conservancy goals:** "See "Project History" above."
11. **Cooperation:** The Ballona Wetlands Early Action Plan was developed in consultation with numerous nonprofit organizations that are interested in the BWER. It has also been reviewed by DFG, SLC and many other agencies, including the Coastal Commission.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

In the late 1980s, the California Coastal Commission certified two separate Land Use Plans that covered this project area. No Local Coastal Program was ever completed for the Ballona Wetlands area and the two Land Use Plans are now out of date. However the proposed project is consistent with the policies of the Coastal Act. The project goals are consistent with the Coastal Act goals as stated in Section 30001.5, the project will protect, enhance and restore the natural resources of the site and expand public recreational opportunities consistent with conservation of those resources. This project will collect information needed to apply for a Coastal Development Permit for the implementation of the proposed improvements.

O4-169 cont.

COMPLIANCE WITH CEQA:

Under 14 California Code of Regulations (CCR) Section 15262, feasibility and planning activities are statutorily exempt from California Environmental Quality Act (CEQA). Similarly, 14 CCR Section 15306 categorically exempts basic data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. Upon approval, staff will file a Notice of Exemption for this project.

COASTAL CONSERVANCY

Staff Recommendation
July 21, 2010

BALLONA WETLANDS
PUBLIC ACCESS IMPROVEMENTS

File No. 04-088
Project Manager: Mary Small

RECOMMENDED ACTION: Authorization to disburse up to $280,000 to the Mountains Recreation and Conservation Authority for site improvements and planning activities for educational, community stewardship and public access at the Ballona Wetlands Ecological Reserve in Los Angeles County.

LOCATION: Ballona Wetlands Ecological Reserve, located along the Ballona Creek Channel in Los Angeles County. A portion of the project is in the City of Los Angeles and a portion is in unincorporated Los Angeles County (Exhibit 1).

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location

Exhibit 2: Maps and Photos

Exhibit 3: Project Letters

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Section 31400 *et seq*. of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes an amount not to exceed two hundred eighty thousand dollars ($280,000) to the Mountains Recreation and Conservation Authority (MRCA) for minor site improvements and planning activities for educational, community stewardship and public access at the Ballona Wetlands Ecological Reserve in Los Angeles County. Prior to disbursement of any funds, MRCA shall submit to the Conservancy's Executive Officer for approval a work plan, including a budget, and any contractors MRCA proposes to use for the project."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

O4-170

1. The proposed project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on June 4, 2009.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding System of Public Accessways.
3. The project serves greater than local need."

PROJECT SUMMARY:

The proposed project would provide grant funds to the Mountains Recreation and Conservation Authority (MRCA) for site preparation and planning activities for expanded educational, community stewardship and public guided site tours at the Ballona Wetlands Ecological Reserve (BWER). Currently, access to the BWER is limited to individuals or groups with permission access letters from the California Department of Fish and Game (DFG), the landowner. Most of the existing public access programs are conducted near the muted tidal wetlands south of Ballona Creek. The proposed project will primarily target the approximately 300 acres of state owned property north of Ballona Creek (see Exhibit 2).

The state purchased the Ballona Wetlands in 2004, and since that time, very little has been done to control or improve public access to the site or to install signs identifying the BWER and the rules governing use of the property. The proposed project would implement a comprehensive and strategic set of improvements such as new gates, new fences, weeding, minor habitat restoration and signage to promote public awareness, interpret the natural resources, discourage illegal access and increase opportunities for positive public use of the site. These projects will remove hazards, clear existing trails, improve safety and prepare the site for the expanded public programs. In addition to the site improvements, MRCA will also conduct planning to support development of a comprehensive interpretive program for the BWER.

O4-170 cont.

The proposed project actions are consistent with all of the alternatives for the larger wetland restoration project and will be conducted by the MRCA in partnership with the DFG and the Santa Monica Bay Restoration Commission (SMBRC).

Conservancy funds would be used to improve the site, by removing dumped garbage, installing fencing and clearing existing trails. The proposed project is necessary to prepare the site so that the MRCA and the SMBRC can expand educational and community stewardship programs at the Ballona Wetlands. The MRCA will provide additional matching funds to run multi-week intensive Junior Ranger programs at the Ballona Wetlands. The MRCA runs these programs at many different parks. These programs teach outdoor leadership and create an opportunity for at-risk and underserved youth to access natural areas in and around Los Angeles County. This will be MRCA's first wetland oriented Junior Ranger program. Curriculum and interpretive information will be developed to ensure that the program meets appropriate educational standards. In addition, SMBRC will host public tours of the site as well as community restoration activities, such as weed removal and planting.

In 2008, the Conservancy authorized funds to the MRCA for planning, final design and implementation of specific public access improvements identified in the Ballona Wetlands Early

Action Plan. MRCA has completed much of that work and as a result of that planning effort, the project partners determined that some of the specific access improvements identified in that plan may need to be re-evaluated and others should be reviewed and permitted as part of the larger wetland restoration project. Rather than pursue the Early Action Plan improvements, the project partners decided that it is a higher priority to develop targeted educational and public access programs in the northern 300 acre portion of the site where there is currently almost no public access. The proposed project would also provide funding for MRCA to continue working on planning public access improvements for inclusion in the ultimate restoration project.

The MRCA is a local government entity established in 1985 pursuant to the Joint Powers Act. The MRCA is a partnership between the Santa Monica Mountains Conservancy, which is a state agency, and the Conejo Recreation and Park District and the Rancho Simi Recreation and Park District, both of which are local park agencies established by the vote of the people in those communities. The MRCA is dedicated to the preservation and management of local open space and parkland, watershed lands, trails, and wildlife habitat. The MRCA manages and provides ranger services for almost 50,000 acres of public lands and parks that it owns and that are owned by other public agencies. In recent years MRCA Rangers have assisted DFG in management of the BWER. The MRCA has developed and manages comprehensive educational and interpretive programs at many parks throughout Los Angeles County. The proposed project will expand the MRCA's educational and interpretive programming to include its first interpretive program focused on a coastal wetland.

O4-170 cont.

Site Description:

The historic wetland complex at the mouth of Ballona Creek probably occupied about 2000-acres. Much of that area has been developed. The State of California now owns 600-acres of the former wetland complex. The DFG owns 540 acres, and that land was purchased with funds provided from the Conservancy to the Wildlife Conservation Board. The State Lands Commission owns 60-acres, including a newly created freshwater marsh and adjacent vacant land. All of the DFG property and a portion of the SLC property is part of the Ballona Wetlands Ecological Reserve, designated by the Fish and Game Commission.

Despite the degradation of site resources, significant wetland habitat remains within the Ballona Wetlands. Plant species within the project site include wetland indicators such as pickleweed, marsh heather, saltgrass, arrowgrass and glasswort, and a variety of upland and exotic species including brome, iceplant, oxalis, and ryegrass. Bird surveys indicate that the site is used seasonally by a variety of migratory shorebirds, as well as by typical shoreline residents (gulls, terns, and ducks) and typical upland birds including small raptors. Bird species of special interest observed in the project area include nesting pairs of Belding's Savannah sparrow and foraging use by California least terns.

The proposed project will be implemented primarily on the portion of the BWER north of the Ballona Creek channel (Exhibit 2). This area of the reserve currently has very limited public access and suffers from illegal uses. The proposed project seeks to improve the resources on the site, increasing public use while discouraging illegal activities through improvements to fencing and signage.

Project History:

There have been more than thirty years of intense conflict about land use at this site. Several development proposals and regulatory approvals have resulted in litigation, some of which continues today. In 2001, The Trust for Public Land entered into a purchase agreement with Playa Capital Company, the former landowner. Through this purchase agreement, the DFG ultimately took title to 540 acres of the property in 2004. The Conservancy provided $10 million for that acquisition.

The Conservancy has long supported enhancement and public access at the Ballona Wetlands. The first Conservancy project at this site was a 1986 grant to the National Audubon Society for environmental education facility associated with a proposed site restoration. That project was never implemented due to the ongoing conflicts about development. Beginning in the late 1980s, the Conservancy provided funding for planning and implementation of enhancements to the nearby Ballona Lagoon and transferred to the City of Los Angeles easements for resource enhancement over much of the land bordering the Lagoon.

In 2005, the Conservancy initiated conceptual planning and feasibility analysis of restoration alternatives for the property. This project is being implemented in partnership with the DFG and the State Lands Commission, the two state agency owners of the property and the Santa Monica Bay Restoration Commission. The feasibility analysis was completed in 2008, after a delay due to the bond freeze, and the project partners are now initiating environmental review and detailed engineering of a long-term, phased restoration project.

O4-170 cont.

When the restoration planning began, the Conservancy funded the development of an Interim Site Stewardship Plan to address the pressing concerns related to site management. As discussed above, in 2008 the Conservancy provided a grant to MRCA to fund construction of some site improvements and to fund planning, design and preparation of permit applications for additional access improvements. Based on the completed planning work, the MRCA and the project partners determined that it will be more cost effective and logical to pursue implementation of most access improvements as part of the environmental review and permitting for the long-term phased restoration project.

PROJECT FINANCING:

Coastal Conservancy	$280,000
MRCA	120,000
SMBRC, US EPA funds	20,000
Total Project Cost	**$420,000**

DFG will provide additional in-kind funding for vegetation management, site clean-ups and docent activities performed by DFG staff and the DFG Senior Volunteers.

The Conservancy funding would be derived from an appropriation of funds specifically designated for the acquisition, protection and enhancement of the Ballona Wetlands in the 2000 park bond, Proposition 12. Public Resources Code Section 5096.352(f) provides that $25 million is available to the Conservancy for this purpose.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project would be consistent with Division 21, Chapter 9, Sections 31400 *et seq*. of the Public Resources Code, which directs the Conservancy to take a principal role in the implementation of a system of public accessways so that the public can exercise its right to access and enjoy the coastal resources. Consistent with Section 31400.1, the Conservancy may award grants to public agencies to develop accessways that serve greater than local public needs. The proposed project will benefit more than local public access, as described below. Consistent with Section 31400.2 and 31400.3, the Conservancy may provide assistance to public agencies to establish these public accessways.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2, Objective A** of the Conservancy's 2007 Strategic Plan, the proposed project will expand public use of a currently inaccessible area.

The site improvements will support **Goal 4, Objective A** to protect significant coastal resource properties.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

O4-170 cont.

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** There is support for this project from the public and the partner agencies working on the Ballona restoration project. Letters of support are attached as Exhibit 3.
4. **Location:** The proposed project would be located within the coastal zone of Los Angeles County.
5. **Need:** Conservancy funds are needed to complete this project. Neither MRCA or the DFG, the owner of the site, have resources to implement this project.
6. **Greater-than-local interest:** The proposed project is adjacent to the both the regional Ballona Creek Bike Path and the Coastal Bike Trail. The nearby Dockweiler State Beach receives approximately three million visitors each year. Currently, visitors to this area can not access the Ballona Wetlands and there is no interpretive signage to inform them about the resources of the area. The proposed project will help open this site for pubic access and improve a valuable and scenic open space in the heart of congested Los Angeles County.

The project complements the restoration of the Ballona Wetlands, currently the largest wetland restoration project being planned in Los Angeles County. The MRCA's Junior Ranger program will provide opportunities for at risk youth from throughout the region to experience the wetlands in while also developing leadership and outdoor skills.

7. **Sea level rise vulnerability:** All of the area of the proposed project is located 15-20 feet above sea level and currently have limited tidal connections. None of the proposed project is vulnerable to sea level rise.

Additional Criteria

8. **Resolution of more than one issue:** The proposed project will seek to improve public access while reducing illegal use of the site. The project will focus access to already disturbed areas, removal of large trash piles and removal of weeds.
9. **Leverage:** See the "Project Financing" section above.
10. **Readiness:** If approved, the MRCA can begin work immediately.
11. **Realization of prior Conservancy goals:** "See "Project History" above."
12. **Cooperation:** The proposed project will be implemented through the cooperation of the MRCA, SMBRC, DFG and youth organizations, local schools and other community groups.

O4-170 cont.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

In the late 1980s, the California Coastal Commission certified two separate Land Use Plans that covered this project area. No Local Coastal Program was ever completed for the Ballona Wetlands area and the two Land Use Plans are now out of date. However the proposed project is consistent with the policies of the Coastal Act. The project goals are consistent with the Coastal Act goals as stated in Section 30001.5, the project will protect, enhance and restore the natural resources of the site and expand public recreational opportunities consistent with conservation of those resources.

COMPLIANCE WITH CEQA:

The proposed project would install new gates, fences and signs, remove weeds, and remove hazards and trash. Installation of signs, gates and fences are categorically exempt from California Environmental Quality Act (CEQA) under 14 Cal. Code of Regulations Sections 15301 and 15302 because it involves repair or replacement of existing facilities. Consolidation and improvement of existing trails is categorically exempt under Section 15304 as it involves only minor alterations of land. Some of the proposed project involves habitat restoration, such as weed and trash removal, and therefore is categorically exempt under Section 15333 as a minor habitat restoration project smaller than 5 acres in size. Finally, development of a comprehensive interpretive program is statutorily exempt under Section 15262 since it involves only feasibility or planning studies for possible future approval and the program planning will consider environmental factors. Upon approval, staff will file a Notice of Exemption for this project.

Southern California Dredged Material Management Team (SC-DMMT)
January 28, 2015
Final Meeting Notes

I. Participating Agencies /Attendees:

a. Bonnie Rogers (USACE-Regulatory)
b. Theresa Stevens (USACE-Regulatory)
c. Joe Ryan (USACE-ED)
d. Larry Smith† (USACE-Planning)
e. Allan Ota† (USEPA Region 9)
f. Loni Adams† (CDFW)
g. Alan Monji† (RWQCB – San Deigo)
h. Michael Lyons† (RWQCB – Los Angeles)
i. Carol Roberts†(USFWS)
j. Larry Simone† (CCC)
k. Bill Paznokas† (CDFW)
l. Kathryn Curtis† (POLA)
m. Dave Castanon† (USACE)
n. Kim Garvey (M&N)
o. Bryan Leslie (M&N)
p. Bryant Chesney† (NMFS)
q. †Port of Long Beach
r. Charlotte† (LADBH)
s. Jim Bowles (OC Public Works)
t. Andrea (OC County)
u. Brody† (CDFW)
v. Jeff Thomas† ()
w. Kat Pricket† (POLA)
x. Nick Garrety (ESA consulting)
y. David Pole (ESA consulting)

O4-171

† **participating via teleconference**.

II. Announcements:

1. None.

III. Project Review and Determinations

1. Project #1: 10:00-11:00
1) project name: **Status of the LA-2 ODMDS**
2) applicant name: NA
3) project type (Regulatory/Navigation): policy discussion
4) corps project manager name: Larry Smith
5) meeting type (DMMT/CSTF): Joint SC-DMMT/CSTF

6) purpose/topic (e.g., SAP, SAPR and/or suitability determination): discuss federal and state policy regarding disposal of dredged sediments at the LA-2 ODMDS (see below)
7) applicant presentation? (y/n): N
8) Documents: None.

Discussion: POLA received WDR for YTI Project that did now allow them to use LA-2. The LA RWQCB is taking control of LA-2 and using ERL and TMDL levels as guidelines. What is effect of this action for regulatory permits?

Corps Regulatory: The LA RWQCB staff report referenced ERLs and TMDL limits, and stated a policy of zero ocean disposal and 100 % beneficial re-use. There is regulation in the state public resources code which establishes the boundaries of the state of California in the ocean as three miles from the shoreline; however the LA RWQCB has a different interpretation. The LA-2 ocean disposal site is beyond the 3-mile limit and not subject to Section 404/401 regulation but rather Section 103 regulation. If a position paper on the topic is to be submitted there is a 90-day window for it with the State Water Resources Control Board (SWRCB).

Corps Planning: Should look at potential impacts of the disposal alternatives instead of just restricting use altogether. Use of ERLs as a regulatory guideline is inappropriate, either to make ocean disposal determinations or for establishing TMDLs. LA-2 is subject to MPRSA but not CWA and therefore does not require 401 certification; the 401 certification does apply at the dredging site. Corps will be briefing Colonel on the issue in regards to Corps' position.

O4-171 cont.

RWQCB: Not present on telephone following advice from their counsel.

EPA: Allan Ota: EPA recognizes the geographic delineations based on NOAA charts. TMDLs are appropriate for inland waters protection but it does not make sense for deep ocean environment where risks are different from shallow water embayments. Use of ERLs and ERMs are guidelines not appropriate for decisions for Ocean Disposal. Ocean Disposal has a different framework where use of bioassays are more appropriate rather than strict chemistry numbers.

CCC: Larry Simone: Already submitted decision for the project.

USFWS:

NMFS: Not present.

CDFW: Waiting to see what the SWRCB process decision will be before submitting position letter.

POLB: May provide comment letter to SWRCB. It's important to comment now along the way and hopes agencies will consider commenting sooner than later.

Summary: Many entities are opting to wait for SWRCB process and appeal before deciding to provide opinion letter. Other applicants and the POLB are considering submitting a comment letter. Corps considers disposal at LA-2 a viable option for clean materials and is using it for Civil Works projects. Many folks will attend the CSTF meeting tomorrow with high attendance where this item will be discussed along with past agency studies on LA-2. POLA filed appeal with SWRCB. the LA RWQCB and SWRCB decisions may be different and SWRCB may either direct LA RWQCB to rewrite WDR or override the decision. Corps supports EPA submitting a factual letter regarding EPA's authority for Ocean Disposal.

Discussion ii: Use of LA-2, LA-3, annual disposal limits and timing of current/future proposed project which would need ocean disposal.

Corps Regulatory:

Corps Planning:

Corps Engineering: Asked EPA if LA-3 could be used if LA-2 annual limit is exceeded. When discussing tracking we should also discuss forecasting schedule.

RWQCB:

EPA: Annual capacity is 1 Million Cubic Yards per year for LA-2 and exceedance proposal would trigger additional modeling for higher volumes by the applicant proposing the exceedance; or projects should be phased. They may consider incidental exceedances to avoid additional environmental assessment. There is a common reference station set up that would allow disposal at either LA-2 or LA-3 without having to retest. Would like to schedule meeting to discuss a tracking tool regarding the volumes generated from dredging and where they are disposed to make better decisions.

CCC:

USFWS:

NMFS: Is also interested in how to better track volume dredged and disposals.

CDFW:

Moffatt and Nichol: For Sunset/Huntington Harbor dredging proposed project the CEQA was written for analysis at LA-2 only so use of LA-3 instead would need to be analyzed.

Summary: For February meeting discuss tracking dredging and disposals volumes.

O4-171 cont.

2. Project #2: 11:00-11:45
1) project name: **Malibu Creek Ecosystem Restoration Project**
2) applicant name: Civil Works

3) project type (Regulatory/Navigation): discussion of nearshore/beach nourishment using sands excavated from Rindge Dam
4) corps project manager name: Larry Smith
5) meeting type (DMMT/CSTF): SC-DMMT
6) purpose/topic (e.g., SAP, SAPR and/or suitability determination): discuss options for placing sand into ocean in the vicinity of Malibu Creek
7) applicant presentation? (y/n): N
8) Documents: See attached document.

Discussion i: Dam removal project would benefit steelhead. 280K CY layer for some form of beach nourishment. Alternatives for beach nourishment have been redefined/shifted. Material has approx. 20% fines so it may be better for other non-dry-beach sites (e.g. nearshore). Phasing of placement over 3 years would be required and would not occur during summer recreation season.

Applicant:

Corps Regulatory:

Corps Planning: There are two Alternatives. 1) placement of material up near dam site for holding until summer season is over to (October 15); then place in parking lot and move it east of Malibu Pier where beach is highly eroded needing sand. 2) truck material to commercial port like Hueneme, loaded on barge, and place it into the near-shore during summer time; currently studying locations of rocky reef to avoid impacts.
Hope to have draft EIS out in 2015 identifying specific alternative which includes removal of dam and removing material. The remainder non-suitable material would go to inland disposal.
Nearshore potential locations: The Colony near Malibu; area east of Malibu Pier.
The 280K CY would occur over years and is a fairly small quantity.
Sea-level rise is included in the Corps studies for the project.

Corps Engineering: Typically nearshore placement is spread at 5-10 foot high berm area. Thin vs. thicker layer of nearshore placement has different considerations. Thicker layer can feed nearby beach over time whereas thinner layer covers a larger footprint.

EPA: Alan Ota: Portland district had been using a thin layer placement for nearshore material; there are youtube videos available.
Sea level rise should been considered for areas that will be inundated.
Would like to review future assessment, SAP, and reports on project.

NMFS: Should consider how placement 3 years in a row would result in a continued disturbance to the site. East of Malibu Pier is less of a concern than further west. Concerns include seagrass and rocky reef west of the Pier.

CDFW: Interested in knowing how nearshore placement would be placed either piled or spread out. They prefer thin layer.

O4-171 cont.

LA Department of Beaches and Harbor:

Summary: Corps Planning would circulate future assessment documents and reports to agencies for review or discuss at future DMMT.

Project #3: 12:45-1:30
1) project name: **Lower Santa Ana River Maintenance Dredging**
2) applicant name: County of Orange
3) project type (Regulatory/Navigation): Regulatory
4) corps project manager name: Corice Farrar
5) meeting type (DMMT/CSTF): DMMT
6) purpose/topic (e.g., SAP, SAPR and/or suitability determination): SAP
7) applicant presentation? (y/n): Yes (Moffatt & Nichol, applicant's consultant, to present)
8) Documents: See attached presentation.

Discussion i: To gain approval of SAP plan. Project is maintenance dredging for flood control purposes by County of Orange. 530K-1.1 million CY estimated range. In 2005 Corps dredged river first and last time and material reused. There are three potential receiver beach nourishment sites: Newport on or near-shore, Seal Beach on-shore, Huntington on or near-shore; (previous Surfside-Sunset is no longer on the table). Anticipate construction in Spring 2016. County is under mandate to get dredging completed.
SAP details: There are 4 data sources which were previously sampled; fairly coarse and clean. Corps sample was a vertical composite. There is a clay layer at depth. 10 composite areas (A-J) (about 3-5 borings in each composite) and 34 boring locations. When encountering clay layer, will take a sample.

O4-171 cont.

Applicant: OC County Public Works, Moffat & Nichol. Can look into past history of spills in the river but no one is aware of any offhand; can check with Waterboard.

EPA: Allan Ota will look for LA-2 common reference site map. The Composite H with only 3 locations is fine but it's difficult to see bathymetric depths. Composite I and J should probably have more samples but it's difficult to see. There are more fine grains upstream so better to do on-site inspection of cores of top layer and bottom separately in case one layer can be suitable.

CCC: Applicant notes their CDP dredging permit has expired but they will be sending in Amendment request soon to CCC.

USFWS: Carol Roberts: Wants to know if any research has been done to capture any spill events or outfalls locations. Could there still be residues of such events in the system? There are two endangered species of concern so there may be environmental windows during which the sampling work will need to be conducted.

NMFS: Consider implications of beach nourishment placement at Seal Beach location since 1MCY sediment could affect other downcoast dredging locations. For example, Bolsa Chica is having trouble keeping tidal input open. Consider sediment transport impacts.
Summary: Applicant will check with Waterboard on any past spill or outfall events in the area.
Applicant will address potential sediment transport to downcoast areas which may affect the inlets of Bolsa Chica and other openings.
Will provide zoomed in bathymetry maps for Composites and larger maps with storm drains.
Depending on review of larger maps, applicant may add more samples to Composite I.
Following SAP initial results of Tier I and II, they will hold a meeting to discuss.
They plan to prepare boring logs on on-site inspections.
They will get approval at a later time.

Project #4: 1:30-2:15

1) project name: **Ballona Wetlands Restoration**
2) applicant name: California Department of Fish and Wildlife
3) project type (Regulatory/Navigation): Habitat Restoration
4) corps project manager name: Dan Swenson
5) meeting type (DMMT/CSTF): DMMT
6) purpose/topic (e.g., SAP, SAPR and/or suitability determination): Presentation of testing performed for wetland suitability, discussion of process for determining suitability for the Project's ocean disposal option.
7) applicant presentation? (y/n): Y
8) Documents: See attached documents.

O4-171 cont.

Discussion i: Some materials may need to go for Ocean Disposal so applicant is proposing testing plan.
The four project alternatives include:

a. "naturalized" creek
b. partial "naturalized" creek
c. levee culverts & oxbow
d. no project

Disposal options:

e. on-site placement in upland restoration areas
f. landfill
g. Port fill (& landfill)
h. LA-2

Corps Regulatory:

i. SMBRC testing done ~ 8 samples in area B, ~3 in area A (2010). Found several materials in higher concentrations, some greater than ERM. Surface grabs only. Also found pyrethroid toxicity.
j. Issues to address/consider in future SAP:
    i. Timing: 3 year limit on testing results unless conditions shown not to have changed (confirmatory (at a minimum) sampling);
    ii. Use full analytic list per draft SAP/R guidelines table 4-1 (any proposed exceptions should include justification). For example, add pyrethroids;
    iii. Show DU's and explain proposed compositing more clearly;
    iv. Insufficient sampling in area B (+C?);
    v. Map on-site or adjacent sources of pollution;
    vi. Provide better map showing cut areas;
    vii. Provide maps/figures showing extent of dredged material versus native soils.
    viii. Follow draft SAP/R guidelines (sent previously).

EPA:

k. Only dredged material or forms dredged material qualifiers for ocean disposal
l. Ampelisca recommended for fine-grain sediments, and here Ampelisca matched control in terms of survival.
m. Suggested following draft SAP/R guidelines, including bathymetry figure with project footprint & "cut".

RWQCB:

n. Is it OK to test unexposed inland soil using these Tier III toxicity tests with marine species? EPA confirmed that there are protocols for rewetting inland soils, and no time limit for disposal of "historic" dredged material.
o. Q: any commercial/industrial? A: SoCal Gas currently, gas monitoring wells.
p. Salinity potential issue for landfill option.

USFWS:

q. Oil well gages sometimes had Hg contamination so some additional historical review should be done.
r. There may be scrutiny on proposed use of Ballona Creek as source of inflows to the restored wetland given the potential for storm water pollutants as these can impact habitat quality. Corps Regulatory response: one wetland function includes water filtration.

O4-171 cont.

s. Further testing can be done in future as long as FEIS includes disposal options if sediment ultimately fails to meet suitability requirements for beach disposal.

Applicant:

t. Intent is to prepare a SAP later on if offshore disposal ultimately needed (based on whatever preferred project alternative is selected), including SC-DMMT review.

O4-171 cont.

IV. Other topics: Revisions on the Santa Ana SAP were provided by the applicant and reviewed by the Corps and EPA. The Corps and EPA approved the SAP with the revisions.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008

In Reply Refer To:
FWS-02B0010-16CPA0015

OCT 23 2015

Dr. Daniel P. Swenson
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017-3409

Subject: Ballona Wetlands Restoration Project, City of Los Angeles and Unincorporated Los Angeles County, California

Dear Dr. Swenson:

This letter provides U.S. Fish and Wildlife Service (Service) comments on the Ballona Wetlands Restoration Project (Project) to your agency, the U.S. Army Corps of Engineers (Corps), as the lead Federal agency for Project compliance under the National Environmental Policy Act (NEPA). We are also providing a copy of these comments to the California Department of Fish and Wildlife (Department), which is the lead State agency for Project compliance under the California Environmental Quality Act (CEQA) and the California Coastal Conservancy, which is the project sponsor. Our comments focus on the Purpose and Need/Project Objectives and proposed Alternatives for conservation of habitat within the 577-acre Ballona Wetlands Ecological Reserve (Reserve) as described in the first two chapters of the draft Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) provided to the Service on September 8, 2015. Because we are a Cooperating Agency under NEPA, we were afforded an opportunity to provide comments on early non-circulated administrative drafts of the EIS/EIR. Our comments are consistent with, and build upon, our previous comments in letters dated October 23, 2012 (FWS-LA-02B0010-13TA0023) and March 14, 2013 (FWS-LA-02B0010-13TA0185) on the Project Notice of Preparation (NOP) and Revised NOP, respectively. O4-172

Purpose and Need / Project Objectives

Because the Purpose and Need / Project Objectives drive design of project alternatives and selection of an alternative for implementation, we recommend that the Corps and Department consider the following recommendations:

1. The Project Purposes and Project Objectives include the following: 1) restoration of ecological functions and services associated with estuarine habitats; 2) avoidance and potential reduction of flood risk to existing and planned infrastructure; and 3) provision of public access. However, the project title, Ballona Wetlands Restoration Project, does

not reflect all the Purposes and Objectives associated with flood control and public access. We recommend modifying the title of the Project to reflect that it is a multi-purpose project for wetlands, flood control, and recreation.

2. Purpose 1: We are concerned that a goal to maximize tidal influence will favor alternatives with a high proportion of subtidal habitats, which is not representative of historical conditions at the Ballona Wetlands (Dark *et al*. 2011) or across estuaries in southern California (Grossinger *et al*. 2011). To address our concern, we recommend revising Purpose 1 to specify that the project restore tidal influence, which is appropriate and practical (i.e., muted to full) for the site.

3. Purpose 2 and CEQA Project Objective 4: We consider CEQA Project Objective 4 in direct conflict with Purpose 1 and CEQA Project Objectives 1 and 2, because Objective 4 includes "limiting the need for significant modification to regionally significant infrastructure." To paraphrase, Purpose 1 and CEQA Project Objectives 1 and 2 include restoration of dynamic ecological processes and functions associated with a contiguous area that is self-sustainable and in need of minimal active management. As written, CEQA Project Objective 4 prioritizes leaving the existing infrastructure (i.e., roadways and utilities) within the Reserve in their current configuration because their relocation would be significant and costly. However, their relocation would be extremely effective towards fulfillment of the Purpose and CEQA Project Objectives that we support (Purpose 1 and CEQA Project Objectives 1 and 2). Therefore, we recommend revising Objective 4 to allow for consideration of alternatives that would accommodate, but not necessarily avoid, modification to existing infrastructure.

4. Purpose 3 and CEQA Project Objective 3: We support your Purpose 3, which specifies that public access should consist of compatible passive recreation and education activities. However, we find CEQA Project Objective 3 and 3d to be inconsistent with Purpose 3 because Objective 3 references enhancing and expanding public access in the area used for Little League Fields. Because all the proposed Alternatives either retain or expand the ball fields, we interpret that Objective 3 is inclusive of active recreation that is not compatible with coastal habitat conservation. We recommend that you work with the Department to revise their Objective 3 to specify that human use (i.e., public access, recreation, environmental conservation, education, and interpretation) be passive and compatible with coastal habitat conservation so it is consistent with Purpose 3. The Reserve is one of the few locations in Southern California where restoration of estuarine habitat can be accomplished and while we support public use, it should be compatible with wildlife.

5. CEQA Project Objective 1c: We recommend revising Objective 1c by specifying that diversity be native.

O4-172 cont.

Additional Alternatives for Consideration

In the subsequent sections of our letter, we describe our concerns with new levees and water conveyance structures (e.g., culverts, tide gates) associated with the range of alternatives. We recommend additional project alternatives, which do not rely on new levees and water conveyance structures, be fully evaluated in the EIS/EIR. These alternatives include the following:

1. We support restoration of estuarine habitats and processes north of Ballona Creek. We recommend including an alternative that restores estuarine habitats north of Ballona Creek which removes the northern flood control levee but does not breach the southern flood control levee. Unlike Alternative 3, this alternative would not use culverts to convey water. To create more space for wetlands, we recommend removing additional fill to create tidal channels that meander further north than the proposed alternatives. Restoration south of Ballona Creek could consist of habitat enhancement (i.e., removal of non-native vegetation and establishment of appropriate native vegetation). This suggested alternative could serve as a first phase of restoration followed by restoration of estuarine hydrology south of Ballona Creek when funding is available to relocate transportation and utilities that fragment the Reserve.

2. To maximize hydrologic connectivity and minimize habitat fragmentation south of Ballona Creek, we continue to recommend inclusion of alternatives that relocate Culver and Jefferson Boulevards and their associated utilities to outside the project area or raise them on causeways. Leaving the roadways in their current footprint and elevation and constructing levees as described for Alternatives 1 and 2 will increase habitat fragmentation, restrict migration of fluvial and tidal waters across the landscape, retard ecological processes, and defer construction costs to future high maintenance costs. While such an alternative would be expensive to construct, we do not concur that taking such an action would *minimally* benefit the wetlands (Section 2.4.9.2 of the draft EIR/EIS). Instead, it would avoid the impacts listed above, restore habitat contiguity, and reduce incidence of vehicle strikes to wildlife. This alternative complies with the Ballona Wetlands Science Advisory Committee's following recommendation[1]:

   > "Alternatives with larger, contiguous, areas of diverse estuarine wetland habitat are more likely to sustain populations of associated species. Alternatives with fewer roads, wider transitions and more channels would have a higher quality of wetland habitat because they would be more remote from noise, lights, cars, and other human impacts. Alternatives with larger areas of contiguous wetland would also have fewer impacts from, and require less active management for, invasive plant and animal species."

   If it is determined that relocation of roadways and utilities is beyond the scope of the proposed project, then we recommend that restoration alternatives south of Ballona Creek

O4-172 cont.

[1] Memorandum to the Ballona Project Management Team, dated October 15, 2008.

do not preclude opportunities for creating a larger, contiguous area of habitat for wildlife in the future. As discussed in the subsequent section, increasing flood protection for the existing roadways and utilities in their current location and elevation will encourage long-term fragmentation of the wetland.

3. We recommend consideration of an alternative that replaces the proposed subtidal channels connecting to Ballona Creek with intertidal channels that drain completely at low tide. This alternative reduces the amount of excavation necessary for habitat restoration, is more representative of the historic habitat types in the area (Dark *et al*. 2011), and supports persistence of marsh habitat with sea level rise.

Levees and Berms

The proposed levees and berms associated with Alternatives 1 and 2 for reducing flood risk to infrastructure will increase fragmentation of existing habitats. Such fragmentation of the habitat does not meet the project objective of providing a large contiguous area for wildlife (Project Objective 1b). The levees and berms also will impact existing native habitats in West and South Area B, permanently restrict migration of fluvial and tidal flows across the marsh plain, and disrupt ecological processes that occur within and between habitat types. We are particularly concerned with the following proposed berms and/or levees: 1) north and south of Culver Boulevard in Area B; 2) surrounding the salt pan in West Area B; 3) east of the dunes in West Area B; and 4) east of the Freshwater Marsh in Southeast Area B. Construction of these levees and berms is not typical of a marsh plain and will introduce an elevation and visual barrier for wildlife where no such disruption exists. The proposed levee north of Culver Boulevard would be 10 feet[2] above the existing grade and the levee between the existing dunes and salt marsh in West Area B would be 13 feet[3] above the existing grade. We recommend that the Project Description (i.e., Chapter 2) explicitly identify the following: 1) approximate elevation above grade of all existing and proposed levees and berms within the project area; and 2) measures to offset impacts to habitats associated with levees and berms constructed for flood control.

O4-172 cont.

We question the ability of the levees to protect the utilities and roadways from flooding with sea level rise. We are concerned that ground water will rise with sea level thereby leading to water seepage up through the ground and through the levees thereby threatening the infrastructure and roadways with flooding. If Alternatives 1 and 2 carry forward as now described, this potential risk needs to be addressed in the draft EIS/EIR.

[2] We calculated the elevation based on the crest elevation of the levee being at 20.5 North American Vertical Datum (NAVD) and Figure 2-47 showing Culver at about 10 NAVD.
[3] We calculated the elevation above grade from Figure 2-14, which shows the levee crest elevation at 17 feet NAVD and existing grade just of west of the levee at 4 NAVD.

Water Conveyance Structures

We are concerned that all the proposed Alternatives rely on culverts to convey water and that frequent and costly maintenance will be necessary for them to be functional. For example, Alternative 1 relies on 8 (Phase 1) to 9 (Phase 2) culverts/water conveyance structures, some of which consist of a bank of culverts with gates. In addition, we are concerned that water conveyance through culverts and tide gates does not allow for natural migration of water or wildlife across the landscape.

We encourage restoration designs to incorporate sustainable hydrology that requires minimal long-term maintenance. Although water conveyance structures are designed to move water to support habitats, their ability to move water is compromised as they fill with sediment, debris and/or fouling organisms, or become stuck from the salty conditions or lack of movement. As such, culverts and water control structures require maintenance to keep them functional. Past projects, such as the Bolsa Chica Wetlands and Batiquitos Lagoon, have demonstrated that the type, cost, and frequency of maintenance are difficult to accurately predict prior to implementation and can leave the managers without sufficient funding to maintain hydrology in perpetuity. While grant or mitigation funding may be available for construction, we are not aware of large sums of funding for project maintenance.

Trails and Public Access

O4-172 cont.

We recognize the value of providing passive public access to restored habitats but caution that excessive trails do fragment habitat and can be disruptive to wildlife. We are concerned that Alternative 1 contains up to 4 redundant trails (trails connecting the same points and running relatively parallel) within Area A and two redundant trails in Area B. Similarly, Alternative 2 contains up to two redundant trails in Areas A and B.

We recommend that bicycle and pedestrian loop trails be adjacent, as shown in Figure 2-27, and redundant pedestrian trails, such as the pedestrian trails proposed at the lower edge of the levee (Figure 2-26), be eliminated. Instead of being a loop trail, we recommend that elevated pedestrian boardwalks consist of spur trails off the Major Pedestrian and Bike Path to encourage passive recreation such as birding, wildlife observation, and photography. We have noted that birds and birders are disrupted by people running or moving through loop trails. We recommend that interpretive features and signage be low in height or situated to avoid providing perches that result in a direct line-of-sight for avian predators into the habitat or avian nesting areas.

We are concerned that Alternative 2 proposes to expand the baseball fields within the Reserve. We suggest that the Department work with the local jurisdiction to identify a location outside the Reserve for baseball fields so that the Reserve can be used for habitat restoration. The Reserve is one of the few locations in Southern California where restoration of estuarine habitat can be accomplished. Removing non-compatible uses, such as baseball fields, from the project area would be ideal. Baseball fields generate indirect impacts (e.g., irrigation, applications of pesticides and fertilizers, trash and debris, and artificial lighting) to the native habitats. If

relocating the baseball fields to outside the Reserve is not possible, we recommend that the baseball fields be moved to the northeast corner of North Area C to minimize the interface between active recreation and the habitats to be restored.

Creation of Salt Pan

While creation of salt pan could offset its historic loss in the region, we question its feasibility as designed. We do not see the restoration project mimicking the natural process responsible for creating salt pan. Our understanding is that salt pan is created when water evaporates from a water impoundment associated with bar built estuaries, which is not being mimicked in Area A, South Area B, or Southeast Area B. Further, we find that the proposed regular distribution of salt pan and seasonal wetlands in Area A as unnatural. We recommend that the proposed range of habitats incorporated into the design (e.g., salt pan, seasonal wetlands, transition zones, and marsh habitats) be configured in a manner that more closely resembles natural habitat complexity.

We appreciate the opportunity to comment on the draft administrative EIS/EIR for the Ballona Wetlands Restoration Project. Please contact Carolyn Lieberman at 760-431-9440 extension 240, to discuss our comments with you, the Department and the California Coastal Conservancy.

O4-172 cont.

Sincerely,

Karen A. Goebel
Assistant Field Supervisor

cc.
Ms. Mary Small, California Coastal Conservancy
Mr. Rick Mayfield, California Department of Fish and Game

LITERATURE CITED

Dark, S., E. D. Stein, D. Bram, J. Osuna, J. Monteferante, T. Longcore, R. Grossinger, and E. Beller. 2011. Historical Ecology of the Ballona Creek Watershed. Southern California Coastal Water Research Project Technical Report #671.

Grossinger, R.M., E.D. Stein, K Cayce, R. Askevold, S. Dark, A. A. Wipple. 2011. Historical wetlands of the southern California coast: An Atlas of U.S. Coast Survey T-Sheets, 1851-1889. San Francisco Estuary Institute Contribution #586 and Southern California Coastal Water Research Project Technical Report #589.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008

In Reply Refer To:
FWS-LA-02B0010-17CPA0070

February 1, 2017
Sent by Email

Dr. Daniel P. Swenson
U.S. Army Corps of Engineers, Los Angeles District
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017-3409

Subject: Termination of Cooperating Agency Status for the Ballona Wetlands Restoration Project, Los Angeles County, California

Dear Dr. Swenson:

This letter is to inform the U.S. Army Corps of Engineers of our decision to terminate our participation as a cooperating agency in the development of the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Ballona Wetlands Restoration Project, in accordance with the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (50 CFR § 1501.6 and § 1508.5).

We began our participation as a cooperating agency on January 5, 2015 (FWS-02B0010-15CPA0048) and provided comments on administrative drafts of the EIS/EIR received on September 8, 2015; April 27, 2016; July 1 and 15, 2016; and November 15, 2016. Our review primarily focused on the project description, alternatives, and biological resources sections of the draft documents. Consistent with comments submitted prior to our participation as a cooperating agency, we recommended project design features that will restore and enhance natural estuarine functions, reduce habitat fragmentation, and minimize disturbance associated with recreational access and maintenance activities. O4-173

Other program commitments preclude our continued involvement to the degree we believe necessary to resolve the environmental issues, which were identified in our preliminary comments, prior to the scheduled release of the Draft EIS/EIR to the public. We appreciate the opportunity we had to provide early input during the development of the EIS/EIR and look forward to continued participation during the public review period.

If you have any questions regarding this letter, please contact Christine Medak at 760-431-9440, extension 398.

Sincerely,

KAREN GOEBEL
Digitally signed by KAREN GOEBEL
Date: 2017.02.01 09:29:10 -08'00'

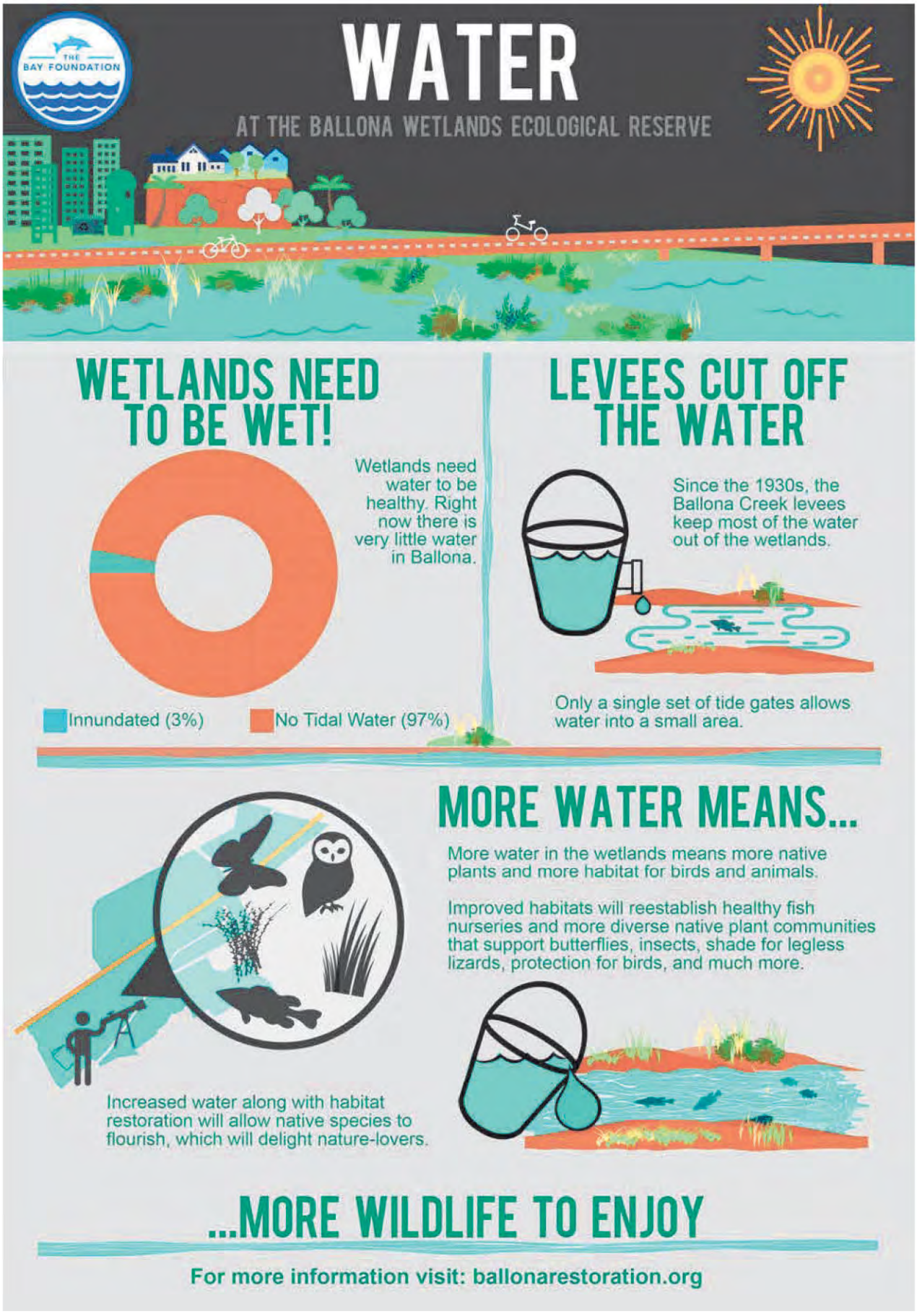
Karen A. Goebel
Assistant Field Supervisor

O4-173 cont.

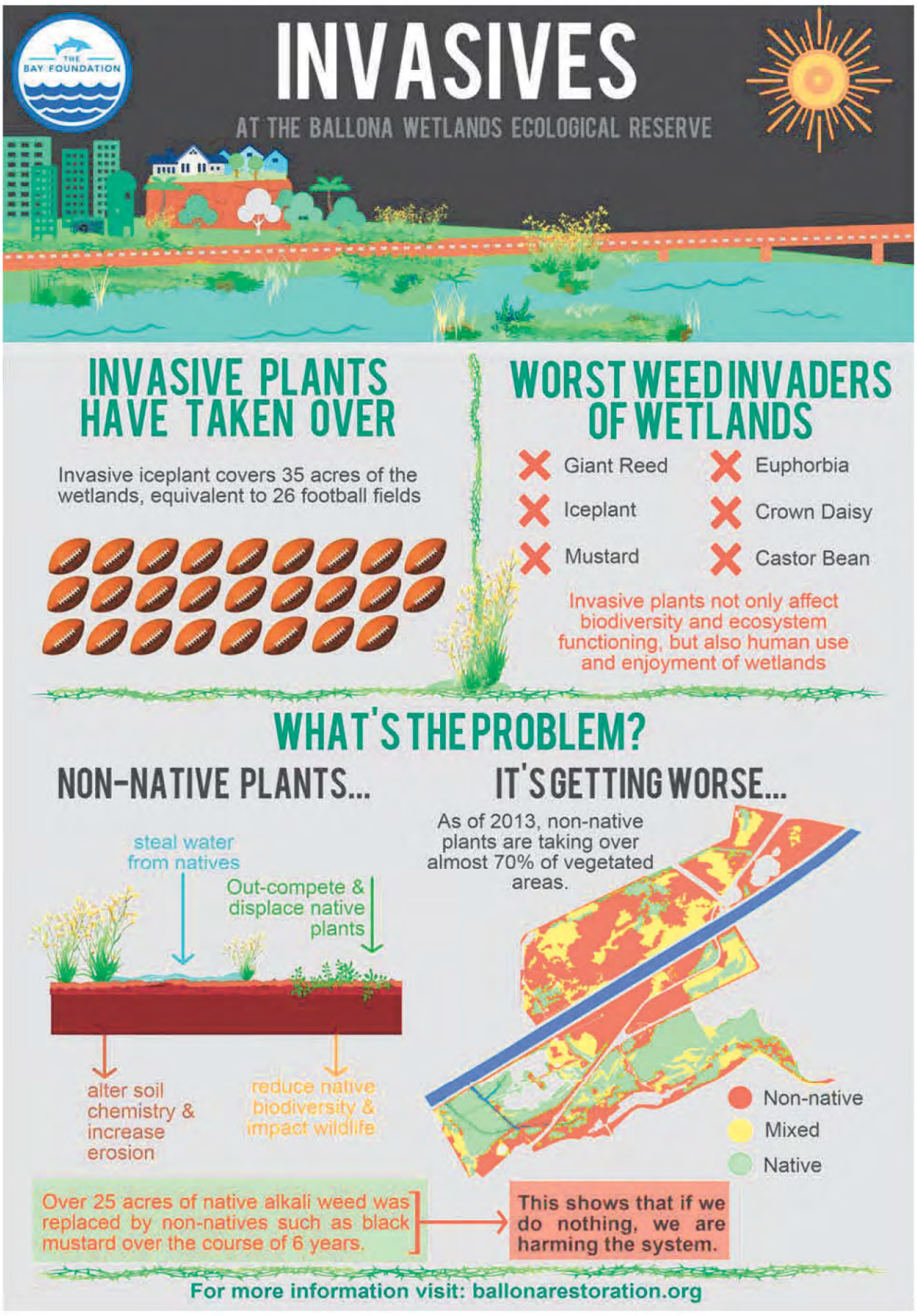
cc:
Ms. Mary Small, California Coastal Conservancy
Mr. Edward Pert, California Department of Fish and Wildlife

THE BAY FOUNDATION
DISTURBANCE
AT THE BALLONA WETLANDS ECOLOGICAL RESERVE
Dumped sediment and debris radically disturbed and buried the wetlands.
3.1 Million Cubic Yards Dumped!
3 ft.
3 ft.
3 ft.
One Cubic Yard
C
C
A
B
B
Construction of the Marina Freeway deposited millions of tons of debris on Area C.
The height of fill on Areas A and C reach up to 20 feet. That's as tall as a giraffe!
3x3 feet
Construction of Marina del Rey placed millions of tons of sediment on Area A, increasing elevation, and negatively impacting the wetlands.
Ballona Creek was channelized and construction debris was cast on the wetlands.
This Would Fill...
Over 400 Million Shovelfuls
About 28,000,000 Wheelbarrows
Almost 300 Million Beach Pails
This Would Take...
Over 600 Centuries
The time fill removal would take if 1 volunteer moved 1 wheelbarrow per hour.
30 to 70 Years
The time fill removal would take if 100 volunteers each moved 8-10 wheelbarrows per hour.
Although the exact amount of sediment to be removed or redistributed has not been determined, restoration actions will improve water connections, habitat enhancement, and flood control protection.
For more information visit: ballonarestoration.org

O4-175


THE BAY FOUNDATION
WATER
AT THE BALLONA WETLANDS ECOLOGICAL RESERVE
WETLANDS NEED TO BE WET!
Wetlands need water to be healthy. Right now there is very little water in Ballona.
Innundated (3%)
No Tidal Water (97%)
LEVEES CUT OFF THE WATER
Since the 1930s, the Ballona Creek levees keep most of the water out of the wetlands.
Only a single set of tide gates allows water into a small area.
MORE WATER MEANS...
More water in the wetlands means more native plants and more habitat for birds and animals.
Improved habitats will reestablish healthy fish nurseries and more diverse native plant communities that support butterflies, insects, shade for legless lizards, protection for birds, and much more.
Increased water along with habitat restoration will allow native species to flourish, which will delight nature-lovers.
...MORE WILDLIFE TO ENJOY
For more information visit: ballonarestoration.org

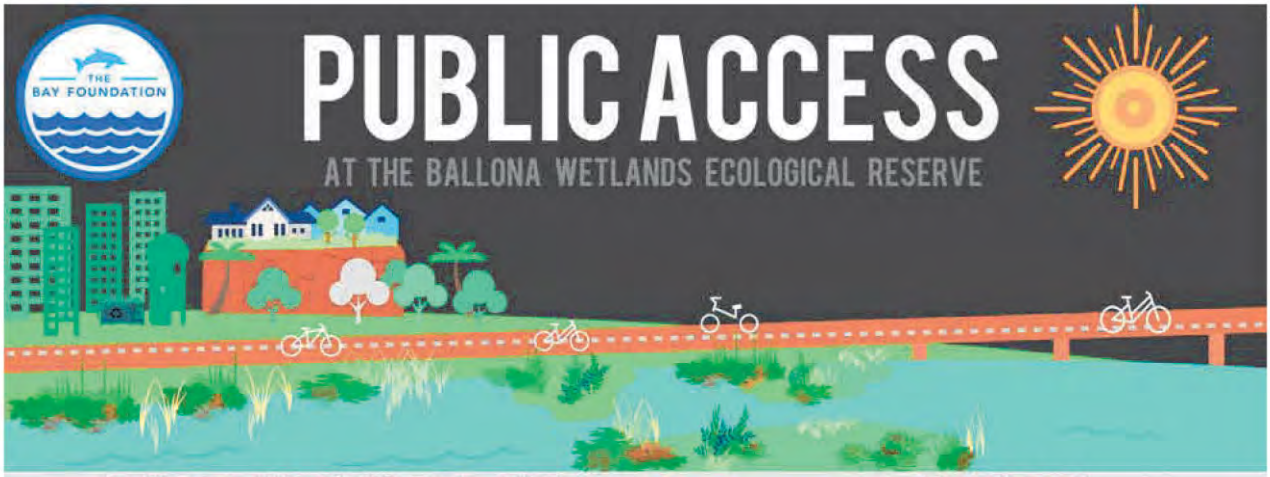
O4-176


INVASIVES
AT THE BALLONA WETLANDS ECOLOGICAL RESERVE
THE BAY FOUNDATION
INVASIVE PLANTS HAVE TAKEN OVER
Invasive iceplant covers 35 acres of the wetlands, equivalent to 26 football fields
WORST WEED INVADERS OF WETLANDS
Giant Reed
Iceplant
Mustard
Euphorbia
Crown Daisy
Castor Bean
Invasive plants not only affect biodiversity and ecosystem functioning, but also human use and enjoyment of wetlands
WHAT'S THE PROBLEM?
NON-NATIVE PLANTS...
steal water from natives
Out-compete & displace native plants
alter soil chemistry & increase erosion
reduce native biodiversity & impact wildlife
IT'S GETTING WORSE...
As of 2013, non-native plants are taking over almost 70% of vegetated areas.
Non-native
Mixed
Native
Over 25 acres of native alkali weed was replaced by non-natives such as black mustard over the course of 6 years.
This shows that if we do nothing, we are harming the system.
For more information visit: ballonarestoration.org

O4-177

PUBLIC ACCESS

AT THE BALLONA WETLANDS ECOLOGICAL RESERVE



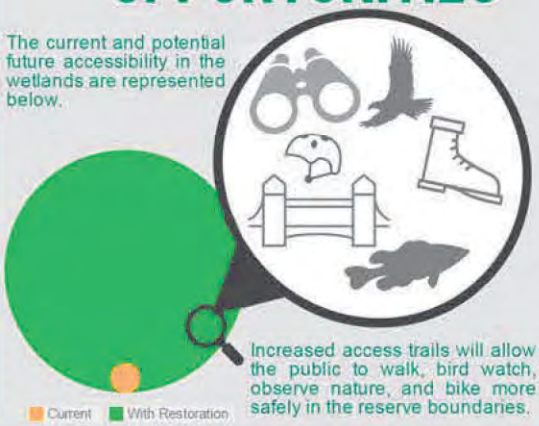
CURRENT RESERVE ACCESSIBILITY

1%

Only 1% of the Ballona Wetlands Ecological Reserve is currently accessible when accompanied by a permit holder.

FUTURE OPPORTUNITIES

The current and potential future accessibility in the wetlands are represented below.



Increased access trails will allow the public to walk, bird watch, observe nature, and bike more safely in the reserve boundaries.

LEARNING IN THE WETLANDS

- 1470 adults visited the wetlands in 2015
- 2794 children visited the wetlands in 2015

Thousands of people currently use the wetlands as a place to learn about science. Last year, over 4,000 people came to the wetlands through education programs, of those 56% were from underserved communities. Imagine how the number of learners at the wetlands can increase with additional access trails.

BIKE TRAIL CONNECTIVITY

Below is the existing bike path that runs adjacent to Ballona Creek. Depending on which restoration alternative is chosen, the connectivity of the local bike paths may be improved.

FUTURE OPPORTUNITIES

- New peripheral bike paths
- Bike/pedestrian bridge by Lincoln
- Better connection to Culver City, Marina del Rey and Playa del Rey
- Increased safety on bike trails when they are separated from streets

For more information visit: ballonarestoration.org

O4-178

Dear Richard Brody,

I stand with the Wetlands Restoration Principles Coalition in supporting science-based restoration of the Ballona Wetlands. Here's why:

- ☐ Functional wetlands are essential to clean air and water.
- ☐ I am concerned about flood protection and sea level rise.
- ☐ Restoring native habitat increases biodiversity and benefits wildlife, many of which are threatened or endangered.
- ☐ Open public access to trails allows everyone to learn about and appreciate our urban green spaces.
- ☐ Another reason:

Richard Brody, CDFW
c/o ESA (jas)
5500 Kearney Street, Suite 800
San Francisco, CA 94108

Sincerely,
Name: _____

Address: _____

City, State, Zip: _____

O4-179

P.O. BOX 13336
LOS ANGELES, CA 90013

THE BAY FOUNDATION

(888) 301-2527
santamonicabay.org

Technical Memorandum:

Patterns of Vehicle-Based Vertebrate Mortality in the Ballona Wetlands Ecological Reserve, Los Angeles, CA

Prepared by: Karina Johnston[1], Ivan Medel[1], Patrick Tyrrell[2], and Sean Anderson[3]

[1] The Bay Foundation
[2] Friends of Ballona Wetlands
[3] Environmental Science and Resource Management Program, California State University Channel Islands

Submitted to: California State Coastal Conservancy
California Department of Fish and Wildlife

Date: November 26, 2014

O4-180

Introduction

Roads have become ubiquitous features on our landscapes, with approximately 20% of all land within the conterminous United States within 150 meters of a roadway (Riitters and Wickham 2003). Within these areas, the movement of cars at medium and high speeds may negatively affect wildlife populations and behavior through direct mortalities, habitat fragmentation, and behavior change (Forman and Alexander 1998, Coffin 2007, Charry and Jones 2009). Traffic volume, or the number of cars on a stretch of road during a given time period, and speed have been associated as key parameters influencing the quantity of direct wildlife mortalities along a given roadway (S. Anderson, *unpublished data,* 2011). Vertebrate mortality surveys of frequently-traveled roadways help identify wildlife movement patterns and the impacts of habitat fragmentation on a given area.

Over the past decade, concerned stakeholders anecdotally noticed a high frequency of animal kills along the major roadways adjacent to the Ballona Wetlands Ecological Reserve ("BWER" or "Reserve") (L. Fimiani, *personal communication,* 2011). This memorandum was developed to quantify the vertebrate mortality along Reserve-adjacent roadways. Additionally, it will provide information and data to the ongoing CEQA process regarding wildlife-vehicle collisions and subsequent direct vertebrate mortality through surveys conducted along roads bisecting the BWER from 2010-2013.

City of Los Angeles traffic-count data across a 24-hour interval during the week calculated that approximately 20,000-60,000 cars travel along roadways bisecting and adjacent to the Reserve, including Culver Boulevard, West Jefferson Boulevard, and Lincoln Boulevard (CoLA 2014). High traffic volumes combined with 45 mile per hour (mph) speed limits may pose significant risks to wildlife within the BWER. Analyzing these data may help evaluate opportunities to minimize or reduce harm and impacts to fauna, as well as reducing hazards to drivers.

Specific survey goals included:

1) Comparison of vertebrate mortality along three road transects bisecting the Reserve,
2) Identification of animal type most vulnerable to vehicle-based mortality, and
3) Identification of locations demonstrating higher frequency wildlife-vehicle collisions ("hotspots").

These data and research summaries are a product of California State Coastal Conservancy grant 11-086 and volunteer time donated by the Friends of Ballona Wetlands.

O4-180 cont.

Methods

The survey area was evaluated using three transects, each approximately one mile in length. These transects delineate the primary roads bisecting the Reserve (Figure 1). The "Lincoln Transect" (Transect 1) extended along Lincoln Boulevard from Loyola Marymount University Drive to Fiji Way; the "Culver-East Transect" (Transect 2) extended along Culver Boulevard from its intersection with West Jefferson Boulevard to the 90 Freeway; the "Culver/Jefferson Transect" (Transect 3) began on Culver Boulevard in Playa del Rey and extended to the intersection of Culver and Jefferson Boulevards, and then on to Lincoln Boulevard (Figure 1). Surveys were conducted biweekly from October 2010 through September 2013. Friends of Ballona Wetlands staff and The Bay Foundation staff and interns conducted surveys based on protocols developed by Sean Anderson's PIRatE Laboratory at California State University Channel Islands.

Transects were surveyed by resetting a vehicle's odometer at the start of each transect and subsequently driving each transect with a passenger noting the type of carcass, the odometer reading, and the direction of travel on a datasheet. Both lane directions of each transect were surveyed (e.g. Transect 1 was surveyed driving both north and south). Data are reported in miles, or frequency of mortality per tenth of a mile, based on the accuracy of the odometer survey method.

Figure 1. Map of survey transects bisecting the Ballona Wetlands Ecological Reserve.

O4-180 cont.

The survey datasheet included several animal categories for all potential vertebrates found in the BWER. When possible, kills were identified to species (e.g. California kingsnake), but when damage prevented detailed identification, broader categories were used based on gross animal size. Large animals were coyote or larger sized. Medium size animals were raccoon or cat sized. Small sized animals were rabbit or squirrel sized. When a deceased animal was observed, its location was recorded using mileage measured from the beginning of each transect to a tenth of a mile and based on odometer accuracy. Occasionally, kills were also recorded using a handheld GPS, if there were unusual circumstances such as multiple adjacent kills or rare species. Importantly, the survey efforts provide realistic estimates of the overall kill rate via assessing the survey effort (number of surveys) and not merely the location of particular kills.

Supplemental site-specific data was provided by motion cameras located in the Reserve ("Critter Cams"). Detailed methods and protocols are available in the Ballona Wetlands Baseline Reports (Johnston et. al 2011, 2012) or in the draft Standard Operating Protocol (SMBRF 2014).

Error Avoidance and Assumptions

While the survey methodology provides informative data on the frequency of vehicle-based vertebrate mortality along the BWER-adjacent roads, there is also the potential for error within the quantification techniques. Care was taken to reduce observer effect error through the consistent use of the same surveyors for as many surveys as possible. If the regular surveyors were not available, trained substitutes conducted the survey. The protocols and surveyors underwent quality control and observer bias checks once annually through a trial run-through of each transect with all observers. Additional quality control was performed on the entered data though a third-party reviewer.

Errors relating to double-counting, or identifying the same kill on repeat surveys for a falsely-inflated count, was reduced by conducting a pilot study during the first month of the program. Surveys were conducted weekly for one month. Carcass removal rates vary significantly depending upon location and species (S. Anderson, *unpublished data*). For this study, every two weeks was determined to be an appropriate length of time for the kills to either be removed by county services, desiccated to the point of non-visibility, or consumed by scavengers. Additionally, errors were further reduced through specific recordings of the location and type of kill to allow for identification of repetitive counts. If the same type of kill was seen in consecutive surveys in the same location, best professional judgment based on the level of desiccation was used to determine if the kill was a repeat sighting, or new since the previous survey.

O4-180 cont.

Error may still be incurred in three ways: 1) natural or anthropogenic removal of carcasses between surveys, 2) washing away or removal from a storm event, or 3) undercounting based on visibility restrictions or the movement of the animal off of the roadway after being hit but before mortality occurred. All of these potential contributors of error would result in underestimations of vehicle-based vertebrate mortalities. Regardless of such error, the data provide a robust, and possibly conservative estimate of kill rates to initiate discussions of the ecological and socioeconomic impacts of roads on Reserve wildlife.

Analysis Methods

Basic summary statistics were calculated for the data including averages, standard error, frequency graphs, and one-way ANOVAs. Polygon length boundaries used for map figures and geospatial analyses were identified by GPS, where end points were tagged for every one-tenth mile increment according to the vehicle's odometer along each transect. Polygons within map figures are 55 m wide for ease of viewing and are not accurate representations of road edges.

Results

A high rate of mortality was documented with kills found regularly and frequently along all three transects. In three years of surveys, a total of 654 kills were recorded during 70 surveys of each of the three transects. During the first survey year, 231 kills were recorded; 208 in the second survey year; and 215 in the third survey year. A significantly higher number of kills were found on both the Culver-East and the Culver/Jefferson Transects than the Lincoln Transect (ANOVA, $F = 31.48$, $p < 0.001$; Table 1).

Table 1. Frequency of kills by transect and averaged over the total number of surveys (± SE). The kill rates can be inferred as either kill rates per day (liberal) or per week (conservative).

Transect	Total # of Kills / mile	# of Surveys	Average # per Survey	Standard Error
1: Lincoln	106	70	1.51	0.148
2: Culver-East	297	70	4.24	0.309
3: Culver/Jefferson	251	70	3.59	0.245

These results for the BWER transects are an order of magnitude, or in some cases two orders of magnitude, higher than regional survey kill rates (i.e. kills per mile; S. Anderson, *unpublished data,* 2011). The highest mortality throughout the evaluation period was desert cottontail rabbits (*Sylvilagus audubonii*) for a total of 192 kills or approximately 30% of the aggregate mortality (Figures 2 and 3). It is probable that a significant portion of the "unknown" and "small mammal" category (i.e. too damaged to definitively identify) were also cottontails. This would indicate that an estimate closer to 50-70% of the total kills were actually cottontails. Other vertebrates frequently sighted included squirrels (family Sciuridae) and the Virginia opossum (*Didelphis virginiana*). Larger mammals like raccoons (*Procyon lotor)* and coyotes (*Canis latrans)* were rarely seen; however, there were several anecdotal reports of coyote kills that were removed before the next scheduled survey took place. It is therefore possible that the larger fauna were underestimated. Occasionally, birds were also recorded. Figure 2 lists each species or animal group that was identified along the transects. Species with only one kill (or 0.2% of the aggregate mortality) included cat, coyote, California kingsnake, and rat. Common species were similar to those frequently identified on Critter Cam stations within the Reserve, especially for the smaller fauna and cottontail rabbits (Johnston et al. 2011, 2012).

O4-180 cont.

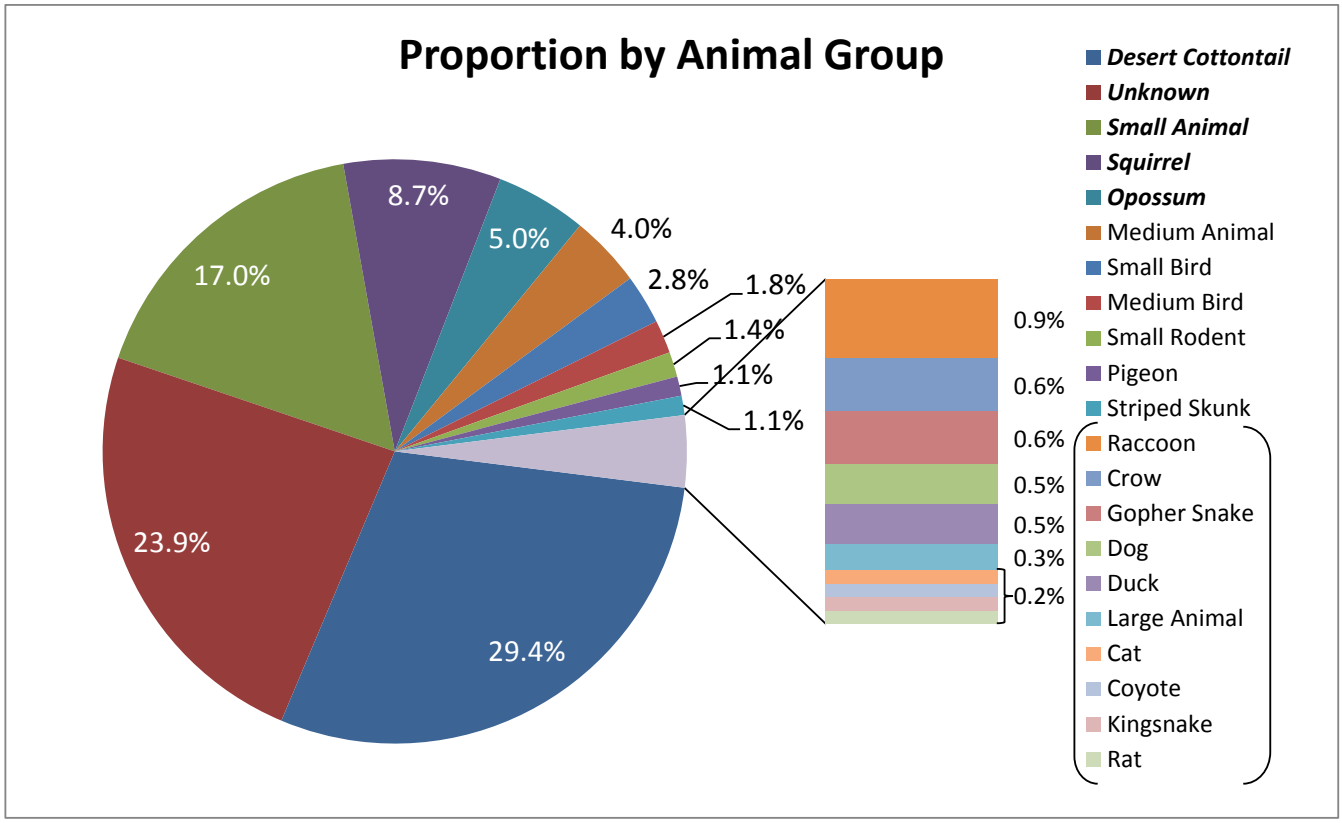


Figure 2. Proportion of animal mortality by group. Bold and italicized animal groups were the most common; animal groups in parenthesis each accounted for less than 1% of the total proportion.

Figure 3. Photographs of the most common vertebrate mortality species (desert cottontail rabbit) from Critter Cam stations within the Reserve.

When analyzed by month, the highest average mortality was seen during the warmer late spring and summer months from approximately May through June (Figure 4), consistent with broader regional patterns of kills (S. Anderson, *unpublished data,* 2014). The largest standard error was seen in January, due to one survey occurrence of a particularly high mortality count in 2010.

O4-180 cont.

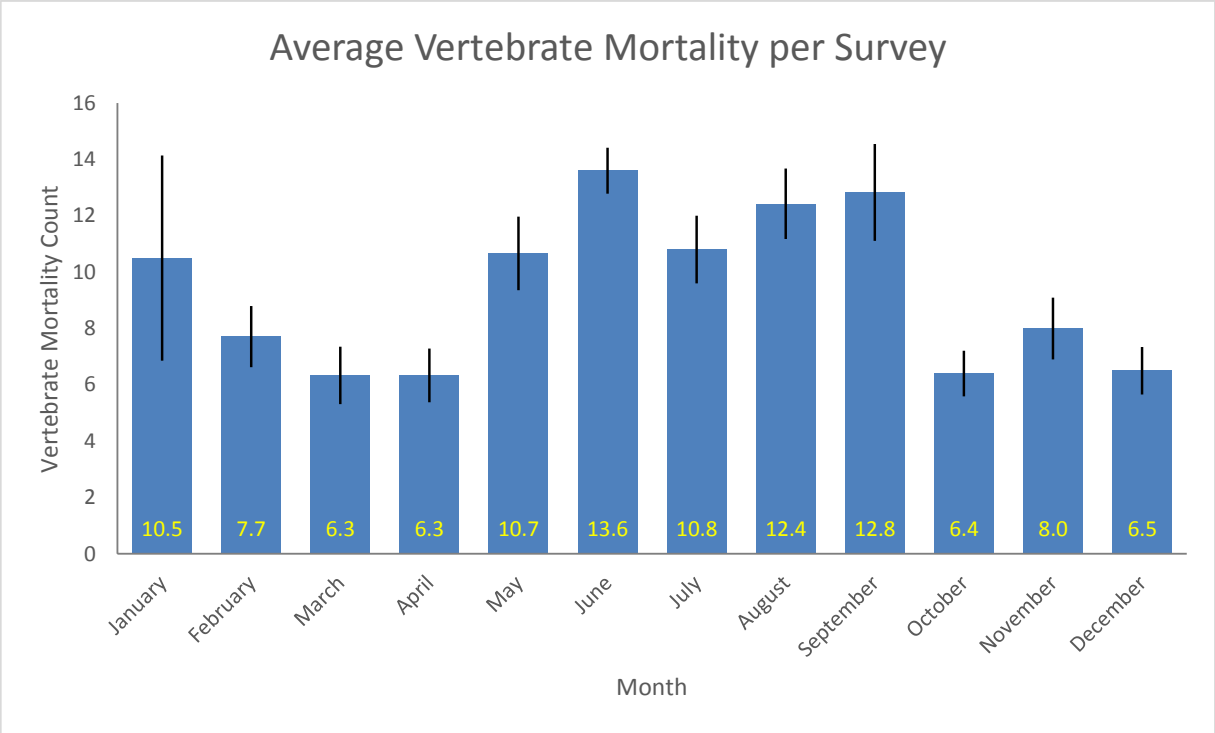


Figure 4. Vertebrate mortality counts averaged by total number of surveys for that month (± SE). Averages are analyzed using all three transects and all three years combined and are shown in yellow.

Figure 5 displays variable mortality rates (kills per tenth of a mile) based on transect, specific location, and side of the road. It also shows that the parallel sections of Culver and Jefferson along the perimeter of the "triangle" roughly in the center of the graph, are particularly hazardous to wildlife (Figure 5). This example location reinforces the trend that roads bisecting the Reserve with open space on both sides tend to display higher kill rates than Lincoln Boulevard, the third side of "triangle", which is bordered by urban development on one side.

Additionally, the bidirectional survey methodology allows us to independently assess the vulnerability of vertebrates along both directions of car travel within a given stretch of road. Animals using the road adjacent to the North Area C parcel (along eastern Culver Boulevard) seem to be more susceptible to traffic collisions than those along the opposite direction. A similar trend is noticeable for wildlife crossing eastern Culver Boulevard from the south-eastern corner of Area B towards the salt pan habitat (Figure 5). Reasons for the increased susceptibility along specific directional road segments such as visibility or barriers to Reserve access were not analyzed as part of this survey.

O4-180 cont.

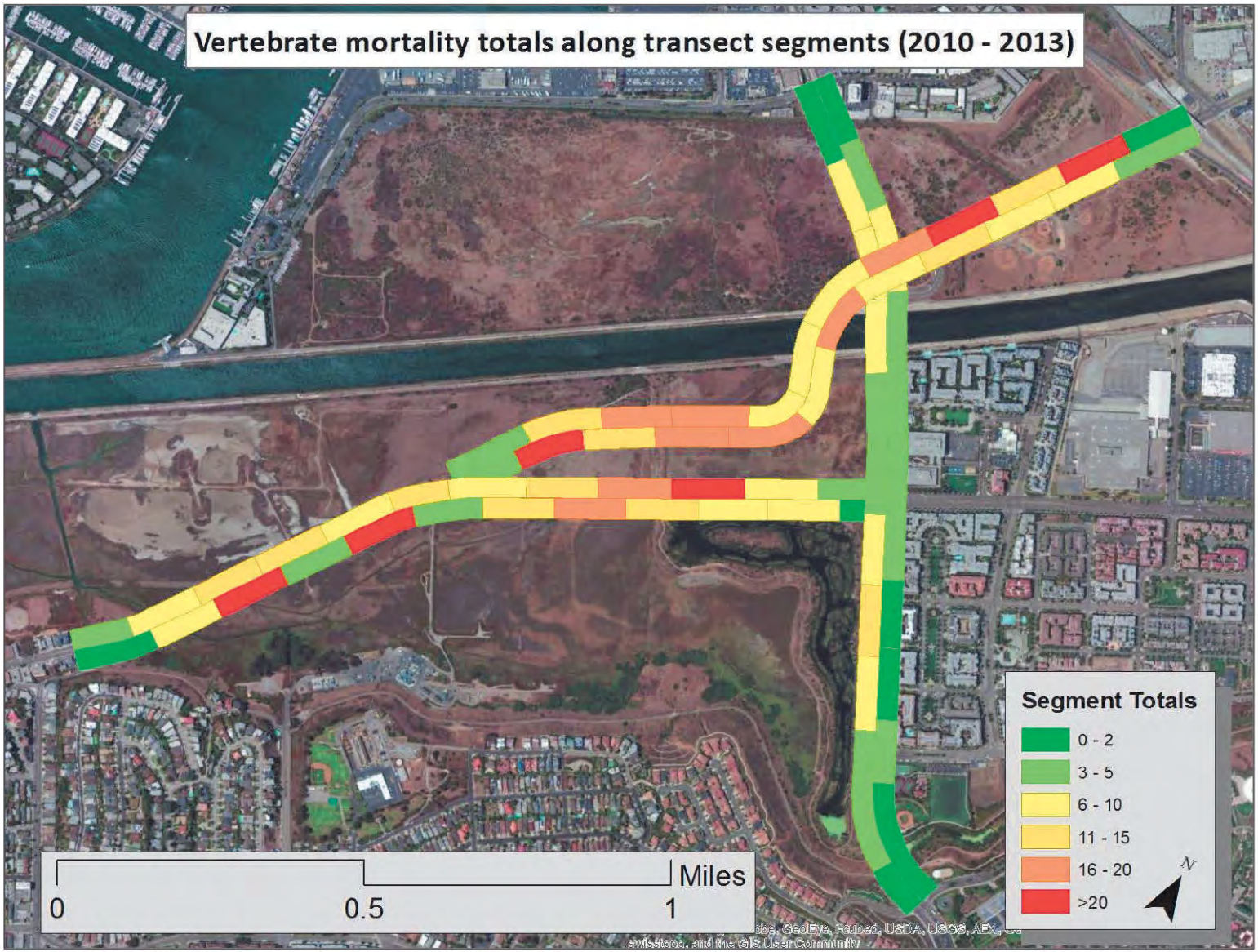


Figure 5. Map of total vertebrate mortality in 0.1-mile segments during the 2010-2013 surveys.

O4-180 cont.

Conclusions

Roadways bisecting the BWER present a major obstacle to wildlife mobility, with specific segments of the roadways depicting higher kills rates than other segments. This survey, which identified roadway segments with higher kill rates and likely groups of impacted animals, could be used to inform future studies to identify or increase our understanding of the factors that differentiate the segments' kill rates. Examples of additional research and analysis could include an analysis of the data against high-resolution traffic patterns or wildlife cameras and an in-depth regional assessment for comparison. Additional data from municipalities tasked with roadkill removal would allow for an even higher degree of accuracy of the total mortality rates along the Reserve transects, especially for the larger fauna.

Additionally, underestimations of mortality may have occurred for some of the organism groups. Antworth el at. 2005 estimated that scavenging results in the removal of 60 – 97% of roadkill carcasses within the first 36 hours, with snakes exhibiting the highest disappearance rates. The results of this study may explain lower numbers of snakes identified on surveys, ultimately leading to an underestimation. The anthropogenic removal, particularly of larger wildlife species, also occurs through active collection by municipalities between surveys. While smaller carcasses (e.g. squirrels and rabbits) may go relatively unnoticed by passing motorists, the obstacle and dangers presented by carcasses of larger wildlife species (e.g. coyotes and dogs) is more noticeable and may prompt phone calls from drivers or immediate action by city workers. This process may help explain the lower relative frequency of observations of larger animals in the data.

O4-180 cont.

The proximity of these major roadways to the Reserve, an undeveloped open space, increase the possibility of vehicle-related mortalities on wildlife and increase the potential costs and environmental effects associated with those incidences. The phenomenon of wildlife-vehicle collisions is not unique to the Reserve. In fact, wildlife vehicle collisions are an issue across the United States and even globally. Scientific literature exists on the topic and provides examples of potential measures for addressing it such as lowering speed limits and displaying cautionary signage. Measures such as those presented in the literature could be considered for the roadways within the Reserve.

Socioeconomic and Public Safety Concerns

In addition to the negative ecological effects, there are socioeconomic and public safety considerations associated with vertebrate mortality relating to collisions with wildlife and other vehicles. Nearly one quarter (26%) of Unites States drivers do not carry the necessary comprehensive insurance to cover vehicle damage as a result of collisions with larger wildlife species (IIS 2013). As a result, the socioeconomic ramifications associated with these situations results in these individuals incurring out-of-pocket expenses to repair wildlife-related vehicle damage.

A larger consideration involves drivers accidentally colliding with other motorists from last second evasive maneuvers to avoid wildlife collisions. Collisions between vehicles substantially increases the risk of bodily injury and vehicle damage when compared to collisions with wildlife (FWHA 2008, NHTSA 2014). In 2008, a study conducted by the U.S. Department of Transportation's Federal Highway

Administration estimated annual costs associated with wildlife-vehicles collisions to be $8,388,000,000 (FWHA 2008). Therefore, the interaction between vehicles and wildlife should be minimized where ever feasible and appropriate to reduce risks to both humans and wildlife.

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O4-180 cont.

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

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
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F13a

Filed:	05/04/2017
180th Day:	10/31/2017
Staff:	M.Revell - LB
Staff Report:	07/27/2017
Hearing Date:	08/11/2017

STAFF REPORT: MATERIAL AMENDMENT

Application No.:	**5-15-1427-A1**
Applicant:	**California Department of Fish and Wildlife**
Agent:	The Bay Foundation
Location:	Ballona Wetlands Ecological Reserve, Area B South, Playa Del Rey, Los Angeles Co.
Description of Previously Approved Project:	Removal of invasive iceplant from a 3 acre area within Ballona Wetlands Ecological Reserve south of Culver Blvd., utilizing solarization techniques over a two month time period. Project area to be restored through natural native species recruitment, and some container plantings if necessary.
Description of Proposed Amendment:	Amend the timing restriction of Special Condition No. 1 from February 1 through August 30 to March 15 through August 1 to increase solarization time, and allow year-round hand-pulling of weeds.
Staff Recommendation:	Approval with conditions.

O4-181

SUMMARY OF STAFF RECOMMENDATION

The Bay Foundation, on behalf of California Department of Fish and Wildlife, seeks to amend Special Condition No. 1 of Coastal Development Permit No. 5-15-1427 to revise the timing restriction regarding project operations, which was imposed to ensure protection of avian species during breeding season. The current permit prohibits project operations from February 1 through August 30, and the proposed amendment would prohibit project operations from March 15 through August 1. The amendment would allow increased solarization time to improve iceplant desiccation rates for the remainder of the project, and it would also allow hand-pulling invasive plant species year-round by the applicant's staff to control invasive plant species growth to maintain larger restoration efforts. The applicant also proposes to forgo solarization during the 2017 season to focus on removing invasive plants that have grown in the project area due to heavy rain and timing restrictions of the underlying permit. Commission staff recommends approval of

5-15-1427-A1 (California Department of Fish and Wildlife)

CDP 5-15-1427-A1 as conditioned. All other special conditions of Coastal Development Permit 5-15-1427are unchanged and remain in effect, which include **Special Condition 2**) monitoring of the disturbed area; and **Special Condition 3)** removal of invasive plants, and disposal of materials outside the coastal zone.

O4-181 cont.

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APPENDICES

Appendix A – Special Conditions of CDP No. 4-16-1427

EXHIBITS

Exhibit 1 – Vicinity Map
Exhibit 2 – Map of First Phase of Iceplant Removal
Exhibit 3 – Ornithologist Letter of Support
Exhibit 4 – Letters of Opposition
Exhibit 5 – Implementation and Monitoring Plan for the Iceplant Removal Project
Exhibit 6 – Ballona Wetlands Iceplant Removal Project, Final Report, December 2016

04-181 cont.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1) The Executive Director determines that the proposed amendment is a material change,

2) Objection is made to the Executive Director's determination of immateriality, or,

3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change which affects conditions required for the purpose of protecting a coastal resource or coastal access. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [Title 14 California Code of Regulations 13166].

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit No. 5-15-1427 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment.

II. Special Conditions of Permit Amendment

Note: Special Condition No. 1 of Permit Amendment 5-15-1427-A1 replaces Special Condition No. 1 of the underlying coastal development permit, which is attached as Appendix A. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strikeout.~~ All other special conditions of Coastal Development Permit 5-15-1427 are unchanged and remain in effect.

1. **Timing of Operations.** The project operations, including vegetation eradication and removal, hauling, and annual maintenance, with the exception of spot removal by hand-pulling invasive plant species, shall be prohibited from ~~February 1 through August 30~~ March 15 through August 1 to avoid impact to avian species during breeding season.

III. FINDINGS AND DECLARATIONS

A. BACKGROUND AND AMENDMENT DESCRIPTION

On March 10, 2016, the Commission approved the removal of non-native *Carpobrotus* spp., or iceplant, from a targeted 3-acre area within the Ballona Wetlands Ecological Reserve, south of Culver Boulevard in Playa Del Rey, in Los Angeles County **(Exhibit 1)**. Solarization of iceplant monocultures was proposed to be the primary removal method, which utilizes large black plastic tarps to eliminate radiant sunlight from reaching the iceplant while heating it, which kills the iceplant. The project area was to be restored through natural native species recruitment and adaptive restoration management, weeding of invasive plant species as they emerged, and some container plantings of native plant species if necessary. The permit was subject to three Special Conditions, including a timing restriction that prohibited any work within the Reserve from February 1 through August 30 to avoid potential impacts to avian species during breeding season (attached as Appendix A).

O4-181 cont.

Iceplant is a non-native, drought resistant plant, which is highly invasive in many of California's coastal communities. Once iceplant is established, very few other plants can survive in the same location. Because of its "creeping" growth pattern, iceplant can grow into deep mats of vegetation, which easily out-competes native plants for water, space, and light. As a succulent, iceplant absorbs and stores water and nutrients from the soil, making survival much more difficult for native plants. Iceplant essentially crowds out native vegetation, reducing plant diversity and destroying habitat for native wildlife, which utilize the native plants for food and shelter. Removing iceplant on site helps protect the remaining native flora that will be critical to the revegetation of the Reserve for the larger multi-year restoration effort to improve the habitat quality of this ecosystem. At the March, 2016 hearing for the underlying CDP No. 5-15-1427, many of the project opponents were concerned with the potential impacts that solarization tarps may have on the fauna that exist in the iceplant, e.g. frogs, lizards, ground squirrels, etc. According to the results of the Bay Foundation's December 2016 monitoring report (discussed in further detail below), no wildlife mortality was observed after the tarps were removed from the first phase of the project.

In the fall of 2016, the Bay Foundation (on behalf of California Department of Fish and Wildlife), completed the first phase of iceplant removal with the help of community and student volunteers donating over 500 hours of service during twelve community restoration events **(Exhibit 2)**. According to the monitoring report (required by the CDP and submitted to Commission staff), over 15 tons of iceplant were successfully removed from .88 acre of the reserve from September to December 2016 **(Exhibit 5)**. The monitoring report also identified two challenges facing the project: 1) early-onset rain, and 2) the restrictive timing of the permit's conditions, which did not allow for sufficient tarping time (to maximize the desiccation rate of the iceplant), and the ability to enter the wetland to pull weeds as the invasive plants emerged.

O4-181 cont.

Shortly after the monitoring report was drafted, the Bay Foundation contacted Commission staff in January, 2017 seeking a permit amendment to allow tarping and solarization for 3 months versus 2 months (to facilitate a higher percentage of iceplant desiccation), and the ability for their staff to conduct as-needed smaller spot removal events to pull weeds year-round, improving the success of the restoration site and minimizing restoration cost and effort. The applicant submitted an amendment request in April, 2017 to revise the timing restriction on project operations to be prohibited from March 15 through August 1st to avoid impacts to avian species during breeding season (with the exception of allowing hand-pulling invasive plant species year round by the applicant's staff), and also informed staff of their intention to forgo tarping for the 2017 season in order to focus their efforts on weeding of the .88 acre where iceplant was already successfully removed, but has become over-run with invasive plants due to the amount of rain received and the restrictive timing imposed on the permit.

In the fall and winter of 2017, California received a very high amount of rain. Specifically, between October 2016 and March 2017, California averaged 30.75 inches of precipitation, which was the second-highest average since records began being kept in 1895, according to information submitted by the applicant[1]. After the iceplant was successfully removed from the site, the heavy winter rains helped the existing seedbank grow, which contained both native and non-native invasive plants. Special Condition 1 of the permit prohibited the applicant from being able to pull weeds after February 1st. Unfortunately, many non-native plant species are well adapted to respond quickly to such conditions, and the invasive

[1] NOAA National Centers for Environmental Information, State of the Climate: National Climate Report for February 2017, published online March 2017, retrieved on May 24, 2017 from https://www.ncdc.noaa.gov/sotc/naitonal/201702

plant species grew faster than their native competitors. As a result, the majority of the 0.88 acre of the first phase of the project where iceplant was successfully removed, has become largely over-run by non-native plants.

Commission staff received two letters from two different stakeholder groups raising concerns about the invasive growth in the project area and requesting a public hearing for the permit amendment request to ensure the project was being properly managed and would not negatively impact coastal resources **(Exhibit 4)**.

B. ENVIRONMENTALLY SENSTIVE RESOURCES

Section 30230 of the Coastal Act states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

O4-181 cont.

Section 30240(a) of the Coastal Act states:

> *(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.*

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and streams be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, maintaining natural buffer areas that protect riparian habitats, and minimizing alteration of natural streams. In addition, Section 30240 of the coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values.

Prior to the issuance of the underlying coastal development permit, the Commission required the Bay Foundation to submit an Implementation and Monitoring Plan for the Iceplant Removal and Wetland Restoration Project, which was reviewed and approved by Commission staff in July of 2016 **(Exhibit 6)**. The restoration plan proposed an adaptive restoration plan with three re-vegetation protocol options that were designed to be implemented depending upon the monitoring results after the first phase of iceplant removal. The three proposed re-vegetation protocols include: 1) natural recruitment of native plants; 2)

hand-seeding of native plants; and 3) container planting. Natural recruitment was proposed to be implemented first, and after post-restoration monitoring of the first growing season, hand-seeding and planting were proposed to be implemented if necessary depending upon the recruitment success of the first growing season.

Natural recruitment involves passive monitoring to visually identify if native vegetation is growing back naturally, which requires no further action other than post-restoration monitoring. Hand-seeding from local native seed stock was proposed to be implemented depending upon the recruitment success of the first growing season, which included broadcast dispersion of native vegetation seeds and cuttings by hand in the restoration area. Planting of native species in the restored areas was proposed to be conducted based on the success of natural recruitment and hand-seeding protocol implementation.

Letters from concerned stakeholders generally contend that because the project area is now overrun with invasive plants, the restoration efforts within the .88 acre area of the first phase of iceplant removal were unsuccessful **(Exhibit 4)**. However, Commission staff believes that the timing restriction of Special Condition No.1 as written, undermined the applicant's ability to properly manage the restoration area by prohibiting the applicant to do any work (including pulling weeds) during bird nesting and breeding season. In addition Commission staff understands the value of adaptive management in restoration projects, and sees the necessity for The Bay Foundation to continue to pull invasive weeds as they emerge to maximize the project's success. Therefore, Commission staff is recommending approval of the amendment for the applicant to enter the property year-round to pull weeds and change the language of the Timing Restriction of Special Condition No. 1 as discussed above.

O4-181 cont.

Project opponents also urge Commission staff to require The Bay Foundation to postpone additional tarping and solarization efforts in the remaining project area identified in the underlying CDP until a reasonable degree of progress is achieved in removing invasive plants that have overtaken the existing .88 acre area of the first phase of iceplant removal. The applicant recognizes the need to focus on the invasive plant removal, which is why they are proposing to forgo solarization for the 2017 season to focus their resources and efforts on hand-pulling the invasive plants that have grown where the iceplant was removed.

Although the applicant indicated to Commission staff that no impacts to avian species were anticipated to occur in the project location (because it consisted of predominantly iceplant monoculture and lacked sufficient habitat for Belding's Savannah Sparrow or other sensitive avian species), the Commission imposed the timing restriction of Special Condition No. 1 (prohibiting project operations from February 1 through August 30 to avoid impact to avian species during breeding season) as an extra precaution to ensure no impacts would occur to sensitive avian species or their habitat. In addition, the approved restoration plan submitted by the applicant sets forth pre-disturbance nesting bird protection protocols which will be implemented prior to any weeding that may occur during bird nesting and breading season, even though the restoration is not proposed to occur within Belding's Savannah Sparrow or California Least Tern habitat.

With their amendment request, the applicant submitted a letter from a qualified ornithologist, Daniel Cooper, who has conducted quarterly bird surveys of the entire Ballona Wetlands from 2009 to 2012 **(Exhibit 3).** Based on these surveys, Mr. Cooper found that the area of iceplant removal is only used to a limited extent by Belding's Savannah Sparrow and other local birds, and he did not observe breeding in the area south of Culver (in the project area). Furthermore, based on his surveys, he has determined

that "the vast majority of breeding activity of the Belding's Savannah Sparrow occurs later in spring than mid-March, with birds establishing territories in late March, incubating in April, and feeding young in May and June. Thus, the amended timing restriction should not negatively impact sensitive avian species. In addition, Dr. Jonna Engel, the Commission's staff ecologist, has determined that the bird protection protocols are sufficiently protective of avian species, and the amendment as conditioned will not have any significant adverse impact. Accordingly, the proposed amendment will not lessen the intended effect of Special Condition 1 because it will still adequately protect potential avian nesting habitat. Furthermore, as the Commission found in March of 2016, there will be no impacts to other fauna in the project location, e.g. frogs, lizards, ground squirrels, etc. as a result of the approved iceplant removal efforts. Therefore, Commission staff recommends that the timing restriction of Special Condition 1 be amended from February 1 through August 30, to March 15 through August 1 (to increase the solarization period), and allow the removal of invasive plants year round by hand-pulling by the applicant's staff.

C. Local Coastal Program

Section 30604 (a) of the Coastal Act states that:

> *Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.*

O4-181 cont.

In November 1986, the Commission certified, with suggested modifications, the land use plan portion of the Playa Vista segment of the City of Los Angeles' Local Coastal Program after the City annexed the area. The proposed project is located within the City of Los Angeles' planning area of Playa Vista. While there is a certified land use plan for the area, the City of Los Angeles does not have a certified Local Coastal Program for the Playa Vista area. The City of Los Angeles submitted its Local Coastal Program in March 1981. The Commission denied the submitted LCP on December 18, 1981. The City has not submitted a revised LCP.

The Ballona wetlands area, including Area B, has been acquired by the Department of Fish and Wildlife. Presently the California State Coastal Conservancy, the State Lands Commission and the Department of Fish and Wildlife are developing a restoration plan to create a variety of native habitats on the Ballona wetlands and associated upland areas, including the project site. This larger restoration project area includes about 600 acres owned by the state of California on both sides of Ballona Creek. Meetings with stakeholders, development of goals, and biological assessments began in the fall of 2005. The proposed project does not change any land use or any planning decision regarding the restoration of the marsh. The project as proposed and conditioned will not have any impacts on the marsh and is consistent with the habitat policies of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act (CEQA)

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act to conform to CEQA.

O4-181 cont.

APPENDIX A

SPECIAL CONDITIONS OF COASTAL DEVELOPMENT PERMIT 5-15-1427

This permit is granted subject to the following special conditions:

2. **Timing of Operations.** The project operations, including vegetation eradication and removal, hauling, annual maintenance and spot removal shall be prohibited from February 1 through August 30 to avoid impact to avian species during breeding season.

2. **Plan to Monitor the Disturbed Area and Remove Invasive Non-native Plants**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant will submit, for the review and written approval of the Executive Director, a plan to monitor the area targeted for invasive removal. The plan shall include procedures for identification and removal of non-native invasive plants that may be found in the area. The plan shall be reviewed and approved by, the California Department of Fish and Game prior to being submitted to the Executive Director for review and approval. The plan shall include the following:

1. Vegetation planted on the site shall consist of native plants typically found in the Ballona Wetlands.

2. Invasive plants are those identified in the California Native Plant Society, Los Angeles -- Santa Monica Mountains Chapter handbook entitled *Recommended List of Native Plants for Landscaping in the Santa Monica Mountains*, January 20, 1992, those species listed by the California Invasive Plant Council on any of their watch lists as published in 2007, and those otherwise identified by the Department of Fish and Wildlife or the United States Fish and Wildlife Service. No non-native or invasive species shall be employed on the site.

3. All non-native invasive plants shall be removed with hand tools.

4. No herbicides or rodenticides shall be employed.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

C. Two years from the date of issuance of Coastal Development Permit No. 5-15-1427, the applicant shall submit for the review and approval of the Executive Director, a monitoring report, prepared by a licensed biologist or landscape architect with expertise in wetland restoration that indicates the progress of the natural revegetation of the impacted area. The monitoring report shall include photographic documentation of plant species, plant coverage and an evaluation of the natural restoration of the site.

O4-181 cont.

3. Disposal of Materials

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all material removed from the project site. All materials and debris shall be deposited at an approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive such material.

O4-181 cont.

LAX COASTAL
Chamber of Commerce

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COMMISSION
2017 NOV 21 PM 2:06

October 17, 2017

CA Fish and Game Commission
1416 Ninth Street, Ste. 1320
Sacramento, CA 95814

Re: County Parking Leases at the Ballona Wetlands

Dear Members and Commissioners:

On behalf of the more than 500 local businesses in Playa del Rey, Westchester, Del Rey, Marina del Rey and Playa Vista, the LAX Coastal Chamber of Commerce, I am writing to express our support of continued parking for the County of Los Angeles at the Ballona Wetlands located in Area A. This parking lot located on the outskirts of the wetlands (adjacent to Fiji Way) provides much needed parking and access to many of the businesses, employees and guests of Marina del Rey.

Marina del Rey facilities are guided by the requirement of the Local Coastal Program (LCP) and certified by the California Coastal Commission which assigns high priority to public access. Marina del Rey, known as "Los Angeles' Marina" attracts visitors from all over the County of Los Angeles, the State of California and beyond. People who visit this area enjoy public access to the amenities and resources offered in our harbor. This area located at Fisherman's Village is a heavily utilized, visitor-serving location that provides both commercial and recreational access to the shoreline. During peak periods of activity these community serving lots are often full and reach capacity for the public's use. This parking area allows for the businesses of the Marina to properly accommodate guests and employees of the businesses within Fisherman's Village.

O4-182

By allowing Los Angeles County to continue to utilize these lots, our community is better able to provide access for all people who visit and live in the area, so that they can enjoy the amenities of this public asset.

In closing, the Chamber requests that you continue to grant access to this parking facility and allow Los Angeles County Department of Beaches and Harbor to operate it. We hope that you will support this parking exemption. Should you have any questions, please do not hesitate to contact me at 310.645.5151.

Sincerely,

Christina Davis,
President/CEO

---------- Forwarded message ----------
From: Karina Johnston <kjohnston@santamonicabay.org>
To: "Brody, Richard@Wildlife" <Richard.Brody@wildlife.ca.gov>, May Lau <MLau@esassoc.com>, "Brian Pittman (BPittman@esassoc.com)" <BPittman@esassoc.com>, "Wilson, Erinn@Wildlife" <Erinn.Wilson@wildlife.ca.gov>, "Schmoker, Kelly@Wildlife" <Kelly.Schmoker@wildlife.ca.gov>, Amanda McCarthy <mccarthy@wra-ca.com>
Cc: "Mayfield, Rick@Wildlife" <Rick.Mayfield@wildlife.ca.gov>, "Small, Mary@SCC" <Mary.Small@scc.ca.gov>, "Janna Scott (jscott@esassoc.com)" <jscott@esassoc.com>
Bcc:
Date: Wed, 21 Oct 2015 16:47:11 +0000
Subject: RE: Ballona Bio Section Discussion

Works for me, thanks Brody.

I just wanted to follow up with a thanks to the Dept biologists for catching some of the types of comments that go along with the PMT goals of providing a clear, concise (to the extent possible), public-friendly evaluation of the restoration impacts and benefits. A good example was removing the "Category 1, 2, 3, 4" subheaders from the habitat section because they added more confusion by lumping and oddly classifying the habitats. Another was adding a bit more explanation about what "habitat" meant for the purposes of the doc and how it was tied to vegetation alliances/associations but also hydrology and soil characteristics, yet how some of the impacts analyses are based solely on specific vegetation alliances. It's in there, but I agree, could be more teased out.

However, I just want to caution about making sure that we are all on the same page about not adding additional unnecessary layers and length to the already almost 200-pg chapter (e.g. adding discussions of "ecotones" or "ecoregions") or extra descriptions of things that don't add substantive discussions to the actual impacts analyses (e.g. making the description of CA Annual Grassland longer).

O4-183

I also think it will really help the discussion move forward if everyone has read all the way through the impacts section of that chapter before we have this next discussion, because it adds necessary context to the baseline condition information.

Believe me when I say that I know this is an incredibly complex site with thousands of species and dozens of intricately connected habitat types, so if anyone not familiar with the site wants to have a bit more background, history, or bio information about the site prior to the call to feed into their evaluations, please let me know. It's so important to understand the desperate need of this system to be restored and reconnected to its floodplain in order to have the right mental context for the bio chapter.

I have small blocks of time available on Monday in between other meetings.

Thanks all,

Karina Johnston
Director of Watershed Programs
The Bay Foundation
Office: (310) 216-9824

---------- Forwarded message ----------
From: Karina Johnston <kjohnston@santamonicabay.org>
To: "Brody, Richard@Wildlife" <Richard.Brody@wildlife.ca.gov>, May Lau <MLau@esassoc.com>, "Brian Pittman (BPittman@esassoc.com)" <BPittman@esassoc.com>, "Wilson, Erinn@Wildlife" <Erinn.Wilson@wildlife.ca.gov>, "Schmoker, Kelly@Wildlife" <Kelly.Schmoker@wildlife.ca.gov>, Amanda McCarthy <mccarthy@wra-ca.com>
Cc: "Mayfield, Rick@Wildlife" <Rick.Mayfield@wildlife.ca.gov>, "Small, Mary@SCC" <Mary.Small@scc.ca.gov>, "Janna Scott (jscott@esassoc.com)" <jscott@esassoc.com>
Bcc:
Date: Wed, 21 Oct 2015 16:47:11 +0000
Subject: RE: Ballona Bio Section Discussion

Works for me, thanks Brody.

I just wanted to follow up with a thanks to the Dept biologists for catching some of the types of comments that go along with the PMT goals of providing a clear, concise (to the extent possible), public-friendly evaluation of the restoration impacts and benefits. A good example was removing the "Category 1, 2, 3, 4" subheaders from the habitat section because they added more confusion by lumping and oddly classifying the habitats. Another was adding a bit more explanation about what "habitat" meant for the purposes of the doc and how it was tied to vegetation alliances/associations but also hydrology and soil characteristics, yet how some of the impacts analyses are based solely on specific vegetation alliances. It's in there, but I agree, could be more teased out.

However, I just want to caution about making sure that we are all on the same page about not adding additional unnecessary layers and length to the already almost 200-pg chapter (e.g. adding discussions of "ecotones" or "ecoregions") or extra descriptions of things that don't add substantive discussions to the actual impacts analyses (e.g. making the description of CA Annual Grassland longer).

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I have small blocks of time available on Monday in between other meetings.

O4-184

Thanks all,

Karina Johnston
Director of Watershed Programs
The Bay Foundation
Office: (310) 216-9824

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

OCT 8 2008

Mary Small
Southern California Regional Manager
California Coastal Conservancy
1330 Broadway
Oakland, California 94612

Dear Ms. Small:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the Ballona Wetland Feasibility Report dated September 2008. In addition, NMFS has participated in the Science Advisory Committee meeting on September 18, 2008, and the Project Management Committee meeting on September 30, 2008. NMFS has provided informal input on the various restoration alternatives and is now writing to clarify our recommendations.

The primary ecosystem restoration goal of the Project is to restore, enhance, and create estuarine habitat and processes in the Ballona ecosystem to support a natural range of habitat and functions, especially as related to estuarine dependent plants and animals. Of the five alternatives presented in the Feasibility Report, NMFS believes that Alternatives 4 and 5 best meet the goals of the Project. Thus, we suggest that the Project Management Team move forward with the analysis of these two alternatives under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).

O4-185

NMFS is currently most supportive of Alternative 4. This is the only alternative that contains a significant amount of shallow subtidal habitat. Furthermore, the current restoration design of Area A within this alternative provides a broad, gentle slope that allows for a significant amount of intertidal mudflat and low salt marsh habitat. This combination of habitat types provides the most value to a diverse array of fish species and also provides important foraging areas for a variety of bird species. Although subtidal embayment habitat does exist within Marina Del Rey, it is characterized by steep and/or vertical slopes with little direct linkage to functional wetland habitat. Given that the Ballona Wetlands is the only significant opportunity for establishment of contiguous shallow subtidal and low intertidal habitats within the Santa Monica Bay eco-region, NMFS believes this alternative should be a high priority for further analysis.

NMFS also supports further analysis and consideration of Alternative 5 for NEPA/CEQA review. NMFS believes this alternative to be a visionary, long-term restoration concept. However, NMFS does have some preliminary concerns regarding this alternative.

Although this alternative is likely similar to what many consider a more 'naturally-functioning' system, it will be hindered by a number of factors inherent to an estuary at the mouth of a highly urbanized watershed. Of greatest concern is the direct input of trash and other pollutants that would likely occur if the levees were removed and the wetland system was completely open to the direct flows of Ballona Creek. In addition, NMFS questions the stability of the established channel network and marsh plain given the observed high velocity storm flows. NMFS is encouraged by the efforts of regional stakeholders to address these watershed issues, but is uncertain regarding the ultimate level of success of these endeavors and expects that the full benefit of these efforts may take a significant amount of time to achieve. Given our experiences with the realities of implementing a complex and expensive restoration project in southern California, we question whether this alternative is practical in the short-term. Nonetheless, NMFS supports the visionary scope of this alternative and believes it warrants further review.

O4-185 cont.

NMFS appreciates your consideration of our comments. We intend to continue our involvement in the restoration planning process and look forward to future interactions with the project management team. If you have any questions regarding these comments, please feel free to contact Bryant Chesney at (562) 980-4037 or Bryant.Chesney@noaa.gov.

Sincerely,

N.B. Chesney

for Robert S. Hoffman
Assistant Regional Administrator
for Habitat Conservation Division

RECEIVED
OCT 16 2008
COASTAL CONSERVANCY
OAKLAND, CALIF.

LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS
13837 Fiji Way, Marina del Rey, California 90292

PERMIT NO. 04-015

Effective date: **8/2/05** Expiration date: **month-to-month**

BEACH/FACILITY (Premises): Parcel W-2, Fisherman's Village Overflow Lot, as shown in Exhibit A attached hereto and made a part hereof.

PERMITTEE:
Gold Coast Village, LLC
9255 Sunset Blvd., Suite 620
West Hollywood, CA 90069

CONTACT:
Jill Peterson, Sr. Property Manager
Pacific Ocean Management
Phone: (310) 822-6866

PURPOSE OF PERMIT: Parking for employees of Fisherman's Village.

EQUIPMENT TO BE USED: N/A

STAGING AREA: N/A

APPLICATION DATE: N/A
PROCESSING FEE: (WAIVED)
DEPOSIT: (WAIVED)
MONTHLY RENT: $ 229.19
DUE DATE: **See condition 2 below**
RECEIPT NO. ~~N/A~~ 021084 C

ISSUE DATE: 5/31/06
STAN WISNIEWSKI, DIRECTOR

By: _____
Charlotte Miyamoto, Chief Property Manager
Asset Management Division

THIS PERMIT IS SUBJECT TO THE TERMS AND CONDITIONS LISTED BELOW AND TO THE PROVISIONS LISTED UNDER THE "GENERAL PROVISIONS" SECTION HEREIN

1. The term of this Permit is one (1) month and shall continue on a month-to-month basis until the Permit is terminated as outlined under General Provisions A through O.

2. The current monthly rent, through August 1, 2006, shall be $229.19. Commencing August 2, 2006 through August 1, 2007 the monthly rent shall be $240.64, payable in advance on an annual basis. All payments owed the County through August 1, 2006 are due by May 31, 2006. The payment for the period of August 2, 2006 through August 1, 2007 totaling $2,887.73 is due on or before August 2, 2006. Subsequently, on August 2, 2007 and every August 2nd thereafter that this Permit is in effect, the rent will be increased by five percent (5%), and will be due and payable in advance on an annual basis on the second day of August.

3. This Permit is issued solely to provide parking for the employees of Fisherman's Village, located on Parcel 56, during an employee's work shift. Employees may access the Premises by paying the daily rate of $5.00 or by using the key card and parking pass issued to that employee. Each employee wanting a key card and pass shall make an application with PCI, the County's parking contractor, and pay a $50 deposit, which shall be refunded to the employee/applicant when the key card and pass are returned to the Department. Each pass must be clearly displayed on the rear view mirror of each vehicle. Photocopies of parking passes are not acceptable. Vehicles

O4-186

Permittee's Initials: _____

displaying a photocopy of the parking pass or parked without a valid parking pass or a paid parking ticket displayed on the dashboard, are subject to a $50 citation. This Permit shall be subject to revocation if employees are using their key card and pass to park for non work-related reasons.

4. Employees use of the premises is limited to their working hours. If the employee's vehicle becomes disabled and the vehicle must remain on the lot for more than 24 hours, the Department should be notified at (310) 305-9534 to avoid a $50 citation. Vehicles stored for longer than 24 hours and not called in will be cited and will be subject to towing.

5. County shall designate 16 to 20 spaces for County use and shall re-stripe the designated spaces at the South end of the premises and indicate for "County use only."

6. No storage containers or equipment are allowed on the property.

7. Permittee is responsible for ensuring that any persons, or vehicles, entering the Premises under this Permit refrain from littering the Premises.

8. Permittee agrees to keep all advertising signs and marketing material off the Premises, other than signs displaying the name of Permittee.

9. Permittee agrees to keep and perform all provisions contained in any Permit issued or to be issued to Permittee by any governmental agency or commission.

10. Permittee agrees to conduct the permitted activities in a courteous and non-profane manner, operate without interfering with the use of the Premises by the County or the public, except as herein permitted, and remove any agent, servant or employee who fails to conduct permitted activities in the manner heretofore described.

O4-186 cont.

11. Permittee acknowledges that this Permit is issued by County of Los Angeles to Permittee for the intended activities and is not intended, and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association, as between County and Permittee. It is expressly understood by Permittee that in permitting the right to use the Premises, no estate or interest in real property is being conveyed to Permittee, and that the right to use is only a nonexclusive, revocable and unassignable permission to occupy the Premises in accordance with the terms and conditions of the Permit for the purpose of conducting the permitted activities.

12. Permittee shall accommodate the Public's need by freeing up as many parking spaces as possible on, but not limited to, the following days: Memorial Day, July 4th, Labor Day and on the day the Christmas Boat Parade is held.

13. GENERAL PROVISIONS

A. Permittee has examined the Premises and knows the conditions thereof. Permittee accepts the Premises in the present state and condition and waives any and all demand upon County for alteration, repair, or improvement thereof. Permittee shall make no alteration or improvements to the Premises without prior written approval from the County. Permittee shall arrange for and bear the cost of any other Permits required by Federal, State or local law, site preparation, installation of utilities, treatment of surface, enclosure of Premises, insurance premiums, utility bills, and other costs of any nature whatsoever, which are necessary in connection with or appurtenant to the operation and maintenance of Premises as used by the Permittee. County will allow no credit for the cost of any such expenditure, work performed, or ordered done by Permittee.

B. Permittee shall re-stripe the parking lot at least every 3 years and seal and re-slurry the parking lot every 5 years or at the request of County.

C. Permittee may terminate this Permit at anytime by giving County not less than thirty-(30)-days advance written notice of intention to terminate. However, the termination shall not be effective unless Permittee has complied with all of the following:

- Returned all key cards and parking passes.
- Vacated the Premises.
- Removed all improvements Permittee has constructed or placed upon the Premises, if applicable.
- Restored the Premises to as good a condition as existed on the day possession of Premises was taken by Permittee, allowing for the ordinary wear and tear associated with the normal usage during occupancy and to reimburse the County for any damage done to the Premises.
- An authorized County representative shall inspect the site for safety hazards before a release is issued. Until a release is issued, Permittee shall continue to be responsible for the condition of the Premises.

D. County may terminate this Permit at any time by giving Permittee not less than thirty (30) days advance written notice of intention to terminate. Upon receipt of such notice, Permittee shall vacate the Premises as required herein. Permittee agrees that should it fail to vacate as herein provided, the County or its authorized agents may enter upon said Premises and remove Permittee's personal property therefrom, and in this event, Permittee waives any and all claims for damages against the County, its officers, agents, or employees. Permittee shall reimburse County for all expenses incurred by County plus maximum interest allowed by law accruing from the day County incurred the expenses until such time as the principal and interest are fully paid by Permittee. Nothing herein shall be deemed a waiver of any rights of the County to demand and obtain permission of the Premises in accordance with law in the event Permittee violates any part of any of the terms or conditions herein.

E. It is understood and agreed to be part of the herein consideration that County may temporarily suspend or terminate the Permit without notice to Permittee in order to allow the performance by County, its officers, agents, and employees, of work necessary to protect persons or property, including the Premises, from impending danger, hazard or harm. In the event County exercises such right, County will credit Permittee a prorated share of the prepaid rent based on the time period County has possession of the Premises.

O4-186 cont.

F. Permittee shall keep Premises and any improvements it constructed or placed on Premises in good working order and maintain such in a neat, clean, and orderly condition at all times during occupancy and not permit graffiti, rubbish, tin cans, garbage, etc., to accumulate, nor to use or allow use of Premises for any illegal or unauthorized purposes, and to comply with all State laws and local ordinances concerning Premises and the use thereof.

G. Permittee is responsible for any and all damages done to the Premises by Permittee, agents, contractors, subcontractors, invitees, visitors and anyone holding under the Permittee. Permittee shall promptly repair any such damage as soon as Permittee is aware of the damages but not later than 10 days upon receipt of notification from the County.

H. It is understood and agreed that County shall not be responsible for any damage to Premises or injuries to persons which may arise from or be incidental to the use and occupancy of Premises, or for damages to the property of Permittee, or for injuries to the person of Permittee, Permittee's agents, servants, successors, subtenants, invites or others who may be on Premises at anyone's invitation, arising from or incidental to the use of Premises by the Permittee or anyone under the Permittee or County, and/or its agents, contractors, employees or assigns. Permittee agrees to indemnify, defend, and hold the County, its elected officials, officers, employees and agents, harmless from any and all such claims, including defense costs and legal fees.

I. This Permit shall cancel and terminate any prior oral or written agreement, if any, between County and Permittee for use of the Premises, as of the commencement date of this Permit.

J. This Permit may create a possessory interest upon which a property tax may be levied. In such event, Permittee shall pay before delinquency all such taxes or assessments.

K. Without limiting Permittee's indemnification of the County, Permittee shall at its own expense take out and maintain in force, at all times during the term of this Permit, a policy or policies of insurance covering Premises. Such insurance shall be provided by insurer(s) satisfactory to the County Risk Manager. At a minimum, the policy shall meet the following minimum criteria:

- Coverage for comprehensive general liability and property damage in the amount not less than One Million Dollars ($1,000,000) per occurrence, Two Million Dollars ($2,000,000) aggregate.
- Coverage for automobile liability in the amount not less than One Million Dollars ($1,000,000) per occurrence.
- The COUNTY OF LOS ANGELES, its governing board, officers, and employees shall be named as Additional Insured on all policies of liability insurance to be evidenced by an endorsement or similar instrument. (If County is not named as an Additional Insured in the original policy, an endorsement will be necessary to satisfy this provision.)
- This Permit No. 04-015 is included as part of the insured Premises to be evidenced by an endorsement or a similar instrument. (If the Premises or this Permit is not named as an Additional Insured in the original policy, an endorsement will be necessary to satisfy this provision.)
- Coverage for Workers' Compensation insurance in an amount and form to meet all applicable requirements of the Labor Code of the State of California and which specifically covers the persons and risks involved in this Permit. Permittee understands and agrees that all persons furnishing services to the County pursuant to this Permit are, for purposes of Workers' Compensation liability, employees solely of Permittee and not of County. Permittee shall bear the sole responsibility and liability for furnishing Workers' Compensation benefits to any person for injuries arising from or connected with services performed on behalf of Permittee pursuant to this Permit.

O4-186 cont.

All policies of insurance shall be with a company or companies authorized by law to transact insurance business in the State of California. Prior to the commencement date of this Permit, Permittee shall furnish to County a copy of the policy of insurance evidencing Permittee's insurance coverage. Failure on the part of Permittee to procure or maintain required insurance shall constitute a material breach of contract upon which the County may immediately terminate this Permit.

Upon renewal of any of the policies of insurance, Permittee shall furnish to County a Certificate of Insurance evidencing Permittee's continued insurance coverage. The County shall be given notice in writing at least (30) days in advance of cancellation or modification of such policy.

In the event any of the policies are changed or if the insurance carrier is changed, Permittee shall provide County a copy of the replacement policy meeting the minimum requirements as above noted.

L. Permittee expressly acknowledges that Permittee is a post acquisition tenant and shall not be entitled to any claim of status as a "displaced person" as such is defined in Section 7260 of the Government Code of the State of California. Permittee hereby acknowledges Permittee's ineligibility for relocation assistance as provided in Government Code Sections 7260 through 7277, inclusive, as it exists or as it may be amended.

M. Permittee shall not construct or place any improvements on the Premises.

N. County may, at its sole discretion, enter Premises to conduct Environmental Site Assessments. Upon review of such Assessments, County may, at its sole discretion, terminate this Permit consistent with General Provision D. Permittee shall bear any and all responsibility, expense, and liability incurred in the cleanup and treatment of any

hazardous materials or condition found on the Premises caused by Permittee's use, storage, or treatment of any hazardous materials on/or within the Premises.

O. Each County Lobbyist as defined in Los Angeles County Code Section 2.160.010, retained by Permittee, shall fully comply with the County Lobbyist Ordinance, Los Angeles County Code Chapter 2.160. Failure on the part of any Lobbyist retained by Permittee to fully comply with the County Lobbyist Ordinance, shall constitute a material breach of this Permit upon which the County may terminate or suspend this Agreement.

ACCEPTANCE

We, the undersigned Permittee, have read, understood and agreed to all the terms, conditions, and restriction contained in this Permit.

O4-186 cont.

PERMITTEE:

GOLD COAST VILLAGE, LLC

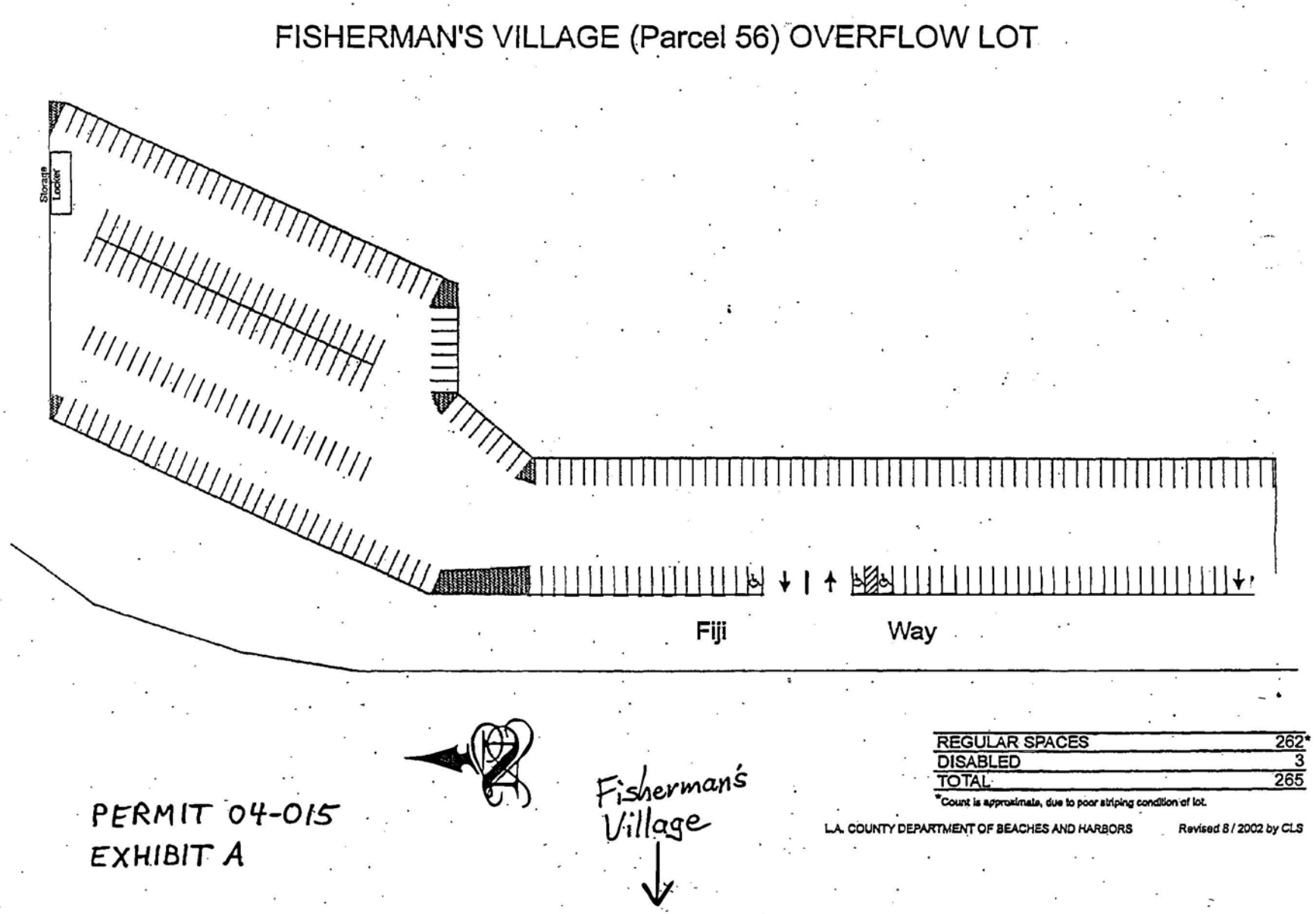
Signature: Michael Pashaie

Name in Print: Michael Pashaie

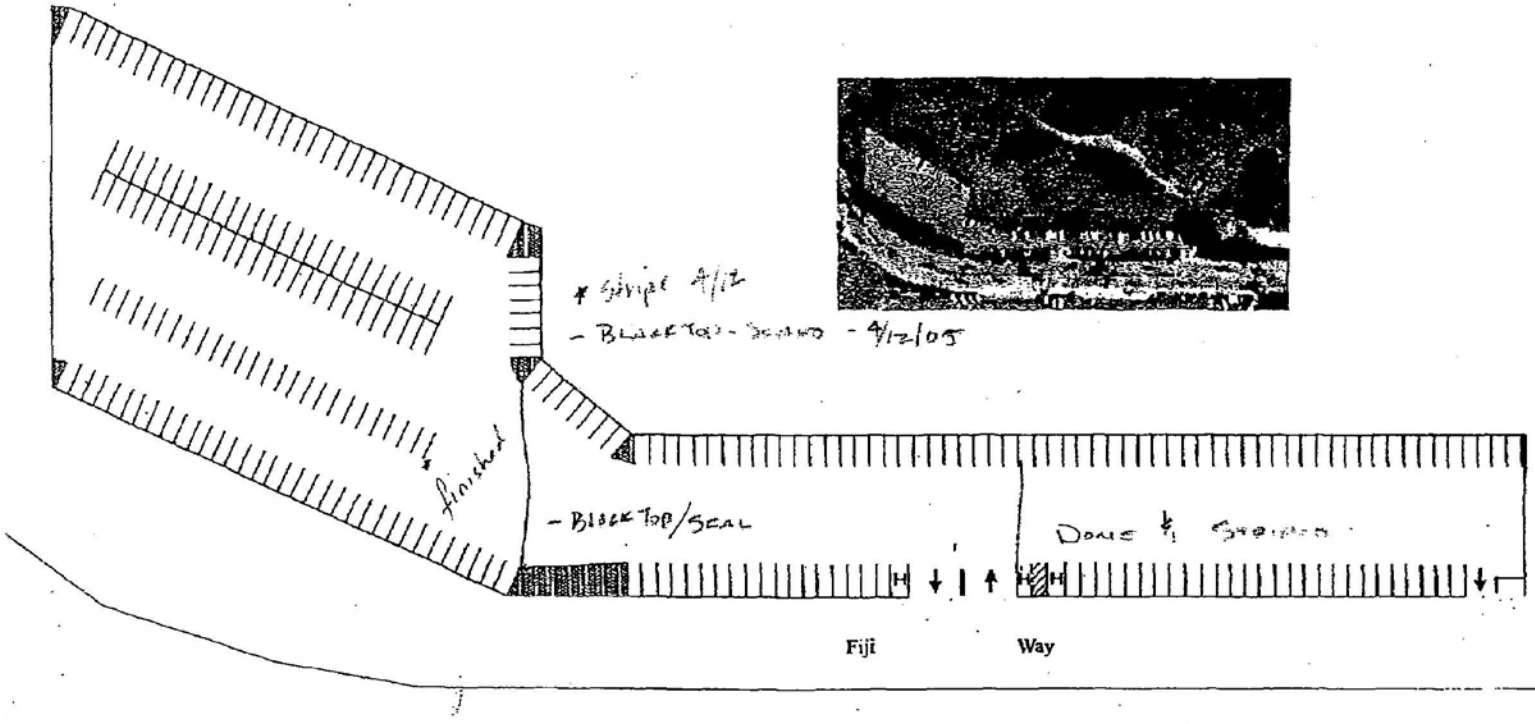
Title: Managing Member

Date: 5-31-06

Permittee's Initials: MP


FISHERMAN'S VILLAGE (Parcel 56) OVERFLOW LOT
Storage Locker
Fiji
Way
REGULAR SPACES 262*
DISABLED 3
TOTAL 265
*Count is approximate, due to poor striping condition of lot.
L.A. COUNTY DEPARTMENT OF BEACHES AND HARBORS
Revised 8 / 2002 by CLS
PERMIT 04-015
EXHIBIT A
Fisherman's Village

O4-186 cont.

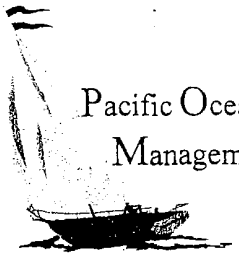


Parcel W Overflow Lot

Revised 03 / 2002
Site Verified 03/20/2002 by CS
Count is approximate, due to poor striping conditions of lot.

REGULAR SPACES	262
DISABLED	3
TOTAL	265

O4-186
cont.



Pacific Ocean
Management, LLC

May 31, 2006

Hand Delivered

Mr. Paul Wong, Chief Property Manager
County of Los Angeles
Dept. of Beaches & Harbors
13837 Fiji Way
Marina del Rey, CA 90292

O4-186 cont.

Re: Parcel W-2 Fisherman's Village Overflow Lot Notice to Pay Rent

Dear Mr. Wong:

Attached please find the signed copy of permit #04-015 in regards to the overflow lot for Fisherman's Village. Per your conversation today with Michael Pashaie, the total cost of our recent improvements to the overflow lot amounting to $4,750.00 has been deducted from the requested amount due. Check #4550 is attached for $11,959.40. Thank you!

Best regards,

Michael Selden
Controller

cc: Michael Pashaie

13575 Mindanao Way Marina Del Rey, CA 90292 (310) 822-6866 FAX: (310) 822-4266

CPR SERVICES LLC

Commercial Property Repair Services

*PHONE: (909) 874-9773 * FAX: (909) 874-9774*
1760 N. Date Ave., Rialto, CA 92376

INVOICE # 250

Company: **Pacific Ocean Management**	Property: **Dock 52**
Address: 13575 Mindanao Way	Location: Marina Del Rey, CA
City/State/Zip: Marina Del Rey. CA, 90292	Contact: **Dorls**
Phone: (310) 822-4266	Service Rendered: **Seal Coat and Strip**

Date Work Completed	Date invoiced:	Due on Completion
April 11, 2005	April 11, 2005	April 12, 2005

DESCRIPTION: Contract sold for: Asphalt, seal coating with new striping layout

Price $ 4,750.00

Amount Due $ 4,7500.00

O4-186 cont.

Thank You For The Work!

Recorder from Forms & Supplies Direct for [illegible] (800) 992-1970 FORM # 703109 ©COPYRIGHT 1994

Invoice No.	Inv. Date	Amount	Discount	Description	Voucher No.	Net Amount
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

REMITTANCE ADVICE

TOTAL	4,750.00	0.00	4,750.00

(80501)

GOLD COAST VILLAGE, LLC
BY PACIFIC OCEAN MANAGEMENT, LLC
13575 MINDANAO WAY
MARINA DEL REY, CA 90292

CITY NATIONAL BANK
9229 SUNSET BLVD.
W. HOLLYWOOD, CA 90069

16-1606
1220

DATE	CHECK NO.	AMOUNT
04/12/05	003926	$*****4,750.00*

FOUR THOUSAND SEVEN HUNDRED FIFTY AND NO/100 DOLLARS *********************

PAY TO THE ORDER OF CPR SERVICES, LLC

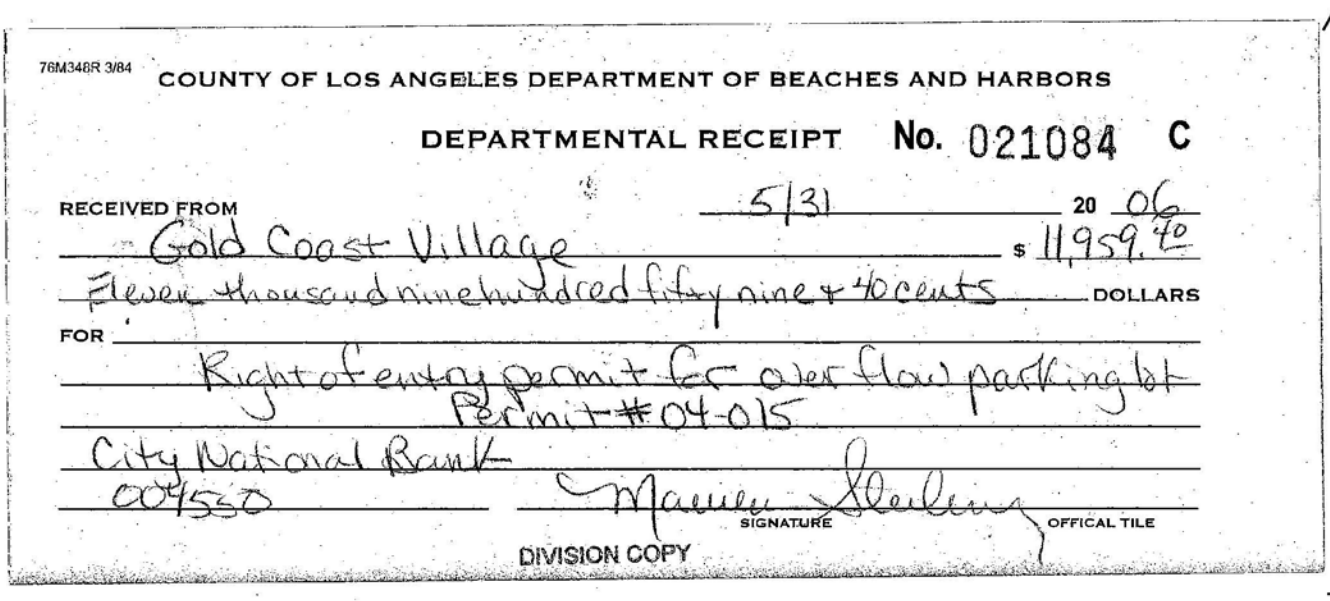
1760 N. DATE AVE.
RIALTO, CA 92376

O4-186

⑈003926⑈ ⑆122016066⑆ 006⑉707882⑈

Amount Due $ 4,7500.00

Thank You For The Work!



76M348R 3/84

COUNTY OF LOS ANGELES DEPARTMENT OF BEACHES AND HARBORS

DEPARTMENTAL RECEIPT No. 021084 C

RECEIVED FROM 5/31 20 06

Gold Coast Village $ 11,959.40

Eleven thousand nine hundred fifty nine & 40 cents DOLLARS

FOR Right of entry permit for over flow parking lot Permit #04-015

City National Bank 004550

SIGNATURE OFFICAL TILE

DIVISION COPY

O4-186 cont.

LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS
13837 Fiji Way, Marina del Rey, California 90292

PERMIT NO. 10-001

Effective Date: **04/01/2010** Expiration Date: **month-to-month**

BEACH/FACILITY (Premises): Parcel XT (Fisherman's Village Overflow Lot, as shown in Exhibit A attached hereto and made a part hereof.

PERMITTEE:
Dey Rey Restaurant Corporation
Specialty Restaurants Corp.
Shanghai Red's Restaurant
8191 E. Kaiser Blvd, Anaheim, CA 92808-2214

CONTACT: Parviz Gerami,
~~Francisco Perez~~, General Manager
Phone #: 310-823-4522
Emergency #: 714-240-2584

PURPOSE OF PERMIT: Parking for employees of Shanghai Red's Restaurant, MdR

EQUIPMENT TO BE USED: N/A

STAGING AREA: N/A

APPLICATION DATE: 2/3/2010

ISSUE DATE: 4-5-2010

O4-187

SANTOS H. KREIMANN, DIRECTOR

By: _____

Paul Wong, Chief Property Manager
Asset Management Division

PROCESSING FEE: (WAIVED)
DEPOSIT: (WAIVED)
MONTHLY RENT: $150.00 / $250.00 (see Terms and Conditions #3)
TOTAL DUE: **$2200.00 for calendar year 2010.**

RECEIPT NO. _____

PERMIT NO. 10-001

THIS PERMIT IS SUBJECT TO THE TERMS AND CONDITIONS LISTED BELOW AND TO THE PROVISIONS LISTED UNDER THE "GENERAL PROVISIONS" SECTION HEREIN

1. The term of this Permit is one (1) month and shall continue on a month-to-month basis until the Permit is terminated as outlined under General Provisions A through O.

2. Permittee understands and acknowledges that parking privileges herein are nonexclusive.

3. The monthly rental rates shall be $150.00 per month October 1st through May 31st and $250.00 per month June 1st through September 31st, payable in advance on annual basis on January 1st of each year the Permit is in effect. The rental rates are subject to change as directed by the County of Los Angeles Board of Supervisors. County shall notify Permittee no less than thirty (30) days prior to any increase. If Permittee disagrees with a rent adjustment, Permittee shall have the option to terminate this Permit as provided herein. Permittee's continued occupancy of the Premises on and after the effective date of the rental adjustment shall constitute the Permittee's agreement to remain in possession of the Premises subject to the new rental rate specified in the notice.

4. This Permit is issued solely to provide parking for the employees of Shanghai Red's Restaurant, located on Parcel 61, Marina del Rey, during an employee's work shift. Employees may access the Premises by using the key card and parking pass issued to that employee. Only the Permittee's management may apply directly to PCI, the County's parking contractor, for key cards and parking passes. A total of no more than forty-five (45) key cards and parking passes will be made available to the Permittee. Each application for a key card and parking pass must be in a form and manner as prescribed by PCI and must be accompanied by a $50 deposit, which shall be refunded to the Permittee when the key card and parking pass are returned to PCI. Each parking pass must be clearly displayed on the rear view mirror of each vehicle, unless otherwise instructed. Photocopies of parking passes are not acceptable. Vehicles displaying a photocopy of the parking pass or parked without a valid parking pass are subject to a parking citation. This Permit shall be subject to revocation if key cards and parking passes are used to access the Premises for non-work-related reasons.

5. Employee's use of the Premises is limited to their working hours. If the employee's vehicle becomes disabled and the vehicle must remain on the lot for more than 24 hours, the Department should be notified at (310) 305-9534 to avoid a parking citation. Vehicles stored for longer than 24 hours and not called in will be cited and will be subject to towing at the owner's expense.

6. No storage containers or equipment are allowed on the Premises.

7. Permittee is responsible for ensuring that any person or vehicles entering the Premises under this Permit refrain from littering the Premises.

8. This Permit does not grant any special parking privileges to Permittee. Permittee must obey all posted parking lot rules and regulations. For any County parking lot other than the Premises, Permittee must pay the posted parking lot entry fee for each vehicle upon entry.

9. Permittee agrees to keep and perform all provisions contained in any permit issued or to be issued to Permittee by any governmental agency or commission. Failure to comply with this condition shall constitute a material breach of contract upon which the County may immediately terminate or suspend this Permit.

10. Permittee agrees to keep all advertising signs and marketing material off the Premises.

11. Permittee agrees to conduct the permitted activities in a courteous and non-profane manner, to operate without interfering with the use of the Premises by the County or the public, except as herein permitted, and to remove any agent, servant or employee who fails to conduct permitted activities in the manner heretofore described.

O4-187 cont.

12. Permittee acknowledges that this Permit is issued by County of Los Angeles to Permittee for the intended activities and is not intended, and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association, as between County and Permittee. It is expressly understood by Permittee that in permitting the right to use the Premises, no estate or interest in real property is being conveyed to Permittee, and that the right to use is only a nonexclusive, revocable and unassignable permission to occupy the Premises in accordance with the terms and conditions of the Permit for the purpose of conducting the permitted activities.

13. Permittee shall accommodate the Public's need for parking by freeing up as many parking spaces as possible on, but not limited to, the following days: Memorial Day, Independence Day, Labor Day and on the day the Christmas Boat Parade is held.

14. GENERAL PROVISIONS

A. Permittee has examined the Premises and knows the conditions thereof. Permittee accepts the Premises in the present state and condition and waives any and all demand upon County for alteration, repair, or improvement thereof. Permittee shall make no alteration or improvements to the Premises without prior written approval from the County. County will allow no credit for the cost of any expenditure for any work performed by Permittee, or for any work ordered done by Permittee.

B. Permittee may terminate this Permit at anytime by giving County no less than thirty (30) days advance written notice of intention to terminate. However, the termination shall not be effective unless Permittee has vacated the Premises; returned all key cards and parking passes.

C. County may terminate this Permit at any time by giving Permittee no less than thirty (30) days' advance written notice of intention to terminate. Upon receipt of such notice, Permittee shall vacate the Premises as required herein. Permittee agrees that should it fail to vacate as herein provided, the County or its authorized agents may enter upon said premises and remove Permittee's personal property therefrom, and in this event, Permittee waives any and all claims for damages against the County, its officers, agents, or employees. Permittee shall reimburse County for all expenses incurred by County plus maximum interest allowed by law accruing from the day County incurred the expenses until such time as the principal and interest are fully paid by Permittee. Nothing herein shall be deemed a waiver of any rights of the County to demand and obtain possession of the Premises in accordance with law in the event Permittee violates any part of any of the terms or conditions herein.

O4-187 cont.

D. It is understood and agreed to be part of the herein consideration that County may temporarily suspend or terminate the Permit without notice to Permittee in order to allow the performance by County, its officers, agents, and employees, of work necessary to protect persons or property, including the Premises, from impending danger, hazard or harm. In the event County exercises such right, County will credit Permittee a prorated share of the prepaid rent based on the time period County has possession of the Premises.

E. Permittee shall not permit graffiti, rubbish, tin cans, garbage, etc., to accumulate, nor to use or allow use of Premises for any illegal or unauthorized purposes, and to comply with all State laws and local ordinances concerning Premises and the use thereof.

F. Permittee is responsible for any and all damages done to the Premises by Permittee, agents, contractors, subcontractors, invitees, visitors and anyone holding under the Permittee. Permittee shall promptly repair any such damage as soon as Permittee is aware of the damages but not later than 10 days upon receipt of notification from the County.

G. It is understood and agreed that County shall not be responsible for any damage to Premises or injuries to persons or property that may arise from or be incidental to the use and occupancy of Premises, or for damages to the property of Permittee, or for injuries to the person of Permittee, Permittee's agents, servants, successors, subtenants, invitees or others who may be on Premises at anyone's invitation, arising from or incidental to the use

of Premises by the Permittee or anyone under the Permittee, and/or its agents, contractors, employees or assigns. Permittee agrees to indemnify, defend, and hold harmless the County, for such claims and liability pursuant to the condition immediately below.

H. Permittee shall indemnify, defend, and hold harmless County, its Special Districts, elected and appointed officers, employees and agents from and against any and all liability, including but not limited to demands, claims, actions, fees, costs and expenses (including attorney and expert witness fees), arising from or caused by, in whole or in part, the activities of Permittee, its agents, contractors, employees or assigns on the Premises.

I. This Permit shall cancel and terminate any prior oral or written agreement, if any, between County and Permittee for use of the Premises, as of the commencement date of this Permit.

J. This Permit may create a possessory interest upon which a property tax may be levied. In such event, Permittee shall pay before delinquency all such taxes or assessments.

K. Without limiting Permittee's indemnification of the County, Permittee shall at its own expense take out and maintain in force, at all times during the term of this Permit, a policy or policies of insurance covering Premises. Such insurance shall be provided by insurer(s) satisfactory to the County Risk Manager. At a minimum, the policy shall meet the following minimum criteria:

- Coverage for comprehensive general liability and property damage in the amount not less than One Million Dollars ($1,000,000) per occurrence, Two Million Dollars ($2,000,000) aggregate.
- Coverage for automobile liability in the amount not less than One Million Dollars ($1,000,000) per occurrence.
- The COUNTY OF LOS ANGELES, its governing board, officers, and employees shall be named as Additional Insured on all policies of liability insurance to be evidenced by an endorsement or similar instrument. (If County is not named as an Additional Insured in the original policy, an endorsement will be necessary to satisfy this provision.)
- This Permit No. is included as part of the insured premises to be evidenced by an endorsement or a similar instrument. (If the Premises or this Permit number is not included in the original policy, an endorsement will be necessary to satisfy this provision.)
- Coverage for Workers' Compensation insurance in an amount and form to meet all applicable requirements of the Labor Code of the State of California and which specifically covers the persons and risks involved in this Permit. Permittee understands and agrees that all persons furnishing services to the County pursuant to this Permit are, for purposes of Workers' Compensation liability, employees solely of Permittee and not of County. Permittee shall bear the sole responsibility and liability for furnishing Workers' Compensation benefits to any person for injuries arising from or connected with services performed on behalf of Permittee pursuant to this Permit.

O4-187 cont.

To the fullest extent permitted by law, the Permittee hereby waives its rights and its insurer(s)' rights of recovery against County under all the insurance required under this Permit for any loss arising from or relating to this Permit. The Permittee shall require its insurers to execute any waiver of subrogation endorsements which may be necessary to effect such waiver.

All policies of insurance shall be with a company or companies authorized by law to transact insurance business in the State of California. Prior to the commencement date of this Permit, Permittee shall furnish to County a copy of the policy of insurance evidencing Permittee's insurance coverage. Failure on the part of Permittee to procure or maintain required insurance shall constitute a material breach of contract upon which the County may immediately terminate or suspend this Permit.

Upon renewal of any of the policies of insurance, Permittee shall furnish to County a Certificate of Insurance evidencing Permittee's continued insurance coverage. The County shall be given notice in writing at least (30) days in advance of cancellation or modification of such policy.

In the event any of the policies are changed or if the insurance carrier is changed, Permittee shall provide County a copy of the replacement policy meeting the minimum requirements as above noted.

L. Permittee expressly acknowledges that Permittee is a post acquisition tenant and shall not be entitled to any claim of status as a "displaced person" as such is defined in Section 7260 of the Government Code of the State of California. Permittee hereby acknowledges Permittee's ineligibility for relocation assistance as provided in Government Code Sections 7260 through 7277, inclusive, as it exists or as it may be amended.

M. Permittee shall not construct or place any improvements on the Premises.

N. County may, at its sole discretion, enter Premises to conduct Environmental Site Assessments. Upon review of such Assessments, County may, at its sole discretion, terminate this Permit consistent with General Provision C. Permittee shall bear any and all responsibility, expense, and liability incurred in the cleanup and treatment of any hazardous materials or condition found on the Premises caused by Permittee's use, storage, or treatment of any hazardous materials on/or within the Premises.

O. Each County Lobbyist as defined in Los Angeles County Code Section 2.160.010, retained by Permittee, shall fully comply with the County Lobbyist Ordinance, Los Angeles County Code Chapter 2.160. Failure on the part of any Lobbyist retained by Permittee to fully comply with the County Lobbyist Ordinance shall constitute a material breach of this Permit upon which the County may terminate or suspend this Permit.

O4-187 cont.

ACCEPTANCE

We, the undersigned Permittee, have read, understood and agreed to all the terms, conditions, and provisions contained in this Permit.

PERMITTEE:

Signature: _____

Name in Print: John Tallichet

Title: PRESIDENT

Date: 3-30-10

ACORD

CERTIFICATE OF LIABILITY INSURANCE

1/31/2011

DATE (MM/DD/YYYY)
3/24/2010

PRODUCER Lockton Insurance Brokers, LLC 725 S. Figueroa Street, 35th Fl. CA License #0F15767 Los Angeles CA 90017 (213) 689-0065	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED 1315305 Shanghai Reds 13813 Fiji Way Marina del Rey CA 90291	INSURERS AFFORDING COVERAGE — NAIC # INSURER A: Great American Alliance Insurance Co — 26832 INSURER B: Allied Insurance Company — 36528 INSURER C: American Zurich Insurance Company — 40142 INSURER D: — INSURER E: —

COVERAGES SPERE01 FA

THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER AND THE CERTIFICATE HOLDER.

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A	X	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR X Liq. Liab. $1MM X $25,000 Ded. GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY ☐ PRO-JECT ☐ LOC	PAC2267345	1/31/2010	1/31/2011	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ Excluded $ 1,000,000 $ 2,000,000 $ 2,000,000
B		AUTOMOBILE LIABILITY X ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS X Med Pay $2,000 X Comp/Coll Ded $1,000	7804292173	1/31/2010	1/31/2011	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ XXXXXXX $ XXXXXXX $ XXXXXXX
		GARAGE LIABILITY ☐ ANY AUTO	NOT APPLICABLE			AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	$ XXXXXXX $ XXXXXXX $ XXXXXXX
		EXCESS / UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☐ UMBRELLA FORM ☐ RETENTION $	NOT APPLICABLE			EACH OCCURRENCE AGGREGATE	$ XXXXXXX $ XXXXXXX $ XXXXXXX $ XXXXXXX $ XXXXXXX
C		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N If yes, describe under SPECIAL PROVISIONS below	WC937869806	1/31/2010	1/31/2011	X WC STATU-TORY LIMITS ☐ OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

This Certificate of Liability relates to the Los Angeles County Department of Beaches and Harbors Permit No. 10-001. The County of Los Angeles, its governing board, officers and employees are an Additional Insured to the extent provided by the policy language or endorsement issued or approved by the insurance carrier.

CERTIFICATE HOLDER

10833225

The County of Los Angeles,
its governing board, officers and employees
13837 Fiji Way
Marina Del Rey CA 90292

CANCELLATION [D447908]

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2009/01)

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For questions regarding this certificate, contact the number listed in the 'Producer' section above and specify the client code 'SPERE01'.

O4-187 cont.

LOCKTON®

April 1, 2010

The County of Los Angeles, its governing board, officers and employees
13837 Fiji Way
Marina Del Rey , CA 90292

Re: Notice of Cancellation Clause

O4-187 cont.

To Whom It May Concern:

Please be advised that we cannot fulfill the request to alter the cancellation clause of the certificate. The insurance carriers have advised that they will not allow us to do this, as it is impossible for them to guarantee compliance with this request given the large number of certificate holders. However, the certificate will contain the standard "endeavor to" wording.

Thank you for your understanding.

Regards,

David Burgos
Assistant Vice President
Lockton Insurance Brokers

Attachment Code : D447908
Certificate ID : 10833225

Comment Letter O4

SPECIALTY RESTAURANTS CORPORATION

March 31, 2010

Jules Trifler
Los Angeles County Beaches & Harbors
13837 Fiji Way
Marina del Rey, CA 90292

Re: Shanghai Red's Restaurant
Permit No. 10-001

Dear Mr. Trifler:

Enclosed please find the original executed Permit No. 10-001 for Shanghai Red's Restaurant in Marina del Rey. Also enclosed is the Certificate of Insurance that was requested.

If you need anything further, please do not hesitate to contact me or this office. Thank you for your assistance in this matter.

Very truly yours,

Lynn Kellum, PLS
Legal Department Administrator

Enclosures

O4-187 cont.

8191 East Kaiser Boulevard, Anaheim, CA 92808
Telephone (714) 279-6100 FAX (714) 998-7574 (Executive) FAX (714) 998-4861 (Legal/Finance) FAX (714) 998-4962 (Accounting & Others)
FAX (714) 998-8496 (Purchasing) FAX (714) 998-7609 (Construction)

BALLONA WETLAND REVIEW COMMENTS					
Submittal: Ballona Wetland Draft EIR/EIS					
Comment Number	Section	Page Number	Comment	Relevant Functional Unit/s	
1	ES 4.1: Alternative 1: Full Tidal Restoration/ Proposed Action	Page ES-10	Can you name an alternative "proposed action" during draft phase? Since the draft is written before public input and a determination of the proposed alternative should not have been set yet? - why use such a misleading name for Alternative 1 then have to put in a disclaimer?	General	O4-188
2	Table ES-1: Summary of Impacts and Mitigation Measures for Alternative 1	Page ES-43	Can also look into designating separate construction vehicle lanes periodically to minimize disruptions on the roadway and ensure safety. Can incorporate this into the project traffic plan.	Traffic	O4-189
3	Table ES-1: Summary of Impacts and Mitigation Measures for Alternative 2	Page ES-44	Should also include the detour information within the additional notices (email, web, advertisement... etc.) to the residents living near the construction site. Notices should also include contact information in case there are questions or concerns about he detour routes.	Traffic/Public Outreach	O4-190
4	Table ES-1: Summary of Impacts and Mitigation Measures for Alternative 3	Page ES-44	While it may not always be possible the project should consider the possibility of maintaining two way traffic on both Culver Blvd and especially Lincoln Blvd. Most of the roadway sections that intersect with the Ballona Wetlands Ecological Reserve seems to have enough roadway width clearance to allow for 3 or more lanes of traffic.	Traffic	O4-191
5	3.12 Transportation and Traffic	Page 3.12-1	Since this project will impact pedestrians and bicyclists, a passage within the introduction of the traffic section covering pedestrians and bicyclists should be considered. Caltrans incorporates the following example passage for projects impacting pedestrians and bicyclists: The Department, as assigned by the Federal Highway Administration (FHWA), directs that full consideration should be given to the safe accommodation of pedestrians and bicyclists during the development of Federal-aid highway projects (see 23 Code of Federal Regulations [CFR] 652). It further directs that the special needs of the elderly and the disabled must be considered in all Federal-aid projects that include pedestrian facilities. When current or anticipated pedestrian and/or bicycle traffic presents a potential conflict with motor vehicle traffic, every effort must be made to minimize the detrimental effects on all highway users who share the facility. In July 1999, the U.S. Department of Transportation (USDOT) issued an Accessibility Policy Statement pledging a fully accessible multimodal transportation system. Accessibility in federally assisted programs is governed by the USDOT regulations (49 CFR 27) implementing Section 504 of the Rehabilitation Act (29 United States Code (USC) 794). The	Traffic	O4-192
6	3.12 Transportation and Traffic	Page 3.12-4 to Page 3.12- 61	The traffic study used baseline traffic data from 2015 and future forecast data for year 2019. Including cumulative data forecast to the year of 2023. Typically, traffic data forecast are done for at least 20 year durations. For example, the project baseline traffic data is from the year of 2015. The future forecast data would be for the year of 2035. The reason for this is: a) it will take a while for the project to be built. At the current rate, it is likely that this project will be completed after 2023, in which case none of the predictions for before the year of 2023 would be relevant for this project. b) The 20 year length will account for the impacts of the built project on the surrounding roadways, including driving behavioral changes. c) traffic data is important because it serves	Traffic	O4-193
7	3.12 Transportation and Traffic	Page 3.12-4 to Page 3.12- 61	Does the local jurisdictions have a master bike plan that this project need to incorporate?	Transportation	O4-194

COASTAL CONSERVANCY

Staff Recommendation
July 21, 2010

BALLONA WETLANDS
PUBLIC ACCESS IMPROVEMENTS

File No. 04-088
Project Manager: Mary Small

RECOMMENDED ACTION: Authorization to disburse up to $280,000 to the Mountains Recreation and Conservation Authority for site improvements and planning activities for educational, community stewardship and public access at the Ballona Wetlands Ecological Reserve in Los Angeles County.

LOCATION: Ballona Wetlands Ecological Reserve, located along the Ballona Creek Channel in Los Angeles County. A portion of the project is in the City of Los Angeles and a portion is in unincorporated Los Angeles County (Exhibit 1).

PROGRAM CATEGORY: Public Access

O4-195

EXHIBITS

Exhibit 1: Project Location

Exhibit 2: Maps and Photos

Exhibit 3: Project Letters

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Section 31400 *et seq*. of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes an amount not to exceed two hundred eighty thousand dollars ($280,000) to the Mountains Recreation and Conservation Authority (MRCA) for minor site improvements and planning activities for educational, community stewardship and public access at the Ballona Wetlands Ecological Reserve in Los Angeles County. Prior to disbursement of any funds, MRCA shall submit to the Conservancy's Executive Officer for approval a work plan, including a budget, and any contractors MRCA proposes to use for the project."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on June 4, 2009.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding System of Public Accessways.
3. The project serves greater than local need."

PROJECT SUMMARY:

The proposed project would provide grant funds to the Mountains Recreation and Conservation Authority (MRCA) for site preparation and planning activities for expanded educational, community stewardship and public guided site tours at the Ballona Wetlands Ecological Reserve (BWER). Currently, access to the BWER is limited to individuals or groups with permission access letters from the California Department of Fish and Game (DFG), the landowner. Most of the existing public access programs are conducted near the muted tidal wetlands south of Ballona Creek. The proposed project will primarily target the approximately 300 acres of state owned property north of Ballona Creek (see Exhibit 2).

The state purchased the Ballona Wetlands in 2004, and since that time, very little has been done to control or improve public access to the site or to install signs identifying the BWER and the rules governing use of the property. The proposed project would implement a comprehensive and strategic set of improvements such as new gates, new fences, weeding, minor habitat restoration and signage to promote public awareness, interpret the natural resources, discourage illegal access and increase opportunities for positive public use of the site. These projects will remove hazards, clear existing trails, improve safety and prepare the site for the expanded public programs. In addition to the site improvements, MRCA will also conduct planning to support development of a comprehensive interpretive program for the BWER.

O4-195

The proposed project actions are consistent with all of the alternatives for the larger wetland restoration project and will be conducted by the MRCA in partnership with the DFG and the Santa Monica Bay Restoration Commission (SMBRC).

Conservancy funds would be used to improve the site, by removing dumped garbage, installing fencing and clearing existing trails. The proposed project is necessary to prepare the site so that the MRCA and the SMBRC can expand educational and community stewardship programs at the Ballona Wetlands. The MRCA will provide additional matching funds to run multi-week intensive Junior Ranger programs at the Ballona Wetlands. The MRCA runs these programs at many different parks. These programs teach outdoor leadership and create an opportunity for at-risk and underserved youth to access natural areas in and around Los Angeles County. This will be MRCA's first wetland oriented Junior Ranger program. Curriculum and interpretive information will be developed to ensure that the program meets appropriate educational standards. In addition, SMBRC will host public tours of the site as well as community restoration activities, such as weed removal and planting.

In 2008, the Conservancy authorized funds to the MRCA for planning, final design and implementation of specific public access improvements identified in the Ballona Wetlands Early

Action Plan. MRCA has completed much of that work and as a result of that planning effort, the project partners determined that some of the specific access improvements identified in that plan may need to be re-evaluated and others should be reviewed and permitted as part of the larger wetland restoration project. Rather than pursue the Early Action Plan improvements, the project partners decided that it is a higher priority to develop targeted educational and public access programs in the northern 300 acre portion of the site where there is currently almost no public access. The proposed project would also provide funding for MRCA to continue working on planning public access improvements for inclusion in the ultimate restoration project.

The MRCA is a local government entity established in 1985 pursuant to the Joint Powers Act. The MRCA is a partnership between the Santa Monica Mountains Conservancy, which is a state agency, and the Conejo Recreation and Park District and the Rancho Simi Recreation and Park District, both of which are local park agencies established by the vote of the people in those communities. The MRCA is dedicated to the preservation and management of local open space and parkland, watershed lands, trails, and wildlife habitat. The MRCA manages and provides ranger services for almost 50,000 acres of public lands and parks that it owns and that are owned by other public agencies. In recent years MRCA Rangers have assisted DFG in management of the BWER. The MRCA has developed and manages comprehensive educational and interpretive programs at many parks throughout Los Angeles County. The proposed project will expand the MRCA's educational and interpretive programming to include its first interpretive program focused on a coastal wetland.

Site Description:

O4-195

The historic wetland complex at the mouth of Ballona Creek probably occupied about 2000-acres. Much of that area has been developed. The State of California now owns 600-acres of the former wetland complex. The DFG owns 540 acres, and that land was purchased with funds provided from the Conservancy to the Wildlife Conservation Board. The State Lands Commission owns 60-acres, including a newly created freshwater marsh and adjacent vacant land. All of the DFG property and a portion of the SLC property is part of the Ballona Wetlands Ecological Reserve, designated by the Fish and Game Commission.

Despite the degradation of site resources, significant wetland habitat remains within the Ballona Wetlands. Plant species within the project site include wetland indicators such as pickleweed, marsh heather, saltgrass, arrowgrass and glasswort, and a variety of upland and exotic species including brome, iceplant, oxalis, and ryegrass. Bird surveys indicate that the site is used seasonally by a variety of migratory shorebirds, as well as by typical shoreline residents (gulls, terns, and ducks) and typical upland birds including small raptors. Bird species of special interest observed in the project area include nesting pairs of Belding's Savannah sparrow and foraging use by California least terns.

The proposed project will be implemented primarily on the portion of the BWER north of the Ballona Creek channel (Exhibit 2). This area of the reserve currently has very limited public access and suffers from illegal uses. The proposed project seeks to improve the resources on the site, increasing public use while discouraging illegal activities through improvements to fencing and signage.

Project History:

There have been more than thirty years of intense conflict about land use at this site. Several development proposals and regulatory approvals have resulted in litigation, some of which continues today. In 2001, The Trust for Public Land entered into a purchase agreement with Playa Capital Company, the former landowner. Through this purchase agreement, the DFG ultimately took title to 540 acres of the property in 2004. The Conservancy provided $10 million for that acquisition.

The Conservancy has long supported enhancement and public access at the Ballona Wetlands. The first Conservancy project at this site was a 1986 grant to the National Audubon Society for environmental education facility associated with a proposed site restoration. That project was never implemented due to the ongoing conflicts about development. Beginning in the late 1980s, the Conservancy provided funding for planning and implementation of enhancements to the nearby Ballona Lagoon and transferred to the City of Los Angeles easements for resource enhancement over much of the land bordering the Lagoon.

In 2005, the Conservancy initiated conceptual planning and feasibility analysis of restoration alternatives for the property. This project is being implemented in partnership with the DFG and the State Lands Commission, the two state agency owners of the property and the Santa Monica Bay Restoration Commission. The feasibility analysis was completed in 2008, after a delay due to the bond freeze, and the project partners are now initiating environmental review and detailed engineering of a long-term, phased restoration project.

When the restoration planning began, the Conservancy funded the development of an Interim Site Stewardship Plan to address the pressing concerns related to site management. As discussed above, in 2008 the Conservancy provided a grant to MRCA to fund construction of some site improvements and to fund planning, design and preparation of permit applications for additional access improvements. Based on the completed planning work, the MRCA and the project partners determined that it will be more cost effective and logical to pursue implementation of most access improvements as part of the environmental review and permitting for the long-term phased restoration project.

O4-195

PROJECT FINANCING:

Coastal Conservancy	$280,000
MRCA	120,000
SMBRC, US EPA funds	20,000
Total Project Cost	**$420,000**

DFG will provide additional in-kind funding for vegetation management, site clean-ups and docent activities performed by DFG staff and the DFG Senior Volunteers.

The Conservancy funding would be derived from an appropriation of funds specifically designated for the acquisition, protection and enhancement of the Ballona Wetlands in the 2000 park bond, Proposition 12. Public Resources Code Section 5096.352(f) provides that $25 million is available to the Conservancy for this purpose.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project would be consistent with Division 21, Chapter 9, Sections 31400 *et seq*. of the Public Resources Code, which directs the Conservancy to take a principal role in the implementation of a system of public accessways so that the public can exercise its right to access and enjoy the coastal resources. Consistent with Section 31400.1, the Conservancy may award grants to public agencies to develop accessways that serve greater than local public needs. The proposed project will benefit more than local public access, as described below. Consistent with Section 31400.2 and 31400.3, the Conservancy may provide assistance to public agencies to establish these public accessways.

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2, Objective A** of the Conservancy's 2007 Strategic Plan, the proposed project will expand public use of a currently inaccessible area.

The site improvements will support **Goal 4, Objective A** to protect significant coastal resource properties.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

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The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** There is support for this project from the public and the partner agencies working on the Ballona restoration project. Letters of support are attached as Exhibit 3.
4. **Location:** The proposed project would be located within the coastal zone of Los Angeles County.
5. **Need:** Conservancy funds are needed to complete this project. Neither MRCA or the DFG, the owner of the site, have resources to implement this project.
6. **Greater-than-local interest:** The proposed project is adjacent to the both the regional Ballona Creek Bike Path and the Coastal Bike Trail. The nearby Dockweiler State Beach receives approximately three million visitors each year. Currently, visitors to this area can not access the Ballona Wetlands and there is no interpretive signage to inform them about the resources of the area. The proposed project will help open this site for pubic access and improve a valuable and scenic open space in the heart of congested Los Angeles County.

The project complements the restoration of the Ballona Wetlands, currently the largest wetland restoration project being planned in Los Angeles County. The MRCA's Junior Ranger program will provide opportunities for at risk youth from throughout the region to experience the wetlands in while also developing leadership and outdoor skills.

7. **Sea level rise vulnerability:** All of the area of the proposed project is located 15-20 feet above sea level and currently have limited tidal connections. None of the proposed project is vulnerable to sea level rise.

Additional Criteria

8. **Resolution of more than one issue:** The proposed project will seek to improve public access while reducing illegal use of the site. The project will focus access to already disturbed areas, removal of large trash piles and removal of weeds.
9. **Leverage:** See the "Project Financing" section above.
10. **Readiness:** If approved, the MRCA can begin work immediately.
11. **Realization of prior Conservancy goals:** "See "Project History" above."
12. **Cooperation:** The proposed project will be implemented through the cooperation of the MRCA, SMBRC, DFG and youth organizations, local schools and other community groups.

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CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

In the late 1980s, the California Coastal Commission certified two separate Land Use Plans that covered this project area. No Local Coastal Program was ever completed for the Ballona Wetlands area and the two Land Use Plans are now out of date. However the proposed project is consistent with the policies of the Coastal Act. The project goals are consistent with the Coastal Act goals as stated in Section 30001.5, the project will protect, enhance and restore the natural resources of the site and expand public recreational opportunities consistent with conservation of those resources.

COMPLIANCE WITH CEQA:

The proposed project would install new gates, fences and signs, remove weeds, and remove hazards and trash. Installation of signs, gates and fences are categorically exempt from California Environmental Quality Act (CEQA) under 14 Cal. Code of Regulations Sections 15301 and 15302 because it involves repair or replacement of existing facilities. Consolidation and improvement of existing trails is categorically exempt under Section 15304 as it involves only minor alterations of land. Some of the proposed project involves habitat restoration, such as weed and trash removal, and therefore is categorically exempt under Section 15333 as a minor habitat restoration project smaller than 5 acres in size. Finally, development of a comprehensive interpretive program is statutorily exempt under Section 15262 since it involves only feasibility or planning studies for possible future approval and the program planning will consider environmental factors. Upon approval, staff will file a Notice of Exemption for this project.

BYLAWS
OF
BALLONA WETLANDS CONSERVANCY
A California Nonprofit Public Benefit Corporation

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BYLAWS
OF
BALLONA WETLANDS CONSERVANCY
A California Nonprofit Public Benefit Corporation

ARTICLE I
GENERAL PLAN

The Ballona Wetlands Conservancy ("BWC") is a nonprofit public benefit corporation formed to engage in charitable activities for the benefit of the general public. These activities include:

(1) preservation, protection, maintenance and enhancement of environmentally sensitive land and areas for education, environmental, ecological, recreational, historical, scenic and open space uses and including the receipt, administration and maintenance of one or more conservation easements;

(2) the maintenance of recreational facilities and organization of recreational and sports activities; and

(3) the development, organization and enhancement of educational activities and programs to benefit schools and other educational institutions.

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The Board of Directors will initially consist of four (4) individuals. The Board will oversee all of the BWC's operations. Management of the BWC's day-to-day affairs will be assigned to the officers of the BWC, which include a Chairman of the Board, a President, or both, a Secretary, a Chief Financial Officer and such other officers as may be designated by the Board. The BWC will have no members.

To encourage involvement of interested persons from the general public, the Board has the authority to establish different committees, including various advisory committees. These committees can be comprised of volunteers selected by the Board. The BWC has the power to assign responsibility for activities and programs related to specific areas of interest to specially created committees and divisions of the BWC. Recommendations of the committees or divisions can be used by the Board of Directors to determine the BWC's activities and shape BWC policies.

Below is a chart demonstrating the relationship of these different parties:

Board of Directors
Oversees all activities of the BWC

Officers
Assigned day-to-day duties
President or Chairman of the Board, or both
Secretary
Chief Financial Office

Others designated by Board

Officers	*Committees of the Board*	*Advisory Committees*
Assigned day-to-day duties	*Perform specific tasks delegated by Board, can have same authority as Board*	*Provide advice and recommendations to the Board on specific activities and policies, including, but not limited to:*
Chairman of the Board or President	*Participation of two or more Board members*	*environmental and conservancy activities*
Secretary		*sports and recreational activities*
Chief Financial Officer		*educational activities*
Others as designated by the Board		*Other activities and areas of interest as may be designated by the Board*
		members can be anyone selected by the Board

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These Bylaws establish the procedures to be followed by the Board, the officers and the committees in the operation the BWC.

1.1. DEFINITIONS.

1.1.1. Advisory Committee: is defined as one of various committees established for purposes of advising the Board on various matters affecting or of interest to the Ballona Wetlands Conservancy, as set forth in Section 3.9.2 of these Bylaws.

1.1.2. Articles: is defined as the articles of incorporation of the Ballona Wetlands Conservancy, as set forth in Section 3.1 of these Bylaws.

1.1.3. Board: is defined as the board of directors of the Ballona Wetlands Conservancy, as set forth in Section 2.1 of these Bylaws.

1.1.4. BWC: is defined as the Ballona Wetlands Conservancy, as set forth in Section 1.2 of these Bylaws.

1.1.5. Bylaws: is defined as the Bylaws of the Ballona Wetlands Conservancy as set forth in Section 3.1 of these Bylaws.

1.1.6. Campus: is defined as The Campus at Playa Vista Corporation, a California nonprofit public benefit corporation.

1.1.7. Declaration: is defined as the Master Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Playa Vista, recorded in the Official Records of Los Angeles, California, as set forth in Section 8.4.2. of these Bylaws.

1.1.8. IRC: is defined as the Internal Revenue Code of 1986, as amended and any subsequent United States internal revenue law.

1.1.9. Playa Capital: is defined as Playa Capital Company, LLC, a Delaware limited liability company.

1.1.10. PVPAL: is defined as the Playa Vista Parks and Landscape Corporation, a California nonprofit public benefit corporation.

1.1.11. The Club: is defined as The Club at Playa Vista, a California nonprofit public benefit corporation, as set forth in Section 3.2.1(j)(ii) of these Bylaws.

1.1.12. The Friends: is defined as The Friends of Ballona Wetlands, a California nonprofit corporation.

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1.2. NAME.

The name of this corporation is Ballona Wetlands Conservancy ("BWC").

1.3. PRINCIPAL OFFICE.

The principal executive office ("Principal Office") for the transaction of the activities and affairs of the BWC shall be located in Los Angeles, California at the specific location designated by resolution of the Board of Directors ("Board"). The Board may change the Principal Office of the BWC, from time to time, from one location to another; provided, however, that under no circumstances shall the BWC's Principal Office be located more than five miles from the Ballona Wetlands without the following consent of the Appointing Entities (as defined in Section 3.4.1): either (a) a majority of the Appointing Entities, which a majority must include Playa Capital and The Friends, or (b) Playa Capital and The Friends, or (c) Playa Capital and The Friends and a failure of the other Appointing Entities to respond within thirty (30) days from the date of receipt of a written request for consent.

1.4. OTHER OFFICES.

The Board may at any time establish branch or subordinate offices at any place or places where the BWC elects and is qualified to conduct its activities.

1.5. PURPOSES.

The purpose of the BWC is to engage in charitable activities for the benefit of the general public, including, but not limited to: the preservation, protection, maintenance and enhancement of environmentally sensitive areas and land for educational, environmental, ecological, recreational, historical, scenic and open space uses and including the receipt, administration and maintenance of one or more conservation easements; and the development, organization and enhancement of education activities and programs to benefit schools and other educational institutions for the benefit of the general public.

1.6. LIMITATIONS.

1.6.1. BWC is organized exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding provision of any future United States internal revenue law ("IRC"). BWC shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes of BWC; BWC shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes of BWC; and BWC shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the IRC, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the IRC.

1.6.2. No substantial part of the activities of BWC shall consist of lobbying or propaganda, or otherwise attempting to influence federal, state or local legislation of any type. BWC shall not participate in or intervene in (including publishing or distributing statements) any political campaign on behalf of or in opposition to any candidate for political office or any proposed legislation.

1.6.3. The property, assets, profits, and net income of BWC are irrevocably dedicated to charitable purposes. No part of the earnings of BWC shall ever inure to the benefit of any director, trustee, officer, shareholder or member of the BWC, or to the benefit of any private individual.

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1.6.4. The BWC is not organized, and shall not be operated, for pecuniary gain or profit.

1.6.5. On the winding up and dissolution of BWC, after paying or adequately providing for the debts and obligations of BWC, its remaining assets shall be distributed to such organization(s) organized and operated exclusively for charitable purposes with established, tax-exempt status under Section 501(c)(3) of the IRC.

1.6.6. If at any time during its existence BWC is classified as a private foundation under the United States internal revenue laws, BWC shall be subject to the following restrictions:

(a) BWC will distribute its income for each tax year at such time and in such manner so that the BWC does not become subject to the tax on undistrited income imposed by Section 4942 of the IRC.

(b) BWC will not engage in any act of self-dealing as defined in Section 4941(d) of the IRC.

(c) BWC will not retain any excess business holdings as defined in Section 4943(c) of the IRC.

(d) BWC will not make any investments in such manner as to subject it to tax under Section 4944 of the IRC.

(e) The BWC will not make any taxable expenditures as defined in Section 4945(d) of the IRC.

1.6.7. So long as the Declarant, as defined in the Master Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Playa Vista, recorded in the Official Records of Los Angeles, California, owns any portion of Playa Vista or the Annexable Area, as both terms are defined in the Master Declaration, the Articles and Bylaws of BWC cannot be amended without the written consent of the Declarant.

ARTICLE II
MEMBERS

The BWC will not have any members. The Board may wish to associate certain individuals with the BWC. For example, the Board may seek volunteers to be responsible for various ministerial duties.

2.1. NO MEMBERS.

BWC shall have no members. Any action which would otherwise require approval by a majority of all members or approval by the members shall require only approval of the board of directors of the Ballona Wetlands Conservancy ("Board"). All rights which would otherwise vest in the members shall vest in the Directors.

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ARTICLE III
DIRECTORS

The Board of Directors oversees all operations of the BWC. The Board will have four (4) Directors. The Board oversees all corporate activities and operations of the BWC's committees or divisions. It has the power to select, appoint and replace officers, the power to contract on behalf of the BWC and the power to direct its funds. All major decisions affecting the BWC must be approved by the Board. One (1) member of the Board will be appointed by Playa Capital, one (1) by The Friends, one (1) by the Secretary of Resources of the State of California, and one (1) by the Council District Office for the City of Los Angeles representing the district in which the Ballona Wetlands are located. These four entities that are authorized by these Bylaws to appoint one each of the four (4) original Directors of the BWC are, for purposes of these Bylaws, the "Appointing Entities."

3.1. GENERAL CORPORATE POWERS.

As provided in the provisions and limitations of the California Nonprofit Corporation Law and subject to applicable laws, any limitations in the articles of incorporation of the Ballona Wetlands Conservancy ("Articles") or the Bylaws of the Ballona Wetlands Conservancy ("Bylaws"), the BWC's activities and affairs shall be managed, and all corporate powers shall be exercised, by or under the direction of the Board. The Board may delegate the management of the activities of the BWC to any person or persons, a management company or committees however composed, provided that the activities and affairs of the BWC shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board.

3.2. SPECIFIC POWERS.

Without prejudice to the general powers set forth in Section 3.1, but subject to the same limitations, the Directors shall have the power to do the following:

3.2.1. Administrative.

(a) **Officer, Agents & Employees.** The power to select, appoint and remove, at the pleasure of the Board, all officers, agents, and employees of the BWC; prescribe powers and duties for them that are consistent with the law, the Articles, and these Bylaws; fix their compensation; and require from them any security they deem necessary for faithful performance of their duties;

(b) **Principal Office.** The power to change the Principal Office or the principal business office from one location to another;

(c) **Corporate Seal.** The power to adopt and use a corporate seal and alter the form of the seal;

(d) **Incur Indebtedness.** The power to borrow money and incur indebtedness on behalf of the BWC and cause to be executed and delivered for the BWC's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidences of debt and securities;

(e) **Indemnification of Directors and Officers.** The power to indemnify the BWC's agents against expenses, judgements, fines, settlements and other amounts received as a result of such agency as provided in Article V;

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(f) **Insurance.** The power to contract and pay for insurance covering and protecting against such damages or injuries as the Board deems advisable (which may include without limitation, medical expenses of persons injured on the BWC's property and indemnification of BWC's agents as discussed in Article V);

(g) **Delegation.** The power, but not the duty, to delegate some of its powers in accordance with applicable law and these Bylaws;

(h) **Records.** The power and duty to keep, or cause to be kept, a complete record of all acts and affairs of the BWC;

(i) **Form and Develop Subsidiaries.** The power to form and develop one or more subsidiary organizations to hold property and manage specific activities of specific committees or interest groups including, but not limited to, those identified in this article; and

(j) **Power to Contract and Assume Liabilities.** The power to enter into agreements with any third party on any matter related to the purposes of and for the benefit of the Ballona Wetlands, Playa Vista and this corporation, which agreement will be legally binding upon the BWC when signed by anyone of the officers identified in Section 4.1 below, including, but not limited to:

(i) **Agreement(s) with Related Parties.** The power to enter into one or more agreements with any one or all related or

affiliated entities including, without limitation, PVPAL, The Club and Campus for the purpose of coordinating the activities and financial resources for the Ballona Wetlands and Playa Vista; and

(ii) **Agreement(s) for Services.** The power and authority to contract and pay for services provided to the BWC, including employment of personnel, and legal and accounting services.

3.2.2. Charitable Activities.

(a) **Environmental and Conservancy Activities.** The power to coordinate, promote and execute activities, events and services related to the preservation, protection, maintenance, and operation of environmentally sensitive areas and land, including the ownership in fee simple of real property or the acceptance of open space easements or conservation easements, the formation of a nature conservancy interest group, and the coordination of the management, maintenance and use of designated open space for the benefit, enjoyment and use, to the extend determined appropriate, of the general public;

(b) **Recreational and Sports Activities.** The power to coordinate, promote and execute activities, events, and services related to the ownership and operation of recreational facilities for activities benefitting the general public;

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(c) **Educational Activities.** The power to coordinate, promote and execute activities, events and services related to the support of education and educational institutions, including the establishment and operation of an educational BWC to coordinate activities which may include, but are not limited to, fund raising and support for schools and educational institutions for the benefit of the general public; and

(d) **Solicit Donations.** The power to solicit donations from the general public for purposes of financial and other support for the activities of the BWC.

3.3. AUTHORIZED NUMBER OF DIRECTORS.

3.3.1. Authorized Number of Directors. The authorized number of Directors shall be four (4) until changed by amendment of the Articles or by a Bylaw duly adopted amending this Section 3.3.1.

3.3.2. Restriction in Interested Persons as Directors. No more than forty-nine percent (49%) of the persons serving on the Board may be "interested persons" as such term is defined under Section 5227 of the California Nonprofit Corporation Law. An interested person is either (a) any person currently being compensated by the BWC for services rendered to it within the previous twelve (12) months, whether as a full-time or part-time employee, independent contractor or otherwise, excluding any reasonable compensation paid to a Director as Director; or

(b) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law or father-in-law of such person. However, any violation of the provisions of this paragraph shall not affect the validity or enforceability of any transaction entered into by the BWC.

3.4. ELECTION, DESIGNATION, AND TERM OF OFFICE.

3.4.1. Selection of Directors. Subject to the assignment of such powers as set forth in this Section, the following entities shall have the power to designate one (1) Director to serve, and each shall be an "Appointing Entity" for purposes of these Bylaws.

(a) Playa Capital.

(b) The Friends.

(c) The Secretary of Resources of the State of California.

(d) The Council District Office for the City of Los Angeles representing the district in which the Ballona Wetlands are located.

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Upon removal, for any reason, or the death or resignation of a Director designated under this Section 3.4.1, a successor shall be designated by the Appointing Entity initially designating such Director (or such entity's qualified assignee). If a Director's position is vacant for more than 45 days following notice to the Appointing Entity initially entitled to designate such Director about such vacancy, a Director may be designated to fill such position by the unanimous vote of the remaining Directors then in office; provided, however, that any Director so elected by the vote of the remaining Directors may at any time thereafter be removed and replaced with a successor Director by action of the Appointing Entity initially having the power to designate that position. Upon the dissolution of any Appointing Entity or with the unanimous consent of all Appointing Entities, which consent must not be unreasonably withheld, and subject to the limitations set forth in any other agreement or order applicable thereto, any Appointing Entity may assign all of its rights under these Bylaws to any other person or entity. Upon written notice to the Secretary of the BWC concerning any such assignment or consent of the Appointing Entities, all powers theretofore held pursuant to these Bylaws by the assigning Appointing Entity will be held by the assignee of such rights in accordance with such written notification or consent. Notwithstanding the foregoing, Playa Capital may, at any time, unilaterally assign its right to appoint and remove a Director, unrestricted by the provisions of this Section 3.4.1, to PVPAL, The Club, any person who acquires substantially all of the land in Playa Vista that has not been sold to members of the home buying public, any successor to Playa Capital's interest in Playa Vista, or any owners association formed to manage a portion of Playa Vista. Playa Capital may assign its right to appoint and remove a Director to any other person with the consent of the other Appointing Entities, which consent must not be unreasonably withheld.

3.4.2. Term of Office. Subject to the provisions of Section 3.5, each Director shall serve at the pleasure of the Appointing Entity (or its assignee) so designating the Director and shall hold office until the earlier to occur of six (6) years

in office or the date on which a successor has been designated and qualified. There is no limit on the number of consecutive terms a Director may serve.

3.4.3. Qualifications. Subject to the provisions of Section 3.3.2., persons selected to serve as Directors may be employees of the BWC, PVPAL, The Club or Campus.

3.5. VACANCIES ON BOARD.

3.5.1. Events Causing Vacancy. A vacancy or vacancies on the Board shall be deemed to exist on the occurrence of the following: (a) the death or resignation of any Director; (b) the declaration by resolution of the Board of a vacancy in the office of a Director who has been declared of unsound mind by an order of court, convicted of a felony or found by a final order or judgment of any court to have breached a duty under Article 3 of Chapter 2 of the California Nonprofit Corporation Law; (c) the occurrence of any other events resulting in a vacancy as provided under the California Nonprofit Corporation Law; or (d) by unanimous vote of the Directors in attendance at any noticed meeting, the Board may remove from office, and declare vacant the office of, any Director who fails to attend four (4) consecutive meetings of the Board.

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3.5.2. Resignations. Except as provided below, any Director may resign by giving written notice to the Chairman of the Board, if any, or to the President or the Secretary of the BWC. The resignation shall be effective when the notice is given unless it specifies a later time for the resignation to become effective. If a Director's resignation is effective at a later time, the Board may elect a successor to take office as of the date when the resignation becomes effective. Except on notice to the Attorney General of California, no Director may resign if the BWC would be left without a duly elected Director or Directors.

3.5.3. Filling Vacancies. Except as provided in Section 3.4.1, any vacancy shall be filled by designation of a replacement Director by the Appointing Entity that appointed the Director who is leaving the vacancy.

3.5.4. Notice to Appointing Entity of Vacancy. Promptly upon receipt of any notice of resignation or death of a Director, or upon the removal of any Director pursuant to Section 3.5.1, the Board shall notify the Appointing Entity that designated such Director of the resulting vacancy and its entitlement under these Bylaws to designate a successor Director.

3.6. DIRECTORS' MEETINGS.

3.6.1. Place of Meetings. Meetings of the Board shall be held at any place within or outside California that has been designated by resolution of the Board or in the notice of the meeting or, if not so designated, at the Principal Office of the BWC; provided, however, that under no circumstances shall such meeting take place more than 15 miles from the Ballona Wetlands without the consent of all Directors.

3.6.2. Meetings by Telephone and Other Means. Members of the Board may participate in a meeting by any means or method permitted by law, including the use of conference telephone, electronic video screen communication, or other communications equipment. Participation in a meeting through use of a conference telephone pursuant to this subdivision constitutes presence in person at that meeting as long as all members participating in the meeting are able to hear one another. Participation in a meeting through use of electronic video screen communication or other communications equipment (other than conference telephone) pursuant to this section constitutes presence in person at that meeting if:

(a) Each member participating in the meeting can communicate with all of the other members concurrently.

(b) Each member is provided the means of participating in all matters before the Board, including, without limitation, the capacity to propose, or to interpose an objection to, a specific action to be taken by the BWC.

(c) The BWC adopts and implements some means of verifying both of the following:

(i) A person participating in the meeting is a Director or other person entitled to participate in the Board meeting.

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(ii) All actions of, or votes by, the Board are taken or cast only by the Directors and not by persons who are not Directors.

3.6.3. Annual Meeting. The Board shall hold an annual meeting for purposes of organization, election of officers or Directors, and transaction of other business within one hundred and twenty (120) days after the BWC's fiscal year end, or on such other date as the Board shall determine.

3.6.4. Other Regular Meetings. Other regular meetings of the Board may be held without notice if the time and place is fixed by the Board from time to time.

3.6.5. Special Meetings.

(a) Authority to Call. Special meetings of the Board for any purpose may be called at any time by the Chairman of the Board, if any, the President, any Vice President, the Secretary, any two Directors, or as permitted by law.

(b) Notice.

(i) Manner of Giving Notice. Notice of the time and place of special meetings shall be given to each Director by one of the following methods: (a) by personal delivery of written notice; (b) by first-class mail, postage prepaid; (c) by telephone, including a voice messaging system or other system or technology designed to record and communicate messages; (d) telegraph; (e) facsimile; (f) electronic

mail; or (g) electronic means or any other means permitted by law. All such notices shall be given or sent to the Director's address or telephone number as shown on the records of the BWC.

(ii) **Time Requirements.** Notices sent by first-class mail shall be deposited in the United States mail at least four (4) days before the time set for the meeting. Notices given by personal delivery, telephone, telegraph, facsimile, electronic mail or electronic devices shall be delivered, telephoned, or otherwise sent at least forty-eight (48) hours before the time set for the meeting.

(iii) **Notice Contents.** The notice shall state the time of the meeting and the place if the place is other than the Principal Office of the BWC. It need not specify the purpose of the meeting.

(iv) **Right of Appointing Entity to Request And Direct Duplicate Notice.** Any Appointing Entity may, by providing written instructions to the Secretary of the BWC, require that a duplicate of any notice (written or otherwise) which is required under this Section 3.6.5. and which is given or sent to the Director who was appointed by such Appointing Entity must also be sent to the Appointing Entity or any entity or person designated from time to time for such purpose. O4-196 cont.

3.6.6. Waiver of Notice. Notice of a meeting need not be given to any Director who, either before or after the meeting, signs a waiver of notice, a written consent to the holding of the meeting, or an approval of the minutes of the meeting. The waiver of notice of consent need not specify the purpose of the meeting. All such waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meetings. Notice of a meeting need not be given to any Director who attends the meeting and does not protest, before or at the commencement of the meeting, the lack of notice.

3.6.7. Quorum. Three (3) of the Directors authorized by these Bylaws shall constitute a quorum for the transaction of business, except to adjourn. In the case of one or more vacancies existing on the Board, a majority of the Directors (at least two) who have then been appointed shall also constitute a quorum. Unless a greater number is required by law, by the Article, or by these Bylaws, the following shall be acts of the Board: every action taken or decision made by a majority of the Directors present at a duly held meeting at which (i) a quorum is present, and (ii) the Directors appointed by Playa Capital and The Friends are both present. A meeting at which a quorum is initially present may continue to transact business, despite the withdrawal of Directors, if any action taken or decision made is approved by at least a majority of the required quorum for that meeting.

3.6.8. Adjournment. A majority of the Directors present, whether or not a quorum is present, may adjourn any meeting to another time and place.

3.6.9. Notice of Adjourned Meeting. Notice of the time and place of the holding of an adjourned meeting need not be given unless the original meeting is adjourned for more than twenty-four (24) hours. If the original meeting is adjourned for more than twenty-four (24) hours, notice of any adjournment to another time and place shall be given, before the time of the adjourned meeting, to the Directors who were not present at the time of the adjournment.

3.7. ACTION WITHOUT A MEETING.

Any action that the Board is required or permitted to take may be taken without a meeting if all members of the Board consent in writing to the action. Notwithstanding the foregoing, the phrase "all members of the Board" shall not include an "interested Director" as defined in §5233 of the California Nonprofit Corporation Law. Such action by written consent shall have the same force and effect as any other validly approved action of the Board. All such consents shall be filed with the minutes of the proceedings of the Board.

Compensated Directors may be personally liable for monetary damages to third parties for negligent acts or omissions in the performance of their duties, whereas, a "volunteer" (as defined in California Nonprofit Corporation Laws Section 5239(b) Director may be exempt from such third party liability under California Nonprofit Corporation Law Section 5239 provided, among other conditions, that damages caused by a Director's act or omission are covered pursuant to a liability insurance policy issued to the corporation, either in the form of a general liability policy or a Director's and officer's liability policy, or personally to the Director. In the event that the damages are not covered by a liability policy, the volunteer director shall not be personally liable for the damages if the Board and the person had made all reasonable efforts in good faith to obtain available liability insurance.

O4-196 cont.

3.8. COMPENSATION AND REIMBURSEMENT.

Directors may receive such compensation and reimbursement of expenses, if any, for their services as Directors or officers, as the Board may determine by resolution to be just and reasonable to the BWC at the time that the resolution is adopted.

3.9. COMMITTEES.

3.9.1. Committees of the Board.

(a) Creation. The Board may create one or more committees, each consisting of two (2) or more Directors to serve at the pleasure of the Board; provided, however, that the creation or alteration of any committee that is not an advisory committee shall require the unanimous consent of all Appointing Entities. Appointments to committees of the Board shall be by majority vote of the Directors then in office; provided, however, that appointments to committees that are not advisory committees shall require the unanimous vote of the Directors then in office. The Board may appoint one (1) or more Directors as alternate members of any such committee, who may replace any absent members at any meeting.

(b) Authority. Any such committee, to the extent provided in the Board resolution, shall have all the authority of the Board, except that no committee, regardless of Board resolution may take action specifically prohibited or not allowed by law, including the following:

(i) Fill vacancies on any Committee that has the authority of the Board;

(ii) Fix compensation of the Directors for serving on the Board or on any Committee;

(iii) Amend or repeal bylaws or adopt new bylaws;

(iv) Amend or repeal any Board resolution that by its express terms is not so amendable or repealable;

(v) Create any other committees of the Board;

(vi) Expend corporate funds to support a nominee for Director after more people have been nominated for Director than can be elected; or

(vii) Approve any contract or transaction to which the BWC is a party and in which one or more of its Directors has a material financial interest, except as provided for in Section 5233(d)(3) of the California Nonprofit Corporation Law.

O4-196 cont.

(c) **Meetings and Actions of Committees of the Board.** Meetings and actions of committees composed of Board members shall be governed by, held and taken in accordance with the provisions of these Bylaws concerning Board meetings and other Board actions, except that the time for regular meetings of such committees and the calling of special meetings of such committees may be determined either by Board resolution or, if there is none, by resolution of the committee of the Board. Minutes of each committee meeting shall be kept and shall be filed with the corporate records. The Board may adopt rules for the government of any committee that are consistent with these Bylaws or, in the absence of rules adopted by the Board, the committee may adopt such rules.

3.9.2. Advisory Committees.

(a) **Creation.** The Board, by resolution may create one or more committees for purposes of advising the Board on various matters affecting or of interest to the BWC ("Advisory Committees"). The resolution designating and establishing each such Advisory Committee will (a) provide for the appointment of its chairman and its members, who may include interested members of the general public, (b) state the purpose of each committee, and (c) determine and provide for reports and other administrative matters the Board deems appropriate. Advisory Committees may be established for the purpose of advising and providing recommendations to the Board on various matters and activities of interest to the BWC, including, but not limited to:

(i) The preservation, protection, maintenance, enhancement and use of any environmentally sensitive land and areas for education, environmental, ecological, recreational, historical,

scenic and open space use and including the receipt, administration and maintenance of one or more conservation easements, and to discuss issues with respect to public access to such open space and easements;

(ii) The coordination and development of any recreational and sports related activities conducted by the BWC including, but not limited to, recreational facilities, such as a sports park managed by the BWC for the benefit of the general public; and

(iii) The development, organization, maintenance, and enhancement of activities and programs to benefit schools and other education institutions for the benefit of the general public including, but not limited to, an educational foundation.

(b) Meetings and Actions of Advisory Committees. Meetings and actions of Advisory Committees may be governed by, held and taken in accordance with these Bylaws concerning meetings and other Board actions, except that the time for regular meetings of such committees and the calling of special meetings of such committees may be determined either by Board resolution or, if there is none, by resolution of the Advisory Committee. Minutes of each Advisory Committee meeting may be kept and filed with the corporate records. The Board may adopt rules for the government of any Advisory Committee that are consistent with these Bylaws or, in the absence of rules adopted by the Board, the Advisory Committee may adopt such rules.

O4-196 cont.

ARTICLE IV
OFFICERS

This Article describes the responsibilities of the officers of the BWC consistent with the provisions of Section 5213 of California Nonprofit Corporation Law.

4.1. OFFICERS OF THE BWC.

The officers of the BWC shall be a Chairman of the Board, or a President or both, a Secretary, and a Chief Financial Officer with such duties and responsibilities as determined by the Board. The President, or if there is no President, the Chairman of the Board, is the general manager and chief executive officer of the BWC. Any number of offices may be held by the same person, except that neither the Secretary nor the Chief Financial Officer may serve concurrently as either the President or Chairman of the Board.

Note: The California Nonprofit Corporation Law permits the officers to hold a term of office from one to three years if the latter is specified in the bylaws. This provision as drafted permits the Board to determine the term of office for each officer. The Board should fix the term for each officer by resolution.

4.2. ELECTION OF OFFICERS.

The officers of the BWC shall be chosen by the Board, except those appointed under Section 4.3 of this Article. The term of office for each officer shall be selected by the Board, which term shall not be less than one (1) year nor more than three (3) years. Each officer shall serve at the pleasure of

the Board subject to the rights, if any, of any officer under any contract of employment. Each officer shall hold office until his or her resignation, removal or other disqualification from service, or until his or her respective successor is elected.

4.3. OTHER OFFICERS.

The BWC may also have, at the Board's discretion, one or more Vice Presidents, one or more Assistant Secretaries, one or more Assistant financial officers, and such other officers as may be appointed by the Board. The Board may appoint and may authorize the Chairman of the Board, the President or other officer, to appoint any other officers that the BWC may require. Each officer so appointed shall have the title, the authority, and shall perform the duties as specified in these Bylaws or as determined by the Board.

4.4. RESPONSIBILITIES OF OFFICERS.

4.4.1. Chairman of the Board. If a Chairman of the Board is elected, he or she shall preside at meetings of the Board and shall exercise and perform such other powers and duties as the Board may assign from time to time. If there is no President, the Chairman of the Board shall also be the chief executive officer and shall have the power and duties of the President of the BWC as prescribed by these Bylaws.

O4-196 cont.

4.4.2. President. The President shall be the general manager and chief executive officer of the BWC and shall supervise, direct, and control the BWC's activities, affairs and officers, subject to such supervisory powers as the Board may give to the Chairman of the Board, if any, and subject to the control of the Board. The President shall preside, in the absence of a Chairman of the Board, at all Board meetings. The President shall have such other powers and duties as the Board or the Bylaws may prescribe.

4.4.3. Vice Presidents. If the President is absent or disabled, the Vice Presidents, if any, in order of their rank as fixed by the Board, or, if not ranked, a Vice President designated by the Board, shall perform all duties of the President. When so acting, a Vice President shall have all powers of and be subject to all restrictions on the President. The Vice Presidents shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

4.4.4. Secretary. The Secretary shall keep or cause to be kept, at the BWC's Principal Office or such other place as the Board may direct, a book of minutes of all meetings, proceedings and actions of the Board and of committees of the Board. The Secretary shall keep or cause to be kept, at the Principal Office in California, a copy of the Articles of Incorporation and Bylaws, as amended to date. Every Director shall have an absolute right to inspect and copy the books and records of the BWC. The Secretary shall give, or cause to be given, notice of all meetings of the Board and of committees of the Board required by these Bylaws to be given.

4.4.5. Chief Financial Officer.

(a) **Books of Account.** The Chief Financial Officer shall maintain adequate and correct books and records of accounts of the BWC's properties and transactions. The Chief Financial Officer shall send or cause to be given to the Directors such financial statements and reports as are required to be given by law, these Bylaws, or by the Board. The books of account shall be open to inspection and copy by any Director at any reasonable time.

(b) **Deposit and Disbursement of Money and Valuables.** The Chief Financial Officer shall deposit all money and other valuables in the name and to the credit of the BWC with such depositories as the Board may designate, shall disburse the BWC's funds as the Board may order, shall render to the President, Chairman of the Board, if any, and the Board, when requested, an account of all transactions and of the financial condition of the BWC, and shall have such other powers and perform such other duties as the Board or the Bylaws may prescribe.

(c) **Bond.** If required by the Board, the Chief Financial Officer shall give the BWC a bond in the amount and with the surety or sureties specified by the Board for faithful performance of the duties of the office and for restoration to the BWC of all of its books, papers, vouchers, money and other property of every kind in the possession or under the control of the Chief Financial Officer on his or her death, resignation, retirement or removal from office.

O4-196 cont.

Section 4.5 below permits compensation of officers if authorized by the Board. Similar to the provision for Directors in Section 3.8, above, compensated officers may be personally liable for monetary damages to third parties for negligent acts or omissions in the performance of their duties, whereas, "volunteer" officers may be exempt from such third party liability under California Nonprofit Corporation Law Section 5239 provided, among other conditions, that damages caused by an officer's act or omission are covered pursuant to a liability insurance policy issued to the corporation, either in the form of a general liability policy or a Director's and officer's liability policy, or personally to the executive officer. In the event that the damages are not covered by a liability policy, the volunteer executive officer shall not be personally liable for the damages if the Board and the person had made all reasonable efforts in good faith to obtain available liability insurance.

4.5. COMPENSATION.

Officers, agents and employees may be entitled to receive such reasonable compensation for their services as is authorized or ratified by the Board; provided that nothing in these Bylaws precludes any officer from serving the BWC in some other capacity and receiving compensation therefor. Any officer may be reimbursed for actual expenses incurred in the performance of corporate duties if authorized by the Board. Appointment of any officer, agent or employee does not of itself create contractual rights of compensation for services performed by such officer, agent or employee.

4.6. REMOVAL OF OFFICERS.

Without prejudice to any rights of an officer under any contract of employment, any officer may be removed with or without cause by majority vote of the Board. If the officer was not chosen by the Board, the officer may be removed with or without cause by any officer on whom the Board may confer such power of removal. Any removal of an officer shall be without prejudice to the rights, if any, of the BWC under any contract to which the officer is a party.

4.7. RESIGNATION OF OFFICERS.

Any officer may resign at any time by giving written notice to the BWC. The resignation shall take effect on the date the notice is received or at any later time specified in the notice and, unless otherwise specified in the notice, the resignation need not be accepted to be effective. Any resignation shall be without prejudice to the rights, if any, of the BWC under any contract to which the officer is a party.

4.8. VACANCIES IN OFFICE.

A vacancy in any office caused by death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in these Bylaws for regular appointments to that office, provided, however, that vacancies may be filled as they occur and not on an annual or term basis.

ARTICLE V
INDEMNIFICATION

5.1. RIGHT OF INDEMNITY.

To the fullest extent permitted by law, including the provisions of Section 5238 of California Nonprofit Corporation Law and any subsequently enacted provision, this corporation shall have the power to indemnify its agents (as defined in Section 5238(a)) and enter into agreements to provide such indemnification to its agents against expenses (as defined in Section 5238(a)), judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with any proceeding, including an action by or in the right of the BWC, arising by reason of the fact that any such agent is or was an agent, and shall have the power, subject to the authorization of the Board, to advance to each such agent expenses incurred in defending any such proceeding to the maximum extent permitted by law, including Section 5238 of the California Nonprofit Corporation Law, or any subsequently enacted provision.

O4-196 cont.

5.2. APPROVAL OF INDEMNITY.

On written request to the Board from any agent seeking indemnification under Section 5238(b), Section 5238(c), or any subsequently enacted section of the California Nonprofit Corporation Code, the Board shall promptly determine whether the applicable standard of conduct set forth under applicable law has been met and, if so, the Board shall have the power to authorize indemnification. If the Board cannot authorize indemnification because the number of Directors who are parties to the proceeding with respect to which indemnification is sought prevents the formation of a quorum of Directors who are not parties to that proceeding, the Board may authorize indemnification by a majority of the Directors who are not parties to that proceeding.

5.3. ADVANCEMENT OF EXPENSES.

The Board shall have the authority as permitted by law, including the provisions of California Nonprofit Corporation Code Section 5238(f), and except as otherwise determined by the Board in a specific instance, to advance expenses incurred by an agent seeking indemnification under Sections 5.1 and 5.2 of these Bylaws in defending any proceeding covered by those sections before final disposition of the proceeding, on receipt by the BWC of an undertaking by or on behalf of that agent that the advance will be repaid unless it is ultimately determined that the agent is entitled to be indemnified by the BWC for those expenses.

ARTICLE VI
RECORDS AND REPORTS

This Article describes the BWC's duties to produce and maintain various corporate records and reports.

6.1. MAINTENANCE OF CORPORATE RECORDS.

The BWC shall keep adequate and correct books and records of account, and written minutes of the proceedings of its Board, committees of the Board, the Joint Committee on Organization Oversight, and The Advisory Committees. Minutes shall be kept in written form. Other books and records shall be kept either in written form or in any other form capable of being converted into written form.

6.2. INSPECTION BY DIRECTORS AND APPOINTING ENTITIES.

Every Director and every Appointing Entity shall have the absolute right at any reasonable time to inspect the BWC's books, records, documents of every kind, physical properties, and the records of any of its subsidiaries. The inspection may be made in person or by the Director's or Appointing Entity's agent or attorney. The right of inspection includes the right to copy and make extracts of documents.

6.3. ANNUAL REPORT.

An annual report shall be provided to the Directors and Appointing Entities within one hundred and twenty (120) days after the end of the BWC's fiscal year. That report shall contain the following information, in appropriate detail, for the fiscal year: O4-196 cont.

6.3.1. The assets and liabilities, including the trust funds, of the BWC as of the end of the fiscal year;

6.3.2. The principal changes in assets and liabilities, including trust funds during the fiscal year;

6.3.3. The revenue or receipts of the BWC, both unrestricted and restricted to particular purposes in the fiscal year;

6.3.4. The expenses or disbursements of the BWC for both general and restricted purposes during the fiscal year; and

6.3.5. Any information required by law, including Section 6322 of the California Nonprofit Corporation Law as specified in Section 6.4, below.

The annual report shall be accompanied by any report on it of independent accountants or, if there is no such report, by the certificate of an authorized officer of the BWC that such statements were prepared without audit from the BWC's books and records.

6.4. ANNUAL STATEMENT OF CERTAIN TRANSACTIONS AND INDEMNIFICATIONS.

As part of the annual report, the BWC shall annually prepare and mail or deliver to each Director and Appointing Entities a statement of any transaction involving an interested person or indemnification, if any such transaction or indemnification took place, as required by Section 6322 of the California Nonprofit Corporation Law.

ARTICLE VII
CONSTRUCTION AND DEFINITION

This Article provides a general guideline to terms used in these Bylaws.

7.1. CONSTRUCTION.

Unless the context requires otherwise, the general provisions, rules of construction, and definitions in the California Nonprofit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of the preceding sentence, the masculine gender includes the feminine and neuter, the singular includes the plural, the plural includes the singular and the term "person" includes both a legal entity and a natural person.

7.2. CONFLICTING PROVISIONS.

In case of any conflict between the Articles and these Bylaws, the Articles shall control.

7.3. STATEMENTS IN ITALICS.

The portion of these Bylaws printed in italics are provided as a simplified, general explanation of the purposes of the Articles and Sections of these Bylaws, as a convenience to the reader. They are not part of these Bylaws and may not be considered in resolving questions of interpretation or construction.

O4-196
cont.

ARTICLE VIII
MISCELLANEOUS

8.1. CHECKS, DRAFTS AND DOCUMENTS.

All checks, drafts, orders for payment of money, notes, and other evidences of indebtedness issued in the name of or payable to the BWC must be signed or endorsed in the manner and by the person or persons the Board designates by resolution, subject to the requirements of these Bylaws for the withdrawal of money from the BWC's accounts.

8.2. EXECUTION OF DOCUMENTS.

The Board may authorize any officer or agents to enter into any contract or execute any instrument in the name of and on behalf of the BWC, and such authority may be general or confined to specific instances.

8.3. REFERENCE TO SPECIFIC STATUTE.

Any reference to a specific statute in these Bylaws shall include a reference to any subsequent amendment to that statute. Such reference shall also include a reference to any corresponding provision of law regulating the same subject matter.

8.4. AMENDMENT OF BYLAWS.

8.4.1. Voting Requirements. Except as otherwise provided in Section 8.4.2 of these Bylaws, the Board may, by majority vote, adopt, amend, or repeal these Bylaws; except that Sections 1.3, 3.3.1, 3.4.1, 3.4.2, 3.5.3, 3.6.1, 3.6.5(b)(iv), 3.6.7, 3.9.1, 6.2, 6.4, and this Section 8.4.1 of these Bylaws may not be amended except by unanimous consent of the Appointing Entities. If any provision of these Bylaws requires the vote of a larger proportion of the Board than is otherwise required by

law, that provision may not be altered, amended or repealed except by that greater vote.

8.4.2. Approval by Declarant. So long as the Declarant, as defined in the Master Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Playa Vista, recorded in the Official Records of Los Angeles, California, owns any portion of Playa Vista or the Annexable Area, as both terms are defined in the Master Declaration, the Bylaws of BWC cannot be amended without the written consent of the Declarant.

O4-196 cont.

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify that:

1. I am the duly elected and acting secretary of BALLONA WETLANDS CONSERVANCY, a California nonprofit public benefit corporation; and

2. The foregoing Bylaws, consisting of 21 pages including this page, constitute the Bylaws of the BWC duly adopted on Dec. 4, 2000.

O4-196 cont.

IN WITNESS THEREOF, I have subscribed my hand and affixed the seal of the BWC on Dec. 4, 2000.

Alan J Becker

Alan J. Becker, Secretary

{SEAL}

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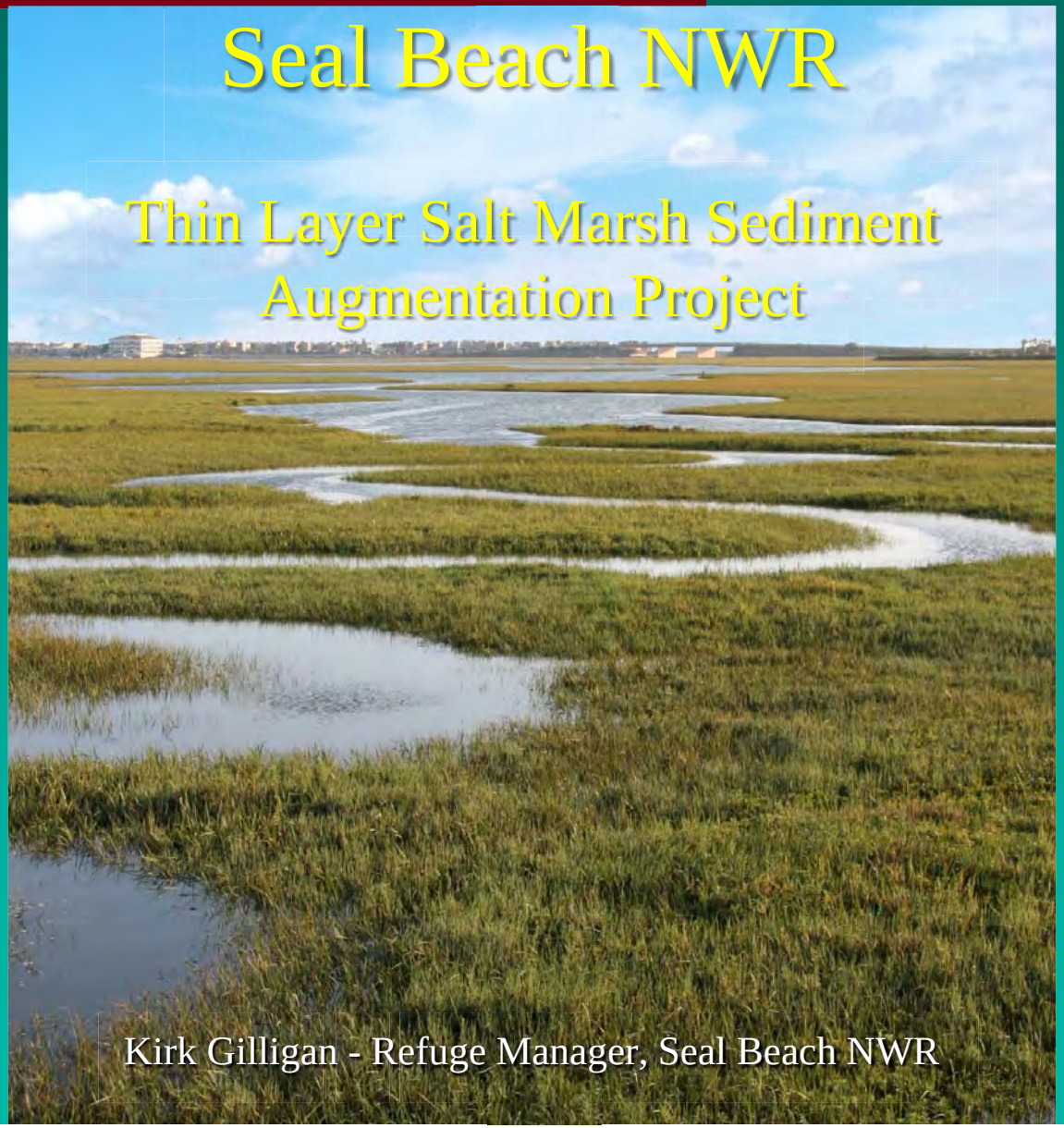
11/1/00

U.S. Fish & Wildlife Service

Seal Beach NWR

Thin Layer Salt Marsh Sediment Augmentation Project



Kirk Gilligan - Refuge Manager, Seal Beach NWR

O4-197

U.S. Fish & Wildlife Service

Thin Layer Salt Marsh Sediment Augmentation

O4-197 cont.

U.S. Fish & Wildlife Service

Beneficial Use of Dredge Material by Thin Layer Placement

- First Study – 1978 Georgia
- Many applications since - TX, LA, GA, NC, MD
- Often used where natural systems of sediment deposition have been altered
- 2015/2016 – Seal Beach NWR - First thin layer addition project on west coast of US?

ERDC/EL TN-07-1
December 2007

US Army Corps of Engineers

Thin Layer Placement of Dredged Material on Coastal Wetlands: A Review of the Technical and Scientific Literature

by Gary L. Ray

PURPOSE: Coastal wetlands in many areas are deteriorating due, in part, to sediment depletion, subsidence, and sea level rise. The purpose of this technical note is to review and synthesize the available scientific and technical literature concerning thin layer placement of dredged materials in wetlands to ameliorate these effects.

BACKGROUND: The stability of coastal wetlands is largely a function of the balance between sediment accretion, marsh subsidence, and sea-level rise (Mitsch and Gosselink 2000). In southern Louisiana, this balance has been upset by a variety of factors including control of the flow of the Mississippi River and construction of levees which act to restrict the supply of sediment, reduced freshwater inflow, and salt water intrusion due to construction of pipeline canals (Cahoon and Cowan 1987, 1988). As a result, Louisiana leads the United States in wetland loss, losing as much as 24 square miles each year (Louisiana Department of Natural Resources 2007). Extreme events such as hurricanes can result in even greater losses. For instance, the United States Geological Survey (USGS) estimates that as much as 217 square miles of coastal lands including marshes (Figure 1) were converted to open water following Hurricanes Katrina and Rita (USGS 2007).

Figure 1. Salt marsh vegetation (USACE photo)

One method of potentially slowing wetland loss is to artificially supply sediments to subsiding marshes. Techniques normally employed to move and distribute sediments are impractical in the unstable soils of wetlands, so new methods have been developed. The primary method is to deposit thin layers of sediment, usually by spraying a sediment slurry under high pressure over the marsh surface. The technique is essentially a modification of existing hydraulic dredging methods in which sediments are hydraulically dredged, liquefied, and then pumped through a high-pressure spray nozzle. Developed in Louisiana, it has since been performed on the Gulf and Atlantic coasts and shows promise for general application.

STUDIES OF THIN LAYER PLACEMENT: Studies of the effects of placing dredged materials on marshes originated with recognition that marshes are adapted to respond to natural processes, such as storms, which deposit wrack and sediments on the marsh surfaces. In one of the first studies of placement of dredged materials on marshes, Reimold et al. (1978) manually

1

O4-197 cont.

U.S. Fish & Wildlife Service

O4-197 cont.

U.S. Fish & Wildlife Service

Refuge Purpose

"Preserve and manage the habitat necessary for the perpetuation of two endangered species – the light-footed clapper rail and CA least tern."

"Preserve habitat used migratory waterfowl, shorebirds, and other water birds."

Western snowy plover

Pacific green sea turtle

Belding's savannah sparrow

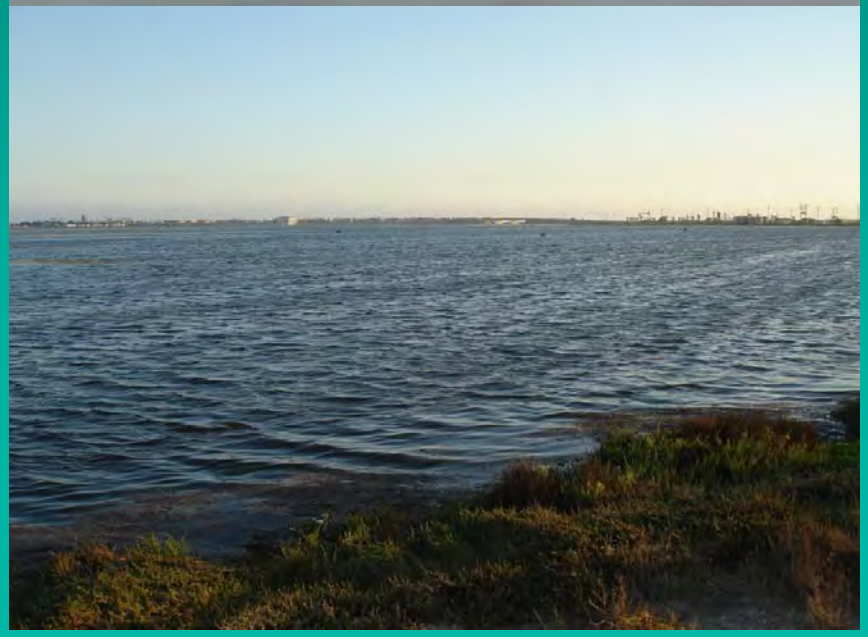
Light-footed Ridgway's rail

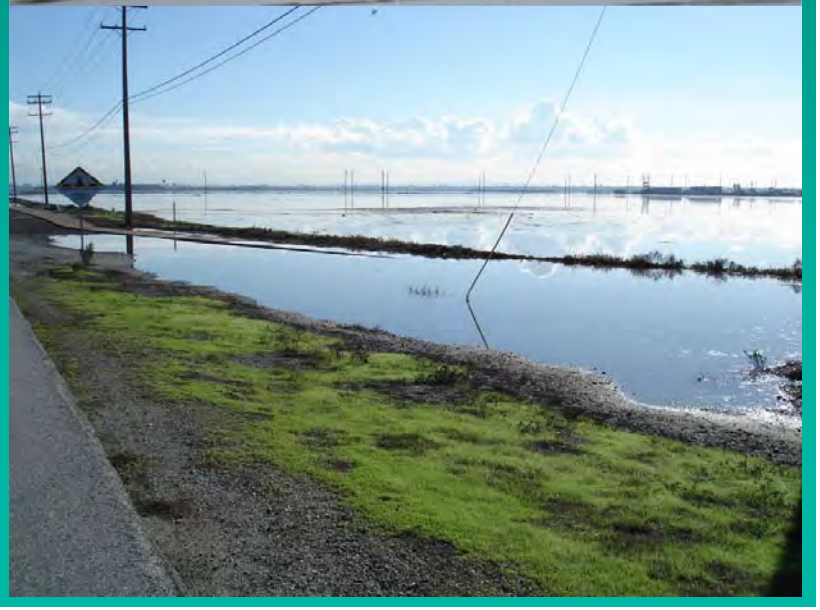
California least tern

O4-197 cont.

U.S. Fish & Wildlife Service

What's missing?





O4-197
cont.

U.S. Fish & Wildlife Service

But of course!

O4-197
cont.

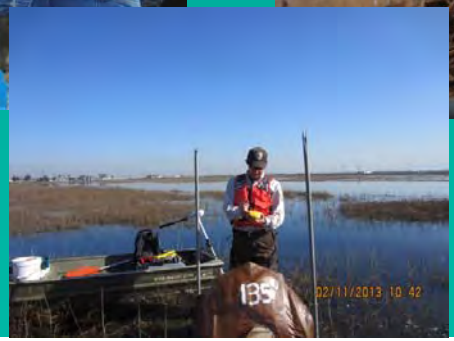
U.S. Fish & Wildlife Service

Management Programs -Endangered Species

Light-footed Ridgway's Rail

LFRR Platform maintenance: Built and replaced approximate 20 LFRR platform covers & bases. Maintained all 90 nestin platforms. Fall count – 102

Captive-bred rail release – 2014



O4-197 cont.

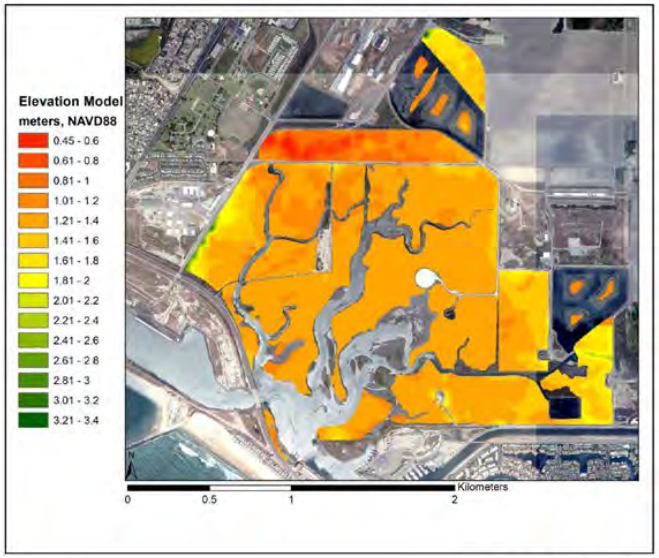
U.S. Fish & Wildlife Service

Seal Beach NWR – Lowest of the Low

Seal Beach NWR had the lowest mean elevation and mean elevation relative to MHW out of 8 CA marshes studied by UCLA and USGS.

Elevation

- We conducted surveys with a Leica Real Time Kinematic GPS (± 2 cm x, y, z, accuracy)
- Surveyed along transects every 12.5m; transects separated by 50 m
- 4757 elevation measurements; 266 hectares



Site	Hectares	Elevation Measurements (n)	Mean Elevation	Maximum Elevation	Minimum Elevation	Elevation Range	Mean releative to MHW
Humboldt	169	3020	1.77	2.82	0.58	2.24	0.32
Bolinas	87	1832	1.58	3.42	1.12	2.3	0.03
San Pablo Bay	1410	1725	1.95	4.99	-0.17	5.16	0.11
Morro Bay	188	3115	1.63	3.05	0.5	2.55	0.25
Pt. Mugu	112	1924	1.73	2.76	1.04	1.72	0.35
Seal Beach	266	4757	1.34	3.56	0.31	3.25	0.01
Newport	61	1234	1.53	1.53	0.68	0.85	0.17
Tijuana Slough	374	5832	2.22	5.32	0.99	4.33	0.21

USGS science for a changing world

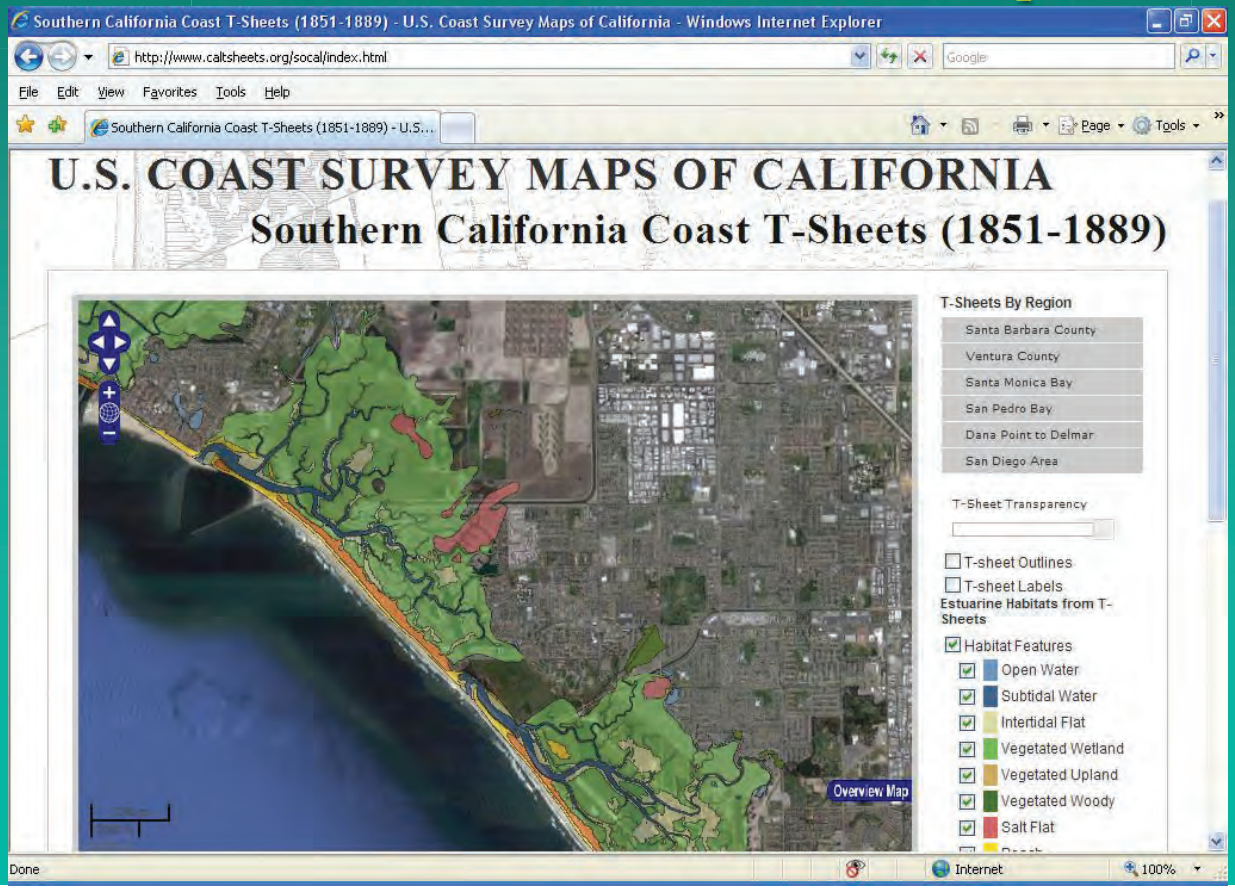
UCLA & USGS Change Team — Coastal Ecosystem Response to Climate

O4-197 cont.

U.S. Fish & Wildlife Service

Why elevation challenged?

1. Diversion of freshwater inputs
   - -Change in salinity
   - -Reduction or loss of sediment inputs



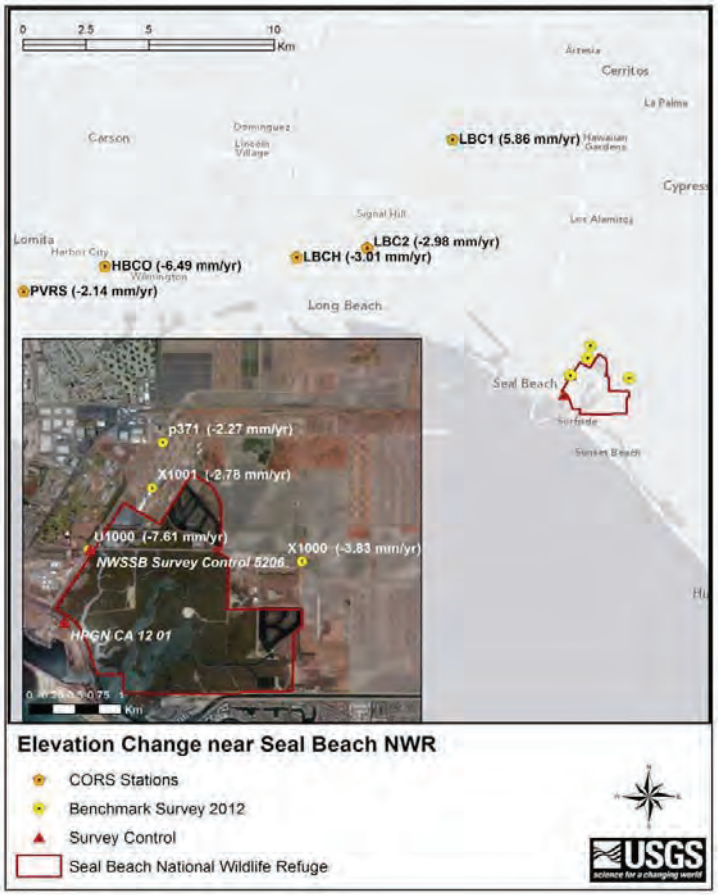
O4-197 cont.

U.S. Fish & Wildlife Service

2. Land subsidence – subterranean fluid extraction and tectonic action

Evaluation of Subterranean Subsidence at Seal Beach National Wildlife Refuge (Takekawa et al, 2013)

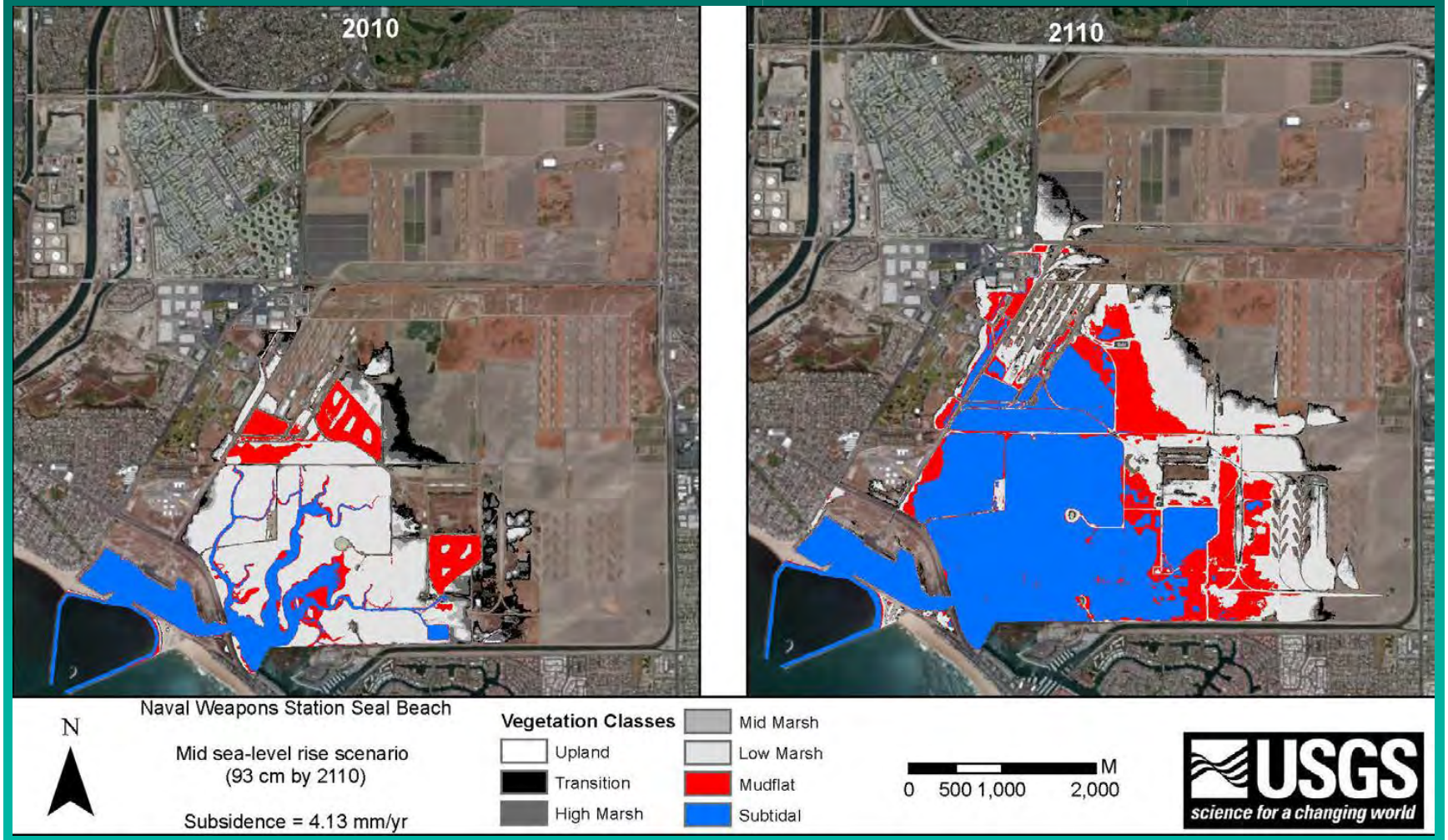
- Subsidence occurring at NWSSB at a rate of -4.13 mm/yr (SE ± 1.21 mm/yr)
- SBNWR is experiencing a relative sea-level rise rate three times more (6.23 mm/yr) than that of similar southern California marshes not experiencing subsidence



O4-197 cont.

U.S. Fish & Wildlife Service

3. Sea level rise – historic and future



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U.S. Fish & Wildlife Service

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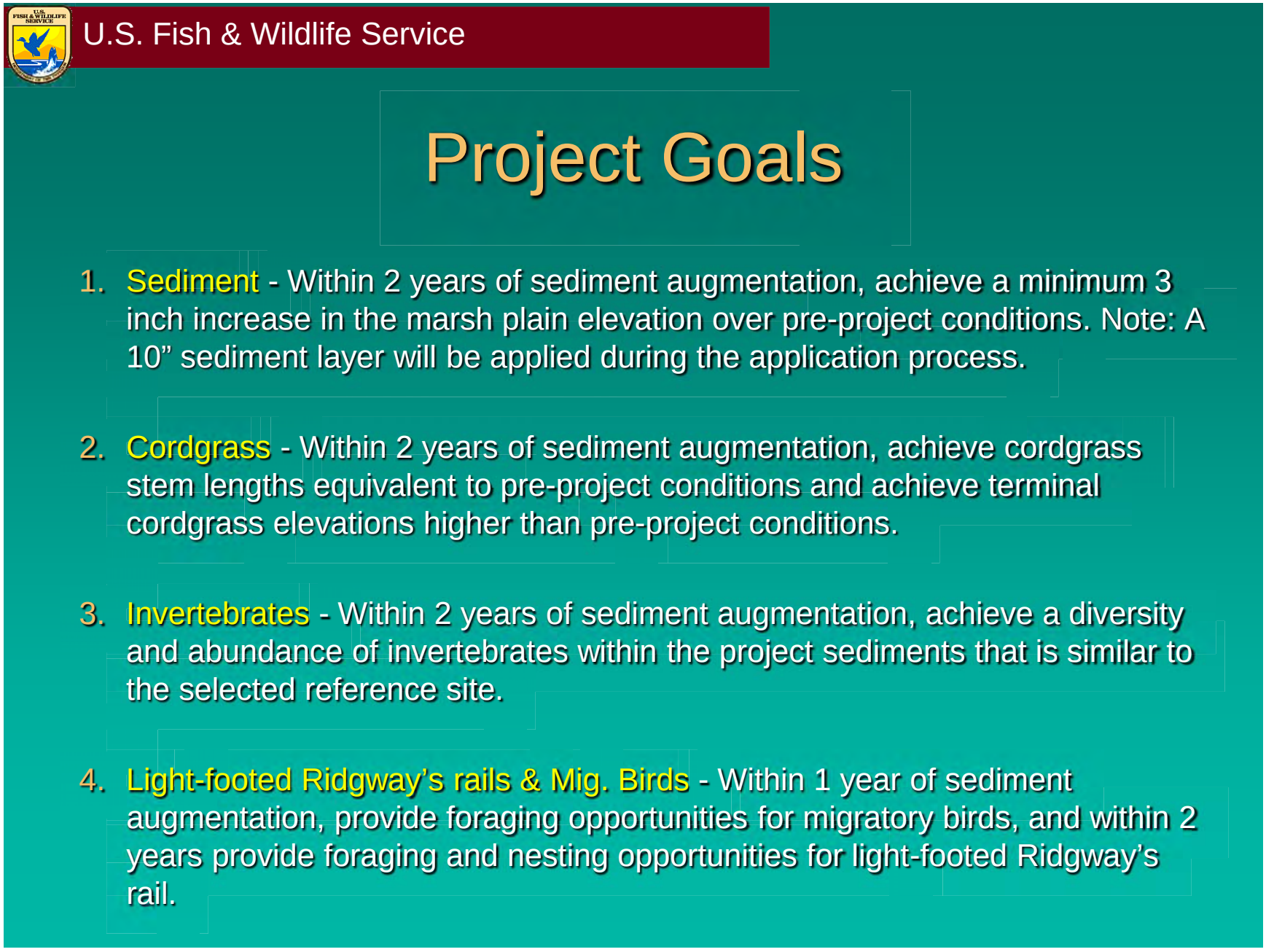
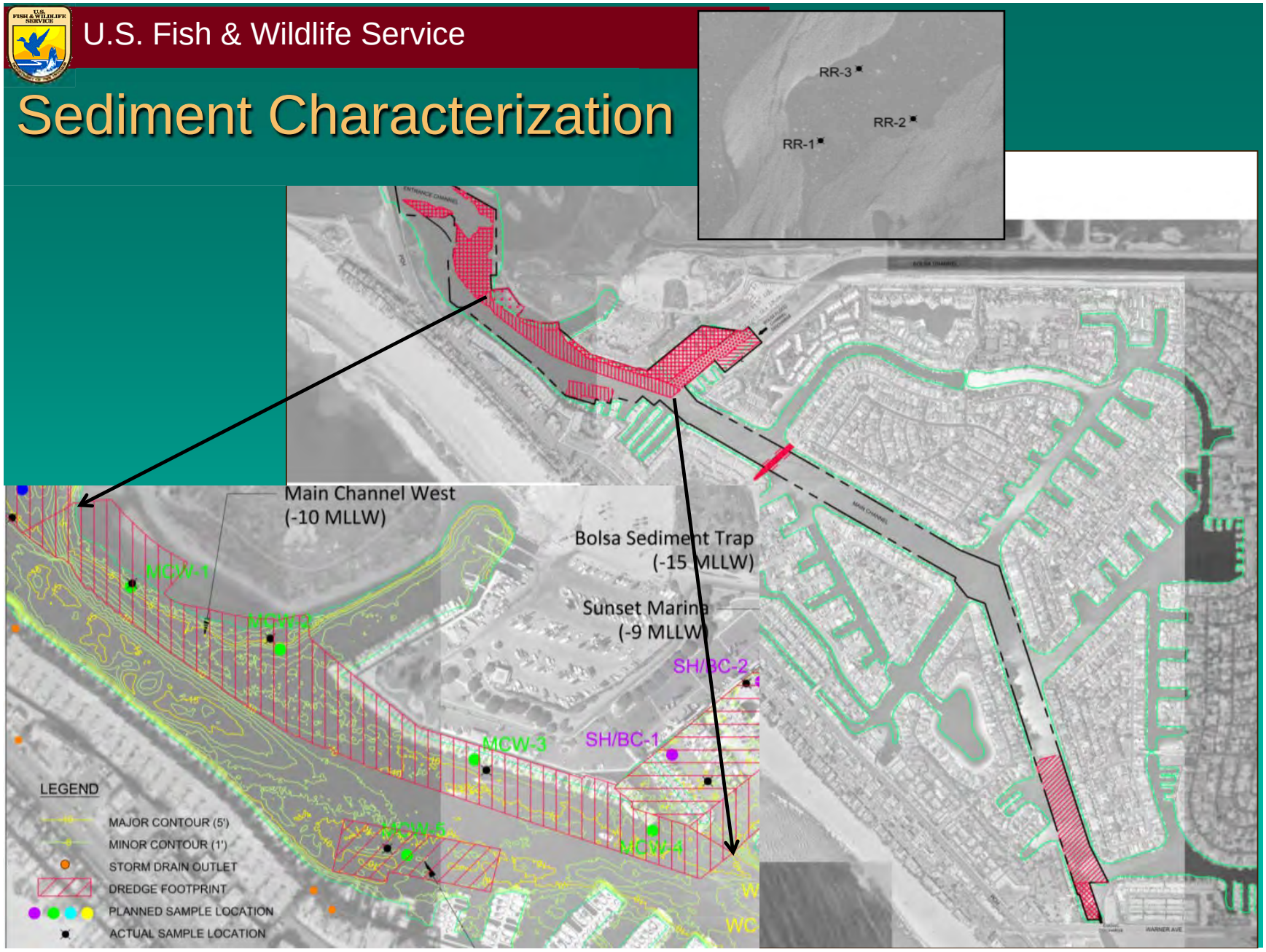

U.S. Fish & Wildlife Service
Project Goals
1. Sediment - Within 2 years of sediment augmentation, achieve a minimum 3 inch increase in the marsh plain elevation over pre-project conditions. Note: A 10” sediment layer will be applied during the application process.
2. Cordgrass - Within 2 years of sediment augmentation, achieve cordgrass stem lengths equivalent to pre-project conditions and achieve terminal cordgrass elevations higher than pre-project conditions.
3. Invertebrates - Within 2 years of sediment augmentation, achieve a diversity and abundance of invertebrates within the project sediments that is similar to the selected reference site.
4. Light-footed Ridgway’s rails & Mig. Birds - Within 1 year of sediment augmentation, provide foraging opportunities for migratory birds, and within 2 years provide foraging and nesting opportunities for light-footed Ridgway’s rail.

O4-197 cont.


U.S. Fish & Wildlife Service
Sediment Characterization
RR-3
RR-2
RR-1
Main Channel West
(-10 MLLW)
Bolsa Sediment Trap
(-15 MLLW)
Sunset Marina
(-9 MLLW)
MCW-1
MCW-2
MCW-3
MCW-4
MCW-5
SH/BC-1
SH/BC-2
LEGEND
MAJOR CONTOUR (5')
MINOR CONTOUR (1')
STORM DRAIN OUTLET
DREDGE FOOTPRINT
PLANNED SAMPLE LOCATION
ACTUAL SAMPLE LOCATION

O4-197
cont.

U.S. Fish & Wildlife Service

Sediment Characterization Results

- Results report published and presented to SC-DMMT on May 28, 2014
- Grain size distribution (silt/clay/sand content) of Main Channel West dredge material similar to Refuge samples
- Chemistry, bioassay, and bioaccumulation testing of MCW material indicates suitability for SBNWR (or open ocean/LA-2) placement.

O4-197 cont.

U.S. Fish & Wildlife Service

Sediment Application Methods

Slurry delivered via floating or submerged pipeline directly from dredge or barge

Photo by USACE

O4-197
cont.

U.S. Fish & Wildlife Service

Sediment Application Methods (cont.)

Placed on Refuge via Rainbow Spray or end-of-pipe Baffle Impingement

Photo by Bob Blama, CENAB,USACE

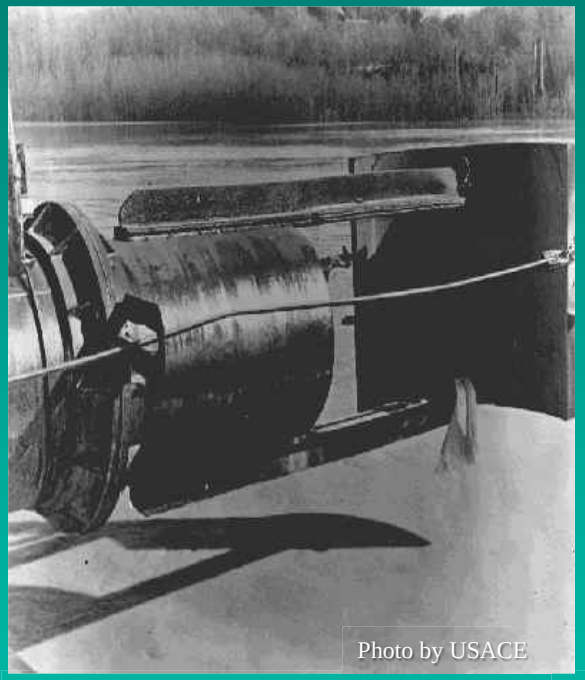


Photo by USACE

End up pipe pointed horizontal, up, or angled toward baffle

O4-197 cont.

U.S. Fish & Wildlife Service

Monitoring Program

An essential component of this adaptation action is monitoring to evaluate both the ecological response to the action and the overall effectiveness of the action (specifically, have the project objectives been achieved).

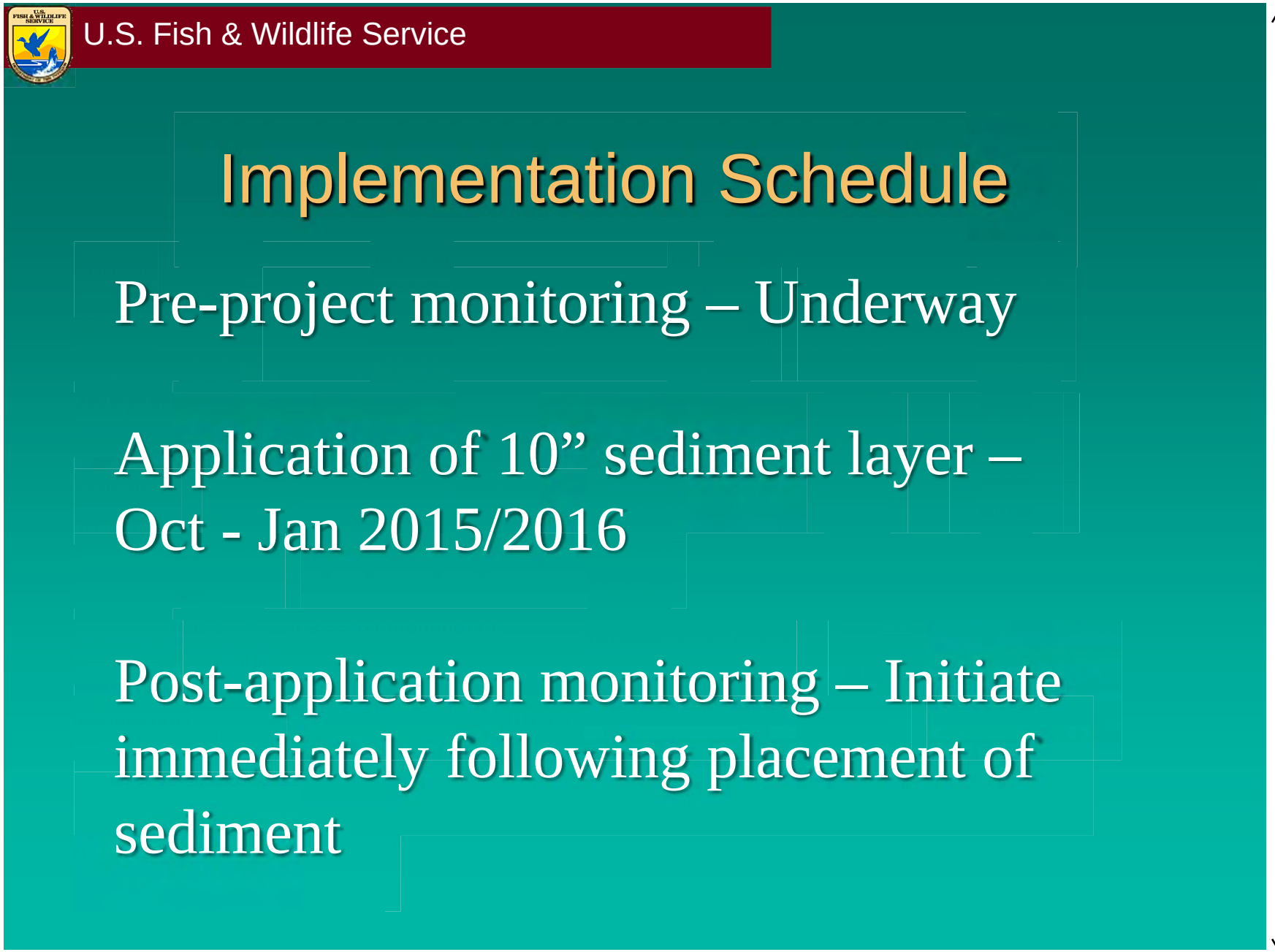
O4-197 cont.

U.S. Fish & Wildlife Service

Proposed Monitoring

- Sediment elevations; thickness, and compaction rate of applied sediment
- Sediment movement and turbidity in adjacent channels
- Tidal creek status/formation/reformation post sediment application
- Vegetation monitoring/Plant community assessment – to include % cover, biomass, cordgrass terminal elevation, cordgrass stem length, cordgrass stem density, physiological plant condition
- Abiotic parameter description
- Eelgrass monitoring
- Infaunal invertebrate community structure
- Epifaunal community diversity
- General avian surveys – abundance & diversity
- Light-footed Ridgway's rail monitoring

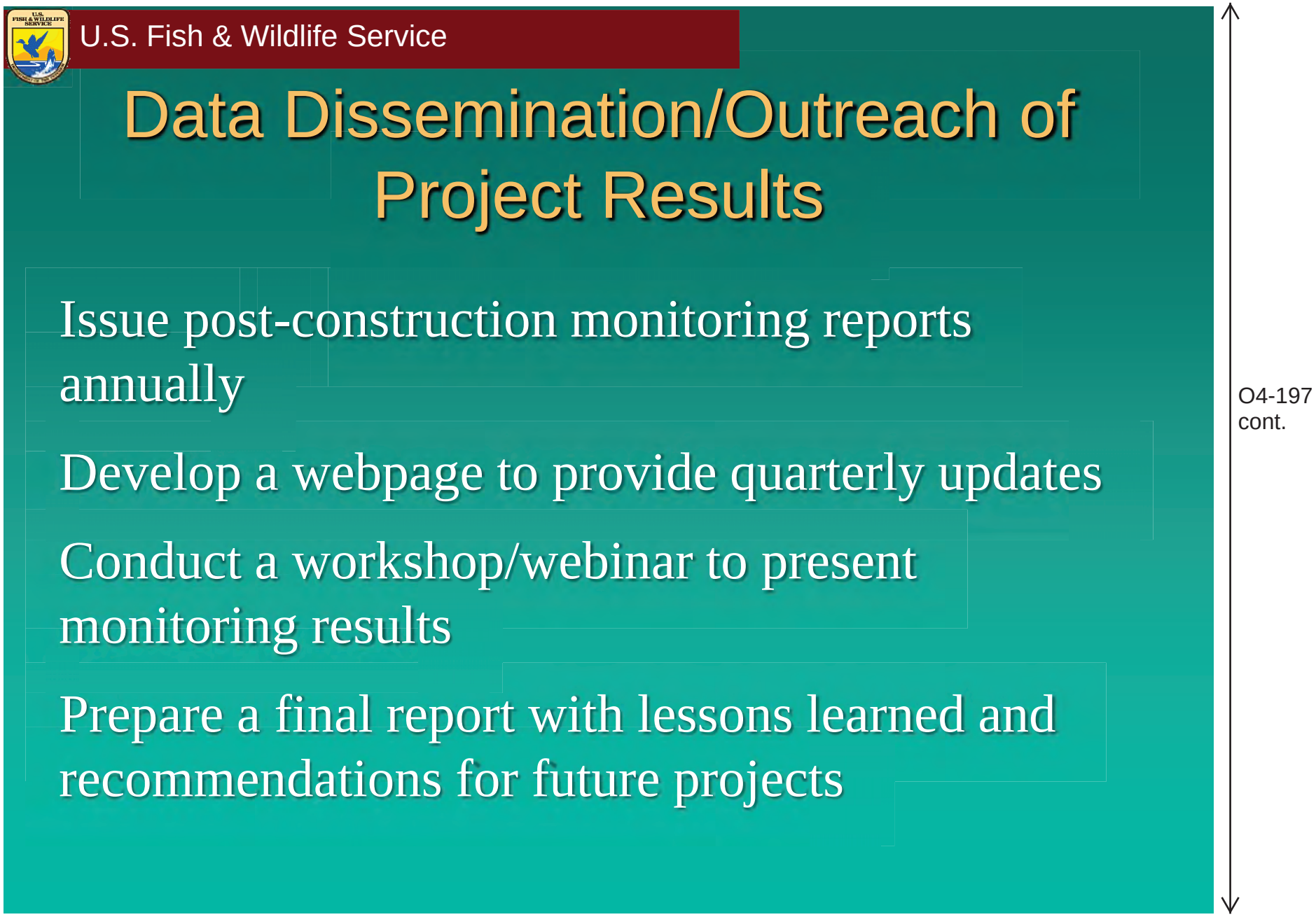
O4-197 cont.


U.S. Fish & Wildlife Service
Implementation Schedule
Pre-project monitoring – Underway
Application of 10” sediment layer – Oct - Jan 2015/2016
Post-application monitoring – Initiate immediately following placement of sediment

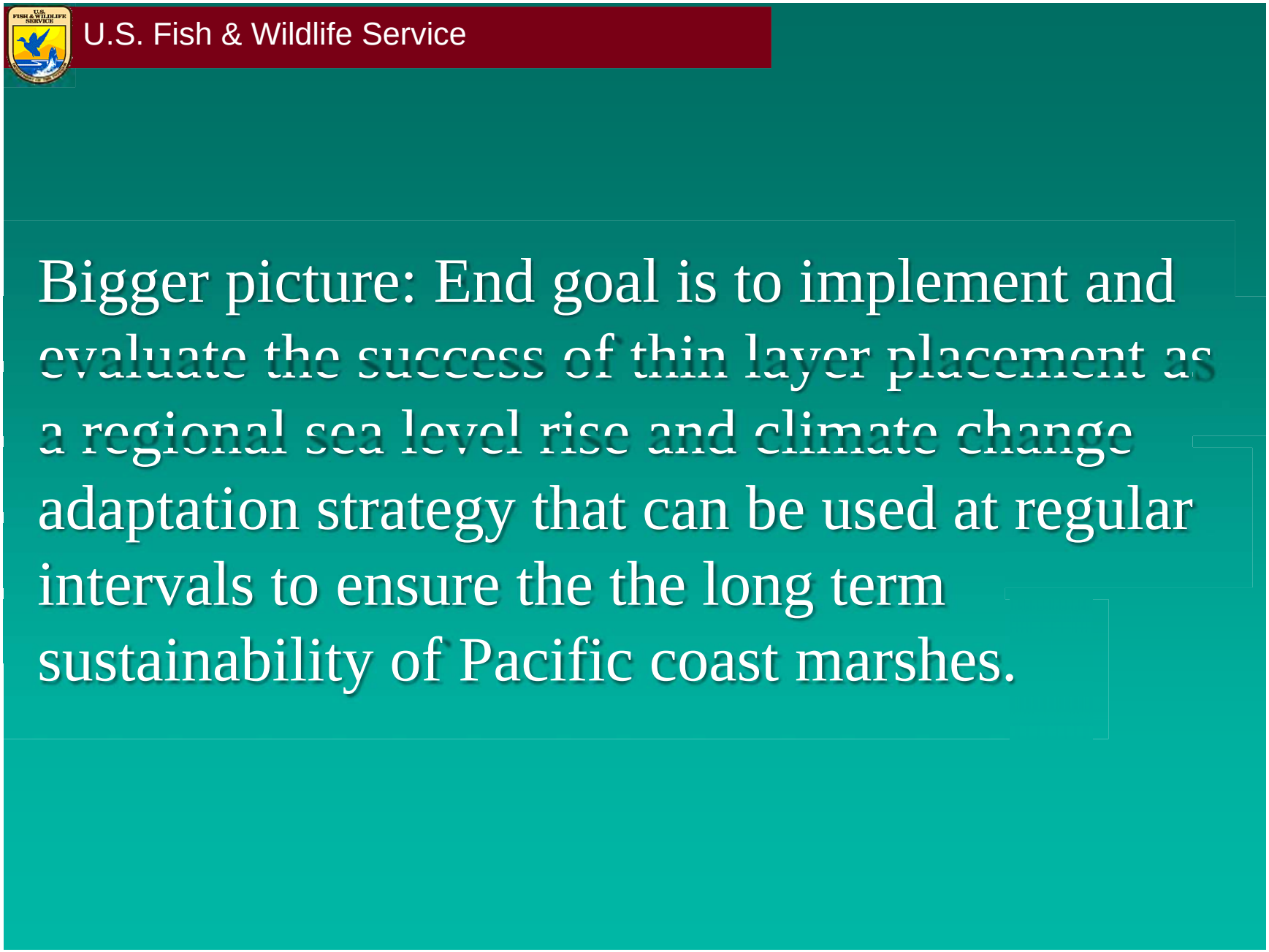
O4-197 cont.

U.S. Fish & Wildlife Service
Project Partners
• U.S. Fish and Wildlife Service
• OC Parks
• California Coastal Conservancy
• Naval Weapons Station Seal Beach
• State Lands Commission
• Southwest Wetlands Interpretive Association
• USGS – Western Ecological Research Center
• UCLA – Richard Ambrose, Ph.D.
• CSU Long Beach – Christine Whitcraft, Ph.D.
• Moffatt & Nichol

O4-197 cont.


U.S. Fish & Wildlife Service
Data Dissemination/Outreach of Project Results
Issue post-construction monitoring reports annually
Develop a webpage to provide quarterly updates
Conduct a workshop/webinar to present monitoring results
Prepare a final report with lessons learned and recommendations for future projects

O4-197 cont.


U.S. Fish & Wildlife Service
Bigger picture: End goal is to implement and evaluate the success of thin layer placement as a regional sea level rise and climate change adaptation strategy that can be used at regular intervals to ensure the the long term sustainability of Pacific coast marshes.

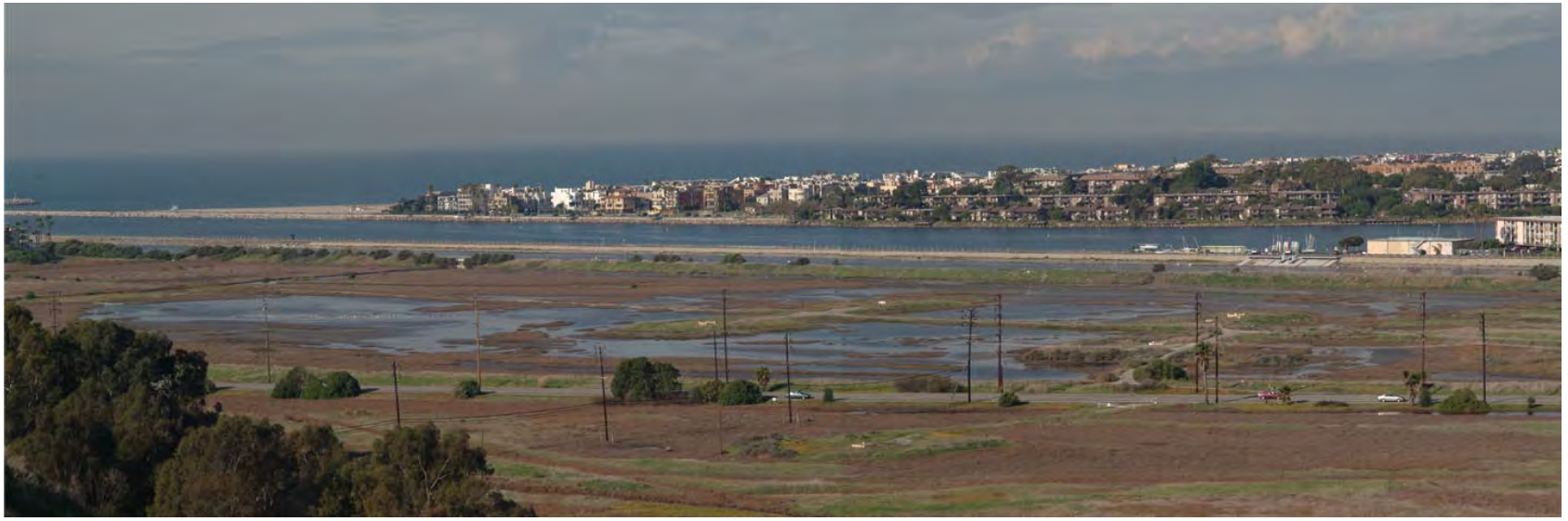
O4-197
cont.

Ballona Wetlands

Interim Stewardship and Access Management Plan

Prepared for State Coastal Conservancy,
Department of Fish and Game
and State Lands Commission

JUNE 15, 2005



O4-198

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O4-198 cont.

I. INTRODUCTION

Vision for Community Stewardship

The State of California acquired the Ballona Wetlands in 2003 and 2004 because it is one of the most significant wetland resources in Southern California. Following its acquisition, the State Coastal Conservancy (SCC), in collaboration with the California Department of Fish and Game (DFG), State Lands Commission (SLC), and other agencies, as well as various community and conservation organizations, began the wetland restoration planning process.

The Interim Stewardship and Access Management Plan is the first visible step in a series of planning efforts for the Ballona Wetlands. This working plan is intended to serve as a guide to manage short-term access, restoration and educational opportunities now and over the next three plus years, through the completion of the Wetland Restoration Plan.

The long-term Wetland Restoration Plan will be developed to restore and enhance the natural resources of the site and to create compatible public access opportunities.

The development of the Wetland Restoration Plan, guided by adaptive management principles, will offer a long-range vision for a healthy Ballona Wetlands. This vision requires broad community support and participation, for only through community stewardship will wetland improvements be maintained in perpetuity.

Goals

- Create a handbook and a working plan for short-term stewardship and access over the next 3+ years.
- Provide public access and recreation opportunities, compatible with habitat, fish and wildlife conservation.
- Encourage public appreciation of Ballona Wetlands.
- Develop a functional equivalent of a DFG Land Management Plan for the near-term until the final plan is adopted.
- Complement and advance existing activities being undertaken within Ballona Wetlands.
- Redirect non-complementary uses and activities related to the health of Ballona Wetlands.
- Develop and utilize signage in a form and scale appropriate to the setting and need for restoration and visitor education.
- Facilitate trash management.

Guiding Principles

- **Build on what is working now** — the ability of projects and programs to build on already successful efforts.
- **Enhance partnering and improve working relationships** — build on the existing strengths of community non profits and encourage joint problem solving and public-private partnerships.
- **Encourage operational simplicity** — undertake programs and projects that facilitate monitoring and management without complex arrangements.
- **Provide linkages to other ongoing or emerging efforts being undertaken in the watershed** — encourage communication between agencies and organizations working in the Ballona Watershed.
- **Don't compromise future restoration efforts** — work smart, focus interim stewardship efforts on projects that will be consistent with and supportive of the long term restoration plan.
- **Leverage projects for their educational and interpretive aspects** — provide teaching tools and articulate lessons learned with each undertaking within the wetlands.
- **Offer an appropriate level of managed community access** — provide a balance of resource protection, public safety and passive recreation.

O4-198 cont.

Aerial of Planning Area

O4-198 cont.

II. EXISTING CONDITIONS

Description of Physical Setting

The Ballona Wetlands planning area is the last remaining 600 acres of historic wetlands at the base of the Ballona Creek watershed. It drains a total of 130 square miles of highly urbanized area. While the Ballona Wetlands ecosystem has been substantially degraded over the years due to human activity and urban development, it is still a rich ecological system that bridges the gap between aquatic and land environments and provides crucial habitat for hundreds of plant and animal species, including Belding's Savannah Sparrow, an Endangered species. Within the wetlands many different habitat types occur including:

- Open water
- Saltwater Marsh/wetland
- Freshwater Marsh/wetland
- Dunes
- Upland - coastal sage scrub, southern fore dune and non-native annual grassland.
- Urbanized/recreation

The Ballona Wetlands is divided into three parcels, areas A and B (west of Lincoln Boulevard) and area C (east of Lincoln Boulevard).

Existing relationships to surrounding uses are:

- Nearby open spaces
  - State beaches at Venice, Santa Monica and Dockweiler
  - Marina Del Rey and Burton Chase Park
  - Del Rey Lagoon
  - Baldwin Hills including Kenneth Hahn State Recreational Area.
- Residential uses impact wetland area through formal and informal access.
- Bikeway network links perimeter of wetlands to surrounding neighborhoods.
- Storm water from neighboring lands drains into wetlands and creek.

Environmental Assets include:

- Adjacent to estuary at the mouth of Ballona Creek/Marina Del Rey.
- Subject to tidal action and seasonal rainfall.
- Largest remaining coastal estuary/wetland habitat within Los Angeles Basin.
- Culturally sensitive archaeological sites.
- Nearby Endangered species habitat include Least Tern habitat on beach north of Ballona Creek, and El Segundo Blue butterfly habitat west of LAX, as well as rare dune beach and bluffs extending south of Ballona Wetlands to Palos Verdes Peninsula.

The Ballona Wetlands is divided into three parcels, areas A, B and C .

Area A

Area B

Area C

O4-198 cont.

Management Environment

Ballona Wetlands, areas A, portions of B, and C are in public ownership under the stewardship of DFG. Two areas in B, known as the Freshwater Marsh (FWM) and the Expanded Wetlands parcel, are under the jurisdiction of the SLC. In conveying the FWM to the SLC, Playa Capital Company, LLC (Playa Capital) reserved certain rights and responsibilities with respect to the construction, maintenance and monitoring of the FWM. The Ballona Wetlands Conservancy (BWC) holds a conservation easement over the FWM.

Current activities, which are regulated by Access Agreements between DFG and authorized users/ stewards must be consistent with:

- DFG habitat protection mission
- restoration and enhancement goals
- existing regulations
- wildlife needs
- safety of users
- adverse-free impacts on sensitive species and habitats.

Interim stewardship and access management is being coordinated by the SCC, DFG and SLC. Future Restoration efforts will be guided by the Ballona Wetlands Restoration Plan being developed jointly by SCC, DFG and SLC.

Ecological Reserve (ER) designation being pursued by DFG is to provide:

- protection for rare, threatened and Endangered species
- compatible public entry for:
  - pedestrian use on designated trails only
  - bicycle use on north side of creek channel
  - fishing from shore in designated areas
  - Playa Vista Little League under current lease
  - parking to L.A. County under current lease

Current Usage

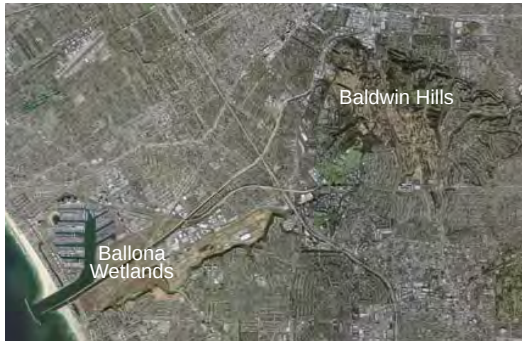
General Uses

- habitat restoration
- educational tours and field trips
- scientific research and monitoring
- active and passive recreation
- supervised public access
- flood control and water quality maintenance

Types of Uses

- Birding and bird counts: Audubon Society, BWC and Wetlands Action Network.
- Dune restoration: Friends of Ballona Wetlands.
- Environmental education, tours and school field trips (K-12): Audubon Society, Ballona Wetlands Land Trust and Friends of Ballona Wetlands.
- Environmental monitoring and wetlands research: BWC, Center for Natural Lands Management (CNLM) and City of Los Angeles Environmental Monitoring Division (CLAEMD).
- Invasive species removal: BWC, Ballona Wetlands Land Trust and Friends of Ballona Wetlands.
- Natural history and site tours: Ballona Wetlands Land Trust, Friends of Ballona Wetlands and Wetlands Action Network.
- Recreation (organized): Playa Vista Little League Program.
- Recreation (walking, dog walking, biking, boating and fishing): General public.
- Scientific symposia: Ballona Wetlands Foundation and Friends of Ballona Wetlands.
- Security patrols and trash removal: Ballona Wetlands Land Trust, Friends of Ballona Wetlands and Trust for Public Land (TPL).
- Special projects and events: Audubon Society, Ballona Wetlands Land Trust, Ballona Wetlands Foundation and Friends of Ballona Wetlands.
- Underground storage of natural gas, and gas well monitoring, maintenance and operation within easements.
- Utility access, operations and maintenance within rights of way and utility easements accommodating electric power transmission, flood control and roadway maintenance.
- Water and sediment sampling: Loyola Marymount University (LMU).
- Workdays, maintenance and land management: Ballona Wetlands Land Trust, Friends of Ballona Wetlands and CNLM (limited to the FWM).

Ballona Wetlands, 1941



Aerial of Ballona Wetlands and its surroundings today

O4-198
cont.

Signage

Description

There are more than 50 different kinds of signs around and within the Ballona Wetlands boundaries. Messages range from "No Dumping Allowed," to "Protect this State Owned Land," to "Caution: High Pressure Oil Line."

The signs can be characterized as:

- Locational: "Titmouse Park"
- Prohibitive: "Keep Out, Private Property"
- Warning: " Warning: Mussels; From these waters it is unfit for human consumption..."
- Informational: "State-owned Ballona Wetlands Area"
- Educational: "At the Wetlands, a feathered flock: diving, dabbling, stalking or skimming, the birds of Ballona find an abundance of food…"
- Directional: "Access for Playa Vista Little League enter here"

Trends

Authorized and unauthorized signage has increased, proliferating along perimeter fencing.

Existing signs

O4-198 cont.

Access Points

Description

There are more than 50 formal and informal access points into the wetlands used by the public, non profit organizations, agencies, scientists, institutions and utility companies.

Public

- Informal public access conditions vary from area to area. The overall perimeter is mostly fenced off. Access occurs here through holes in the fence, through unlocked gates, or by simply jumping the fence. The interior of the site, which is unfenced in area B, can be accessed anywhere. However since parking is limited, so is access. The interior of the site in

Broken fence at area A

No fence at area B

Fallen fence at area C

The condition of current access points varies from area to area

Unlocked gate at area C

O4-198 cont.

area C is fenced but the site is easily and regularly accessed through unlocked gates, holes in the fences and openings to nearby residences. Locked gates provide access to authorized users. However, the current daisy chain lock system is problematic because some authorized users are locked out from time to time, due to misuse of the locking system.

- Public access to the Freshwater Marsh is restricted to the designated trail that parallels Jefferson and Lincoln Boulevards.

- Formal public access occurs at the baseball fields (both from Culver Boulevard and Ballona Creek) and the perimeter of the Freshwater Marsh. Both locations provide parking.

Community Non Profits

- Ballona Wetlands Land Trust accesses the site at a variety of locations for trash pick-up, invasive species removal, native plant sales and educational events.

- Friends of Ballona Wetlands, Wonders of Wetlands (WOW) and Audubon Society access the site from behind Gordon's Market, along the dunes trail, and along Ballona Creek for a variety of educational events, invasive species removal, trash pick-up, dune restoration and bird counts.

- BWC and CNLM access the site at the Marsh. BWC also accesses the site at the intersection of Culver/Jefferson Boulevards and at the Culver loop for Best Management Practices (BMP) maintenance, and at the Freshwater Marsh outfall access road for marsh maintenance.

Tribal Consultation and Coordination

- Members of the Gabrielino-Tongva Tribe, indigenous to the L.A. Basin, consider the Ballona Wetlands culturally significant. Their access to cultural resources needs to be preserved through formal and informal consultation and coordination.

Agencies

- Los Angeles County Department of Public Works (LADPW), City of Los Angeles (CLA) and CLAEMD access the site via a locked gate from behind Gordon's Market, the dunes trail along Ballona Creek, and at the Freshwater Marsh. L.A. County also accesses the site at Culver loop and at the Freshwater Marsh outfall access road.

Institutions, Utilities and Other Land Owners

- Southern California Gas Company accesses the site from behind Gordon's Market, the dunes trail, along Ballona Creek and to the west and south of the Freshwater Marsh. They hold a series of easements within the wetlands associated with its historical natural gas storage activities beneath the wetlands. These legal rights of access and operation are maintained by this Plan.

- Playa Capital accesses the site at several locations, including the intersection of Culver/Jefferson Boulevards for BMP maintenance, the Freshwater Marsh outfall access road, the entire Freshwater Marsh, southern portion of the marsh under construction, Lincoln Boulevard slope construction and Culver loop for BMP maintenance. As a part of the conveyance of the Freshwater Marsh to the SLC, they reserved certain rights and responsibilities with respect to the construction, maintenance and monitoring of the Marsh area.

- LMU accesses the site through a locked gate from behind Gordon's Market and along Ballona Creek for research and monitoring.

Trends

Authorized users generally utilize consistent and clearly marked entry points, whereas unauthorized users tend to exhibit more opportunistic methods of access, including climbing under and over dilapidated or vandalized fencing and through holes.

Informal access by neighbors

Damage by BMX riders

O4-198 cont.

Access Modes

Existing access modes

Description

Bicycle-Related

- East/west bicycle access is provided via off-street (Class I) bikeway along the northern levee of Ballona Creek Channel.
- Entry points to the Ballona Creek bikeway occur at the end of McConnell, at Lincoln Boulevard and at the end of Fiji Way. Access at Lincoln Boulevard is dangerous.
- North/south bicycle access is provided via on- and off-street (Class I and II) coastal bike trail.
- There is a lot of bicycle parking located at Fisherman's Village. Bicycle parking elsewhere is non-existent and results in bikes being locked to fences along the perimeter of the planning area.
- Culver, Lincoln and Jefferson Boulevards are used by bicycles even though the conditions are challenging.
- Informal on-site bike access occurs in areas A and C, mostly by BMX riders.

Class I bike path at Ballona Wetlands

Challenging bike path entrance/exit at Lincoln Boulevard

Difficult riding conditions along Culver Boulevard

O4-198 cont.

Transit-Related

- Santa Monica Big Blue Bus #3 and MTA Buses #108, #115 and #220 provide bus access to the wetlands.
- Bus stops near the planning area are generally uncovered and do not contain informative or interpretive information regarding Ballona Wetlands.
- Ballona Wetlands as a destination is not integrated into information packets supplied by Transit providers.
- Bus stop locations do not currently include secure bike parking or trash receptacles.

Bus stop at Lincoln and Jefferson Boulevards

Automobile-Related

- Automobile access is via large arterial roadways in the project area and occasional cul-de-sacs in multi-family residential areas to the west and north.
- Existing demand for parking of vehicles is largely driven by off-site parking supply available to surrounding uses (e.g. Gordon's Market, Fisherman's Village, etc.)
- On-site parking is limited to paved on-street parking along Jefferson Boulevard, at the Little League Ball Fields, and unpaved parking in isolated areas along Culver Boulevard.

Existing parking at Fisherman's Village parking lot

Unpaved parking along Culver Boulevard

Trends

- As neighborhood land uses intensify, vehicle parking demands will increase without commensurate increases in supply.
- Existing under-utilized parking lots will see greater demands during average and peak period times.
- Illegal and destructive bicycle access into and within the wetlands by BMX riders is a problem.
- The lack of visitation by transit riders will continue unless they are made aware of the resources and opportunities within the wetlands.
- Fisherman's Village will likely redevelop and bikeway improvements are planned adjacent and to the west and north of area A.
- The south side of Jefferson Boulevard, adjacent to the Freshwater Marsh is scheduled for improvement with native landscaping to help screen the Marsh area and visitors from the road.
- Lincoln Boulevard between Jefferson Boulevard and LMU Drive is scheduled for road widening and other amenities, including an improved bus stop, pedestrian path, off-street bicycle path, and native landscaping.

Damage by BMX riders in area A

O4-198 cont.

Security, Litter and Trash Management

Description

- Wind-blown trash enters the wetland and accumulates on existing fencing, depending upon prevailing winds. Blowing Styrofoam further pollutes the natural habitat with non-biodegradable materials.
- Areas where homeless populations congregate experience a greater level of trash and litter than other areas.
- Illegal dumping and trash disposal occurs on an occasional basis in proximity to informal access points.
- Discontinuous, deteriorating and vandalized fencing allows for uncontrolled access to sensitive wetland areas.
- Wild animals and birds become entwined in litter including six-pack rings, fishing line and plastic bags.
- Playa Capital, CNLM and BWC maintain the trash racks at the entrances to the Freshwater Marsh and provide security for the Freshwater Marsh.
- Frequent trash pick-up work days are being sponsored by community non profits such as Friends of Ballona Wetlands and Ballona Wetlands Land Trust to clean up the area.
- Limited budget and personnel resources preclude regular patrols and management by the DFG.
- Daily vehicle security guard provided by the TPL. Locks often disappear from gates or are relocked improperly precluding authorized users from gaining access.

Trends

- Having a single TPL security guard for the wetlands results in insufficient manpower to cover the acreage of the property.
- Blowing trash continues to pose a problem along the perimeter of the property and particularly along the Ballona Creek Channel.

Wind-blown trash along fencing

Dumping in the wetland destroys habitat

Ballona Wetlands Land Trust cleanup adjacent to the creek

Homeless encampments are common sources of trash

O4-198 cont.

Public Access and Recreation

Bike path along Ballona Creek

BMX jumps in area C

Bike parking in Fisherman's Village

O4-198 cont.

Description

Biking

- There is a lot of bicycle parking located at Fisherman's Village. Bicycle parking elsewhere is non-existent and results in bikes being locked to fences along the perimeter of the planning area.
- Illegal and destructive bicycle access into and within the wetlands by BMX riders is a problem.
- East/west bicycle access is provided via off-street (Class I) bikeway along the northern levee of Ballona Creek Channel.
- North/south bicycle access is provided via the Coastal Bike Trail.

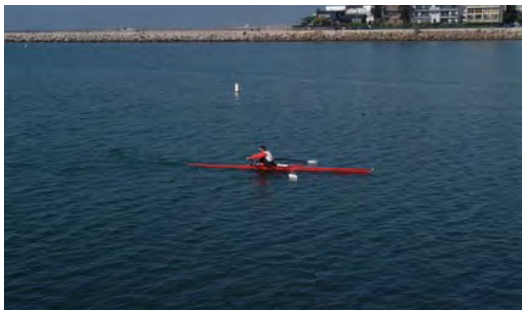
Hiking and Walking

- There are self-guided interpretive tours along the northern and eastern sides of the FWM.
- Informal dog walking (mostly off-leash) occurs in areas A, B and C, but is most prevalent in C.
- On-leash dog walking is permitted along Jefferson and Lincoln Boulevards in the vicinity of FWM.
- There are informal hiking trails throughout areas A, B and C.

Informal hiking trails in area A

Fishing and Boating

- Fishing occurs on both sides of the Ballona Creek levee and from the pedestrian bridge.
- UCLA students and birdwatchers kayak and crew in Ballona Creek.



Kayaking

Baseball

- Playa Vista Little League plays baseball on the three fields located in area C.

Little League baseball field

Homeless Camping

- Numerous homeless encampments exist within the wetlands project area, particularly in the areas of A and C that are overgrown with non-native shrubs and obscured from view.

Homeless camping

Trends

- Increased open space usage is taking place as Playa Vista, Westchester, Playa Del Rey and other Westside area residents discover the wetlands, enjoy marsh areas and their intrinsic values.

Community activity in wetlands is increasing

O4-198
cont.

Resource Stewardship

Description

Invasive Species Removal

- Currently, invasive species removal throughout the wetlands is limited. The most problematic plant species are chrysanthemum, pampas grass, castor bean and iceplant. Invasive species removal in the Freshwater Marsh is conducted more frequently.

Dune Restoration

- Ongoing dune restoration projects include non-native plant removal and native dune plant revegetation.
- Complementary efforts are underway to restore beach and dune bluffs from Ballona Wetlands to the Palos Verdes Peninsula.
- Neighboring off-leash dogs pose a problem for native dune revegetation efforts.

Saltwater Marsh Enhancements (area B)

- Trash pick-up and cleanup days are performed by a number of organizations and agencies in the marsh and adjacent creek.
- Bird count surveys are taken monthly within the marsh and adjacent creek.
- Water/sediment sampling occurs in the marsh.
- There is frequent monitoring of post-tide gate construction.
- Limited invasive species removal occurs in area B, including iceplant and pampas grass.

Pampas grass, an invasive species

Friends of Ballona Wetlands working with students

Saltwater Marsh

Castor bean removal

Ballona dunes

O4-198 cont.

Freshwater Marsh Enhancements (area B)

- There is ongoing Freshwater Marsh revegetation and habitat enhancement.
- Bird count surveys are conducted frequently.
- Water and sediment sampling occurs in the marsh.
- There is regular monitoring of post-tide gate construction at the Freshwater Marsh outfall.
- Water quality and sediment are regularly monitored at various points within the Freshwater Marsh, including the outlet to Ballona Creek.

Upland Enhancements- Coastal Sage Scrub, Southern Fore Dune and Non-native Annual Grassland

- Trash pick-up and cleanup days occur monthly in areas A and C.
- Limited invasive species removal occurs in areas A and C including castor bean and chrysanthemum.
- Unauthorized BMX use is damaging habitat in areas A and C.

Education Programs

- There are self-guided interpretive tours along the perimeter of the Freshwater Marsh on Jefferson and Lincoln Boulevards.
- Organized tours of the Saltwater Marsh occur on a regular basis.
- School field trips, tours, environmental education programs and special events are organized by a number of community non profits in areas A, B and C.

Freshwater Marsh

Overlook at area A

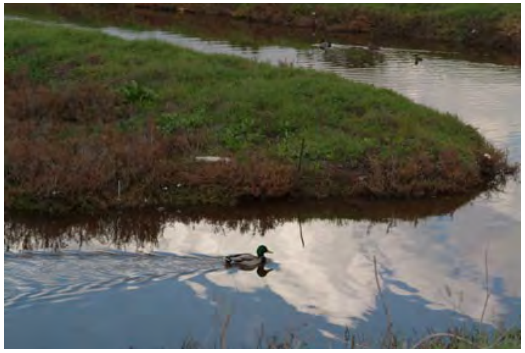
Ballona Wetlands Land Trust's on-going public education

BMX jumps in area C

O4-198
cont.

Scientific Sampling and Data Collection

- Water and sediment sampling occurs in the Saltwater and Freshwater Marshes.
- There is regular monitoring of post-tide gate construction at the Saltwater Marsh outfall.
- Water quality and sediment are regularly monitored at various points within the Freshwater Marsh, including the outlet to Ballona Creek.
- Bird count surveys are conducted at the Saltwater Marsh and the Freshwater Marsh.



Bird watching

Tide gate

Trends

- Community non profit activity is increasing since acquisition, as evidenced by increased requests for access authorization from DFG.
- Freshwater Marsh vegetation and habitat is maturing.

O4-198
cont.

III. RECOMMENDATIONS

Signage

Existing and proposed signage locations

Needs

- Eliminate proliferation of signs.
- Provide new signage with consistent information.
- Leads people to appropriate access points by using directional signage.
- Provide consistent information regarding do's and don'ts of access through the use of informational signs with coordinated designs.
- Display signage that recognizes stewardship efforts by community groups.
- Post interpretive signs to educate the community.
- Install cautionary signage at select locations regarding bicycle safety along Jefferson, Culver and Lincoln Boulevards.

Recommendations

- Develop consistent statement regarding where and how to access resources and the importance of resource protection.

- Develop Regional Signage

  Install announcement signage with mini-map and gateway access points at key locations: (see page 15)

  1. Bike path at western entrance to Ballona Wetlands
  2. Bike path at eastern entrance to Ballona Wetlands
  3. Lincoln Boulevard at Fiji Way
  4. Culver Boulevard and Marina Expressway
  5. Jefferson and Lincoln Boulevards
  6. Culver Boulevard at Nicholson Street

- Minimize unnecessary signage through co-branding, consolidation and strategic placement. Include stewardship logos and names on regional signs.

- Develop Gateway Entrances

  Create gateway entrances (gates, etc.) to inform wetland visitors of the "what, where, why and how" at key public access points including:

  1. Bike path at area A
  2. Bike path at area C
  3. Fisherman's Village
  4. Adjacent to Dock 52 parking lot
  5. Culver Boulevard and Marina Expressway
  6. Little League baseball field
  7. Freshwater Marsh
  8. Gordon's Market

  (See the Access Points section for more details)

O4-198 cont.

1. Bike path at western entrance to Ballona Wetlands

2. Bike path at eastern entrance to Ballona Wetlands

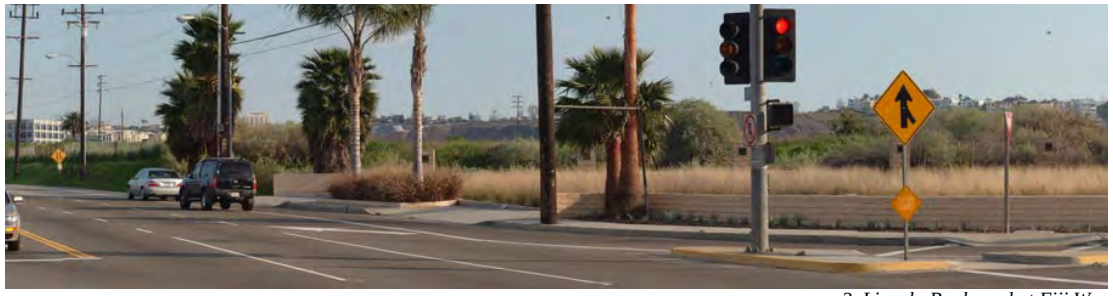
Proposed regional signage locations along bike paths

- Develop sign guidelines for activities such as Little League, Ballona Outdoor Learning and Discovery Project (BOLD), Ballona Wetlands Land Trust cleanups, Friends of Ballona Wetlands education tours, cleanups, etc.

Off-site linkages

- Coordinate with other public agencies to provide directional and interpretive signage leading from public streets and parking lots to gateway access points (e.g. signs at Pacific Street bridge, Del Rey Lagoon).

Proposed regional signage locations along roads



3. Lincoln Boulevard at Fiji Way

4. Culver Boulevard and Marina Expressway

5. Jefferson and Lincoln Boulevards

6. Culver Boulevard at Nicholson Street

O4-198 cont.

Access Points

Existing and proposed access points

Needs

Current access needs:

- Prohibit or minimize habitat degradation and species harassment through controlled access.
- Direct access to instructional signage at entry points for higher visibility.
- Reinforce constructive and beneficial uses and conservation practices in strategic locations through selected access points.
- Provide consistent information that reinforces sensitive activities and access within the wetlands, compatible with resource protection.
- Monitor access points to develop strategies for minimizing physical harm to the environment.
- Revise the current system of locks and locking mechanisms to be responsive to authorized access and security personnel.
- Repair, replace and add fencing to encourage utilization of authorized access points.

Recommendations

- Reduce the total number of access points through a phase-out of inappropriate or uncontrolled access points.
- Coordinate the reduction in access points with the implementation of parking and multi-modal recommendations and neighborhood outreach.

Public

- Develop common gateway entrances for the following proposed and existing public entry points: (see page 17)
  1. Bike path at area A - proposed public access with bike rack and interpretive signage regarding access do's and don'ts.
  2. Bike path at area C- proposed public access with bike rack and interpretive signage regarding access do's and don'ts.
  3. Fisherman's Village - proposed access for the public already parked and using the resources at Fisherman's Village. Also potential education opportunities to a new market.
  4. Adjacent to Dock 52 parking lot - proposed public access with abundant parking.
  5. Culver Boulevard and Marina Expressway -proposed local access to adjacent residential community. Could be used by the general public if an off-site public parking lot is secured.
  6. Little League baseball fields - existing public access with parking.
  7. Freshwater Marsh - existing public access with adjacent street parking
  8. Gordon's Market - existing periodic public access with limited adjacent parking

O4-198 cont.

1. Bike path at area A

4. Adjacent to Dock 52 parking lot

7. Freshwater Marsh

2. Bike path at area C

5. Culver Boulevard and Marina Expressway

8. Gordon's Market

3. Fisherman's Village

6. Little League baseball fields

Proposed public gateway locations

O4-198 cont.

- Close other informal or unauthorized access points and enforce their closure where possible.
- Create citizen stewards to evaluate the effectiveness of access closures and suggest methods of redirecting access.
- Develop easily understood written handouts explaining do's and don'ts of wetland stewardship and access responsibilities.
- Install portable restroom units at selected access points.
- Provide for easily accessible lookout and observation areas for wetland viewing and birding.

Community Non Profits

- Continue to issue permits to community con profits for authorized activities in designated areas.

Tribal Consultation and Coordination

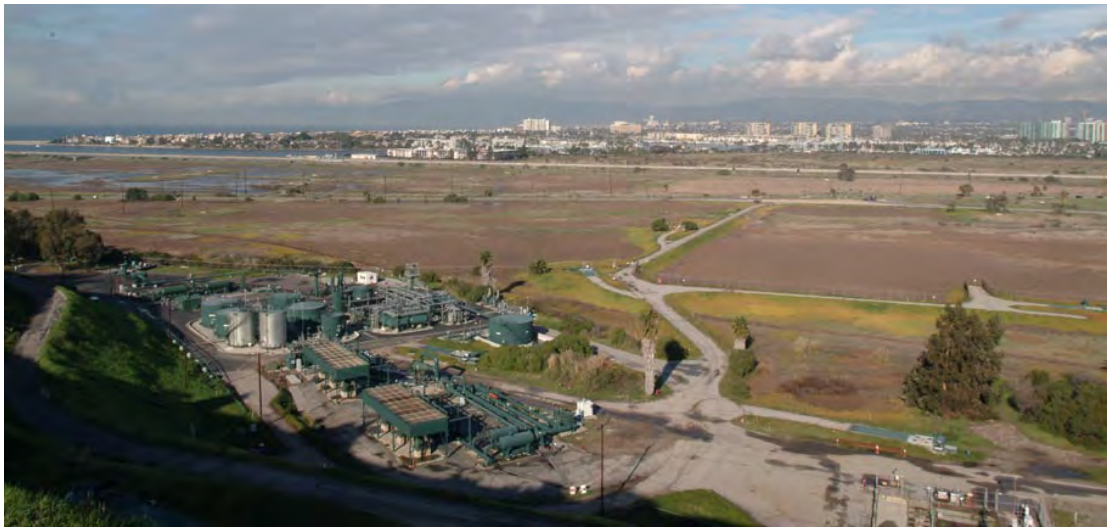
- Initiate formal and informal consultations with representatives of the Gabrielino/Tongva Tribal Council to develop guidelines that contribute to the preservation of sacred and cultural sites within the wetland planning area.

Agencies

- Pursue Ecological Reserve Designation. (DFG responsibility)
- Maintain existing access points for authorized activities in designated areas.

Institutions, Utilities and Other Land Owners

- Maintain existing access points for authorized activities in designated areas.
- Accommodate vehicle traffic by Gas Company and Vector Control in a manner that minimizes impacts to the natural resources present adjacent to activity areas.
- Maintain access across area B to monitor outlet tide gate.



O4-198 cont.

Access Modes

Existing formal and informal parking locations

Needs

- Identify and develop potential overlooks in convenient areas that are accessible by foot, bike and bus so that people have increased visual access to the wetlands.
- Improve bicycle connection to Ballona Creek bike path at Lincoln Boulevard.
- Improve educational signage at bus stops to encourage transit riders to explore the wetland.
- Pursue opportunities for shared parking during non-peak periods.
- Identify staging areas.
- Obtain permission to facilitate van pooling and drop-offs at staging areas.

Recommendations

Bicycle-Related

- Coordinate educational and directional signage with construction of Beach and Harbors bikeway adjacent to area A.
- Provide lockable bike racks at authorized access points to each area of the wetlands; post small and simplistic interpretive signage at each bike rack location or integrate with signage proposed elsewhere in this plan.
- Improve bicycle access at Lincoln Boulevard.
- Coordinate bicycle access with gateway entrances.

Transit-Related

- Coordinate the posting of educational and directional signage with Big Blue Bus and MTA at selected bus stops to encourage access via transit.

O4-198 cont.

Big Blue Bus stop on Lincoln at Jefferson

Adjacent to Dock 52 parking lot

Culver Boulevard and Marina Expressway

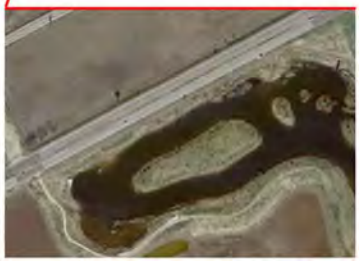
Little League baseball field

Fisherman's village

Parking locations

Existing public parking lot

Gordon's Market



Freshwater Marsh

Automobile-Related

- Formalize casual parking areas through parking agreements with adjacent land owners and tenants in order to encourage complementary use of parking during off-peak periods
- Acquire parking easements and agreements near key access points and provide limited parking for visitors
- Experiment with preferential parking spaces for car- and van-pools in selected locations
- Coordinate group visits with remote parking areas through shuttles and van-pooling.
- Monitor peak parking demand periods to minimize adverse impacts to adjacent residential neighborhoods.
- Enforce existing regulations and ordinances with regard to abandoned vehicles and overnight parking in key locations.
- Coordinate parking with gateway entrance at the following areas:
  - Fisherman's Village
  - Adjacent to Dock 52 parking lot
  - Culver Boulevard and Marina Expressway
  - Little League baseball fields
  - Freshwater Marsh
  - Gordon's Market
  - Public parking at pedestrian bridge

Informal parking areas

O4-198 cont.

Security, Litter and Trash Management

Needs

- Increase frequency of trash pick-up days.
- Reduce trash source by educating boaters and visitors within Marina Del Rey and fishermen along Ballona Creek Channel.
- Identify problem areas and devise visitor friendly means of litter reduction.
- Repair and install fencing in targeted problem areas along the periphery of the site.

Recommendations

- Develop consistent documentation of volunteer time spent during work days addressing litter and trash issues to facilitate agency qualification for revenue sharing and federal funding.
- Provide for more frequent California Conservation Corps activity with regard to fence repair and replacement, and trash pick-up.
- Provide covered trash receptacles that are gull and wildlife proof.
- Seek funds to volunteer organizations to encourage additional cleanup days at selected times of the year.

Ballona Wetlands Land Trust Stewards on a cleanup day

California Conservation Corps participating in trash cleanup

Friends of Ballona Wetlands picking up trash

One month's worth of trash

O4-198 cont.

Public Access and Recreation

Biking at pedestrian bridge

Existing bike lane at Fiji Way and location of proposed future Class I bike path

Bike path at Fisherman's Village

O4-198 cont.

Recommendations

Biking

- Restrict internal bicycle access.
- Coordinate educational and directional signage with construction of Beach and Harbors bikeway adjacent to area A.
- Provide lockable bike racks at authorized access points to each area of the wetlands; post small and simplistic interpretive signage at each bike rack location or integrate with signage proposed elsewhere in this plan.
- Improve bicycle access at Lincoln Boulevard.
- Coordinate bicycle access with areas especially along Culver Boulevard at gateway #5 and along Jefferson Boulevard.

Hiking and Walking

- Coordinate the designation of public trails in sub-locations so as to:
  - further the restoration efforts outlined above,
  - provide for educational/interpretive opportunities,
  - concentrate human activity in non-sensitive areas,
  - allow for access to degraded areas to facilitate habitat restoration.

Self-guided walks

Fishing and Boating

- Allow an appropriate level of fishing and boating activity through the Ecological Reserve Designation process.

UCLA Marina Aquatic Center on Ballona Creek Channel

Baseball

- Continue existing level of Little League baseball activity. (four fields)
- Maintain pervious parking areas to maximize groundwater recharge.
- Encourage use of bike path and associated gateway by field users.

Little League baseball field project

Homeless Camping

- Enlist active patrols and monitoring by the L.A. City Police Department to reduce homeless camping activity.

O4-198 cont.

Resource Stewardship

Recommendations

Invasive Species Removal (area-wide)

- Continue and expand invasive species removal efforts by Ballona Wetlands Land Trust, Friends of Ballona Wetlands, CNLM and BWC.
- Provide written guidelines for invasive species removal to ensure consistent volunteer efforts that do not damage native plants.
- Increase pampas grass, chrysanthemum, iceplant and castor bean removal efforts.
- Continue seasonal non-native eradication.
- Dogs will be prohibited in all areas unless otherwise designated by signage.

Dune Restoration (area B)

- Increase habitat creation for threatened and Endangered species.
- Restore the area north of Gordon's Market parking lot to dune habitat.

Saltwater Marsh Enhancements (area B)

- Continue and, where appropriate, expand post-construction environmental monitoring of tidal gate project by CLAEMD.
- Increase iceplant and castor bean removal and replanting with native species.
- Initiate revegetation and restoration efforts on selected trails and access points to reduce negative human impacts of overuse and inappropriate access.

Invasive species, castor bean removal

Native dune plants after restoration

Saltwater Marsh

Invasive species removal

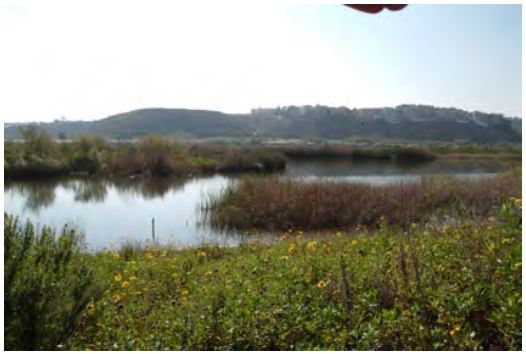
Children participating in dune restoration

Saltwater Marsh

O4-198 cont.

Freshwater Marsh Enhancements (area B)

- Maintain perimeter-only access to protect resources.
- Expand pampas grass removal in the Expanded Wetlands Parcel.



Freshwater Marsh

Uplands Enhancements - Coastal Sage Scrub, Southern Fore Dune and Non-native Annual Grassland

- Relocate BMX activity to other more environmentally appropriate site(s).
- Continue invasive species removal.
- Expand trash pick-up and cleanup days.

Area A tidal channel

Education Programs:

- Support an Outreach Coordinator position.
- Expand outreach efforts within public schools.
- Increase public awareness of local resources to be found at Ballona Wetlands.

On-going education programs with Friends of Ballona Wetlands

Scientific Sampling and Data Collection

- Continue and, where appropriate, expand existing programs.

O4-198 cont.

ACKNOWLEDGEMENTS

The following organizations and agencies have participated in recent meetings regarding the Ballona Wetlands restoration planning process and have offered valuable insights into the physical, social and environmental dynamics of the area as it relates to the development of this Interim Stewardship and Access Management Plan:

Organizations

Access for All
Audubon Society - Ballona Education Program
Baldwin Hills Conservancy
Ballona Creek Renaissance
Ballona Creek Watershed Task Force
Ballona Ecosystem Education Project
Ballona Institute
Ballona Wetlands Conservancy
Ballona Wetlands Land Trust
Ballona Wetlands Foundation
Center for Natural Lands Management
Etina Grassroots Coalition
Friends of Ballona Wetlands
Gabrielino-Tongva Tribal Council
Heal the Bay
In Defense of Animals
Loyola Marymount University
Marina Del Rey Lessee's Association
Playa Capital Company, LLC
Playa Vista Little League
Santa Monica Baykeeper
Sempra Energy
Sierra Club
Spirit of the Sage Council
Trust for Public Land
UCLA
Wetlands Action Network

Agencies

California Coastal Commission
California Conservation Corps
City of Culver City
City of Los Angeles Environmental Monitoring Division
Los Angeles Conservation Corps.
Los Angeles County Department of Beaches and Harbors
Los Angeles County Department of Public Works
Los Angeles Regional Water Quality Control Board
National Marine Fishery Service
Port of Los Angeles
Santa Monica Bay Restoration Commission
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service

This plan was prepared by the staff of the State Coastal Conservancy with the assistance of:

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O4-198 cont.

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CHARLTON H. BONHAM, Director

January 26, 2012

Ms. Cindy Lin
U.S. Environmental Protection Agency
Southern California Field Office
600 Wilshire Blvd., Suite 1460
Los Angeles, CA 90017

Subject: Draft Total Maximum Daily Loads (TMDLs) for Ballona Creek Wetlands, County of Los Angeles

Dear Ms Lin:

The California Department of Fish and Game (Department) has completed its review of the U.S. Environmental Protection Agency (EPA) document *Draft Total Maximum Daily Loads (TMDLs) for the Ballona Creek Wetlands* and offers the following comments and recommendations. The Ballona Creek Wetlands was listed by the State of California in 1996 as an impaired water body under the Clean Water Act, Section 303(d), and the EPA is proposing to establish TMDLs to address the following impairments: habitat alteration, reduced tidal flushing, hydromodification, and exotic vegetation. The EPA has determined that the critical stressors causing the above impairments are legacy sediment and invasive exotic vegetation. It is for these two stressors that the EPA is establishing TMDLs for the Ballona Creek Wetlands.

The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively. The Department is responsible for the conservation, protection, and management of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA), and administers the Natural Community Conservation Planning (NCCP) program. The Department also is responsible for the administration of the Streambed Alteration Agreement Program, which oversees potential threats to the State's wetlands resources.

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The Department is the owner of 547 acres of the lands designated by the EPA as the Ballona Creek Wetlands. The State Lands Commission (SLC) owns the remaining 60 acres, of which 24 acres are included with the 547 acres owned by the Department to comprise the Department's Ballona Wetlands Ecological Reserve (CCR, T-14, Section 630). The remaining 36 acres of SLC-owned property consists of a separate freshwater marsh mitigation site for the Playa Vista development to the east. The freshwater marsh is not managed by the Department as a part of the State Ecological Reserve, but is managed by a private entity.

The Department, SLC, State Coastal Conservancy, and the Santa Monica Bay Restoration Commission are partnering to initiate a major restoration/enhancement project on the Ecological Reserve property. Planning studies are being completed, and the CEQA/NEPA process is anticipated to begin in the near future. The purpose of the

restoration effort is to expand and enhance tidal habitats at the Ballona Wetlands ER to increase habitat diversity, improve ecological functions of the estuary and surrounding lands, and enhance public recreational and educational opportunities.

The Department supports the general goals of the TMDLs proposed by the EPA, but wants to ensure that the goals the EPA is proposing are consistent and compatible with the goals of the wetlands restoration program currently underway. With that overall perspective the Department offers the following comments:

1. Freshwater Marsh:

   The document in several figures (Figures 2, 5, and 7) and in text indicates that the freshwater marsh lands are part of the Department's Ballona Wetlands Ecological Reserve. This is incorrect. While it was considered at the time the Ecological Reserve was established, the freshwater marsh mitigation site was not included in the Reserve, and is managed by a private entity, although owned by the State Lands Commission. The freshwater marsh lands are not proposed for any significant modification under the Ballona Wetlands Restoration Program, as their on-going maintenance is a requirement of permit compliance by the Playa Vista development. Please correct the document figures and text.

Comment 1

2. Alternate Sediment Deposit Load Allocations for Ballona Creek Wetlands:

   The EPA proposes using historic habitat distribution data from the mappings of the Ballona Wetlands in 1876 and 1903 to estimate proportions of different habitat types that should be established in a contemporary restoration to meet TMDL requirements for sediment removal. In addition, current southern California lagoon systems were evaluated to calculate average acreages for tidally influenced habitats to try and guide restoration goals for habitat restoration at Ballona. While there is some logic to these attempts to use the past and other current lagoon systems to guide decisions about what a Ballona Wetlands restoration should look like, the Department has concerns that a strict attempt to mimic historic habitat proportions at Ballona, or those at other current sites with different watershed conditions, has significant limitations. The current site and watershed conditions at Ballona Wetlands are significantly different in terms of biology and hydrology than 100 years ago, and the same holds true for the other lagoons systems in southern California. The Department's goal for the site is to create an ecologically diverse and sustainable restoration that supports a high biodiversity, but keeps maintenance costs as low as possible. The restoration planners for Ballona Wetlands need to have as much flexibility as possible to meet those goals, given all of the site constraints. Because of this, the Department strongly recommends that the EPA's Alternate Sediment Deposit Load Allocations for Ballona Creek Wetlands (Table 18, page 68) be set as a range of acres for each habitat type instead of a fixed acreage goal. The Department suggests that a range of ±25% of the current acreage goals is reasonable, and would meet water quality standards (i.e. restore the Ballona Creek Wetlands to an

O4-199 cont.

ecologically functioning wetland) while still providing the flexibility necessary for restoration planning at a constrained site.

Comment 2

3. Legacy Sediment Deposit Load Allocations for Ballona Creek Wetlands (First Concern: feasibility):

The Department is concerned that the Legacy Sediment Deposit Load Allocations for Ballona Creek Wetlands (Table 17, page 68) are not feasible to implement on Ballona Wetlands given the need to maintain existing infrastructure and flood control on the site, and to redeposit legacy sediment on-site in the course of wetland restoration. It appears that the TMDL analysis assumes that all legacy sediments in Areas A, B, and C can be removed and wetland habitats restored (compare Table 14, page 60 with Table 17, page 68). This is not the case. If Area A is restored to a full tidal inundation regime with a connection to Ballona Creek (through either a breach or removal of the north levee), a major action necessary to restoring the Ballona Creek Wetlands to an ecologically functioning wetland, flood control must still be maintained along the northern and western boundaries of Area A to protect existing roads, businesses and other facilities. The area needing to be maintained along the boundary of Area A for flood control would preclude excavating legacy soils in this area, and in fact may require adding soils to provide sufficient embankment height to maintain flood protection. In Area B there are roads and other infrastructure that would preclude excavating legacy sediment in these areas as well. In fact, much of the legacy sediment currently located in Area B is associated with infrastructure that is not planned to be moved or removed. Area C is currently envisioned as an excavated soil deposition site for the proposed restoration where uplands would be restored, and excavation of legacy sediments is not economically practical. The Legacy Sediment Deposit Load Allocations for Ballona Creek Wetlands are not achievable, and appear to prohibit implementation of the current design alternatives for the Ballona Wetlands Restoration Program, due to these constraints on removing legacy sediments in areas needed for public services or protection, and for on-site deposition of sediment removed to create new wetlands. Based on preliminary studies, the Department suggests that excavation of approximately 2.0 million cubic yards of legacy sediment from the site in general is reasonable, would meet water quality standards (i.e. restore the Ballona Creek Wetlands to an ecologically functioning wetland), and is consistent with the most recent restoration project proposed for Ballona Wetlands.

Comment 3

4. Legacy Sediment Deposit Load Allocations for Ballona Creek Wetlands (Second Concern: overestimates sediment quantities):

The document does not discuss the effect of climate change, particularly anticipated sea level rise in the future, and as a result overestimates the quantity of legacy sediment deposits that should be removed in order to meet water quality standards (i.e. restore the Ballona Creek Wetlands to an ecologically functioning wetland). One of the State requirements for the Department in planning a wetland restoration at Ballona Wetlands is factoring

O4-199 cont.

in assumed sea level rise in the planning process. Current estimates indicate a potential rise in sea level of up to 55 inches by the year 2100. In the restoration planning process, significant transitional, and potentially upland, habitats need to be incorporated into the restoration design with the assumption that these areas will accommodate sea level rise in the future, and new salt marsh habitats will become established on these transitional or uplands habitats, as lower elevation tidal habitats transition to intertidal and subtidal. The need to plan for sea level rise means that less legacy sediment than proposed by the document should be removed from the Ballona Wetlands site because the elevations to support the different tidal habitats will shift upward in the future. The load allocation for legacy sediment should take this issue into account and reduce the amount of sediments that need to be removed to accommodate sea level rise. This need to plan for sea level rise becomes even more apparent considering that the current sediment load entering Ballona Creek Wetland from other parts of the Ballona Creek Watershed are believed to be lower than the natural conditions that existed before large-scale development activities. Because of anticipated climate change impacts, future hydrologic and tidal conditions will not be the same as past or current conditions at Ballona Wetlands. The EPA needs to consider near term and long-term environmental and climatic conditions, not past conditions, and revise downward the Legacy Sediment Load Allocations for Ballona Creek Wetlands.

Comment 4

O4-199 cont.

5. Load and Wasteload Allocations for Invasive Exotic Species:

The document lists invasive exotic vegetation as another critical stressor requiring the establishment of TMDL load and waste load allocations. For the Ballona Wetlands the EPA lists these allocations as zero. The Department agrees that invasive exotic vegetation is a significant problem in the Ecological Reserve, and that control efforts would greatly benefit the Reserve. However, the Department strongly recommends that the EPA specifically list the invasive exotic species that need to be controlled, especially since the requirement is for zero tolerance. There are some exotic species, such as certain wide-spread non-native annual grasses, especially in transition and upland habitats, that may be impossible to eradicate. It is probably not worth the effort and cost to try and eradicate these naturalized species over the entire wetland. However, other non-natives that are more detrimental to wetland function can be controlled to improve wetland health. By listing the specific plant species to be controlled it removes the guesswork by the Reserve managers as to the work that needs to be done. In turn, the Department would be able to more effectively utilize its limited resources to maintain the restored wetlands by removing invasive exotic species that actually affect the wetland's ecological functions. The Department recommends that the EPA consult the recent baseline biological report produced by the Santa Monica Bay Restoration Commission (Ballona Wetlands Ecological Reserve Baseline Assessment Program: 2009-2010 Report, 2010, SMBRC) for a list of potential exotic plants needing eradication. You may also contact Karina Johnston at SMBRC (310-417-3093) to discuss which species are of greatest ecological concern on the

reserve. The Department also recommends that the load and waste load allocation for invasive exotic vegetation be 5% instead of zero. This is a more likely attainable standard, at least for smaller more wide-spread exotic plants, and still at a sufficiently low number to meet water quality standards (i.e. restore the Ballona Creek Wetlands to an ecologically functioning wetland).

Comment 5

It would work to the benefit of all agencies involved in the Ballona Wetlands restoration if EPA's TMDLs load allocations could be more closely coordinated with the design of the proposed restoration project. This may not be possible due to the difference in timing between EPA's need to establish TMDLs because of a court agreement, and the fact that the formal wetlands restoration program is just at the threshold of the public review process. Because of this unfortunate mismatch in timing, it is important that the EPA integrate sufficient flexibility into the load allocations of the TMDLs to give the final restoration plan the ability to comply with the EPAs' goals. This concludes the Department's comments on the EPA's *Total Maximum Daily Loads for the Ballona Creek Wetlands* document. If you have any questions regarding this letter, please contact David Lawhead at (858) 627-3997, or dlawhead@dfg.ca.gov. Thank you for the opportunity to comment on this document.

O4-199 cont.

Sincerely,

Edmund Pert
Regional Manager
South Coast Region

cc: Terri Stewart, CDFG, San Diego
Rick Mayfield, CDFG, Santa Barbara
David Lawhead, CDFG, San Diego
Shelly Luce, Santa Monica Bay Restoration Commission
Mary Small, State Coastal Conservancy
Pamela Griggs, State Lands Commission

BALLONA WETLANDS RESTORATION PLANNING: INFORMATIONAL PHASE SUMMARY REPORT

Prepared by EPA Region IX Wetlands and Coastal Planning Staff

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O4-200

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I. Introduction

The Ballona Wetlands are located on the coast of central Los Angeles County, north of Los Angeles International Airport adjacent to Marina del Rey and the Ballona Creek flood control channel. According to the U.S. Fish and Wildlife Service, the County has lost more than ninety percent of its wetlands[1]. The Ballona Wetlands are the largest coastal wetlands system remaining in the County of Los Angeles, encompassing approximately 200 acres.

While the Wetlands are only a remnant of what was probably historically a salt marsh system ten times larger, they still support important native and sensitive species, including the Belding's Savannah Sparrow (Passerculus sandwichensis beldingi), a state-listed endangered species.[2] The restoration potential of the wetlands has been recognized in the recovery plans for other endangered species, and could provide valuable habitat for other wetland-dependent fish and wildlife. The site has received significant public and agency attention as among the most important restoration opportunities in Southern California.

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As a part of their lawsuit settlement with the Friends of Ballona, Maguire Thomas Partners-Playa Vista is required to provide for restoration of the Ballona Wetlands. However, considerable controversy has developed over what functions and values should be the focus of restoration efforts.

It is the objective of the Army Corps of Engineers Los Angeles District (COE) and the Environmental Protection Agency Region IX (EPA) to facilitate appropriate restoration of the Ballona Wetlands. In order to determine the best course of action, the COE and EPA initiated a series of exploratory meetings with many of the involved parties. This report summarizes the information provided to EPA and the COE in this pre-planning/information phase.

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[1] U.S. Fish and Wildlife Service. 1979. Status of Southern California Coastal Wetlands. (unpublished report). Carlsbad Field Office.

[2] Boland, John M. and Joy B. Zedler. The Functioning of Ballona Wetland in Relation to Tidal Flushing, Part I -- Before Tidal Restoration. January 1991. (unpublished report) Pacific Estuarine Research Laboratory, Biology Department, San Diego State University.

II. Background

The Friends of Ballona (Friends), a membership organization of about 1500 citizens of Los Angeles County, sued the California Coastal Commission in 1984, challenging the approval of a coastal land use plan for the area. That land use plan recognized over 160 acres of wetlands within the land proposed for development by MTP (the Playa Vista project), and authorized the building of a regional roadway, a residential development, and a golf course within these wetlands. A smaller wetlands creation or restoration project was also proposed. However, the recent settlement agreement between the Friends and MTP requires MTP to

1) Downscale development
2) Eliminate development in contiguous wetlands
3) Increase wetland acreage
4) Enhance wetland values
5) Provide for mid-tidal restoration
6) Pursue full-tidal restoration.

In response, MTP has designed a new development master plan for the Playa Vista project. The project is divided into three phases: Phase I, mixed-use development of a portion of the project's non-coastal zone property and creation of a stormwater treatment wetland; Phase II, salt marsh restoration; and Phase III, marina and remaining mixed-use development. A Clean Water Act §404 permit and a Coastal Development permit have been issued for Phase I, and the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) for Phase I is near completion.[3] Approval of MTP's new master plan is the subject of another EIR to be published by the City of Los Angeles. Construction of Phases II and III of the proposed master plan will also require Clean Water Act §404 permits and will have to comply with CEQA and the National Environmental Policy Act (NEPA).

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The COE and EPA had not actively participated in planning efforts for the Ballona Wetlands restoration until after Phase I permit issuance to avoid perception of bias in the issuance of that permit. However, both agencies recognize the unique opportunity for the restoration of significant regional wetland values, and are interested in attempting to identify and expedite appropriate restoration of the Ballona Wetlands.

III. Informational Meetings

As a first step in evaluating the need for EPA and COE participation in the Ballona Wetlands Restoration Planning process, the Los Angeles District of the COE and EPA Region IX initiated a series of meetings with key agencies, scientists,

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[3] Maguire Thomas Partners had not signed the §404 permit as of the writing of this report.

local and political interests, and the developer (Attachment 1 - List of Initial Contacts). The intended approach was to focus on the technical and biological aspects of restoration at the site, independent of the cost and mitigation credit issues raised by the settlement's requirement that MTP pursue full-tidal restoration. In each meeting, we tried to address the questions of what values are most important to restore at the site and why, and how to facilitate a credible restoration process (Attachment 2 - General List of Questions).

Based on those meetings, the following is a brief summary of the issues as we understand them at this point, and the general positions of the parties:

A. Biological/ Wetlands Management Issues

1. "Best" Restoration

Because the site is currently so degraded, it was agreed that either full- or muted-tidal salt marsh restoration would be a substantial improvement to the Ballona Wetlands system. The important factor regarding this issue will be the sustainability of the wetlands system; simpler systems requiring less intensive management and maintenance are generally considered preferable. The second question is what functions and values should be emphasized in the design. There will be some debate on this issue, but this does not appear to be the critical question, except as it relates to the assignment of mitigation credits. No detailed (permittable) plan exists for either a full- or muted-tidal option, so further evaluation of alternative designs and management approaches will be necessary.

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2. Permittability

Everyone agreed that the conceptual restoration plans that MTP has prepared are inadequate for permitting purposes. This was acknowledged by the MTP consultant and attorney as well. It was recommended that EPA and the COE direct the necessary studies and planning in order to assure that all necessary work is identified and that the work is credible. There was some concern that without COE and EPA direction, the process of preparing the appropriate reports might be delayed, or unduly influenced by either the developer or another interested party such as the Port. A pre-application

meeting was held on October 20, 1992 to begin informal scoping for the project. Further such meetings will be necessary to determine what is needed for a complete application.

B. Financial Issues

MTP is required by the settlement to provide $10 million toward muted-tidal restoration. It is estimated that the muted-tidal restoration could cost $10 million and that the full-tidal option could cost up to $50 million. These figures are based on the conceptual plans prepared by MTP. These estimates contain no allowances for the preparation and processing of an EIS/EIR. It is critical that MTP either demonstrate its willingness and ability to fund the work necessary to complete the permitting process, or enter into a financial agreement to enable another party to fund the restoration planning process. One possibility is that the Ports contribute to the cost of restoration planning in exchange for an option on any mitigation credits for future Port projects that the resource and regulatory agencies might determine to be available from the restoration project.

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C. Mitigation Credits

The Ports are eager to participate in the Ballona Wetlands Restoration so that they may earn mitigation credit for future projects. There are three key issues involved: agreements; out-of-kind mitigation; and project emphasis.

1. Agreements

At least two agreements would be required for the Ports' participation in the restoration planning. First, the Ports would like an agreement with MTP giving them first right of refusal on any mitigation credits that might become available. MTP and the Ports are negotiating an agreement, but apparently have been unable to finalize it. Second, they would require an up-front agreement with the resource and regulatory agencies on at least a minimum number of credits that would be available to the Ports based on the restoration plan ultimately approved. The agencies have indicated a willingness to discuss this issue. Several parties encouraged the COE and EPA to further discussion toward each of these agreements in whatever way possible, perhaps taking a mediation role.

2. Out-of-Kind Mitigation

All of the resource and regulatory agencies agreed that assignment of credits for out-of-kind mitigation (e.g. wetlands for sub-tidal habitat) could be appropriate[4]. The National Marine Fisheries Service, which had the strongest concerns, suggested that they might allow some credit for restoration work up to 5.5 feet above mean lower low water. The determination of mitigation ratios for out-of-kind work would be the critical issue. It is not known whether the mitigation credits the agencies would allow would make the project cost-beneficial to the Ports. COE and EPA leadership on this question was encouraged by several parties.

3. Project Emphasis

One concern recognized by the COE and EPA at the outset, was the possibility that the Ports' need for mitigation for future projects would be perceived as driving the restoration planning for Ballona. There is general agreement that fishery habitat should not be emphasized at the cost of the wetlands system as a whole. At the same time, there is general agreement that a variety of values, including fishery habitat, could be significantly enhanced at the site.

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D. COE/EPA Involvement

Everyone agreed that the restoration planning process would benefit from active COE and EPA leadership, because agency direction of the process could both facilitate decision-making and ensure the credibility of the process. A federal Environmental Impact Statement (EIS) was strongly recommended because of the significant impact the restoration would have on the resource, the level of controversy surrounding the Ballona Wetlands, and the additional information required for decision-making. An EIS would ensure adequate consideration of the alternatives, would allow public participation in and prevent politicization of the process, and would make the project less sensitive to procedural challenges which could ultimately delay any actual restoration at the site.

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[4] The Coastal Commission has maintained that mitigation credits for the ports would only be available if a full-tidal alternative is implemented.

It was suggested that a joint CEQA/NEPA process be pursued.

The strong push for an EIS is based in part on the Phase I permit issuance. The Phase I permit is not considered adequate by many of the agencies, scientists, and interest groups both for biological and procedural reasons. Because MTP's permits on the upland areas depend on approval of the salt marsh restoration, there is a concern that MTP will have an incentive to apply pressure for permit approval without adequate preparation.

Other factors include:

-the settlement, which would potentially fall apart if agreement cannot be reached between the agencies, the developer, and parties to the lawsuit

-the level of public controversy, including animal rights issues related to MTP's trapping for red foxes at Ballona, and open space advocates' oppostion to the Playa Vista project.

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IV. Conclusions

While it remains possible that the necessary agreements can be reached, and restoration facilitated if the COE and EPA take an active leadership role in facilitating the Ballona Wetlands Restoration Planning process, the issues will not easily be resolvable in a short period of time.

EPA and the COE have proposed the following approach to Ballona Wetlands restoration planning:

1) Develop Memorandum of Agreement

EPA and the COE will establish a Memorandum of Agreement between the key Federal, State, and local stakeholders on policy issues to establish that: 1) cooperation between federal, state, and local agencies is critical and a joint EIR/EIS process is preferred; 2) establishment of a mitigation bank at Ballona for port impacts is appropriate; 3) mitigation credits available from the restoration of the Ballona Wetlands may be used to offset impacts related to approved port expansion projects; and 4) the agencies will calculate the minimum number of credits that would be available as a result of the restoration from the preferred designs identified in the EIR/EIS. This MOA will provide the policy definition that the Ports and Maguire Thomas will need to move forward on funding restoration planning under agency direction.

2) Promote public/private agreement

Maguire Thomas Partners and the Port of Los Angeles have been trying to negotiate an agreement by which the Port would help finance the restoration planning in exchange for an option on any mitigation credits that become available from the restoration. EPA and the COE will work with Maguire Thomas Partners and the Ports on preliminary scoping, and will encourage formation of a private/public agreement to fund the restoration. Joint MTP/Port funding will allow a broader, more in-depth restoration planning process, maximizing environmental benefit.

3) Facilitation of Restoration Planning

EPA and the COE will attempt to facilitate agreement on a preferred design for the restoration. We will coordinate a joint CEQA/NEPA process with the State and local planners, and will coordinate the technical development of the restoration plan. To assist the agencies in this effort, EPA has provided a $125,000 grant to the Santa Monica Bay Restoration Foundation. The Foundation will, on behalf of EPA, contract out for independent technical review of the environmental documentation, and will fund the facilitation of necessary technical workshops.

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BASIC QUESTIONS: INFORMATIONAL PHASE, BALLONA WETLANDS RESTORATION PLANNING

- Do you have a preference for restoration based on full- or muted-tidal action at the site?
- If so, what is the basis for the preference?
- What values do you think are most important to target for restoration at the site? Endangered species? Historical values? Specific habitat(s) for fisheries, waterfowl, etc.?
- What do you know of arguments for or against opposing views?
- What issues, if any, do you think require additional study?
- Are there particular reports/background information that the Corps and EPA should have/be aware of?
- How do you think the Corps of Engineers and EPA should approach restoration planning for Ballona wetlands? Pro-actively? Reactively?
- Do you think that an EIS is necessary for a Ballona wetlands restoration project? Why?

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BALLONA NOTES

These notes reflect informational meetings between the U.S. Army Corps of Engineers Los Angeles District (COE) and the U.S. Environmental Protection Agency, Region IX (EPA) and the parties listed. Meetings were held on August 26 and September 15, 1992 in Los Angeles, September 16, 1992 in Sacramento and San Francisco, and September 28, 1992 by teleconference. The purpose of the interviews was for the EPA and COE to gain an improved understanding of the issues involved in restoration at Ballona Wetlands. The interviews are presented in alphabetical order.

RALPH APPY, LISA SALES
PORT OF LOS ANGELES (ALSO REPRESENTING PORT OF LONG BEACH)

The Ports are trying to work out an interim agreement with MTP to establish an option on any mitigation credits that may be connected to full tidal restoration.

To the extent mitigation banking is an option at Ballona, the Ports would participate as a partnership; sharing credits on a 50-50 basis. The Port of Los Angeles will have the lead.

It is the Ports' understanding that if the full-tidal option is pursued, MTP would contribute $10 million to the restoration.

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The Ports may be willing to fund studies to facilitate the restoration process because they consider Ballona an important opportunity for 2020 mitigation. They have already funded their own preliminary feasibility studies, and hope to let a contract for some more detailed work this fall.

The Ports indicated a willingness to participate in the planning process, and suggested that they would be willing to take some direction from the agencies in terms of what further studies they should fund.

The Ports would want a commitment to a minimum number of credits that would be available to them at Ballona before they would fund the actual restoration work. They suggested an MOA to outline credits available and conditions for usage.

The Ports see a real value to the process that the COE and EPA have initiated. The Ports believe that the process has the potential to provide a reality check on the allocation/indexing of credits. The Ports think it would be reasonable to calculate mitigation credits for habitat up to 5 feet above mean lower low water.

The Ports believe that an EIR/EIS will be necessary, and would be willing to act as a responsible agency and adopt the document for its funding decision. They would like to see a range of alternatives evaluated.

The Ports expressed concern that MTP may go ahead with the muted tidal option if a comprehensive planning process doesn't progress quickly.

HON. RUTH GALANTER
CITY COUNCILWOMAN, DISTRICT 6

Galanter would like to see full-tidal restoration at the site, based on the Friends' recommendations, and the possibility of the mitigation credit for the Ports. [Anderson, Levine, and Dixon have proposed a bill in Congress that has specific language regarding the Ports].

She is concerned that MTP may run out of money or run out of willingness-to-pay if planning does not advance quickly. The probability is that they would then sell off the property in parcels. Parcelling would present further obstacles to restoration.

MTP needs to be informed as to the requirements they must meet to have their project permitted, and how/if a COE-EPA joint lead on the restoration planning would help. Galanter suggested that this information might encourage the Ports and MTP to reach an agreement on a partnership to fund the project. She noted the importance of being able to reassure the Friends and others that studies being paid for by the Ports are being directed by the Corps/EPA.

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EPA and the COE may have important managing and mediating roles in this process. Strong decision-making is important as well, if the process is to be expedited.

MARK GOLD
HEAL THE BAY

Heal the Bay originally called for full-tidal restoration, however, the group wouldn't oppose a sound plan, even if it involves muted tidal action. The most important thing is to move forward and get a good restoration plan implemented.

He noted that mudflats are very productive habitat and very limited in southern California. He also noted that management primarily for the sparrow or least tern or other species may not be best overall. He expects more diversity from mudflats than pickleweed.

There is a real concern about water quality; most people working on Ballona are resource people, not water quality people. One key issue is the source of the water (by 1995, there will be some treatment of Ballona Creek dry period overflows; if it is treated, then there is a concern about toxic residuals/chlorinated compounds).

Gold pointed out that the tidal prism in Ballona Creek extends up to Centinella (about 1 mile upstream), and that sediments settling above Ballona Wetlands may all flow into the wetlands during storm flows.

However, where freshwater inputs to the restored system come from is of more concern than whether the salt water source is the Marina or the Creek.

These issues need more study, but they should be separated into fresh water and salt water studies.

There also needs to be more hydrologic work to determine the ranges of tide between full and muted. MTP has maintained that the only options are full or muted. There are probably a range of alternatives within the muted category.

Gold sees an EPA role as necessary because EPA doesn't have the same stake or narrow perspective as some other agencies. He sees EPA as more able to look at maximizing values and sustainability.

Gold believes that MTP wants to do the right thing - they have no stake in one type of wetlands or another - whereas the Ports have an obvious need for credits and want as many as cheaply as possible.

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Other information: The LA Natural History Museum did a report on species diversity at the site in 1981 and the Department of Fish and Game has mapped the vegetation as recently as a year ago or so.

JOHN HANLON
USFWS

The Service's general approach is to look at what is best for the system, assess the historical situation, and avoid non-self-sustaining systems. There is a need to investigate examples of full-tidal restoration around the country (success of design, etc.).

The Service would like to avoid designs that require excessive maintenance and monitoring. Among other things, it is important to design a system that would have minimal sedimentation potential.

Ballona probably can't be returned to its natural condition because the water sources now are basically nuisance waters. Also, we don't know much about how the LA River interacted with the wetlands (was it brackish, how dry was the system, etc.). Old photos don't indicate great tidal extension on the site.

The Service would advocate restoring the degraded wetlands to

their historical condition to the degree possible under current conditions (water regimes, etc.). It doesn't make sense to manipulate the current situation dramatically or the restoration will result in an artificial system.

The Belding's Savannah Sparrow will be a complicating factor. There is an effort to list the species federally. This will constrain potential designs. Currently, sparrow habitat is concentrated around the west side of the channel, which will be the area most flooded under both of MTP's conceptual plans. An attempt should be made to relocate the habitat up-front. Other options would include optimizing habitat on the other side of the channel, but MTP proposes to construct a marina there. The Fish and Wildlife Service contact on the sparrow is Dick Zembel.

On the question of mitigation credits and resource categories, the COE and EPA need to talk to Jack Fancher. "Out-of-kind" mitigation is theoretically possible, but the Biomitigation Task Force would decide on the specific number of credits. The Service doesn't want to force the Ports to build artificial reefs for 2020 mitigation.

He stated that NMFS will have to look at replication of fish habitat. One important fish, the California halibut, would potentially find nursery habitat at the restored Ballona wetlands.

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The Service doesn't want to force in-kind mitigation to be built at Ballona if it's not going to benefit the system. They have no fundamental problem in allowing out-of-kind credit (wetlands) for port mitigation.

Restoration should not be driven by MTP's needs. There is a need to keep agency control of studies and planning.

The Service has tried to support MTP because this project has positive potential. However, they are concerned about MTP's lack of response to agency input to date.

BOB HOFFMAN
NMFS
DICK NITSOS
CDFG

What should be done at the site is a subjective question. NMFS believes that applying full-tidal range to any system maximizes the benefits. Otherwise, the fisheries component will suffer. There are multiple configurations possible within full-tidal.

More generally, the approach for Ballona should focus on dealing with the constraints of the existing system.

Current reports are not appropriate for supporting a permit process. More studies will be necessary.

NMFS has asked for more information re: freshwater flows in the rainy season, but MTP has not provided it so far. Understanding freshwater flows is critical to assuring fish habitat quality. If the system is predominated by fresh water during a storm event there are likely to be major losses in the benthic community and of juvenile fish.

The California Halibut is the species of greatest concern to NMFS. The system would need to be designed to include gentle slopes, shallow water, and mudflat areas to benefit this species. Juveniles depend on this kind of habitat for nursery. The system could be designed to benefit other species as well (shorebirds, especially).

Both agencies are concerned about water quality in Ballona Creek, and may prefer a marina water source. Even with Ballona Creek as the source, however, they believe that restoration is worth pursuing because it would vastly improve the system.

The resource agencies have never had a problem coming to an agreement on management goals. The question is really whether outside groups might be obstacles to consensus.

The decision on mitigation credits is supposed to be the decision of the resource agencies. Strictly speaking, any mitigation at Ballona is going to be out-of-kind. From NMFS's point of view, the ports should only get credit up to 5.5 ft above mean lower low water. The issue is really at what ratios credits are assigned, not whether any credits could be.

MTP needs to get a realistic understanding of the financial and regulatory requirements of a project like Ballona Wetlands Restoration. Those issues need to be addressed first.

Both agencies feel that MTP has been generally uncooperative to date. Their direct influence on the restoration planning process should be minimized if the project is to be expedited. Requiring an EIS would allow this, and would provide necessary supplementary information.

An EIS is probably needed based on the degree of controversy of the project, and the impacts to existing values that would occur as a result of construction. An EIS was needed at Batiquitos, and is needed here too.

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LILLIAN KAWASAKI, MANAGER
CITY OF LA ENVIRONMENTAL DEPARTMENT

A key question is: are we reinventing the wheel in approaching the question of what is the best restoration.

It is the City's position is to support full-tidal, but any restoration will improve the site over existing conditions.

There is no "best" without being in the context of what is "preferred". The approach to restoration needs to be defined: is it limited habitat, endangered species, or other.

No regional plan exists for prioritizing restoration, but the habitats that are most threatened or limited should receive priority. Endangered species are good indicators.

Kawasaki is concerned that trying to restore all possible functions and values is likely to result in a non-functioning system.

It is important to move forward to take advantage of this opportunity to restore Ballona. Some possible criteria include probability of success, sustainability, and feasibility.

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This is a new role for EPA (and to some extent COE). Players need to know why we're getting involved, what our goals are, and what we're bringing to the table.

What is the "best" restoration is a policy decision. Issues affecting policy choices include funding and port mitigation.

Kawasaki encourages the agencies to work on the mitigation/credit issue at the same time as we pursue technical/design options for Ballona, but agrees it would be inappropriate to have the ports' needs drive the restoration planning.

EPA involvement on credits/mitigation will be important, keeping in mind the roles of the different players. It may not be possible to reach a consensus, so the COE and EPA need to take a leadership role. Decisions need to be made openly, and within statutory authorities.

Kawasaki recommends looking at the MEC methodology for habitat evaluation and mitigation crediting that was developed for the Ports. One constraint to assigning mitigation credits may be the resource agencies' characterization of the harbors as Resource Category 2.

She has always recommended an EIS for the entire project.

Lynn Harper is LA Planning Dept. contact on MTP's EIR for Phase I, which is due out in September or October.

SHARON LOCKHART, JACOB LIPA (PSOMAS), DAVID VENA for MAGUIRE THOMAS PARTNERS

MTP welcomes EPA and COE participation. The primary objective should be the best ecological design for the restoration; it should not be end-use driven. They recognize the need to comply with CEQA and NEPA.

MTP is reluctant to relinquish control of the project to the Ports (or anyone else) because their permits on upland areas depend on salt marsh restoration. However, this doesn't necessarily preclude cooperation.

MTP is interested in reaching an agreement with the Ports for their financial participation in the project and acquisition of available mitigation credits. Port construction of the wetlands may not be feasible, however, because of the interdependency of the salt marsh restoration with overall entitlement and development at Playa Vista.

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Financing and project sequencing have been constraints on Phase II, but MTP now wants to move forward. They have had to move forward on Phase I and get the Master Plan set up first.

The Coastal Commission permit requires that any fill beyond Phase I (MTP Phase I, as opposed to COE Phase I) be conditional on restoration approval and funding. Federal and state approvals will be needed concurrently.

MTP feels that the salt marsh restoration cannot be considered separately from Phase III, because one of the alternative restoration designs would have a tidal connection through the Marina and there are other mutually dependent impacts on water quality which make the two planning efforts interdependent. They hope that NEPA/CEQA on Phases II and III would go forward in parallel.

MTP confirmed that Master Plan EIR is incomplete and suggested that salt marsh restoration portion of the EIR could be developed in concert with the federal EIS process.

MTP is likely to start preparation of a permit application for the restoration when Phase I EIR comes out.

PSOMAS will provide EPA and the COE with a constraints map for the site for consideration in restoration planning.

MICHAEL LYONS
LARWQCB

The Regional Board issued "conditional" or "probable" certification to enable the COE permit for Phase I to be issued. They will do a final certification when EIR and plans are completed by MTP.

Given the depletion of full-tidal salt marsh in Southern California, the full-tidal option should be pursued if the practical questions about sustainability and values can be answered.

Lyons questioned whether implementation of the mid-tidal plan precludes expansion to full-tidal at a later date?

The Regional Board issued a groundwater clean-up permit for the site in 1988. He will get more information on that subject and any other potential contamination issues the Regional Board is aware of.

Ballona Creek has a huge contaminant and sediment load. These facts must be considered in restoration planning, and responsibility for ameliorating any impacts to the wetlands systems should be outlined (maintenance, monitoring, etc.).

From a water quality certification standpoint, however, the pollution from Ballona Creek should not be a major issue that would lead to non-certification.

Mike Stenstrom, of UCLA, is under contract to SMBRP to evaluate stormwater impacts to the Bay. He has developed a database that should indicate what pollutants are coming into the channel from stormwater.

Note: The potential for stormwater contamination of the wetlands from the Playa Vista development or Ballona Creek is likely to be a public concern.

Lyons is concerned about MTP's influence on the planning process for Phase II. The agencies need to keep better control than we did for Phase I.

Lauma Jurkevics is the Regional Board staffperson for Ballona Phase I certification.

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PAUL MICHEL
SANTA MONICA BAY RESTORATION PROJECT

The Project has informally adopted the goal of full tidal restoration at Ballona. The Action Plan reads that it is a top priority to secure funding for full tidal, however there was no formal basis for this proclamation.

Michel believes that it is important not to reinvent the wheel in terms of deciding what's best for the site - goals and objectives exist, and have been approved by the SMBRP and the Ballona Wetlands Committee.

From the Project's perspective, the best restoration would be one that minimizes existing habitat loss and maximizes gains. The Project wouldn't necessarily object to an option other than full tidal if there were a scientific basis for supporting it.

Possible roles for the Project include TAC review of alternatives and technical reports and facilitating alternative funding if the Ports elect not to participate.

The Project supports mitigation as close as possible to the site of impact (Batiquitos was too far away) for Port impacts.

O4-200 cont.

Michel suggested that EPA and the COE present their informational phase findings to the SMBRP Management Committee at some point.

JO POWE, MIKE JOSSELYN
FRIENDS OF BALLONA

The Friends welcome an active participation by EPA. The Friends believe there is a very important facilitation role to be played by EPA and the COE. During the freshwater wetlands permitting process, there were too many instances where parties were just not communicating. Powe believes that all of those who participated in that process are at fault, and need to try harder to make sure that experience is not repeated. EPA and COE can be particularly helpful in gathering comments from all interested parties and helping each party understand the position(s) of other parties.

The Friends' goal is to have the system restored to as natural a condition as possible, and as diverse a system as possible.

The settlement created the Ballona Wetlands Committee to come up with an appropriate restoration for Ballona. The Committee is made up of the Friends (representing the petitioners in the lawsuit), the 6th District Office of the L.A. City Council, the State Lands Commission (representing the Controller's Office) and MTP.

The Friends would like to work with regulators to come up with a option that can be permitted. The Friends believe that there are a number of different viable options. The one ultimately chosen should reflect what is best for the wetlands, not whether it will offer mitigation credits to the ports or anyone else. The Friends feel very strongly that the design of the salt marsh must not be driven by a desire to see the ports get mitigation credits. If the ports can get mitigation credits from a salt marsh restoration project that is best for the wetlands, then the Friends will be happy with the ports' participation.

An issue the Friends believe has been overlooked by many people, including some of the regulators, is that the creation of the Ballona Wetlands Committee and the Committee's adoption of the conceptual plans for the salt marsh that appeared in the 1990 draft Application was an attempt to settle ongoing litigation over an adopted Land Use Plan (LUP). That LUP has no expiration date. That is a very important point. If Ruth Galanter were not representing the district that includes Ballona wetlands, there is a chance that the City Council would adopt a Local Implementing Ordinance (LIO) for the LUP. Many will argue that the City Council would not do that, or that even if the City Council did adopt an LIO, the federal agencies would never permit the Summa plan. And of course there is the litigation. But litigation and politics are always fraught with uncertainty. The Friends believe that what MTP has offered in terms of a restoration project is worth holding on to with everything they have because it is likely the best deal the wetlands will ever get.

O4-200 cont.

MTP has come up with two conceptual plans for the salt marsh that the Friends and the other members of the Committee support. That does not mean that the plans cannot be changed, or that there isn't yet another plan that all the members of the Committee could support.

Of the two options that appear as conceptual designs in the 1990 draft Application, the Friends--based on all the evidence they have to date--strongly prefer the full-tidal option. The Committee, as a whole, also prefers the full-tidal option. The draft Application sought a permit in the alternative for both the mid-tidal and the full-tidal design because the Committee feared that there would be a tremendous waste of time if MTP had to go back to the regulators with a second application if full-tidal was denied, or if there was no available financing for the full-tidal design that was permitted.

There have been a lot of questions about MTP's financial obligation under the settlement agreement for wetlands restoration. Some people found the agreement to be vague on this point. As a result, MTP and the Friends sat down after the agreement had been signed and made sure that both parties

understood exactly what the obligation was. MTP is obligated to pick up the entire tab of the freshwater wetlands system without regard to what they may be required to contribute to the salt marsh restoration. Over and above whatever MTP spends on the freshwater wetlands system, the agreement requires MTP to pay up to $10 million for restoration of the salt marsh. That number was picked because, based on an independent consultant's analysis of the costs of the mid-tidal system as conceptually designed by MTP, the Friends agreed that the mid-tidal plan could be implemented (with a two million dollar maintenance fund) for $10 million. The Friends wanted to make sure that MTP would pay to implement at least the mid-tidal plan.

The settlement agreement also requires MTP to use its best faith efforts to secure financing for a full-tidal restoration. If an entity such as the Port of Los Angeles were willing to pay for the entire cost of the full-tidal system, MTP is not required by the agreement to contribute anything toward full-tidal restoration. If, on the other hand, the Port were only willing to pay for a portion of the cost of full tidal, MTP is required under the settlement to pay up to $10 million toward a full-tidal restoration. In other words, if the cost of full-tidal restoration (including an adequate maintenance fund) were $45 million, and the ports are willing to contribute $38 million, MTP is required by the settlement agreement to contribute the remaining $7 million.

O4-200 cont.

The settlement agreement is an agreement between the Friends and MTP. It does not bind any of the regulators. The Coastal Commission has a history of not capping the cost of restoration projects. The fact that the agreement capped MTP's restoration obligation does not mean that the Coastal Commission will do the same thing.

Note: The Port of Los Angeles had an engineering firm, Tetra Tech, do an analysis of the cost of MTP's full-tidal design. The estimate was approximately $27 million in contrast to MTP's estimate of $40-50 million. The Friends were informed that the difference in the estimates was due for the most part to Tetra Tech not having the same maps MTP's engineering consultant had used to come up with its estimate. There are ongoing discussions between the Ports and MTP about what should be included as a cost of restoration versus what should be included as a cost of MTP's project infrastructure. The results of those negotiations might lower the $40-50 million estimate.

The Friends are concerned that there may be strings attached to the Port's willingness to fund the full-tidal project. The type of strings the Friends are concerned about are the Friends' support for whatever fill.dredge project the Port is trying to mitigate with a restoration project at Ballona and/or the ports' control of the design of the restoration project. It is

understandable to the Friends that the ports only want to pay for a project for which they will be certain they will receive credit. The Friends hope that EPA can play a major role in helping the Ports and the agencies understand that mitigation credits should not be limited to in-kind mitigation.

Some potential opponents to the Ballona Restoration are animal rights activists and openspace advocates/homeowner groups who want to defeat any development at Playa Vista. Opponents may try to hold up the process with a lawsuit. The Friends believe a lawsuit on any EIR relating to Playa Vista--whether it is for development or restoration--is likely. The loss of open space (unrelated to any issues about the wetlands) appears to be a very emotional issue for many people.

One question is whether MTP has the staying power to endure more legal wrangling. There is a strong possibility that they would pull out under continuing legal pressure. In the Friends' opinion, that would be a tremendous setback.

Summa Corporation may have a right to take the property back soon (perhaps as early as 12/31/92) if MTP fails to get at least some of the entitlement they seek for Playa Vista. The Friends have been told repeatedly that they need the entitlement for Phase I (which is about half of the development entitlement they seek in Area D) to continue with the plans for restoration. A big question for the Friends is whether MTP has the staying power to endure any substantial delays in the process. The Friends do not know the details of why they need the entitlement from Phase I--it may be their own financing, it may be due to commitments to Summa and/or their other partner JMB--but whatever the reason, MTP has made a big issue out of that need. The Friends fear that if MTP is out of the project, either summa will re-enter the project and try to go back to their original plans, or perhaps worse, that eh land will be sold off in small parcels and the ability to require wetlands restoration will be lost at least in some part.

O4-200 cont.

The Friends want the best restoration possible for the wetlands, and welcome input from all interested parties and agencies on the design of the restoration project. While the Friends prefer the full-tidal option, they remain open-minded about other alternatives, including muted-tidal. The Friends believe the best way to determine the optimum restoration for the wetlands is through an EIR/EIS process. The Friends have been very clear with MTP that they want an EIR/EIS prepared for the salt marsh restoration.

The on option on which the Friends are closed-minded is a deep water embayment at Ballona to try to achieve in-kind mitigation for the Ports. To the extent that the Ports or any agencies believe they have heard the Friends say they do not want to look

at certain alternatives, it is that type of deep water embayment that the Friends strongly oppose.

MTP has told the Friends that it will submit a draft permit application for both mid- and full-tidal designs in the near future. MTP has not objected to the Friends' insistence that an EIR/EIS must be prepared for the salt marsh restoration.

The Master Plan EIR is for informational purposes only because it is not yet complete. It does not have all of the traffic mitigation information for the project as a whole, and it does not have any detail about the wetlands restoration other than to describe the conceptual designs of the mid- and full-tidal projects.

It is the Friends' understanding that supplemental EIRs will be circulated, and a separate supplemental EIR will be prepared for the salt marsh restoration. The Friends are working with the Corps and the City to convince both entities to make that environmental review a joint EIR/EIS. MTP informs the Friends that the information for a supplemental EIR for the salt marsh restoration could be available by January or February 1993. If the document is a joint EIR/EIS it will be a longer period of time before it can be circulated. In the long run, however, a joint document should save time.

O4-200 cont.

It is important for the agencies to recognize the role the Friends can play with regard to making any changes i the design of the salt marsh restoration projects. The Friends and MTP have developed a relationship of trust. Neither side will accept everything the other side says without independently considering it, but each side trusts the other to give all suggestions from the other fair consideration. As a result, if the agencies feel strongly that something in a permit application is lacking strong enough conditions, it would save a lot of time if the agencies would come to the Friends and explain their position and see if the Friends are willing to and can convince MTP to add (or subtract) something from the permit application.

EPA and the COE might be able to play a facilitating role in this regard. The real problem confronting everyone who is interested in restoration of Ballona Wetlands is that there has been a breakdown in communication. The Friends are hopeful that with EPA's help the communication can consist of open and constructive debate.

BARRY PRIGGE
UCLA

Overall, Dr. Prigge expressed a preference for less than full-tidal action because the most valuable habitat is his mind is the high salt marsh. The "freshwater marsh" has already limited the

high marsh habitat that can be restored at the site. The key question is how much acreage of which habitat types can be restored?

A management plan for the Belding's Savannah Sparrow needs to be developed before any impact to the existing values begins. There would be a clear tradeoff between restoring habitats for fisheries and the sparrow.

Concerns about full-tidal include: decrease in ecotone area between salt marsh and mudflat, reduction in high marsh, MTP's concept to establish new channels, and impacts from construction.

If full-tidal is pursued it should be on the basis of significant potential values not achievable through muted-tidal. It is preferable to minimize hydrologic manipulation of the site - should let water go where it will, based on natural conditions.

A simpler system is preferable to full-tidal because full-tidal involves more guesswork and less guarantee. We shouldn't be playing with existing endangered species habitat.

Deep channels are likely to be necessary to maximize fish habitat, but relatively shallow water and mudflat are still productive fish habitat. Deep channels may provide better temperature attenuation and buffer from fresh water input, however.

O4-200 cont.

Better hydrological study of the fresh water marsh is needed. If we want to maximize salt water marsh habitat we need flow analysis and a management plan for this fresh water.

There is the potential for the fresh water overflow to cause an expansion of fresh/brackish species like cattails into the salt marsh.

Hydrological analyses also need to be done to ensure adequate circulation in the muted tidal system. It will probably be best to have the inflow source upstream and the outflow downstream for circulation.

JIM RAIVES
COASTAL COMMISSION

The Commission's history with this project contributes to its direction. They originally approved a Land Use Plan for Ballona that had more development than the current proposal, and less restoration. The Friends then sued the Commission. The settlement between the Friends and MTP is the result of that suit (the Commission is not a party to the settlement).

The Coastal Commission position is that any salt marsh restoration would be better than that original plan.

Staff and Commissioners have not made any formal findings as to whether full- or muted-tidal is preferable, although some Commissioners have indicated a preference for full-tidal.

The major issue is what will be sustainable, and how that will affect endangered species use of the site.

The Coastal Act language strongly supports Port activity. It is likely that the Commission will reach some agreement with POLA on the 2020 project, so the Ports will need mitigation. However, fisheries concerns should not be driving the Ballona restoration.

The Coastal Commission would probably give the Port credit for the wetlands restoration, if it could be done right. However, their current position is that no credit would be available to the Port under the muted-tidal option.

The Commission is likely to be flexible in an effort to maximize the habitat values at the site. If another, better, alternative were suggested that was muted-tidal, they might reconsider their position on mitigation credits, but only if expenses are similar to those of full-tidal so that MTP needs to bring in outside help to implement the plan.

O4-200 cont.

The Coastal Commission formula for determining mitigation credits is based on acreage, it is not value driven. They would be willing to give the Ports credit for non-fish-habitat wetlands.

The City of LA is currently preparing an EIR for an amendment to the Land Use Plan that would make the Plan consistent with the settlement. The amendment is likely to be generic (wetlands restoration), but it could be specific (type, # mitigation credits). To legitimize the Phase I permit, the amendment may require some specificity.

MTP has not submitted an application to the Commission yet. Raives expects them to resolve the Land Use Plan issues first. MTP will need both the plan amendment and a permit from the Commission.

Raives sees real value in coordinating with EPA and COE. In order to formalize any arrangement, however, the staff would need Commission approval. This may be an appropriate step later in the process.

WILL SHAFROTH
THE RESOURCES AGENCY

A joint review process between federal and state regulatory authorities to expedite the process is important. This could be a model of joint state/federal cooperation.

Ballona may be identified as a demonstration project in the state Wetlands Conservation Plan. The Resources Agency would be prepared to play a strong role in mediating state interests. Cal EPA would likely be involved as well.

Shafroth suggested the development EIR/EIS supplement to the master plan EIR to focus on restoration. A joint CEQA/NEPA process could be initiated.

He emphasized the importance of formalizing some process.

Contact: Matt Mitchell, Resources Agency staff.

JOY ZEDLER, JOHN BOLAND
SDSU

Existing habitat values need to be retained where they exist, since we can't be sure that they can be reestablished elsewhere.

O4-200 cont.

Pickleweed is dominant now, and the Belding's Savannah Sparrow is an obvious management focus. Deep water fish habitat, if developed, would be at the expense of some pickleweed.

The most severe loss of habitat on the Southern California coast has been intertidal, not subtidal (e.g. San Diego, Tijuana, Mission). Salt marsh and intertidal habitat should be maximized, not subtidal habitat.

They advocate an adaptive management program, and would like to see some experimentation and phasing to allow development of a proven plan.

They suggest starting by allowing some flooding of the site as it currently exists to see where the water goes naturally on the site. We could then determine the potential effects on the sparrow and the pickleweed habitat.

Audubon experimentally flooded the site once (Rivertech has aerials), but their plan to continue experimenting was abandoned because of concern re: mitigation credit baseline. Agencies should agree to a baseline quickly so that such scientific studies can be pursued.

Questions that still need to be answered include: 1) how much of what was there historically could be replaced 2) can artificial

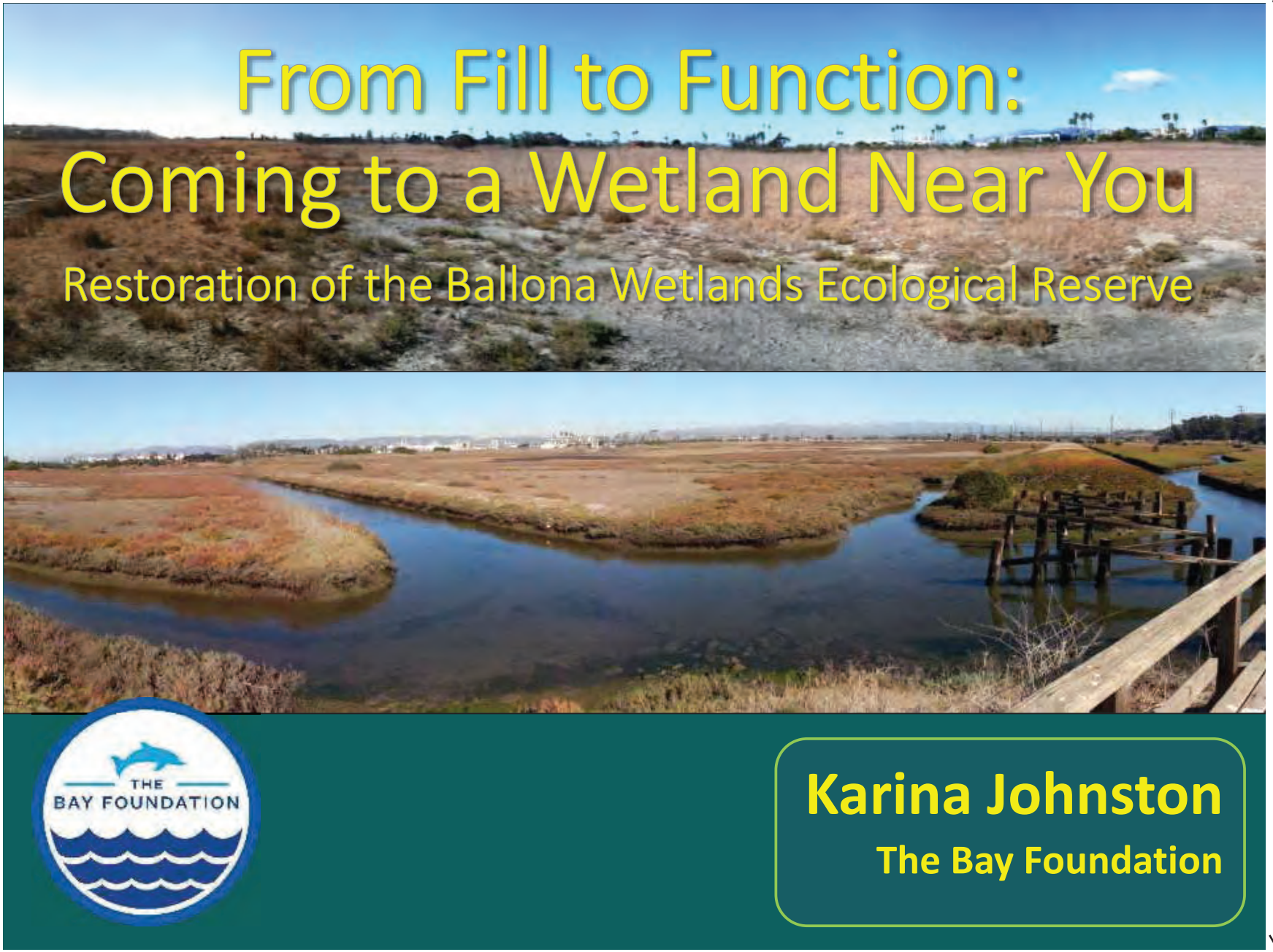
habitat be created for the sparrow 3) are there seed banks at the site - what might be present that's not expressed 4) can the two sides of the site separated by Culver Blvd. have different "plumbing".

An EIS is probably necessary for the grand plan, but there need to be some rescue missions for the sparrows quickly, and those should not wait for EISs.

The Tijuana Estuary plan's EIR/S is just being finalized; this is a good example of phasing and adaptive management.

Zedler and Boland see two problems with awarding up-front credits: 1) measuring achievement, and 2) changing management goals. Both these problems relate to the fact that wetland systems are dynamic.

O4-200 cont.

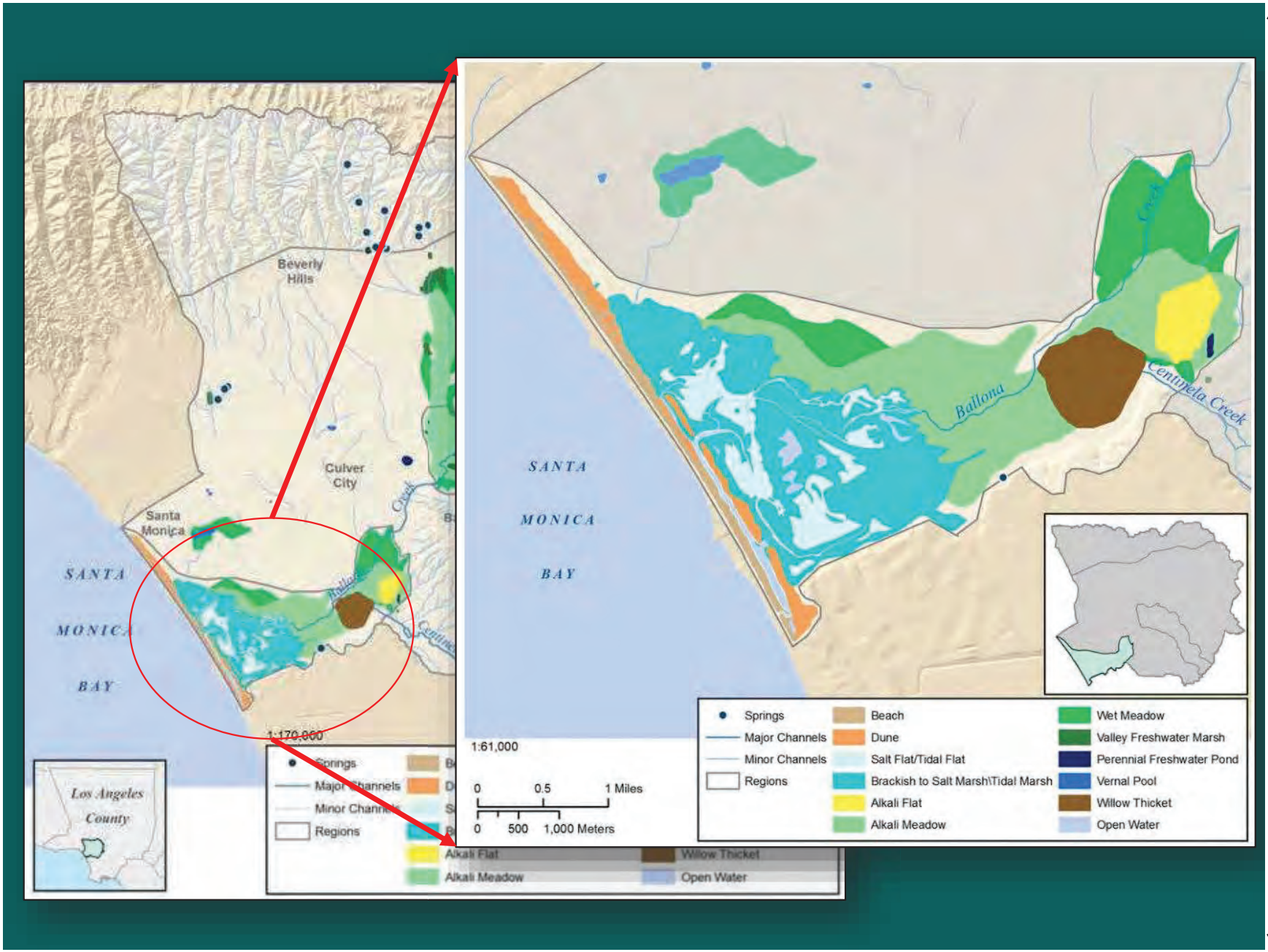

From Fill to Function:
Coming to a Wetland Near You
Restoration of the Ballona Wetlands Ecological Reserve
THE BAY FOUNDATION
Karina Johnston
The Bay Foundation

O4-201

Presentation Outline

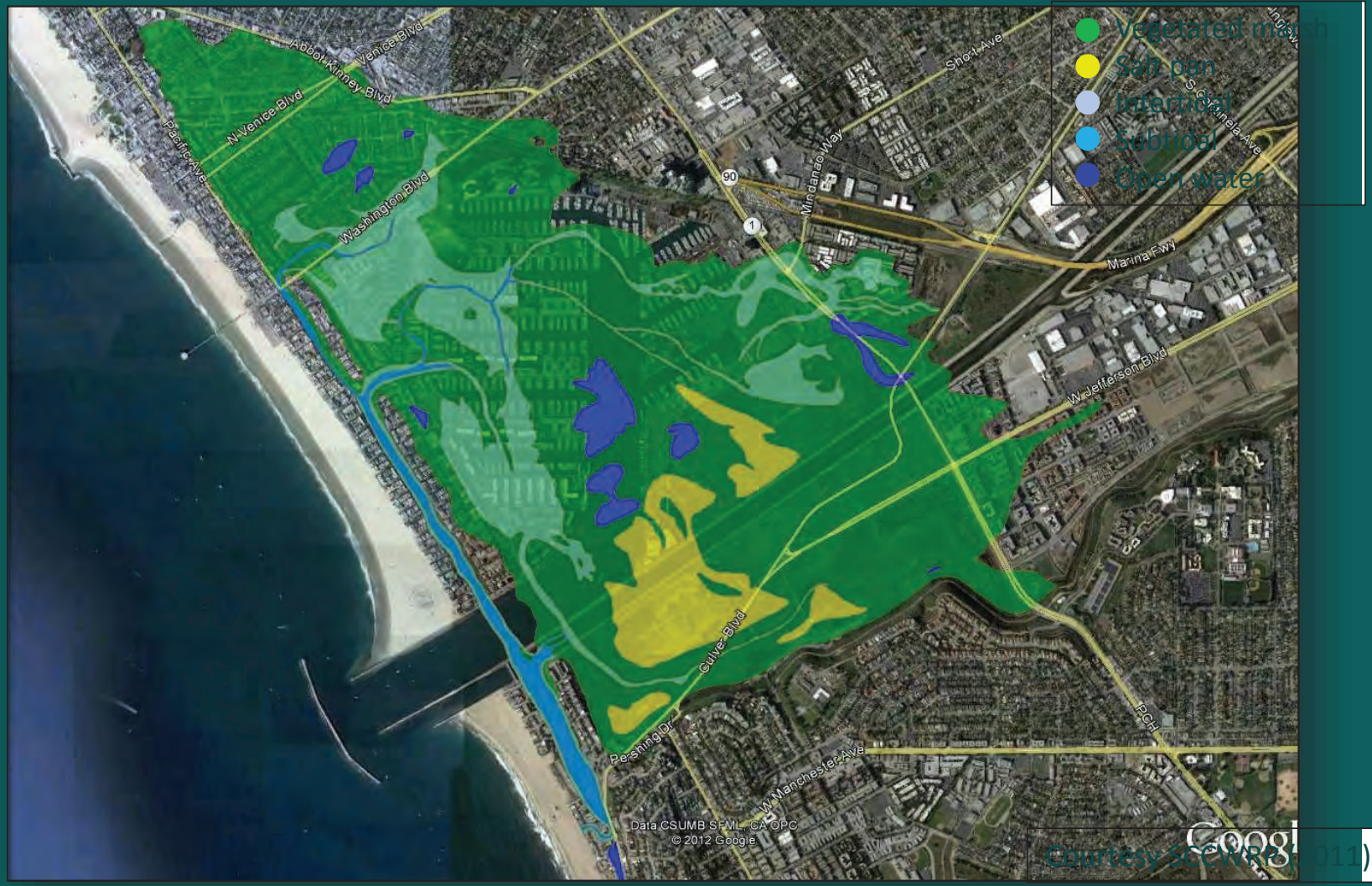
- Historical Ecology
- Current Stressors
- Baseline Monitoring Results
- Regional Data Results
- Restoration Process
- Restoration Alternatives 1-4

O4-201 cont.


Beverly Hills
Culver City
Santa Monica
SANTA MONICA BAY
Ballona
Centinela Creek
Los Angeles County
1:170,000
1:61,000
0 0.5 1 Miles
0 500 1,000 Meters
Springs
Major Channels
Minor Channels
Regions
Beach
Dune
Salt Flat/Tidal Flat
Brackish to Salt Marsh\Tidal Marsh
Alkali Flat
Alkali Meadow
Wet Meadow
Valley Freshwater Marsh
Perennial Freshwater Pond
Vernal Pool
Willow Thicket
Open Water

O4-201 cont.

Historic Ballona – 1876 T-Sheet



O4-201 cont.

Oil Fields

Oil derricks in Playa Del Rey, 1925 (USC)

Oil derricks in Venice, 1930 (USC)

O4-201 cont.

Agriculture and the Marina completion

Marina del Rey, 1968 (LAPL)

Celery patch,
1927 (USC)

O4-201
cont.

Ballona Wetlands Ecological Reserve

www.ballonarestoration.org

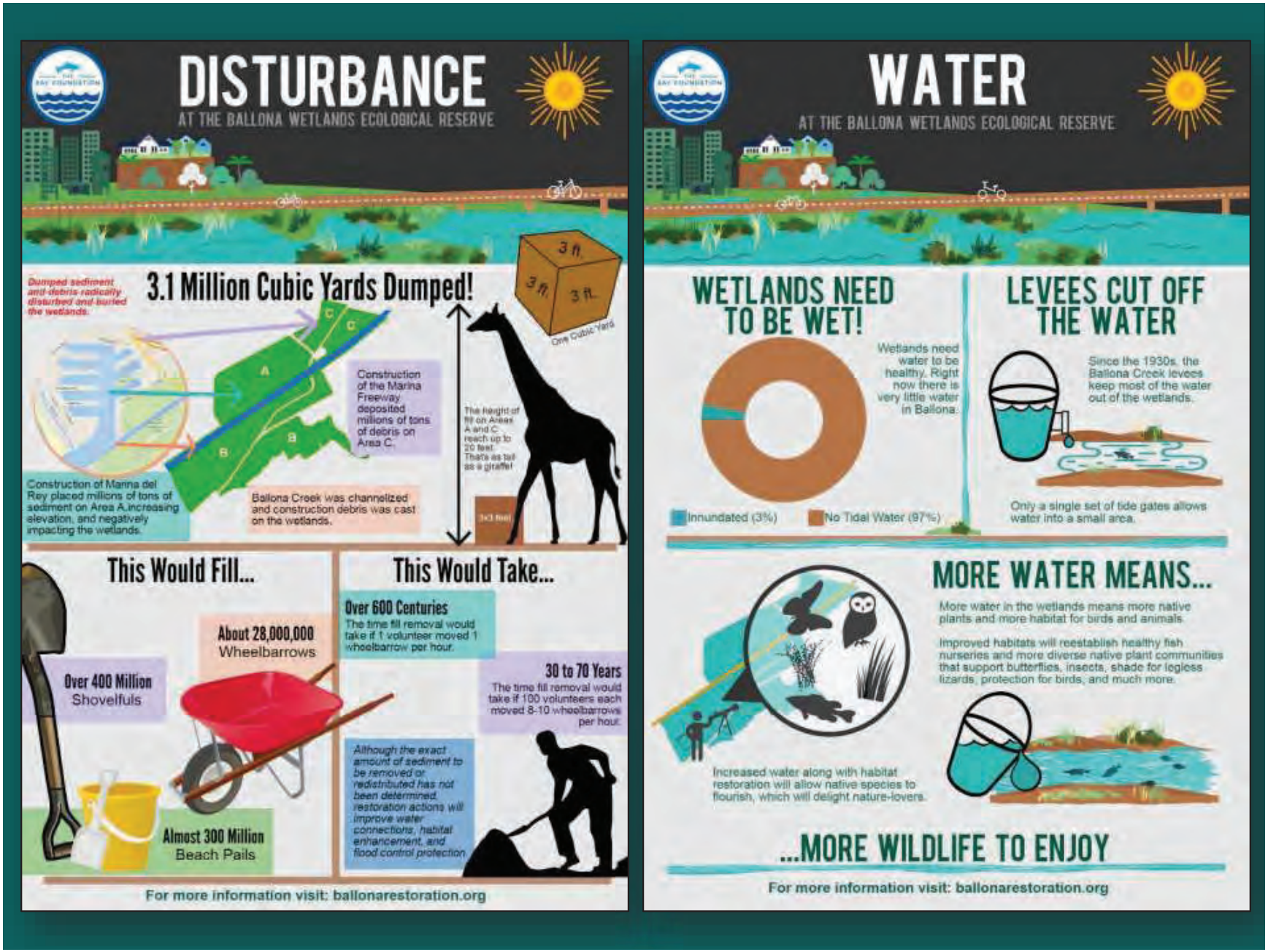
- 577 acres
- Largest wetland restoration project in Los Angeles County
- CDFW + Corps = lead agencies
- Owned by the state of California; managed by CDFW (and SLC) as an ecological reserve
- SCC funded monitoring

O4-201 cont.

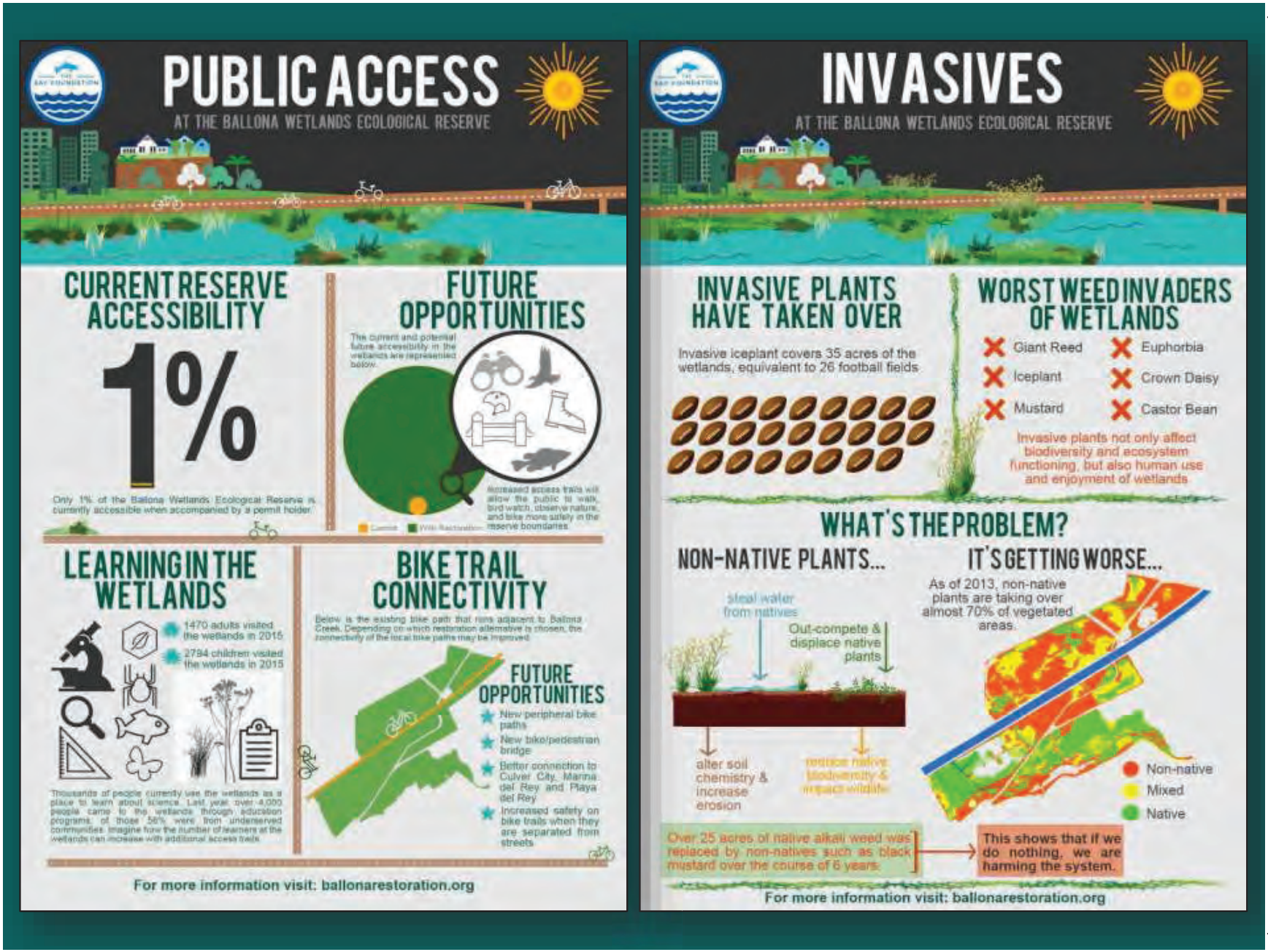
Wetland Stressors

- Modified hydrology
  - Dredging & fill dump
  - Levees, culverts , & channelization
  - Paving & roads
  - Draining
- Water quality
  - Non-point source discharges
  - Trash
  - Heavy metal impairments
  - Bacteria and pathogen impairments
  - Other impairments
- Habitat destruction
  - Fragmentation
  - Invasive & introduced species
  - Introduced predators
  - Noise and light pollution
- Additional stressors
  - Vector control
  - Physical modifications
  - Misuse of the site
  - Sea level rise & climate change

O4-201 cont.


DISTURBANCE
AT THE BALLONA WETLANDS ECOLOGICAL RESERVE
Dumped sediment and debris radically disturbed and buried the wetlands.
3.1 Million Cubic Yards Dumped!
3 ft.
3 ft.
3 ft.
One Cubic Yard
Construction of the Marina Freeway deposited millions of tons of debris on Area C.
Construction of Manna del Rey placed millions of tons of sediment on Area A,increasing elevation, and negatively impacting the wetlands.
Ballona Creek was channelized and construction debris was cast on the wetlands.
The height of fill on Areas A and C reach up to 20 feet. That's as tall as a giraffe!
This Would Fill...
Over 400 Million Shovelfuls
About 28,000,000 Wheelbarrows
Almost 300 Million Beach Pails
This Would Take...
Over 600 Centuries
The time fill removal would take if 1 volunteer moved 1 wheelbarrow per hour.
30 to 70 Years
The time fill removal would take if 100 volunteers each moved 8-10 wheelbarrows per hour.
Although the exact amount of sediment to be removed or redistributed has not been determined, restoration actions will improve water connections, habitat enhancement, and flood control protection.
For more information visit: ballonarestoration.org
WATER
AT THE BALLONA WETLANDS ECOLOGICAL RESERVE
WETLANDS NEED TO BE WET!
Wetlands need water to be healthy. Right now there is very little water in Ballona.
Inundated (3%)
No Tidal Water (97%)
LEVEES CUT OFF THE WATER
Since the 1930s, the Ballona Creek levees keep most of the water out of the wetlands.
Only a single set of tide gates allows water into a small area.
MORE WATER MEANS...
More water in the wetlands means more native plants and more habitat for birds and animals.
Improved habitats will reestablish healthy fish nurseries and more diverse native plant communities that support butterflies, insects, shade for legless lizards, protection for birds, and much more.
Increased water along with habitat restoration will allow native species to flourish, which will delight nature-lovers.
...MORE WILDLIFE TO ENJOY
For more information visit: ballonarestoration.org

O4-201 cont.


PUBLIC ACCESS
AT THE BALLONA WETLANDS ECOLOGICAL RESERVE
CURRENT RESERVE ACCESSIBILITY
1%
Only 1% of the Ballona Wetlands Ecological Reserve is currently accessible when accompanied by a permit holder
FUTURE OPPORTUNITIES
The current and potential future accessibility in the wetlands are represented below.
Increased access trails will allow the public to walk, bird watch, observe nature, and bike more safely in the reserve boundaries
LEARNING IN THE WETLANDS
1470 adults visited the wetlands in 2015
2794 children visited the wetlands in 2015
Thousands of people currently use the wetlands as a place to learn about science. Last year, over 4,000 people came to the wetlands through education programs, of those 56% were from underserved communities. Imagine how the number of learners at the wetlands can increase with additional access trails.
BIKE TRAIL CONNECTIVITY
Below is the existing bike path that runs adjacent to Ballona Creek. Depending on which restoration alternative is chosen, the connectivity of the local bike paths may be improved.
FUTURE OPPORTUNITIES
New peripheral bike paths
New bike/pedestrian bridge
Better connection to Culver City, Marina del Rey and Playa del Rey
Increased safety on bike trails when they are separated from streets
For more information visit: ballonarestoration.org
INVASIVES
AT THE BALLONA WETLANDS ECOLOGICAL RESERVE
INVASIVE PLANTS HAVE TAKEN OVER
Invasive iceplant covers 35 acres of the wetlands, equivalent to 26 football fields
WORST WEED INVADERS OF WETLANDS
Giant Reed
Iceplant
Mustard
Euphorbia
Crown Daisy
Castor Bean
Invasive plants not only affect biodiversity and ecosystem functioning, but also human use and enjoyment of wetlands
WHAT'S THE PROBLEM?
NON-NATIVE PLANTS...
steal water from natives
Out-compete & displace native plants
alter soil chemistry & increase erosion
reduce native biodiversity & impact wildlife
IT'S GETTING WORSE...
As of 2013, non-native plants are taking over almost 70% of vegetated areas.
Non-native
Mixed
Native
Over 25 acres of native alkali weed was replaced by non-natives such as black mustard over the course of 6 years.
This shows that if we do nothing, we are harming the system.
For more information visit: ballonarestoration.org

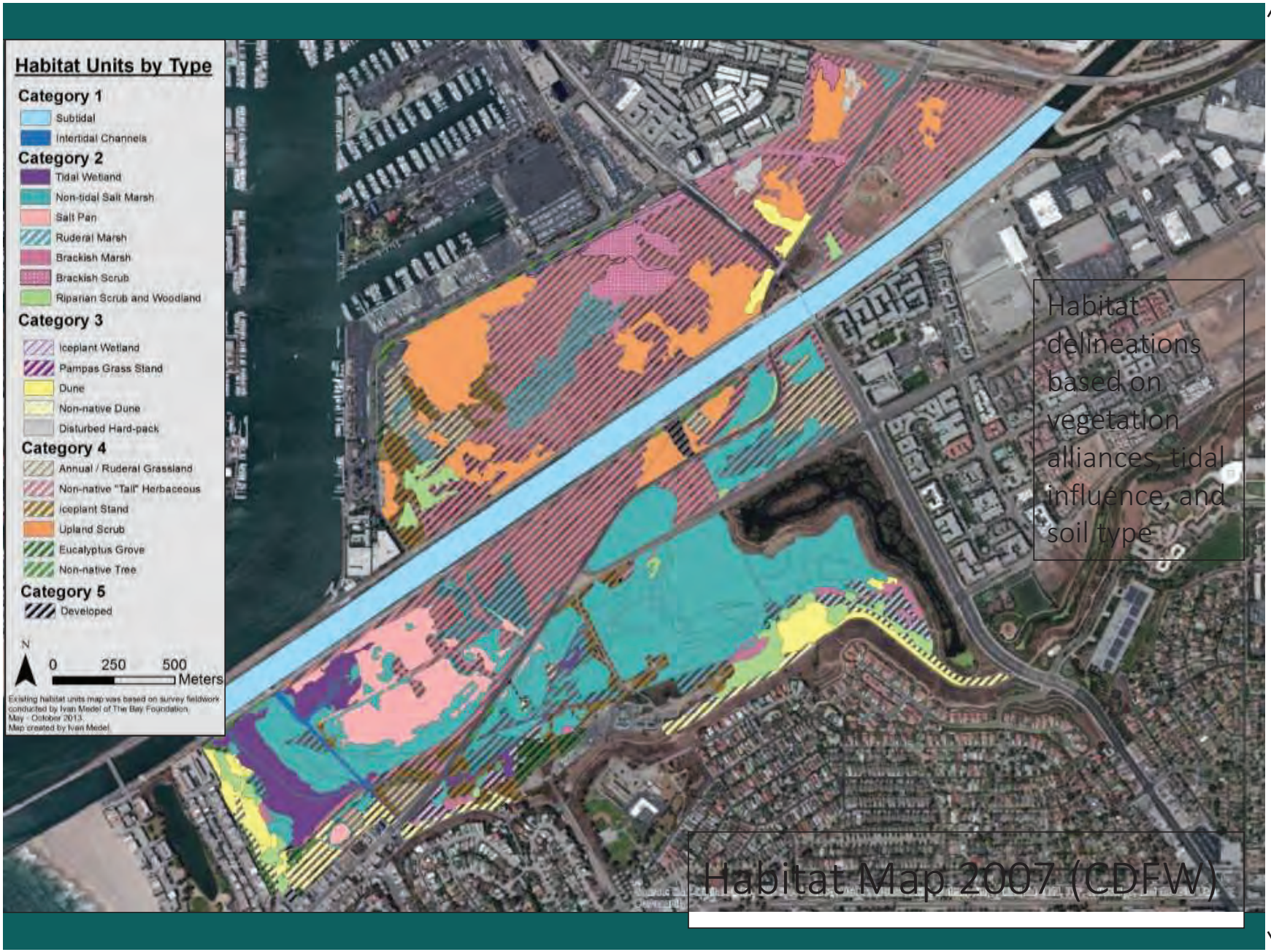
O4-201 cont.

Ballona Reserve - Topography

O4-201
cont.

Monitoring Reports: Chapter Info & Summary of Protocols
- 5 years of monitoring
- Part of EPA regional monitoring program
• Ch. 1 Water Quality
• (bacteria, nutrients, trace metals, general/continuous monitoring)
• Ch. 2 Marine Sediment
• (trace metals, pesticides, PCBs, etc)
• Ch. 3 Terrestrial Soils
• (trace metals, organic content)
• Ch. 4 Vegetation
• (stratified random transect sampling all habitats)
• Ch. 5 Fish
• (beach seines w/blocking nets, shrimp trawl, minnow traps)
• Ch. 6 Herpetofauna
• (pitfall traps, coverboard arrays)
• Ch. 7 Mammals
• (Sherman live traps, motion cameras)
• Ch. 8 Birds
• (site-wide surveys, breeding, waterbird)
• Ch. 9 Benthic Invertebrates
• (shallow & deep cores)
• Ch. 10 Terrestrial Invertebrates
• (productivity metric & pitfall traps)
• Ch. 11 Physical Characteristics
• (t-sect elevations, cross sections, velocity, inundation mapping)

O4-201 cont.

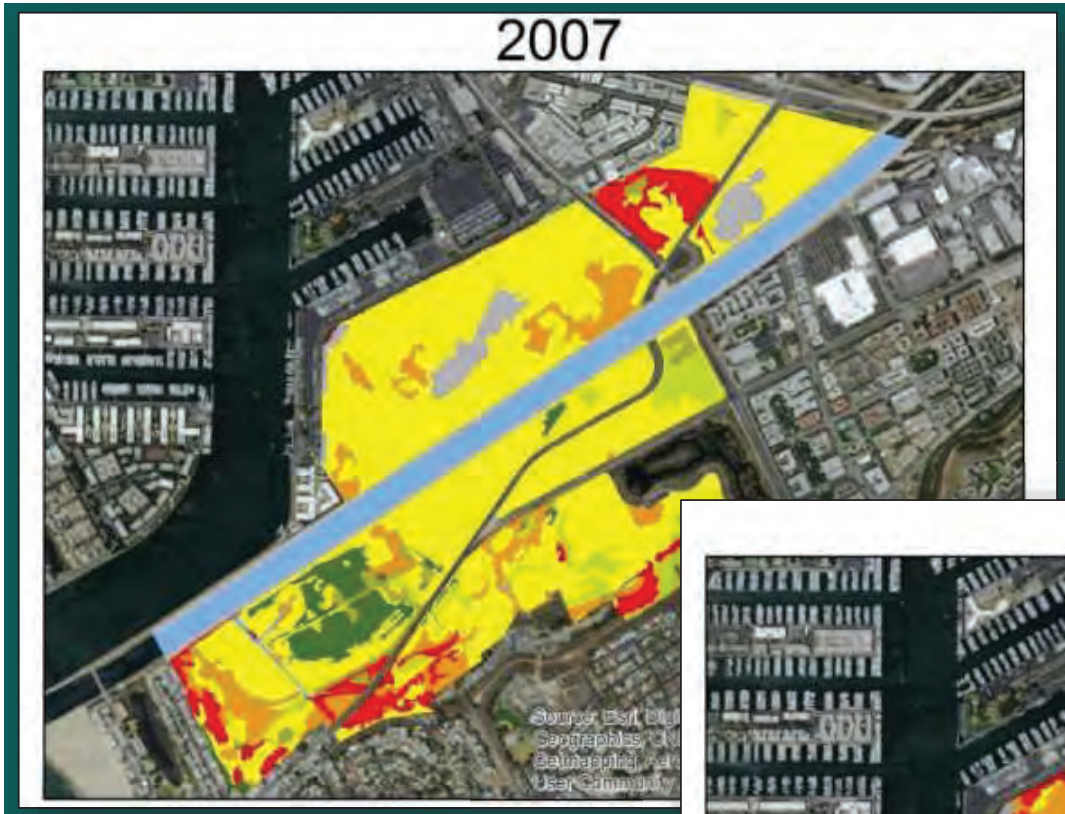

Habitat Units by Type
Category 1
Subtidal
Intertidal Channels
Category 2
Tidal Wetland
Non-tidal Salt Marsh
Salt Pan
Ruderal Marsh
Brackish Marsh
Brackish Scrub
Riparian Scrub and Woodland
Category 3
Iceplant Wetland
Pampas Grass Stand
Dune
Non-native Dune
Disturbed Hard-pack
Category 4
Annual / Ruderal Grassland
Non-native "Tall" Herbaceous
Iceplant Stand
Upland Scrub
Eucalyptus Grove
Non-native Tree
Category 5
Developed
N
0 250 500
Meters
Existing habitat units map was based on survey fieldwork conducted by Ivan Medel of The Bay Foundation, May - October 2013.
Map created by Ivan Medel.
Habitat delineations based on vegetation alliances, tidal influence, and soil type
Habitat Map 2007 (CDFW)

O4-201 cont.

Habitat Units by Type
Category 1
Subtidal
Intertidal Channels
Category 2
Tidal Wetland
Non-tidal Salt Marsh
Salt Pan
Ruderal Marsh
Brackish Marsh
Brackish Scrub
Riparian Scrub and Woodland
Category 3
Iceplant Wetland
Pampas Grass Stand
Dune
Non-native Dune
Disturbed Hard-pack
Category 4
Annual / Ruderal Grassland
Non-native "Tall" Herbaceous
Iceplant Stand
Upland Scrub
Eucalyptus Grove
Non-native Tree
Category 5
Developed
N
0 250 500
Meters
Existing habitat units map was based on survey fieldwork conducted by Ivan Medel of The Bay Foundation, May - October 2013.
Map created by Ivan Medel.
Habitat delineations based on vegetation alliances, tidal influence, and soil type
Habitat Map 2013 (TBF)

O4-201 cont.

Invasion of non-native vegetation



O4-201
cont.

Area C
Area A
Area B
Alla
Playa Vista
Marina del Rey
Ballona Creek
Burton W Chace Park
Del Rey Lagoon Park
Loyola Marymount University
Spatial Extent Change of
Brassica nigra
from 2007 to 2013 Vegetation Surveys
Legend
Decrease (29.25 acres)
Increase (82.41 acres)
No Change (86.22 acres)
N
Meters
0 125 250 500
Increase of over 53 acres since 2007!

O4-201
cont.

California Rapid Assessment Method (CRAM) Survey Results

Ballona Wetlands

Area A – highly impacted

44

Area B – tide channels; muted hydrology, fewer impacts

64

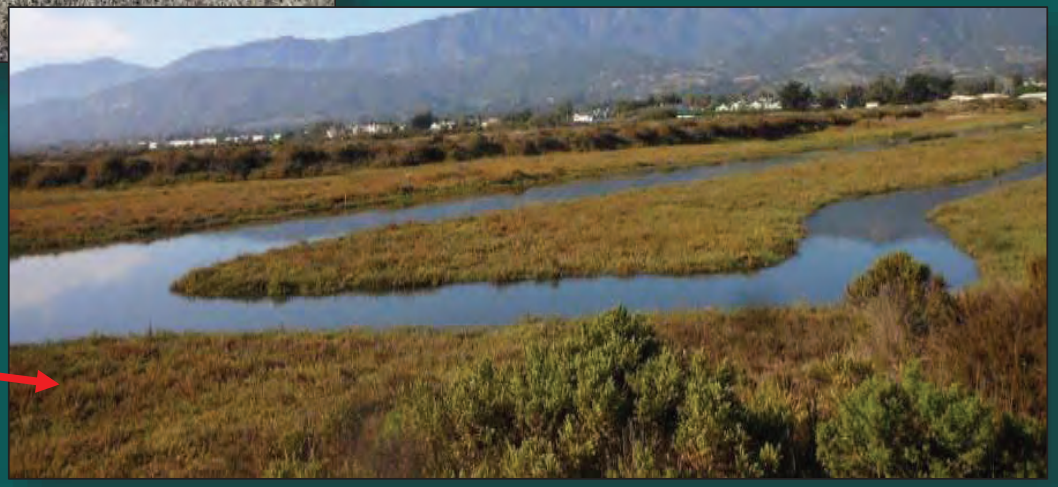
Area B – seasonal wetlands; hydrological impacts

55

Carpinteria Salt Marsh

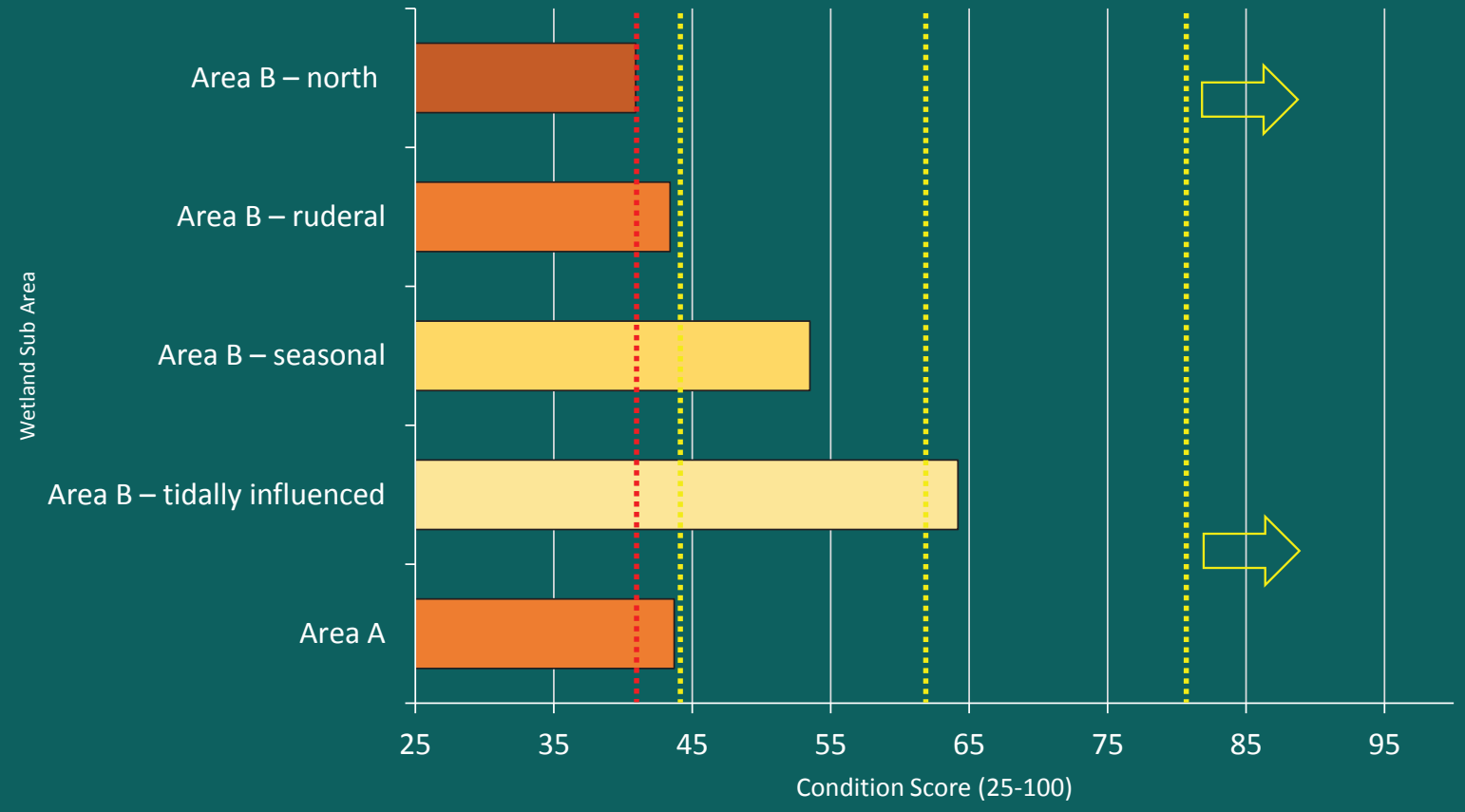
88

few impacts



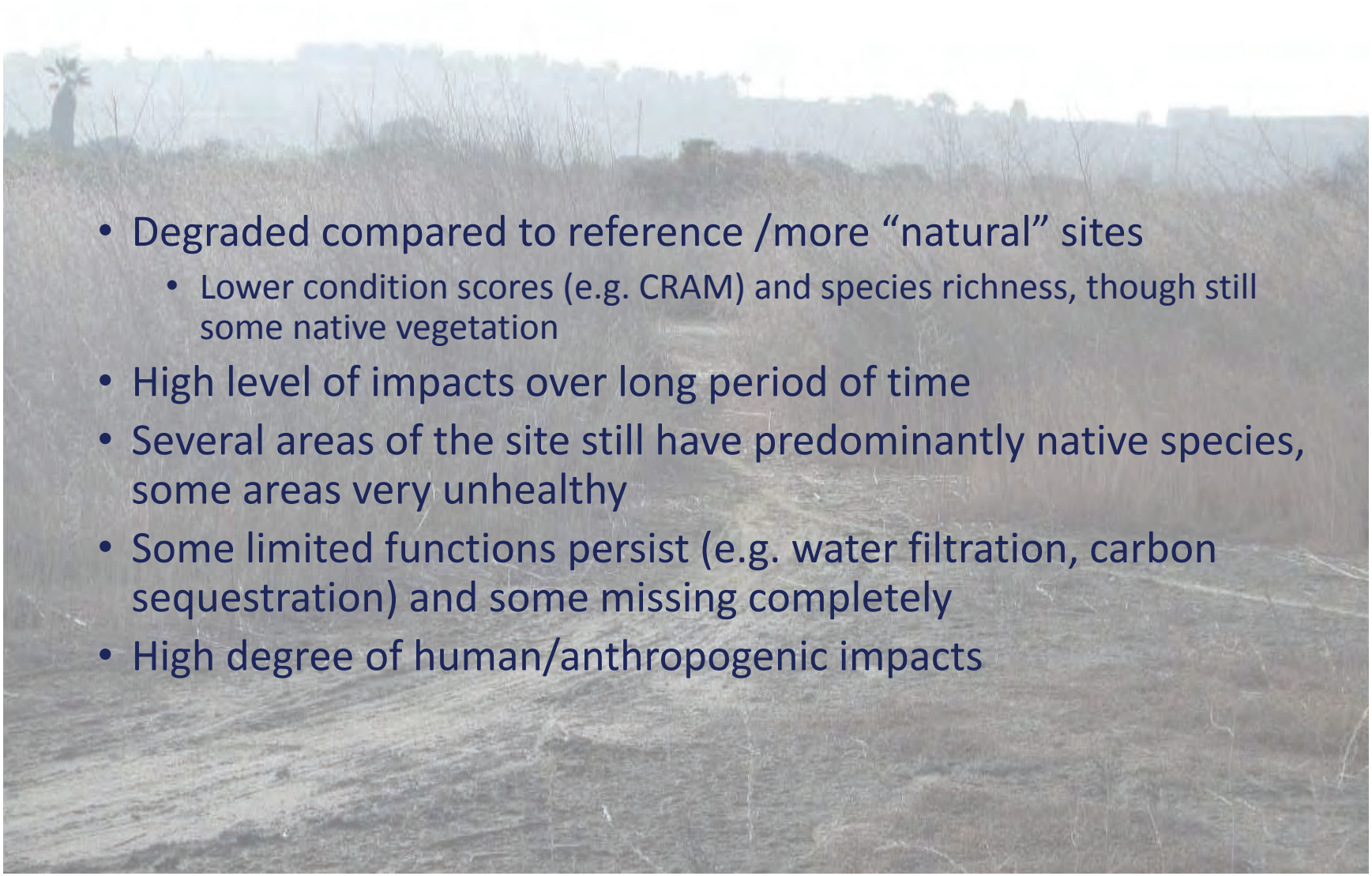
O4-201 cont.

Final CRAM Score by Sub-Area



O4-201
cont.

What the data from Ballona tell us:



- Degraded compared to reference /more “natural” sites
  - Lower condition scores (e.g. CRAM) and species richness, though still some native vegetation
- High level of impacts over long period of time
- Several areas of the site still have predominantly native species, some areas very unhealthy
- Some limited functions persist (e.g. water filtration, carbon sequestration) and some missing completely
- High degree of human/anthropogenic impacts

O4-201 cont.

Restoration Project Goals and Objectives

Goal 1 – Restore Ecological Functions of Wetlands:

Restore, enhance, and create estuarine and adjacent habitats in the Ballona Ecosystem to support a natural range of habitats, functions, and services, especially as related to estuarine dependent plants and animals.

Goal 2 – Benefits to the Public:

Create opportunities for aesthetic, cultural, recreation, research, and educational use of the Ballona Reserve that are compatible with area resources. Include public access and recreational use. Protect and respect cultural resources.

**** *Flood management*: maintain or increase the existing level of flood protection; protect roadways and utilities; minimize maintenance**

O4-201 cont.

PROCESS
Saving the Land
• Community groups / activists
• Playa Vista sold to the state
• CDFW management
Designing the Future
• Scientists, community groups, agencies
• Dozens of workshops & meetings
• Developed potential plans and goals
Scientific Studies
• Historical ecology
• Baseline monitoring
• Research
• Mapping
• Future climate change scenarios
Environmental Planning
• Environmental impact reports
• Hydrology studies
• Geo tech studies
• Modelling studies
• Cultural resources
• Special status species
CALIFORNIA
DEPARTMENT OF FISH & WILDLIFE
CEQA / NEPA
• Draft reports & documents
• Public comments
• Final reports & documents
Permitting
• Flood control permits
• Army Corps
• Coastal Commission
Construction / Restoration
• May require heavy equipment
• Reconfiguring the area based on the restoration goals and final plan
• Native species
• Public access
Long-Term Monitoring
• Determine project successes
• Feed into adaptive site management
• Ecological functions
• Citizen science
Maintaining the Land
• Weeding invasive plants
• Community groups / activists
• CDFW management

O4-201
cont.

Restoration Alternatives

Alternative 1: NATURALIZED CREEK

Alternative 2: PARTIAL NATURALIZED CREEK

Alternative 3: OXBOW

Alternative 4: NO PROJECT

State Lead Agency: CDFW

Federal Lead Agency: Army Corps

O4-201
cont.

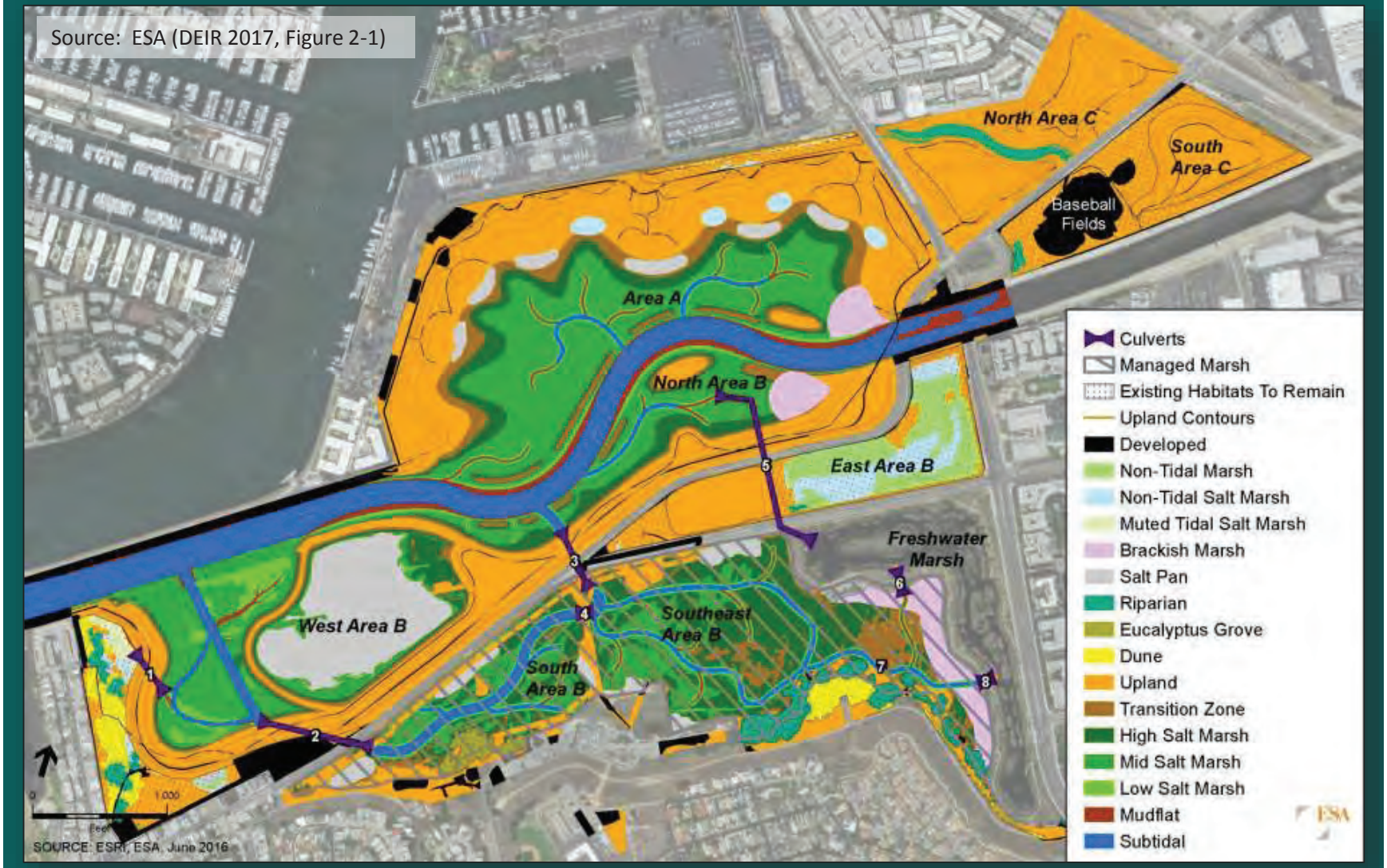
Comparing Restoration Alternatives

Alternative	Summary	Project Footprint (ac)	New or Enhanced Wetlands (ac)	New or Enhanced Waters of US (ac)	Fill Placement (cy)
Alternative 1: NATURALIZED CREEK	Highest level of restoration; remove portion of levee and re-contour land; most resilient to SLR; new public access along trails and bike path	483	187	97	North (720K) and South (300K) Area C; off-site (110K); levees
Alternative 2: PARTIAL NATURALIZED CREEK	Remove smaller portion of levee and re-contour land; less resilient to SLR; maintains West Area B; new public access along trails and bike path	426	139	54	East Area B (340K); North (500K) and South (540K) Area C; off-site (10K); levees
Alternative 3: OXBOW	Leaves levees and existing wetlands in place, but includes new tide gates in Area A and re-contouring; new public access along trails and bike path	163	48	28	off-site (1,230K); Area A levee
Alternative 4: NO PROJECT	No restoration, no enhancement, no new public access; wetlands and other habitats will continue to degrade and have non-native vegetation invasion; not resilient to SLR	N/A	0	0	No fill moved

O4-201 cont.

Ballona Wetlands Restoration Project

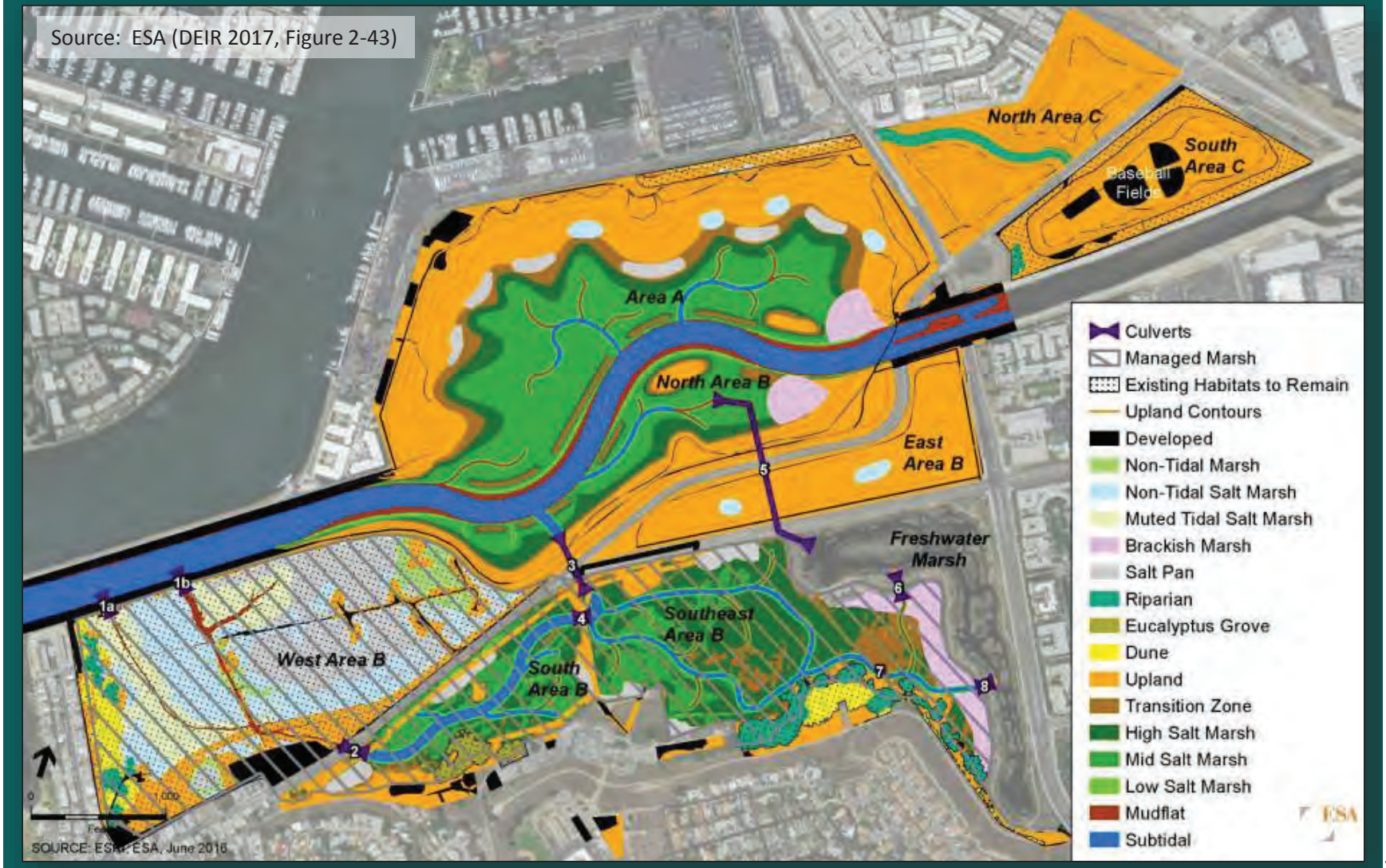
(Alternative 1 – DRAFT graphic illustration)



O4-201 cont.

Ballona Wetlands Restoration Project

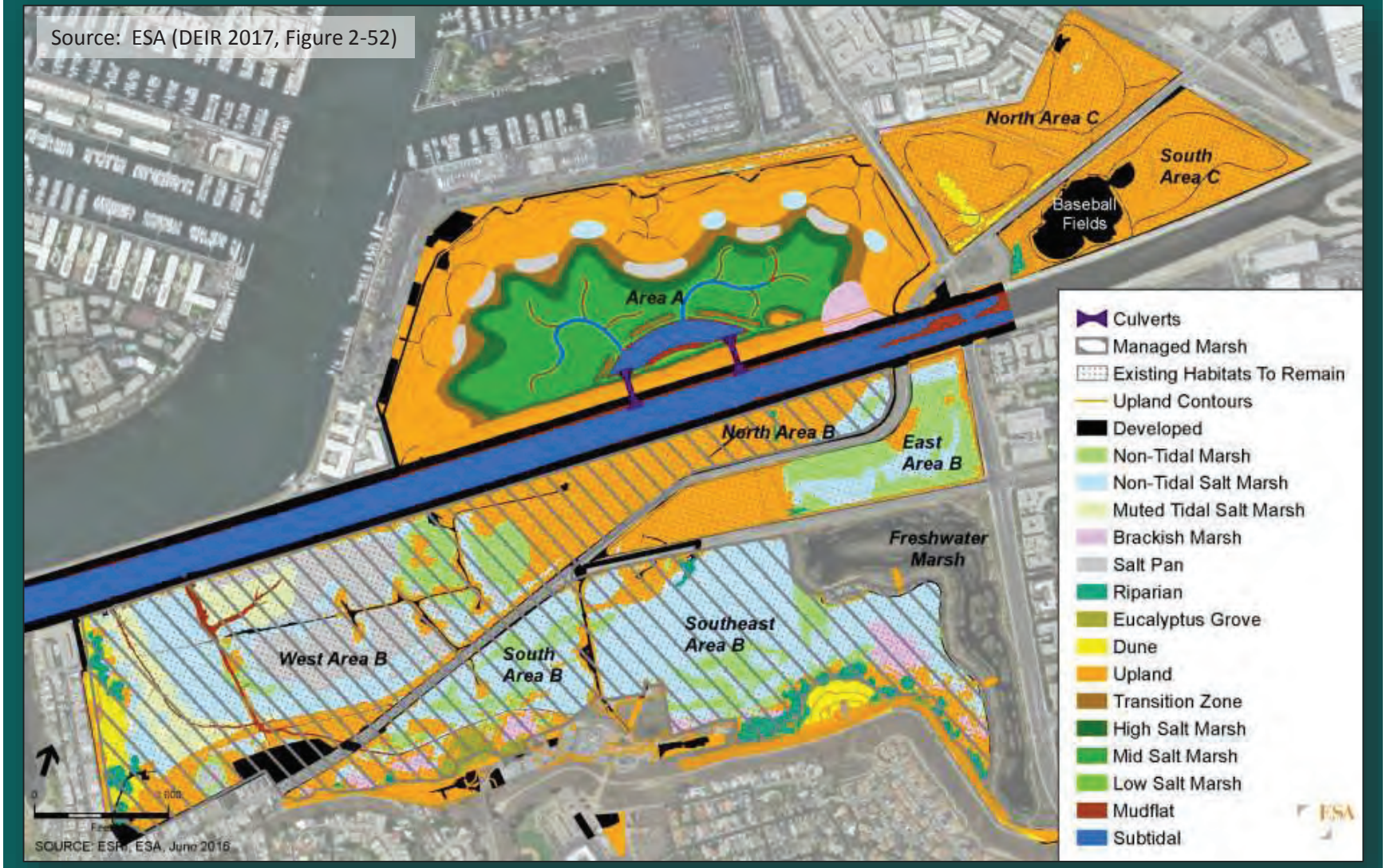
(Alternative 2 – DRAFT graphic illustration)



O4-201 cont.

Ballona Wetlands Restoration Project

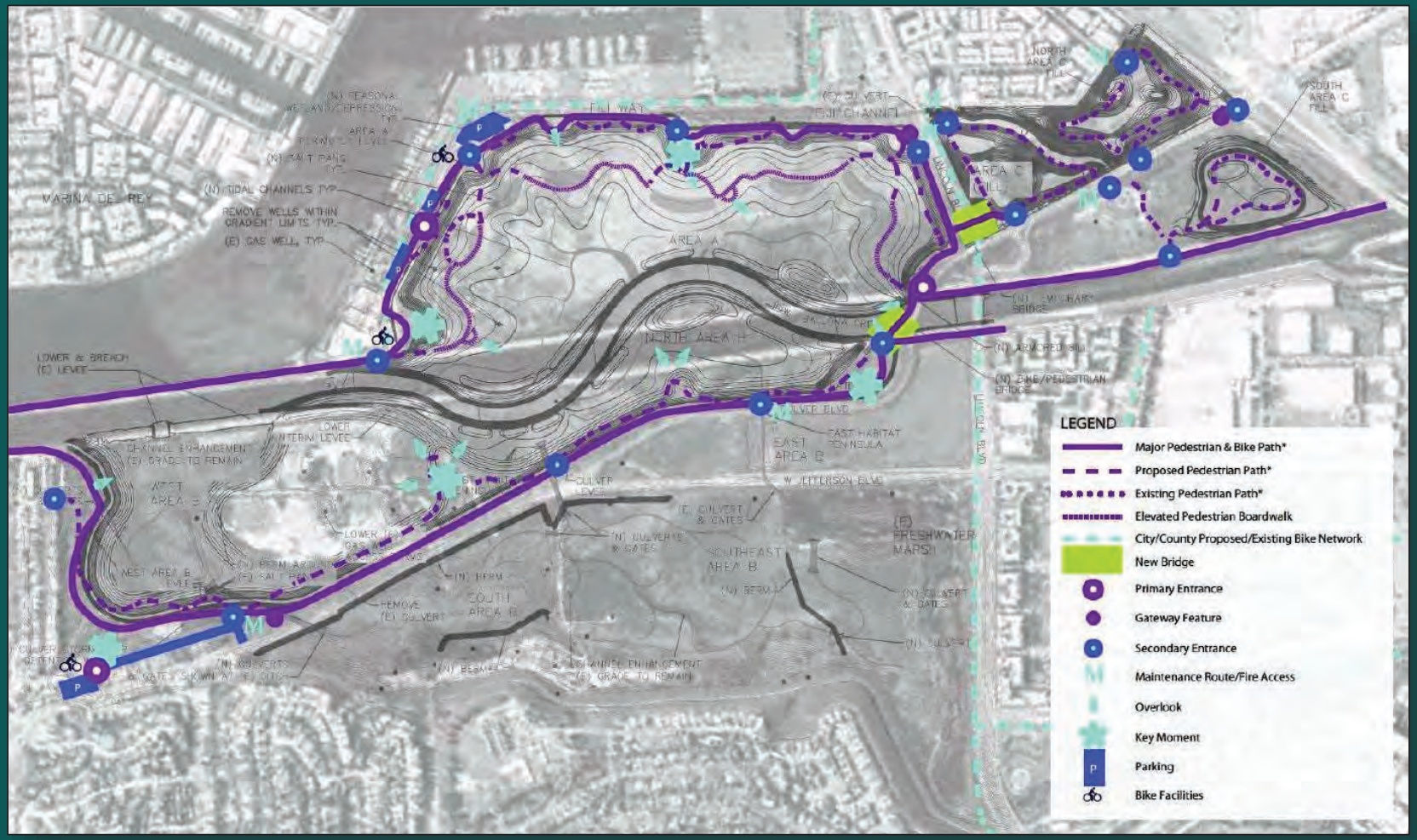
(Alternative 3 – DRAFT graphic illustration)



O4-201 cont.

Ballona Wetlands Restoration Project

(Alternative 1 – DRAFT public access)



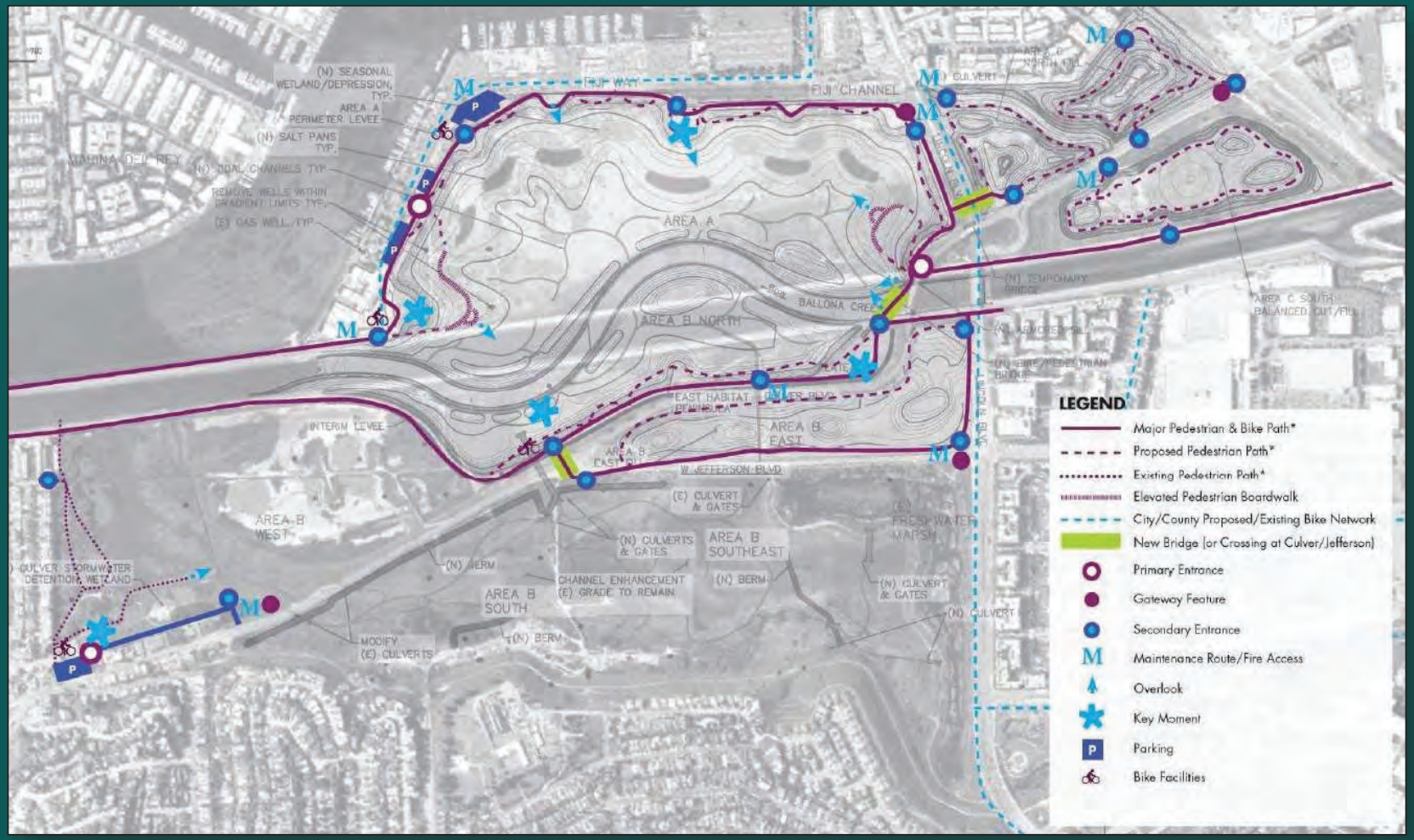
Note: paths shown are approximate

Source: Melendrez and ESA (DEIR 2017, Figure 2-23)

O4-201 cont.

Ballona Wetlands Restoration Project

(Alternative 2 – DRAFT public access)



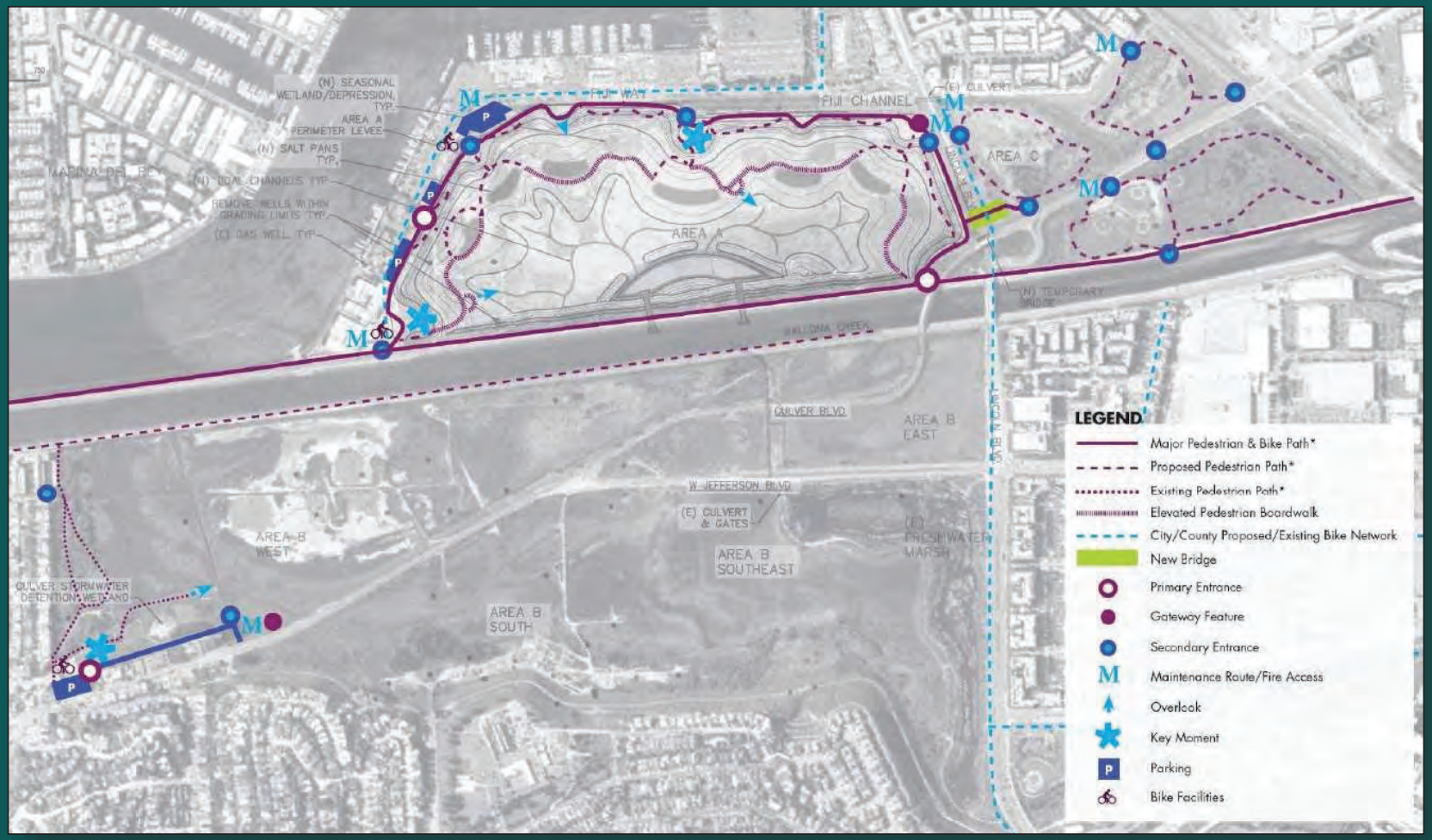
Note: paths shown are approximate

Source: Melendrez and ESA (DEIR 2017, Figure 2-45)

O4-201 cont.

Ballona Wetlands Restoration Project

(Alternative 3 – DRAFT public access)



Note: paths shown are approximate
Source: Melendrez and ESA (DEIR 2017, Figure 2-54)

O4-201 cont.

Ballona Wetlands Restoration Project

(Alternative 1 – DRAFT graphic with SEA LEVEL RISE)

Source: ESA (DEIR 2017, Figures 2-36 through 2-40)

O4-201 cont.

Get Involved!
Submit public comments to CDFW or Corps
BWERcomments@wildlife.ca.gov
November 8, 6-8:30 pm at Burton Chase Park
https://www.wildlife.ca.gov/Regions/5/Ballona-EIR
Community Restoration Events:
Sign up here:
www.santamonicabay.org
Nov 2 (9-11:30am)
Nov 15 (9-11:30am)

O4-201 cont.

QUESTIONS?
Karina Johnston
The Bay Foundation
kjohnston@santamonicabay.org
www.santamonicabay.org
www.ballonarestoration.org
THE
BAY FOUNDATION

O4-201
cont.

Comment Letter O4

Walter Lamb

From: "Rod Abbott" <rabbott@santamonicabay.org>
Date: Friday, September 22, 2017 2:31 PM
To: "Brody, Richard@Wildlife" <Richard.Brody@wildlife.ca.gov>
Cc: "Tinsley, Benjamin@Wildlife" <Benjamin.Tinsley@wildlife.ca.gov>; "Tom Ford" <tford@santamonicabay.org>; "Karina Johnston" <kjohnston@santamonicabay.org>; "Alys Arenas" <aarenas@healthebay.org>
Subject: RE: Heal the Bay Tour

Thank you ☺

From: Brody, Richard@Wildlife [mailto:Richard.Brody@wildlife.ca.gov]
Sent: Friday, September 22, 2017 1:39 PM
To: Rod Abbott <rabbott@santamonicabay.org>
Cc: Tinsley, Benjamin@Wildlife <Benjamin.Tinsley@wildlife.ca.gov>; Tom Ford <tford@santamonicabay.org>; Karina Johnston <kjohnston@santamonicabay.org>
Subject: Heal the Bay Tour

Rod,

You are good-to-go for the Heal the bay tour. Ben, please make sure inside Gate 52 is safe

Brody

R.C. Brody
Land Manager - Ballona Wetlands Ecological Reserve
California Department of Fish and Wildlife
P.O. Box 1653 Topanga, CA 90290
(p) 310-455-3243

CALIFORNIA DEPARTMENT OF FISH and WILDLIFE

Every Californian should conserve water. Find out how at:
Drought.CA.gov · SaveOurWater.com

O4-202

Comment Letter O4

Walter Lamb

From: "Brody, Richard@Wildlife" <Richard.Brody@wildlife.ca.gov>
Date: Monday, September 25, 2017 9:25 AM
To: "jdorsey@lmu.edu" <John.Dorsey@lmu.edu>; "Karina Johnston" <kjohnston@santamonicabay.org>; "Drennan, Philippa" <Philippa.Drennan@lmu.edu>
Cc: <patrickt@ballonafriends.org>; "Scott Culbertson" <scott@ballonafriends.org>
Subject: RE: Tour

I support the tour, Hi John and Philippa, but it is really up to Pat if he can schedule it and have a Friends rep there.

Brody

From: Dorsey, John [mailto:John.Dorsey@lmu.edu]
Sent: Monday, September 25, 2017 9:21 AM
To: Karina Johnston <kjohnston@santamonicabay.org>; Drennan, Philippa <Philippa.Drennan@lmu.edu>
Cc: patrickt@ballonafriends.org; Brody, Richard@Wildlife <Richard.Brody@wildlife.ca.gov>
Subject: RE: Tour

Hi Karina. I thought I had cleared this tour some time ago with Brody and Pat -- we would go to the usual places (Boy Scout Lookout, Dune restoration site) under the Friend's Educational Permit, but looking back through my old emails I don't think I did since I was dealing with two others in August and September at that time.

Brody and Pat, is it too late to to get permission to take a small group of LMU staff/faculty into the wetlands on Friday, October 6th, under the Friend's permit? We would be in there from ~12-2 pm.

Sorry about not arranging for this sooner (thought I had)--its been a crazy semester so far!

John

John H. Dorsey, Ph.D., BCES
Professor
Department of Civil Engineering & Environmental Science
Chair, Academic Program Review Committee
Senior Research Fellow, Center for Urban Resilience
LSB 316
Loyola Marymount University
1 LMU Dr., Los Angeles, CA 90045
310-338-7817; jdorsey@lmu.edu

From: Karina Johnston [kjohnston@santamonicabay.org]
Sent: Monday, September 25, 2017 8:13 AM
To: Dorsey, John; Drennan, Philippa
Subject: Tour

Hi John and Pippa - good morning, CDFW just forwarded me this link and wanted me to make sure that the tour was not going inside the reserve.

Can you guys confirm this tour is just for the freshwater marsh? Thanks!

http://cal.lmu.edu/event/faculty_staff_visit_to_the_ballona_wetlands#.Wccvo8iGO00

Karina Johnston
Director of Watershed Programs
The Bay Foundation

O4-202 cont.

Comment Letter O4

Walter Lamb

From: "Brody, Richard@Wildlife" <Richard.Brody@wildlife.ca.gov>
Date: Thursday, September 7, 2017 8:23 AM
To: "Karina Johnston" <kjohnston@santamonicabay.org>; "Katherine Pease" <kpease@healthebay.org>
Subject: RE: Sept 22 Wetland Coalition mtg

On my calendar. HI Katherine

From: Karina Johnston [mailto:kjohnston@santamonicabay.org]
Sent: Wednesday, September 06, 2017 1:58 PM
To: Katherine Pease <kpease@healthebay.org>; Brody, Richard@Wildlife <Richard.Brody@wildlife.ca.gov>
Subject: Sept 22 Wetland Coalition mtg

Hi Katherine and Brody – just putting you two in touch re: the Sept 22 Coalition mtg on Ballona.

Brody – I'll be presenting, but it would be great if you could be there too, maybe to answer questions? Who knows – the Corps might even have an actual release date set by then! Fingers crossed.

It starts at 10am at the Center Point Club in Playa Vista.

Katherine – let me know if you need anything from me in advance!

Cheers,

Karina Johnston
Director of Watershed Programs
The Bay Foundation
kjohnston@santamonicabay.org
Office: (310) 216-9824

www.ballonarestoration.org
www.santamonicabay.org

O4-202 cont.

From:	Janna Scott
To:	AR-Ballona
Subject:	FW: Late comment and confirmation of previous submission
Date:	Monday, February 26, 2018 10:10:34 AM
Attachments:	1903 - RE_ Ballona - SoCal Gas - Nick Garrity to Mary Small re ESA work for SoCal Gas 2013 - CEQA.pdf

From: Walter Lamb [mailto:landtrust@ballona.org]
Sent: Monday, February 26, 2018 10:02 AM
To: Wildlife Ballona Wetlands Ecological Reserve EIR <BWERcomments@wildlife.ca.gov>; Richard Brody <richard.brody@wildlife.ca.gov>; Janna Scott <JScott@esassoc.com>; Rogers, Bonnie L CIV USARMY CESPL (US) <Bonnie.L.Rogers@usace.army.mil>
Subject: Late comment and confirmation of previous submission

All -

I don't believe I ever received a confirmation of our original submission of comments and attachments. At one point, the BWERComments e-mail provided automatic confirmations, but that seems to have been disabled at some point. If you could confirm receipt of those materials, that would be appreciated. O4-203

Also, I am providing a late comment and attachment relating to work performed by ESA on behalf of SoCal Gas as described in the attached e-mail exchange, which I am submitting for the record. Given the significant role ESA has played in preparing the draft EIR/S, and given SoCal Gas' interest in the project, it is important for any records relating to ESA's work for SoCal Gas to be included in the administrative record for public review. O4-204

Given how long this restoration planning has been underway and how much documentation has been produced related to that planning effort, we will likely be submitting additional late comments as we come across additional documents. We understand that CEQA does not require responses to be provided to late comments, but we want to make sure all relevant information is considered and available for public review. O4-205

Thank you for your assistance.

Walter

Walter Lamb
Ballona Wetlands Land Trust
310-384-1042
Facebook

From: Nick Garrity
To: Mary Small
Subject: RE: Ballona - SoCal Gas
Date: Wednesday, November 27, 2013 3:00:33 PM

Thanks, Mary. To confirm for you, the work ESA will do for SoCal Gas is distinct and has a completely separate scope of work from the work we are doing under contract to the Coastal Conservancy.

Thank you! I hope you have a great Thanksgiving!

Cheers,

Nick

From: Mary Small [mailto:msmall@scc.ca.gov]
Sent: Wednesday, November 27, 2013 2:38 PM
To: Nick Garrity
Subject: RE: Ballona - SoCal Gas

Hi Nick
Thanks for the email and for following up. I have talked to the project partners and we are ok with ESA conducting this work but would want to be sure that the work done by ESA for So CA Gas is distinct from the work you are doing under contract for the state and the proposed restoration project. In approving this, I am assuming that there is a completely separate scope and that the So CA Gas work does not rely on any of the work products ESA has produced for the state.

Thanks and have a good holiday.
Mary

From: Nick Garrity [mailto:NGarrity@esassoc.com]
Sent: Wednesday, November 20, 2013 9:59 AM
To: Mary Small
Subject: Ballona - SoCal Gas

Hi Mary,

I'm following up on previous discussion you've had with Diana regarding an idea Diana and SoCal Gas have explored - the idea of SoCal Gas relinquishing it's mineral rights easement and decommissioning their wells as part of the Ballona restoration, with an arrangement/possibility for SoCal Gas to partially offset their decommissioning costs through the sale of mitigation credits generated by restoration within their easement. After meeting with SoCal Gas to discuss this approach a while back, SoCal Gas asked us to assist them in exploring mitigation crediting options associated with their easement and advise them on a potential mitigation framework/instrument (e.g., bank vs. in-lieu fee) in coordination with the PMT and the regulatory agencies. I wanted to check with you to see if you are open to us assisting and advising SoCal Gas on a potential regulatory process for mitigation crediting under a separate contract with SoCal Gas. Please let me know if you'd like to discuss this further.

O4-206

Thanks,

Nick

Nicholas Garrity, P.E.
Southern California Manager
ESA PWA | Environmental Hydrology
626 Wilshire Boulevard, Suite 1100
Los Angeles, CA 90017
213-599-4326 direct | 562-296-5679 cell
213-599-4300 main | 213-599-4301 fax
ngarrity@esassoc.com

Letter O4: Ballona Wetlands Land Trust

O4-1 The stated preference that the paved parking lots in Area A be restored 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*.

O4-2 See General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), which explains the opportunities for members of the public to provide input during the environmental review process for the Project. No additional public participation is required by CEQA. The request for additional access to the Ballona Reserve in the form a one or more "walk-throughs" as part of the review process is acknowledged, but was not granted.

O4-3 CDFW limits public access to the Ballona Reserve under existing (baseline) conditions, "due to health, safety and resource concerns."[70] Draft EIS/EIR Section 3.11.2.2 (Recreation; Environmental Setting) explains under the heading "Bike Paths and Pedestrian Trails" that "[t]he pedestrian trails within the Ballona Reserve are currently not open to the public. The use of these trails is allowed only with CDFW authorization and permitting. Use of the trails in West Area B by the Friends of Ballona Wetlands and the Los Angeles Audubon Society for educational, restoration, and maintenance purposes is currently permitted with several restrictions. Both organizations and The Bay Foundation host guided tours on a pre-arranged basis." Existing access to the Ballona Reserve has not changed as a result of the environmental review process for the Project.

As conveyed in writing by CDFW to BWLT on November 14, 2017, "[a]ll groups with approved access to the Reserve have been informed that they are not permitted to discuss the EIR in any detail while on the Reserve. They may express their general support for restoration if they desire but if asked to discuss further they are to direct people to the resources available to make an informed decision on their own. The only exception is The Bay Foundation. Their access letter permits them to "[conduct] guided public tours and open houses as part of the public outreach component of the proposed restoration project." But even The Bay Foundation has been asked not to promote a particular alternative.

O4-4 The stated request to revise and recirculate the Draft EIS/EIR based on general suggestions about completeness, clarity, accuracy, the reasonableness of the range of alternatives, and the breadth of project objectives is acknowledged. See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received regarding requests for recirculation. See also General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), regarding development of the range of alternatives analyzed in the Draft EIS/EIR. Without facts, reasonable

70 CDFW, 2014.

assumptions based on facts, or expert opinion supported by facts, the comment does not provide sufficient information to allow CDFW to provide a detailed response.

O4-5 The Draft EIS/EIR analyzes potential direct, indirect, and cumulative impacts to Belding's savannah sparrow in Draft EIS/EIR Section 3.4, *Biological Resources*. This comment provides no evidentiary basis to revisit the analysis. The expressed skepticism 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*.

O4-6 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), which addresses multiple comments regarding parking facilities within the Ballona Reserve. Opposition to such parking where it may serve local businesses or County agencies 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*.

O4-7 The commenter's opinion as to "the mindset of the project management agencies" regarding public engagement 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*.

The commenter's reference to the June 15, 2005, Ballona Wetlands Interim Stewardship and Access Management Plan prepared for the State Coastal Conservancy, Department of Fish and Game and State Lands Commission[71] and offer of volunteerism and investment consistent with that plan also are acknowledged. See also Comment O4-198, which includes a copy of that plan. Existing access to the Ballona Reserve (as described in Response O4-3) has not changed as a result of this Project during the environmental review period.

O4-8 See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received regarding requests for recirculation.

CDFW respectfully disagrees with the unsupported suggestion that the Draft EIS/EIR lacks sufficient information to facilitate informed decision-making under CEQA. To the contrary, CDFW believes the document provides a reasonable good faith effort at full disclosure of existing conditions and impacts consistent with CEQA Guidelines Sections 15121 (Informational Document), 15124 (Project Description), 15125 (Environmental Setting), 15126 (Consideration and Discussion of Environmental Impacts), 15127 (Limitations on Discussion of Environmental Impact), 15130 (Discussion of Cumulative Impacts) and Section 15220 et seq. (Projects Also Subject to the National Environmental Policy Act). Without some information as to the basis

71 Duvivier Architects, 2005. Ballona Wetlands Interim Stewardship and Access Management Plan. Available online: http://www.idarchitect.com/wp-content/uploads/Ballona.pdf.

for the commenter's opinion, CDFW does not have enough information to provide a more detailed response to this comment.

O4-9 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses multiple comments about development of the range of alternatives analyzed in the Draft EIS/EIR.

In addition, contrary to the suggestion in this comment, the Draft EIS/EIR does identify the conditions that would result if the proposed restoration did not occur. Such conditions are described in Draft EIS/EIR Section 2.2.5, *Alternative 4: No Federal Action/No Project*, and analyzed on a resource by resource basis throughout Draft EIS/EIR Chapter 3. See also Response O15-56 regarding target species for restoration.

O4-10 The commenter's opinion of and causes for the baseline conditions described in the Draft EIS/EIR is acknowledged. However, without facts, reasonable assumptions based on facts, or expert opinion supported by facts, the comment does not provide sufficient information to allow CDFW to provide a detailed response. See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received regarding requests for recirculation.

O4-11 The commenter's apparent disagreement with the Draft EIS/EIR's characterization of California Rapid Assessment Method (CRAM) results presented in Draft EIS/EIR Section 3.4, *Biological Resources*, and the possibility of reaching different conclusions based on the same modeling data are acknowledged. The comment suggests a different result that would be "just as true," signaling that no error has occurred but rather that a different result is preferred. This preference is 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*.

O4-12 The stated opinions about infographics published "long before" the issuance of the Draft EIS/EIR do not inform CDFW's consideration of the potential impacts of the proposed restoration but nonetheless have been included as part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

The stated causes for hydrological, public access, invasive species, and fill conditions also are acknowledged. Regarding the drains, see General Response 4, *Drains* (Final EIR Section 2.2.4). Regarding public access, see Response O4-3. The commenter's preference that existing public access to the Ballona Reserve be expanded also is acknowledged: Nothing in the Draft EIS/EIR precludes CDFW's consideration of potentially broader public access opportunities independent of the propsoed restoration. CDFW's decision about whether or not to pursue an invasive species management approach as described in the 2005 Interim Stewardship and Access Management Plan (provided in Comment O4-198) does not inform CDFW's

consideration of the potential impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*.

O4-13 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses multiple comments about the development of the range of alternatives analyzed.

O4-14 The stated concerns regarding the Project are acknowledged. However, without facts, reasonable assumptions based on facts, or expert opinion supported by facts, this comment does not provide sufficient information to allow CDFW to provide a detailed response. General responses to the concerns raised are provided below.

Regarding the analysis of potential direct, indirect, and cumulative impacts to biological resources, including species and habitats, see Draft EIS/EIR Section 3.4. Specifically regarding direct and indirect impacts to Belding's savannah sparrow, see the analysis of Impact 1-BIO-1i, which concludes that the Project would, unless mitigated, result in a substantial adverse impact on Belding's savannah sparrows. Further, the analysis of Impact 1-BIO-1i concludes that, following the Phase 2 restoration effort, the Project would result in a substantial beneficial effect in the quality and quantity of habitat for this species.

Regarding sea-level rise, see Draft EIS/EIR Section 2.2.2.6, *Alternative 1: Monitoring and Adaptive Management*, under the heading "Sea-Level Rise." Figure 2-40, Habitat Evolution with Sea-Level Rise: 2100 Projection, shows projected sea-level rise in year 2100. See also General Response 6, *Hydrology and Water Quality*, for sea-level rise (Final EIR Section 2.2.6.2).

Regarding parking-related aspects of the proposal, see Draft EIS/EIR Section 2.2.2.3, *Alternative 1: Public Access and Visitor Facilities*, under the heading "Parking." This discussion discloses that removal of some of the paved parking is included in the Project, and states that "[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" and that "[b]uilding a structure to replace the existing parking lot would reduce the footprint of the original parking area and increase the area available for reclamation as upland habitat in the Ballona Reserve by up to approximately 0.8 acre." Draft EIS/EIR Figure 2-20, New Beaches and Harbor's Parking Structure, and Figure 2-21, Habitat Restoration in Beaches and Harbor's Parking Lot, show the design of the parking structure, including restoration areas. See also General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3).

Regarding cost considerations, see Table 2-1a, Summary of Restoration of and Impacts to Corps Jurisdictional Waters Under Alternatives 1, 2, and 3, in Draft EIS/EIR Section 2.1.1.2, which provides information comparing the cost for the Project and Alternative 2 (Restored Partial Sinuous Creek) and Alternative 3 (Levee Culverts and Oxbow). See also Draft EIS/EIR Appendices B9 and B10.

Regarding restoration timing and scheduling is discussed in Draft EIS/EIR Section 2.2.2.5, *Alternative 1: Implementation and Restoration Process*, including information on restoration phasing and sequencing (Table 2-6) and overall schedule (Table 2-7).

The stated concern about the specificity of proposed mitigation measures also is acknowledged. Draft EIS/EIR Table ES-1, Summary of Impacts and Mitigation Measures for Alternative 1, and Appendix B6, *Mitigation Monitoring and Reporting*, summarize mitigation measures for the Project and Table 2-2, Project Design Features Incorporated into the Ballona Wetlands Restoration Project for Alternatives 1, 2, and 3, describes the project design features proposed for inclusion in the restoration program regardless of which restoration alternative is selected.

Regarding proposed changes relating to the berms, levees, and other existing Los Angeles County Drainage Area (LACDA) stormwater infrastructure within the Ballona Reserve, see Draft EIS/EIR Section 2.2.2.1, *Alternative 1: Ecosystem Restoration*, which discusses the restoration design for the Project, including grading and the use and location of levees, berms and access roads. Draft EIS/EIR Section 2.2.2.1, under the heading "Phase 1 Restoration," describes that "[a] fully connected Ballona Creek and wetland system would be restored across the Ballona Reserve beginning west of the Culver Boulevard bridge and extending to the southwest (downstream) property boundary" and that "[e]xisting levees would be completely removed, and a more sinuous channel with two meander-shaped bends would be created through the site. The proposed channel alignment would mimic natural channel forms and support desired native habitats, vegetation, and wildlife species."

Draft EIS/EIR Section 2.2.2.2, *Alternative 1: Flood Risk and Stormwater Management*, summarizes Alternative 1 Phase 2 and states, "… the flood risk management levees would be realigned along Fiji Way in Area A and along Culver Boulevard in West Area B. The levees that would be constructed under Alternative 1 would be engineered to meet or exceed current flood risk management standards." Several graphics are provided in the Draft EIS/EIR showing the location of levees, berms and access roads, including Figure 2-4, Alternative 1, Phase 1: Proposed Habitats; Figure 2-5, Alternative 1, Phase 1: Preliminary Grading Plan; Figure 2-6, Alternative 1, Phase 1: Perimeter Levees Plan; Figure 2-7, Alternative 1, Phase 1: Levee Sections; Figure 2-8, Alternative 1: Typical Channel Sections; Figure 2-2, Alternative 1, Phase 2: Preliminary Grading Plan; Figure 2-13, Alternative 1, Phase 2: Perimeter Levees Plan; and Figure 2-14, Alternative 1, Phase 2: Levee Sections.

Regarding how the Project would provide ecological benefits post-restoration and how improvements in biodiversity would be evaluated and monitored, the Draft EIS/EIR provides substantial information including in the Executive Summary, Section 1.0, *Introduction*, and several appendices.

O4-15 The commenter's opinion of and concerns with Alternative 2 (Restored Partial Sinuous Creek) are acknowledged and have been included in 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*.

O4-16 The commenter's opinion of, concerns with, and suggestions for modifying Alternative 3 are acknowledged and have been included in 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 2.2.2.4), regarding parking. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), regarding the development of the range of alternatives anlayzed in the Draft EIS/EIR. Because the full range of on-site resuse and off-haul of fill material has been analyzed among the restroraiton alternatives considered in detail in the Draft EIS/EIR, Alternative 3 has not been modified as suggested in this comment.

Draft EIS/EIR Section 2.2.4, *Alternative 3: Levee Culverts and Oxbow*, describes Alternative 2 (see Figure 2-52, Alternative 3: Proposed Habitats) and Section 3.4.6.3, *Alternative 3: Levee Culverts and Oxbow* presents the impact analysis for biological resources. Draft EIS/EIR Section 2.2.4, *Alternative 3: Levee Culverts and Oxbow*, identifies that the levee in Area A would provide flood control and restoration purposes and states, "[a] new partially-earthen levee would be built around the northern perimeter of Area A as described in Alternative 1 (Figure 2-53, Alternative 3: Preliminary Grading Plan). The levee would protect development from potential flooding of Ballona Creek and provide upland and transitional habitat zones within the restored Ballona Reserve. Between the new perimeter levee and the existing Ballona Creek channel levee a variety of coastal wetland habitats would be restored within the created marshplain similar to those proposed by the Project.

Draft EIS/EIR Appendix B1, *Preliminary Design Report*, provides more information on the design elements for Alternative 3 (Levee Culverts and Oxbow). Appendix B1 Section 5.1.2, *Water Control Structures*, discusses the tidal engineering for Alternative 3 and states, "[t]wo new water control structures would be installed in the existing north Ballona Creek channel levee to connect Ballona Creek to the oxbow 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)."

O4-17 See General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple comments regarding alternatives. See also General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7).

O4-18 See General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple comments regarding alternatives. See also General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7). As discussed in Section 2.3.2 of the Draft EIS/EIR, although Alternative 6 would avoid the need to modify existing levees, substantial changes to other existing infrastructure would be required (i.e., new culverts and modify existing sewer line and sea wall). Regarding the commenters suggestion to increase mobility of wildlife, it is worth noting that under Alternative 6, the 400 foot expanded culverts would have flow velocities two to three times higher than in natural tidal wetland channels and as a result would constrain or preclude access by fish and wildlife.

O4-19 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.

O4-20 Responses O4-17 and O4-18 direct the commenter to General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple comments regarding alternatives. The additional statements of preference regarding what should be included in the two alternatives described in Comments O4-17 and O4-18 are acknowledged and are now part of the record of information that will be considered as part of CDFW's decision-making process. Also, although the commenter suggests that CDFW "should explore freshwater hydrology options," it is worth noting that Alternative 6 would increase tidal connections to both Area A and Area B, which seems inconsistent with the suggestion that the alternative explore freshwater options.

O4-21 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. To see responses provided to input received from the U.S. Fish and Wildlife Service (Letter AF1), see Final EIR Section 2.3.1. CDFW also notes that the comment suggests Alternative 9 was not carried forward for more detailed consideration due to cost, but as explained in section 2.3.5 of the Draft EIS/EIR, Alternative 9 was not carried forward for more detailed consideration for other reasons too.

O4-22 Preparers of and contributors to the Draft EIS/EIR are identified in Chapter 5. The commenter's conclusion about the analysis of the drains and the qualifications of one of the subconsultants who contributed to the Draft EIS/EIR are acknowledged as unsupported opinions. See General Response 4, *Drains* (Final EIR Section 2.2.4), regarding the drains and why the Draft EIS/EIR's consideration of them is correct. For the reasons discussed in General Response 4, CDFW disagrees with the reasoning suggested in this comment as the basis to reevaluate the feasibility of raising area roadways and so have not reevauted this design element in response to this comment.

O4-23 This cross-reference to later comments 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*.

O4-24 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses multiple comments regarding development of the range of alternatives analyzed in the Draft EIS/EIR and which addresses multiple comments about alternatives that were initially considered, but not carried forward for more detailed review. For the reasons explained in General Response 3, CDFW disagrees with the commenter's unsupported opinion that the process was arbitrary or self-serving or intended to assure a predetermined outcome. Nonetheless, the opinion is 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*.

O4-25 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review. Regarding the appropriateness of the project objectives, see General Response 3 (Final EIR Section 2.2.3.2). It is also worth noting that the commenter's interpretation of Alternative 5 to be maintaining the existing topography and enhancing existing habitat via community stewardship is similar to Alternative 4 No Project as analyzed in the Draft EIS/EIR. Under Alternative 4, the levees would remain, no large scale excavation would occur, and planting and seeding of native plants using hand tools only would occur.

O4-26 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 6 and other alternatives that were initially considered, but not carried forward for more detailed review. Regarding the appropriateness of the project objectives, see General Response 3 (Final EIR Section 2.2.3.2). See also Responses O4-18 and O4-20.

O4-27 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 8 and other alternatives that were initially considered, but not carried forward for more detailed review.

O4-28 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), which addresses Alternative 10 and other alternatives that were initially considered, but not carried forward for more detailed review.

O4-29 See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses multiple comments about development of the range of alternatives analyzed in the Draft EIS/EIR.

O4-30 Draft EIS/EIR Section 3.4, *Biological Resources*, consists of 221 pages of descriptions and analysis supported by charts, figures, and the 17 separate biological resources-related site-specific or project-specific technical reports provided in Draft EIS/EIR Appendix B. Draft EIS/EIR Section 3.4 documents the Lead Agencies' analysis of direct, indirect and cumulative impacts to biological resources, including special-status species. CDFW acknowledges the commenter's opinion that the analysis is lacking based on a perceived inconsistency with input from the Science

Advisory Committee (SAC) as provided in a memo from 2008[72] and notes that the comment provides no evidence that the analysis provided in the Draft EIS/EIR is inaccurate or inadequate.

In the 2008 memo, the SAC states in bold and italicized type that it "endorses the analysis provided in the Restoration Feasibility Report for use in subsequent stages of alternatives development and review." Further, toward "developing more refined project alternatives for the environmental review process, the SAC recognizes that the Project Management Team will need to balance factors such as cost and practical feasibility to develop alternatives that best achieve the project goals." The drafters of the Draft EIS/EIR have done so (see Draft EIS/EIR Section 2.1). The 2008 memo is clear that the purpose of its recommendations "is to help the Project Management Team to develop more refined project alternatives that achieve the project's ecosystem restoration goal." By contrast, the Draft EIS/EIR documents detailed analysis of impacts arising from implementation of alternatives that satisfy all of the screening criteria under CEQA (see Draft EIS/EIR Section 2.1.3).

In any event, consistency with SAC recommendations is not the standard by which the adequacy and accuracy of the EIR is measured. Under CEQA, the standard of review is abuse of discretion (Public Resources Code §§21168.5, 21005). A Lead Agency "may abuse its discretion under CEQA either by failing to proceed in the manner CEQA provides or by reaching factual conclusions unsupported by substantial evidence" (Public Resources Code §21168.5; *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502. The comment does not indicate that CDFW failed to proceed in the manner required by law or that the conclusions in the EIR are unsupported by substantial evidence. As a result, CDFW believes that the EIR meets these standards. Still, CDFW considered the changes to the EIR requested in this comment.

The tables on species in Draft EIS/EIR Appendix D5 provide a comprehensive list of species observed within the Ballona Reserve throughout the years. These tables give an idea of the current biodiversity within the Project Site and can be used to estimate expected benefits to wildlife. A comparison of the species expected to occur in the created low-, mid- and high-tidal salt marsh areas to those documented in the muted marsh, non-tidal salt marsh and non-tidal marsh shows that the biodiversity expected post restoration would be greater and benefit a wider range of species while still providing habitat for sensitive species that currently existing in the relevant area (e.g., Belding's savannah sparrow). There is real possibility that the restoration could attract species that have been considered extirpated from the Ballona Reserve, such as Ridgway's rail and salt marsh bird's beak.

72 Ballona Wetlands Science Advisory Committee, 2008. Memo of October 15, 2008, from Ballona Wetlands Science Advisory Committee to Ballona Project Management Team. Available online: http://docs.ballonarestoration.org/SAC-recommendation.pdf.

The restoration concept for the Project is founded on improving biodiversity. The Project and other restoration alternatives would accomplish this by increasing low-, mid- and high- marsh habitats and providing transitional habitats and restored upland scrub and grassland areas that currently do not exist. The exact balance of habitats is an important factor at the Ballona Reserve considering historical conditions. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.2) for more about consistency of the proposed restoration with historical conditions.

Ecosystem Benefits of Improved Tidal Circulation

The increased tidal flushing/circulation would improve dissolved oxygen levels and water mixing when the muted tidal areas are opened to the ocean and when separated from the by sandbars. If algal blooms do occur from latent nutrient turnover in buried soils that are turned over and replaced, following the restoration, the improved tidal circulation is expected to quickly flushes the sediments and nutrient out from channel network with the tidal cycles.

The tidal restoration is expected to improve chronically low levels of dissolved oxygen during both open and closed conditions and allow fish and birds to use every part of the restored lagoon area within the Ballona Reserve. In addition, it is expected that there would be decreased stratification, and increased mixing of the water from top to bottom, which benefits fish and other wildlife. CDFW expects that the dissolved oxygen levels in the water at the Ballona Reserve would keep increasing every year post restoration and remain at high levels once ecosystem equilibrium is reached around year 10.

Tidal restoration is also expected to increase the diversity of native plants, the diversity and abundance of fish, macroinvertebrates, and crustaceans. Part of this increase would result from the overall reduction in non-native plants and fish that will not be able to compete with tidal and restored upland and grassland species under restored conditions. The tidal component of the restoration is also expected to provide a better balance of macroinvertebrates with increased numbers of marine species that are more sensitive to pollution and return of crustaceans, which typically indicates a cleaner healthier lagoon system. More benthic invertebrates such as crabs, starfish, sea urchins, worms and microorganisms are also expected, with more pollution intolerant species. The upland coastal scrub and grassland habitat is expected to benefit many avian, mammal and herpetofauna.

Section III, *Habitat Descriptions*, in Draft EIS/EIR Appendix B8 identifies nutrient removal and cycling/biogeochemistry, including denitrification at anoxic-soil/oxic-water interface, also N and P removal with sediment deposition), as key ecosystem functions for the estuarine open water: non-vegetated habitats and flooded substrates (habitat category I), which “[i]n the estuarine system, deepwater habitats are characterized by the subtidal water regime and wetlands are characterized by various non-storm-influenced intertidal water regimes including irregularly exposed, regularly flooded, and irregularly flooded regimes.” For the estuarine non-vegetated

intertidal wetland habitats (habitat category II), biofiltration, food chain support and nutrient cycling, N and P removal, C removal by bivalves are identified as key ecosystem functions for this restored habitat.

Increase in Plant and Animal Biodiversity

Improvement to biodiversity is expected ecosystem-wide, and would include marine, tidal, marsh and upland species. New marine species expected at the Ballona Reserve include bay goby, northwestern anchovy, starry flounder, fin fishes, surf perch, and tidewater goby. Existing species such as arrow goby, California halibut, pipefish, kelpfish, diamond turbot, staghorn sculpin, bay bass, and topsmelt, are expected to benefit from improved tidal circulation. Benthic invertebrates such as clams, spider crabs, shore crabs, limpet, scallops, mussels, oysters, California bubble snail, winkle snails/Littorina, marsh snail/Melampus, shrimp, seas slugs/California aglaja, sea quirts/Tunicate, and mud snails/Cerithidea are expected to increase post-restoration at the Ballona Reserve and to help support bird, marine and small mammal populations.

Several raptors species are expected to benefit directly from the proposed upland and grassland restoration, including merlin, osprey, northern harrier, peregrine falcon, prairie falcon, short-eared owl, white-tailed kite, rail-tailed hawk, red-shouldered hawk, ferruginous hawk, kestrel, western burrowing owl, long-eared owl, sharp-shinned hawk and Cooper's hawk. It is even possible that Swainson's hawk, golden eagle, and bald eagle could include the Ballona Reserve within their active range at some point.

Other bird species expected to benefit directly include shore-dwellers such as American avocet, dunlin, black-necked stilt, black-bellied plover, sanderling, western snowy plover, belted kingfisher and great blue heron. Freshwater bird species expected to benefit include marsh wren, Virginia rail, common yellowthroat, red-winged blackbird, black rail, black swift, willow flycatcher, and least Bell's vireo. Marsh-related bird species expected to benefit include bank swallow, least bittern, sora, marsh wren, black tern, Ridgway's rail, American bittern, and Belding's savannah sparrow. Marine avian species expected to benefit include various tern species (royal, Caspian, elegant, Forster's, and California least), western snowy plover, double-crested cormorant, brown pelican, white pelican, surfbird, sanderling, avocets, gulls, ruddy turnstone, red-throated loon and other species. Upland birds expected to benefit include western meadowlark, killdeer, California towhee, horned lark, spotted towhee, loggerhead shrike, scrub jay, California thrasher, Anna's hummingbird, rufous-crowned sparrow, grasshopper sparrow, and California gnatcatcher.

Herpetofauna expected to benefit include the silvery legless lizard, orange-throated whiptail, southern pacific rattlesnake, garter snake, western whiptail, coast horned lizard, side-blotched lizard, western fence lizard, pacific gopher snake, pacific tree frog, California tree frog, California toad, southern alligator lizard, California king snake, and San Bernardino ring-necked snake.

Invertebrates expected to benefit from the proposed restoration include salt marsh-associated wandering skipper, western S-banded tiger beetle, western tidal flat tiger beetle, and monarch butterfly. Mammals that are expected to benefit from upland and marsh restoration include salt marsh shrew, south coast marsh vole, black-tailed jackrabbit, desert cottontail, western harvest mouse, and various bat species.

Listed species that could very well return to breed at the Ballona Reserve include the California least tern, western snowy plover and Ridgway's rail. Steelhead trout and chinook salmon could become more prevalent within Ballona Creek. California gnatcatcher and western burrowing owl could also increase foraging and potentially breed at the Ballona Reserve in the restored upland areas. Habitat for El Segundo blue butterfly would be avoided and enhanced under the proposed restoration as would habitat for wandering skipper. Plant species such as Orcutt's pincushion, woolly seablite, beach spectaclepod, salt-marsh bird's break, coast buckwheat, and Palmer's goldenbush could recruit naturally or be reintroduced to the Ballona Reserve. In addition, non-listed small mammals such as black-tailed jackrabbit, grey fox, and potentially American badger could inhabit the Ballona Reserve in the future post-restoration.

Monitoring to Ensure Increased Biodiversity

The Habitat Restoration and Monitoring Plan (BIO-3) included as part of the Project would include biological monitoring annually for 10 years post-restoration to document and evaluate plant and animal biodiversity (see Responses AS5-23, AS5-39, and O15-27).

As discussed in Draft EIS/EIR Section 3.4, *Special-Status Species*, "… [a]s with other special-status species, focused monitoring efforts will be implemented to ensure that populations of these species either remain at pre-restoration levels or increase in size, and appropriate management efforts will be implemented if populations of these species decline in size. In addition to the species discussed above, restored habitats at the [Ballona Reserve] have the potential to attract a number of additional special-status plant and wildlife species known to occur in the region. New populations of special-status species will be subject to focused monitoring efforts aimed at identifying trends in population size and habitat use and informing the need for active management of the species or habitats in which they reside. To the extent feasible, monitoring of special-status species will be conducted using established protocols and will be incorporated into existing regional or state monitoring programs for these species."

Draft EIS/EIR Section 3.4 further provides that, "special-status plant and wildlife species will be subject to focused monitoring efforts aimed at identifying trends in population size and habitat use and informing the need for active management of the species or habitats in which they reside … A separate monitoring plan will be developed for each special-status species or group of special-status species. Where possible, monitoring for special-status species will be integrated with regular habitat monitoring; however, for some species it may be necessary to modify monitoring

protocols or to adjust the timing of monitoring events to coincide with important life stages of the species in question. All monitoring and management of special-status species will conform to the policies and guidelines set by the CDFW, CNPS, or other agency or organization with jurisdiction over the species or their habitats."

For more information on expected impacts and monitoring of biodiversity, see Response O4-14. To help the public and decision-makers digest the vast amount of information on expected benefits to biodiversity by habitat type and species, information provided in the Draft EIS/EIR is repeated below in the form of Table 2-3, *Existing and Target Restoration Species by Habitat*. This table is based on information presented in Table 3.4-4, Special-Status Wildlife Species Known to Occur or Potentially Occurring within the Project Site, in Draft EIS/EIR Section 3.4.2.2; tables in Draft EIS/EIR Appendix D11, *Special-Status Plants*; and data in Draft EIS/EIR Appendix D12, *Special-Status Wildlife*. Table 2-3 summarizes which special-status species are currently found at the Ballona Reserve and those not currently resident but targeted for preservation/restoration at the Ballona Reserve by habitat guild with the anticipated post-restoration effects to individual species and overall biodiversity. It further provides a guide to evaluate whether the ecological change is expected to be positive, negative, or equivalent compared to existing conditions at the Ballona Reserve.

In addition, Draft EIS/EIR Section 3.4.6.1, in the context of Impact 1-BIO-1i under the heading "Phase 2 Indirect Impacts," assesses Belding's savannah sparrow habitat with sea-level rise. It states, "[n]o indirect impacts would occur to Belding's savannah sparrows during Phase 2. In total, Phase 2 would result in a slight decrease of suitable breeding and foraging habitat for Belding's savannah sparrow; however, the overall net increase in habitat upon completion of Phase 2 would be over 69 acres, which would be a beneficial effect. Further, Alternative 1, Phase 2 actions in Area B would increase the resilience of salt pan habitat to forecasted sea-level rise and extend the period of time that salt pan habitat would exist before eventually becoming inundated." Draft EIS/EIR Section 3.9.6.1, under the heading "Erosion of Marsh Habitat," further discloses and Figure 3.9-11 shows that, "[i]n West Area B, the results show the potential to convert some of the mid marsh to low marsh habitat because the West Area B mid marsh is only about 6 inches above the low marsh elevation range. Note that a 100-year event occurs infrequently (approximately once every 100 years), so habitat changes due to such a large and infrequent event would be expected in a natural system. Additionally, sea-level rise also is expected to convert West Area B from mid marsh to low marsh by about 2030 (based on a high-range sea-level rise projection) and it therefore is likely that the loss of mid marsh habitat could occur due to sea-level rise before a 100-year (1 percent annual chance of occurrence) event occurs." See also Draft EIS/EIR Figure 2-37, Habitat Evolution with Sea-Level Rise: 2030 Projection (9 in of Sea-Level Rise); Figure 2-38, Habitat Evolution with Sea-Level Rise: 2050 Projection (19 in of Sea-Level Rise); Figure 2-39, Habitat Evolution with Sea-Level Rise: 2070 Projection (32 in of Sea-Level Rise); and Figure 2-40, Habitat Evolution with Sea-Level Rise: 2100 Projection (59 in of Sea-Level Rise).

TABLE 2-3
EXISTING AND TARGET RESTORATION SPECIES BY HABITAT

Species	Target	Habitat	Post-restoration Benefit to Species/Biodiversity
Belding's savannah sparrow	Existing species	Salt pan, mid-marsh and high-marsh with pickleweed Salicornia pacifica saltwater marsh habitats dominated by pickleweed (*Salicornia virginica*) Pickleweed, shore grass, and saltwort are its preferred nest plants, and nesting success is higher where the plants are denser and taller (1 In 1992, Red Foxes were trapped and removed from the Ballona Wetlands as part of a recovery program for the Belding's Savannah Sparrow	One of the primary objectives of the restoration is to retain/improve nesting habitat for Belding's savannah sparrow. The proposed project (Alternative 1) would impact 1.1 acres of occupied habitat and 9.1 acres of suitable habitat in Phase 1 but restore 77.5 acres for a net increase of 67.3 acres. Existing pickleweed would be salvaged and used for restoration. Phase 2 would occur only after breeding has been documented in Area A or Southeast Area B to ensure no loss of existing nesting function at the Ballona Reserve; Phase 2 would impact 6.8 acres of occupied habitat in West Area B and restore additional acres, using salvaged pickleweed/soils, for an overall post-restoration net gain of 69 acres. In addition, Phase 2 would provide a levee around the 9.4-acre area in West Area B to protect existing occupied habitat from threats to nesting and future sea-level rise. Retaining existing some habitat in West Area B and expanding salt pan, transition zone and high-marsh habitats in Area A, North Area B, and potentially South Area B and Southeast Area B, would provide equivalent or increased habitat post-restoration. Post-restoration, a net increase over 60 acres specifically suited for this species would be available and is expected to support the same or greater number nesting pairs within the Ballona Reserve, including in Area A and Area B. It is expected that a net increase of 6.9 acres of habitat for Belding's savannah sparrow would occur post-restoration after Phase 1.
El Segundo blue butterfly	Existing species	Coastal dune and sandy substrate habitats with coastal buckwheat and other supporting nectar plant species	Would not impact any occupied habitat in Phase 1. Phase 2 would potentially impact 0.1 acre of existing dune habitat from the West Area B levee; however, if this area cannot be avoided during site-specific engineering, it would be replaced as part the creation/ restoration of dune habitat along the toe of the westerly side of the levee, providing a net increase in acres of supporting habitat at the Ballona Reserve. Additionally, the host plant coast buckwheat would be included in the upland and dune restoration planting program for West Area B and elsewhere.
least Bell's vireo	Existing species	Riparian habitat dominated with willows, cottonwood, mulefat and other stream vegetation.	Would not impact any occupied habitat in Phase 1. Phase 2 also would not impact any habitat. Potential indirect effects from salt water intrusion to existing riparian habitat in Southwest Area B and off-site freshwater marsh. The proposed project would include monitoring for impacts to existing habitat. Restoration in Area C could potentially expand occupied habitat.
Monarch butterfly	Existing species	Eucalyptus groves in Southeast Area B and potentially elsewhere (e.g., Area C).	Would not impact any occupied habitat in Phase 1 or Phase 2. Restoration of upland areas in Southwest Area B would include nectar plant species such as native milkweed, coastal sand verbena, sandaster, sage, California brittlebush, bluedicks and California broomsage. The proposed project would include monitoring for impacts to existing habitat. Restoration in Area C could also potentially expand wintering habitat.
Raptors	Existing species	Observed foraging in the Ballona Reserve in uplands and muted tidal areas. Potential for nesting in riparian habitat and eucalyptus groves in Southeast Area B and elsewhere at the Ballona Reserve.	Would not impact the existing riparian or eucalyptus grove habitat in Southeast Area B. Restoration of upland scrub and grassland habitat would provide over 200+ acres of increased foraging for raptors, including, including merlin, osprey, northern harrier, peregrine falcon, prairie falcon, short-eared owl, white-tailed kite, rail-tailed hawk, red-shouldered hawk, ferruginous hawk, kestrel, western burrowing owl, long-eared owl, sharp-shinned hawk and Cooper's hawk.

TABLE 2-3 (Continued)
EXISTING AND TARGET RESTORATION SPECIES BY HABITAT

Species	Target	Habitat	Post-restoration Benefit to Species/Biodiversity
Burrowing owl	Existing species	Observed wintering in Area B	Restoration of upland scrub and grassland habitat would increase foraging opportunities for burrowing owl and provide potential breeding habitat.
Shorebird species	Existing species		The tidal component would increase deep water habitat for foraging and provide expanded shore habitat including low-and mid-marsh, and island habitats and transition zones in Area A, and potentially South Area B and Southeast Area B. Species expected to benefit directly include shore-dwellers such as American avocet, dunlin, black-necked stilt, black-bellied plover, sanderling, western snowy plover, belted kingfisher and great blue heron.
Benethic invertebrates	Existing species	Limited to existing channels and portions of the Ballona Reserve that are subject to muted tidal cycles including West Area B.	The tidal component of the restoration is also expected to provide a better balance of macroinvertebrates with increased numbers of marine species that are more sensitive to pollution and return of crustaceans, which typically indicates a cleaner healthier lagoon system. More benthic invertebrates such as crabs, starfish, sea urchins, worms and microorganisms are also expected, with more pollution intolerant species. The increased tidal flushing/circulation would improve dissolved oxygen levels and water mixing. The improved levels would occur when the lagoon area is open to the ocean and when separated from the by sandbars.
Salt marsh bird's beak	Non-resident species	Historically reported at the Ballona Reserve but not recently observed.	Improved tidal circulation would provide appropriate habitat for this species post-restoration that does not currently exist. Species could recruit naturally or be reintroduced in Area A or B.
western snowy plover	Non-resident species	In California often nesting in flat, open sandy areas just in front of coastal foredunes and sandy accretions like shores, islands, bays, estuaries, bolos, bars and spits. Nests consist of small, shallow scrapes, often lined with beach debris. Predator management is important for species such as the red fox, striped skunk or American crow. During the breeding season, interpretive signage and "symbolic" fencing are placed to guide people away from nesting areas, including dog leash laws and nesting area closures. Suitable habitat would be regularly monitored during the nesting areas to document nesting activity.	Preservation and restoration of existing dune habitat in West Area B and creation of new salt pan and island habitats and transition zones in Area A, and potentially South Area B and Southeast Area B, would increase potential breeding habitat.
California least tern	Non-resident species	Seacoasts, beaches, bays, estuaries, lagoons, lakes and rivers, breeding on sandy or gravelly beaches and banks of rivers or lakes. Feed in shallow estuaries or lagoons where small fish are abundant such as smelt, anchovies, silversides, and other small, near- shore prey. Nest on open beaches kept free of vegetation by the tide with shallow depression/ scrape on barren to sparsely vegetated sites near water typically in sandy or gravelly substrate sand/soil. Predators include larger birds, mammals such as raccoons and foxes, and domestic dogs and cats.	Increased tidal circulation would provide improved foraging opportunities for nearby Venice beach population. Preservation and restoration of existing dune habitat in West Area B and creation of new salt pan and island habitats and transition zones in Area A would expand potential breeding habitat.

TABLE 2-3 (Continued)
EXISTING AND TARGET RESTORATION SPECIES BY HABITAT

Species	Target	Habitat	Post-restoration Benefit to Species/Biodiversity
Ridgway's rail	Non-resident species	Salt marshes along the coast, also brackish and freshwater marshes with Pacific cordgrass (*Spartina foliosa*).	Would not impact any occupied habitat in Phase 1. Phase 2 also would not impact any habitat. Potential indirect effects from salt water intrusion to existing riparian habitat in the off-site freshwater marsh. The proposed project would include monitoring for impacts to existing habitat. Inclusion of salt marsh and brackish marsh habitats could potentially expand occupied habitat. Additionally, Pacific cordgrass would be included in the restoration planting program if natural recruitment from increased tidal action does not establish this plant species. Creation of brackish marsh habitat in Southeast Area B and Northeast Area B would expand suitable habitat for this species.
California gnatcatcher	Non-resident species	Observed only foraging in Area A and Area C where inclusions of California sagebrush occur at the Ballona Reserve.	Would not impact any occupied habitat in Phase 1 or Phase 2. Has been observed foraging, but not nesting, at the Ballona Reserve predominately in Area A and Area C. Pre-construction surveys would ensure no nesting birds would be impacted. Restoration of upland areas throughout the Ballona Reserve but in particular Area A and Area C would include contouring to create shallows slopes with draws and include California sagebrush, California buckwheat and other coastal scrub species. Overall, additional acres of upland habitat that could support this species would be provided.
Tidewater goby	Non-resident species	Not observed at the Ballona Reserve.	Improved tidal circulation would provide appropriate habitat for this species post-restoration in Area A and Area B that does not currently exists outside of the existing channel.
Cordgrass	Non-resident species	Historically occurred at the Ballona Reserve under open tidal conditions.	Pacific cordgrass would be included in the restoration planting program if natural recruitment from increased tidal action does not establish this plant species. Would be included to target Ridgway's rail in the brackish marsh in Southeast Area B and other appropriate areas.
Orcutt's pincushion	Non-resident species	Historically occurred at the Ballona Reserve and was recently reintroduced.	Preservation of existing dunes in West Area B and expansion of dune habitat on the westerly side of the West Area B levee in Phase 2 would retain/ expand suitable habitat for this species. This species would be included in the restoration planting program if natural recruitment from existing efforts does not establish an effective population at the Ballona Reserve.
Palmer's goldenbush	Non-resident species	Not observed at the Ballona Reserve. Reported from public, but never taxonomically verified by experts.	Restoration of upland scrub and grassland habitat would include planting of this species if it does not naturally recruit to the site.

NOTE: These species are in addition to the existing focus species. Restoration for species is based on known habitat requirements. The Habitat Restoration and Monitoring Plan (BIO-3) included as part of the proposed project (Alternative 1) would include comprehensive and targeted biological monitoring annually for 10 years post-restoration to document and evaluate plant and animal biodiversity, a draft of which is provided in EIS/EIR Appendix B3 (Conceptual Habitat Restoration and Adaptive Management Plan).

O4-31 Draft EIS/EIR Section 3.4 analyzes impacts to Belding's savannah sparrow under the heading "Special-Status Birds" in the context of Impact 1-BIO-1i. See also Draft EIS/EIR Table 3.4-9, Effects to Belding's Savannah Sparrow Habitat, Alternative 1, and General Response 5 (Final EIR Section 2.2.5.4) for more information about the analysis of potential impacts to Belding's Savannah Sparrow.

The commenter's opinion about the requirement that at least one nesting pair of Belding's savannah sparrow be established before Alternative 1 Phase 2 restoration may begin is acknowledged and has been included as part of the record of information that will be considered as part of CDFW's decision-making process. However, the preference for a higher threshold does not demonstrate any inadequacy or inaccuracy in the existing analysis. For additional information, see General Response 5 (Final EIR Section 2.2.5.4) regarding the Project's threshold to begin Phase 2 work.

O4-32 The request to translate information provided in other formats into tables is acknowledged. However, the requested changes have not been made because the effort would not provide new or different information than what already is provided.

Draft EIS/EIR Section 3.9.6.1, under the heading "Erosion of Marsh Habitat," describes (and Draft EIS/EIR Figure 3.9-11 shows) the potential in West Area B "to convert some of the mid marsh to low marsh habitat because the West Area B mid marsh is only about 6 inches above the low marsh elevation range. Note that a 100-year event occurs infrequently (approximately once every 100 years), so habitat changes due to such a large and infrequent event would be expected in a natural system. Additionally, sea-level rise also is expected to convert West Area B from mid marsh to low marsh by about 2030 (based on a high-range sea-level rise projection) and it therefore is likely that the loss of mid marsh habitat could occur due to sea-level rise before a 100-year (1 percent annual chance of occurrence) event occurs." See also Draft EIS/EIR Figure 2-37, Habitat Evolution with Sea-Level Rise: 2030 Projection (9 in of Sea-Level Rise); Figure 2-38, Habitat Evolution with Sea-Level Rise: 2050 Projection (19 in of Sea-Level Rise); Figure 2-39, Habitat Evolution with Sea-Level Rise: 2070 Projection (32 in of Sea-Level Rise); and Figure 2-40, Habitat Evolution with Sea-Level Rise: 2100 Projection (59 in of Sea-Level Rise).

Section 6.3.4, *Sea-Level Rise,* in Draft EIS/EIR Appendix F7 also addresses this comment. It states, "[t]he rate of sea-level rise is expected to be greater than the rate of wetland accretion. Restored wetland habitats are expected to convert to lower elevation habitats over time (e.g., vegetated wetland to mudflat and mudflat to subtidal. Figure 32 (i.e., Figure 2-40 of Draft EIS/EIR) shows this habitat conversion assuming low sediment supply. The sediment supply from the watershed to the wetlands may support a somewhat higher rate of wetland accretion and a slower rate of wetland conversion. The restored wetlands are expected to transgress into restored transition and upland habitat zones as shown in Figure 32 (i.e., Figure 2-40 of Draft EIS/EIR)."

O4-33 The request to change signs in Draft EIS/EIR Table 3.4-9 has not resulted in a change because the -6.8 accurately represents the net reduction in occupied habitat after Alternative 1 Phase 1 with no replacement of "occupied habitat" shown as "n/a" under "Habitat Establishment (acres)" and only "potentially suitable habitat." After Alternative 1 Phase 2, which would impact 17.9 acres of habitat (including 6.8 acres of additional occupied habitat), there would remain approximately 16.4 acres of existing occupied habitat (23.2 acres – 6.8 acres). In addition, the -9.1 acres in the Net Habitat Change (acres) is also correct because after Phase 2 there would be 170.1 acres of potentially suitable habitat. The comment is correct that the -9.1 acres under the column "Net Habitat Change (acres)" should be revised to a positive number; this clarification has been made to achieve consistency throughout the document and is included in the Final EIR.

O4-34 The Draft EIS/EIR's determination of whether impacts to breeding California gnatcatcher would occur is based on post-restoration monitoring that would determine whether or not this species occupies the Ballona Reserve, since they currently are documented to not breed on-site. The Draft EIS/EIR concludes that impacts to California gnatcatcher are not expected because they have not been documented to breed on-site.

With restoration of upland coastal scrub and grassland transition habitats that is included in the Project, it is expected that equivalent or potentially increased habitat for this species would be provided post-restoration in Area A, Area C, and potentially elsewhere, that contains California sagebrush with sufficient supporting structure. This species also will be included in the habitat restoration and monitoring plan (Project Design Feature BIO-3) for restoration at the Ballona Reserve. The Habitat Restoration and Monitoring Plan (BIO-3) included as part of the Project would include biological monitoring annually for 10 years post-restoration to document and evaluate plant and animal biodiversity. See Draft EIS/EIR Appendix B3 for a draft of the Conceptual Habitat Restoration and Adaptive Management Plan. Part of the reporting process would include noticed annual meetings to disclose prior year's information and report on next years and other future activities. The annual reporting would also be available online.

In addition, implementation of Mitigation Measure BIO-1j-i (Coastal California Gnatcatcher Avoidance) would avoid or minimize impacts to active nests during restoration, construction, and ongoing activities, and would ensure that a comparable amount of high-quality upland habitat would be available to the species following restoration.

O4-35 Contrary to the suggestion in this comment, the Draft EIS/EIR identifies potential areas and restoration efforts to benefit Ridgway's rail, which focus on Area B and using passive restoration.

As stated in Draft EIS/EIR Section 3.4.2.2 under the heading "Area B Birds," "[a] light-footed Ridgway's rail [(light-footed clapper rail) (*Rallus longirostris levipes* (*R. longirostris l.*)] was observed in West Area B during fish surveys conducted in 2008. The rail was observed foraging in the pickleweed along the east shore of the tidal channel;[73] however, this species was not detected during protocol surveys conducted at the Project Site.[74] Light-footed Ridgway's rail also was observed as recently as April 2016 in the Freshwater Marsh.[75]"

In addition, Draft EIS/EIR Section 3.4.2.2, under the heading "Light-footed Ridgway's Rail," states: "[t]he light-footed Ridgway's rail was a resident breeding species within the Ballona Reserve until the 1950s.[76] Since the 1960s, there have been four records of presumed dispersing individuals from either the Ventura or Orange county populations.[77] The closest recently observed populations of light-footed Ridgway's rails were located at the Los Alamitos Wetlands/Seal Beach National Wildlife Refuge (Orange County) and Mugu Lagoon (Ventura County).[78] In addition, incidental observations of an individual light-footed Ridgway's rail were reported in 2008 and in 2016 within the Ballona Reserve, but for each observation, the rail individual was determined to be a transient, as there is little to no breeding habitat within the Ballona Reserve.[79,80] USFWS protocol-level surveys for the light-footed Ridgway's rail were conducted within the Ballona Reserve between March and April 2011 with negative survey findings. The Project Site included the areas deemed as potentially suitable foraging habitat: Ballona Creek levee (south), tidal channels north of Culver Boulevard, the base of Westchester Bluffs, tidal channels and tidal salt marsh south of Culver Boulevard, and the Fiji Ditch. Overall habitat conditions for the species were noted as poor. Most of the salt marsh supports low-growing pickleweed. Pickleweed is good foraging habitat, but is considered lower quality nesting habitat."

As described in Draft EIS/EIR Section 3.4.2.2, the transition between the freshwater marsh and salt marsh habitats in Area B would be likely area to focus reestablishment of this species at the Ballona Reserve. The Draft EIS/EIR further explains that, "[t]he Ballona Reserve is listed as a potential area to reestablish light-footed Ridgway's rail

73 Merkel & Associates, Inc. 2009. Lower Ballona Creek Fish Sampling Final Report. May.
74 Ryan, T.P. 2011. "The Results of Light-footed Clapper Rail Surveys at the Ballona Wetlands Ecological Reserve, Playa del Rey, Los Angeles County, California, March-April 2011." Ryan Ecological Consulting, Inc. Unpublished report. Prepared for Cooper Ecological Monitoring, Inc.
75 Sterba, D. 2016. Personal communication via email with LaCo Birds. Subject: [LACoBirds] ABC: Ridgway's Rail at Ballona Freshwater Marsh. April 29, 2016.
76 Cooper, D. S. 2006. "Annotated checklist of extirpated, reestablished, and newly-colonized avian taxa of the Ballona Valley, Los Angeles County, California," Bulletin of the Southern California Academy of Sciences: Vol. 105: Iss. 3.
77 Ryan, 2011.
78 Id.
79 Johnston, K., Del Giudice-Tuttle, E., Medel, I., Bergquist, S., Cooper, D., Dorsey, J. and S. Anderson. 2011. The Ballona Wetlands Ecological Reserve Baseline Assessment Program: 2009–2010 Final Report. (http://santamonicabay.org/wpcontent/uploads/2014/05/BWER_YR1_Baseline_Report_full.pdf).
80 Sterba, 2016.

in the Recovery Plan developed for species.[81] Potential management actions identified for Ballona Wetlands in the Recovery Plan include improving/restoring tidal action, and developing a freshwater marsh to enhance cordgrass vigor. Tall cordgrass is considered highly desirable, though this habitat is lacking in Ballona Reserve (see Draft EIS/EIR Table 3.4-1). While freshwater marsh has since been established, there are few areas where freshwater marsh intergrades into the salt marsh, notably in Area B. These areas could provide future foraging and high-tide shelter should a population become established locally. Finally, the intertidal channels were noted as important for foraging, cover, and movement by rails.[82]"

Draft EIS/EIR Section 2.2.2.1 discusses the revegetation of graded and disturbed areas in Alternative 1 Phase 1 and under the heading "Low and Middle Marsh" describes that, "[l]ow and middle tidal marsh areas would be revegetated by natural recruitment to the maximum extent possible. If natural recruitment is not feasible, then supplemental plantings or seedings would be required. Planting also would be used to ensure adequate seed source and establishment, and to stabilize areas susceptible to erosion. California cordgrass (*Spartina foliosa*), the primary plant species of the low marsh, does not occur at the Ballona Reserve and would need to be introduced from a nearby source, such as the Bolsa Chica Ecological Reserve, Upper Newport Bay Ecological Reserve, or Seal Beach National Wildlife Refuge. Irrigation for low and middle tidal marsh areas would not be required because these areas would receive regular tidal inundation."

Furthermore, under the heading "Revegetation of Graded and Disturbed Areas (Alternative 1, Phase 2)" the Draft EIS/EIR describes that the Project "includes the option to plant California cordgrass in West Area B low marsh habitat as part of Phase 2. The decision on whether cordgrass is seeded/planted would occur through the adaptive management process."

Draft EIS/EIR Appendix B3 also provides specifics on cordgrass. Section 3.1.1, *Tidal Wetland (Tidal Channel, Mudflat, Tidal Marsh)*, in Appendix B3 provides, "[p]acific cordgrass (*Spartina foliosa*) is often the dominant plant in the low marsh zone of tidal wetlands in southern California[83] and could recolonize naturally given a nearby seed source. However, Pacific cordgrass does not currently occur at the Ballona Reserve or in the immediate vicinity, and transplanting from nearby marshes would be necessary to create cordgrass stands at the Ballona Reserve. Other low marsh species such as salt marsh bird's beak (*Chloropyron maritimum* [*Cordylanthus maritimus*]) should also be considered for establishment at the Ballona Reserve. The federally endangered subspecies of this plant was successfully established in restored habitat at San Diego Bay where suitable host plants and pollinators were present.[84] This same

81 USFWS. 1985. Recovery Plan, Light-footed Clapper Rail. Published by the U.S. Fish and Wildlife Service, Portland, Oregon, June 24, 1985.
82 Ryan, 2011.
83 Zedler and Callaway. 1999. Tracking Wetland Restoration: Do Mitigation Sites Follow Desired Trajectories? *Restoration Ecology* 7: 1, 69–73, March.
84 Parsons and Zedler, 1997.

section goes on to describe that, "[t]arget habitat acreages for tidal wetlands will be developed in later stages of the restoration based on input from the project design team and regulatory requirements. The primary targeted species for tidal wetland restoration at the Ballona Reserve include Pacific cordgrass in the low to mid-marsh zones, pickleweed in the mid-marsh to high-marsh zones, and a combination of Parish's glasswort (*Arthrocnemum subterminale*), shoregrass (*Monanthochloe littoralis*), saltgrass, alkali heath, and coastal gumweed (*Grindelia stricta*) in the high marsh zone. … Additional species will be considered for establishment in each of the marsh zones to increase native plant diversity within the tidal marsh. Appendix A (Potential plant palette for wetland and upland restoration areas in the Ballona Reserve. Plant nomenclature follows Baldwin et al. [2012]) of Appendix B3 of the Draft EIS/EIR identifies cordgrass for "Salt marsh," "Mud flat," and "Low marsh" areas within the Ballona Reserve.

With the Project's proposed restoration of low-, mid-and high-marsh and brackish marsh habitats, it is expected that equivalent or potentially increased habitat for this species would be provided post-restoration in Southeast Area B, North Area B, and potentially elsewhere, that contain sufficient cordgrass (see Draft EIS/EIR Figure 2-1). This species also will be included in the habitat restoration and monitoring plan (Project Design Feature BIO-3) for restoration at the Ballona Reserve. The Habitat Restoration and Monitoring Plan (BIO-3) included as part of the Project would include biological monitoring annually for 10 years post-restoration to document and evaluate plant and animal biodiversity. A draft Conceptual Habitat Restoration and Adaptive Management Plan is provided in Draft EIS/EIR Appendix B3.

O4-36 As described in Draft EIS/EIR Section 3.4.2.2, "[h]istorically, it [pacific pocket mouse] was documented from near El Segundo in Los Angeles County to the vicinity of the Mexican border in San Diego County. Following 20 years with no reports of the subspecies, USFWS emergency listed the Pacific pocket mouse in February of 1994, following the rediscovery of a single population at the Dana Point Headlands in the City of Dana Point. Since its listing, the Pacific pocket mouse has been found at three additional sites, all within the bounds of Marine Corps Base Camp Pendleton. All known populations are threatened by habitat fragmentation and small size, and two of the populations are within military training areas.[85]" As described in the Draft EIS/EIR, "Pacific pocket mouse has not been observed or captured within the Project Site since 1938 (CDFW 2014). None were recovered or observed during focused trapping efforts (Impact Sciences 1996, Friesen et al. 1981). In 2000, Area C and portions of Area B designated for freshwater marsh restoration and residential development were evaluated and the pocket mouse was found to be absent."[86]

85 USFWS. 2010. *Pacific Pocket Mouse (*Perognathus longimembris pacificus*): 5-Year Review: Summary and Evaluation*.

86 Philip Williams & Associates Ltd (PWA), 2006. Ballona Wetland Existing Conditions Final Report. Prepared by PWA with Western Solutions, EDAW, Tierra Environmental, Keane Consulting, Allwest, and MMA for the California State Coastal Conservancy. August 2006.

Furthermore, "[p]acific pocket mouse has not been captured during subsequent trapping efforts within suitable habitat in 2007, 2009, 2010, and 2011 (Johnston et al. 2011, 2012). Because Pacific pocket mouse has not been captured in the Project Site since 1938, despite numerous trapping efforts, this species is judged to have a less than reasonable potential to occur. …"

With the restoration of dune and upland (grassland and scrub) habitats that is included in the Project, it is expected that equivalent or potentially increased habitat for this species would be provided post-restoration in Areas A, C, and West Area B that contain sandy substrates, coastal dunes, alluvium, and coastal sage scrub (see Draft EIS/EIR Figure 2-1). This species also will be included in the habitat restoration and monitoring plan (Project Design Feature BIO-3) for restoration at the Ballona Reserve. The Habitat Restoration and Monitoring Plan (BIO-3) included as part of the Project would include biological monitoring annually for 10 years post-restoration to document and evaluate plant and animal biodiversity. A draft Conceptual Habitat Restoration and Adaptive Management Plan is provided in Draft EIS/EIR Appendix B3.

O4-37 CDFW has reviewed the referenced information,[87] which compiles sources since 2003 and identifies "Willow Flycatcher C … Up to 3 per day in late spring and early fall" under the heading "Occurring regularly (but in migration only)." The data also identifies under the heading "Relative Importance of Ballona for Regularly-Occurring, Special-Status Species" that the Ballona area is "Not particularly important; widespread in region" for "Willow Flycatcher (migrant)." The data referenced in this comment supports the conclusion in Draft EIS/EIR Section 3.4.2.2 that "[w]illow flycatcher (*Empidonax traillii*) could pass through the site in a transient capacity during migration, but has not been observed at the Ballona Reserve."

In addition, Table D5-6, Bird Species Documented in the Study Area, in Draft EIS/EIR Appendix D5 identifies that willow flycatcher is a "[f]airly common transient" from three different sources, including the same Cooper documentation referenced in this comment. To clarify, the statement in the Draft EIS/EIR that willow flycatcher "… has not been observed at the Ballona Reserve" means it has not been observed breeding at the Ballona Reserve. While the information presented on observations of migrant willow flycatcher confirms or helps to clarify the distribution of these species, it does not change the conclusion or mitigation for this species presented in Draft EIS/EIR Section 3.4, *Biological Resources*, and Appendix D5.

With the restoration of habitats that is included in the Project, it is expected that equivalent or potentially increased habitat for this species would be provided post-restoration in South Area B and Area C where dune willow and riparian habitat occur (see Draft EIS/EIR Figure 2-1). This species also will be included in the habitat restoration and monitoring plan (Project Design Feature BIO-3) for restoration at the

87 Cooper, 2005. Special-Status Bird Species of the Ballona Wetlands. Available online: http://www.cooperecological.com/ballona-birds/special_status_speciesweb.htm. November 2005.

Ballona Reserve. The Habitat Restoration and Monitoring Plan (BIO-3) included as part of the Project would include biological monitoring annually for 10 years post-restoration to document and evaluate plant and animal biodiversity. A draft Conceptual Habitat Restoration and Adaptive Management Plan is provided in Draft EIS/EIR Appendix B3.

O4-38 Draft EIS/EIR Section 3.4.6.1, in the context of Impact 1-BIO-1o, analyzes potential impacts to Western snowy plover and concludes under the heading "Post-Restoration" that "[n]o direct impacts to special-status shorebirds or associated habitat would be anticipated during post-restoration." Following full implementation, the Project would increase the amount and quality of shorebird habitat by restoring tidal influence and by creating contiguous salt pan habitat by removing roads within the existing, large salt pan in West Area B (see Draft EIS/EIR Table 3.4-11). There still would be a net increase of over 13 acres in the total area of suitable habitat after completion of Phase 2 of the Project as compared to existing conditions, which would be a beneficial effect (see Draft EIS/EIR Table 3.4-11). Further, the application of Project Design Feature BIO-3 (Habitat Restoration and Monitoring Plan) would require habitat mitigation and monitoring to create and restore sensitive habitats that support special-status shorebirds. In addition, upon completion of restoration activities, the existing salt pan habitat would be more resistant to inundation under sea-level rise scenarios. If improved habitat conditions allow special-status shorebirds to nest within the Project Site post-restoration, limited negative indirect impacts, such as nest disturbance, could occur due to a potential increase in human activity and maintenance activities. These limited adverse indirect impacts could be reduced to less than significant via the implementation of Mitigation Measure BIO-1i-i (Nesting Bird and Raptor Avoidance).

CDFW has reviewed the article by Dr. Longcore published by the Los Angeles Audubon Society[88] and acknowledge photo documentation of avian use of the salt pan. Although this observational information confirms or clarifies the distribution of Western snowy plover, it does not change the conclusion or recommended mitigation for this species presented in Draft EIS/EIR Section 3.4. See also Draft EIS/EIR Appendix D5.

With the proposed restoration of habitats in accordance with the Project, it is expected that equivalent or potentially increased habitat for this species would be provided post-restoration in South Area B and Area C where mud flats, salt pan and estuarine sand deposits/islands occur. See Draft EIS/EIR Figure 2-1, Alternative 1, Phase 2: Proposed Habitats. This species also will be included in the habitat restoration and monitoring plan (Project Design Feature BIO-3) for restoration at the Ballona Reserve. The Habitat Restoration and Monitoring Plan (BIO-3) proposed as part of the Project would include biological monitoring annually for 10 years post-restoration

88 Longcore, 2016. Western Snowy Plovers Past and Future in Coastal Los Angeles. Available online: https://losangelesaudubon.org/western-tanager-section/volume-83-category/vol-83-no-2-nov-dec-2016/conservation-conversation. October 31, 2016.

to document and evaluate plant and animal biodiversity. A draft Conceptual Habitat Restoration and Adaptive Management Plan is provided in Draft EIS/EIR Appendix B3.

O4-39 References in the July 2015 Draft EIS/EIR Appendix D2 Table D2-1 to *Distichlis littoralis* have not been updated; however, CDFW understands references to *Distichlis littoralis* instead to mean *Distichlis spicata*, as described below, except where it is listed under "Brackish Marsh" and "Tidal Wetland."

Table 3.4-4, Special-Status Wildlife Species Known to Occur or Potentially Occurring within the Project Site, in Draft EIS/EIR Section 3.4.2.2 identifies that wandering skipper were confirmed present at the Ballona Reserve and are …" [o]ften associated with host plant, saltgrass (*Distichlis spicata*) (CNDDB 2014). Furthermore, Draft EIS/EIR Section 3.4.2.2, under the heading "Wandering Skipper," describes that this species "… were reported in Area A and Area B during surveys in 1995, 1991, and 1981 (PSOMAS and Lockhart 2001, Hawks Biological Consulting 1996, Mattoni 1991, and Nagano 1981). Johnston et al. (2011, 2012) reported ancillary observations of wandering skipper in the lower marsh habitat of western Area B during vegetation surveys." Draft EIS/EIR Figure 3.4-7, Wandering Skipper Habitat, shows the distribution of potentially suitable habitat for wandering skipper based on known occurrences and suitable habitat containing saltgrass.

In addition, as identified in Draft EIS/EIR Appendix D3, *Study Area Plant List by Survey Effort*, spiked saltgrass (*Distichlis spicata*) was observed at the Ballona Reserve in multiple years. Draft EIS/EIR Appendix D12, *Special-Status Wildlife*, also identifies saltgrass in Areas A and B and describes that south coast marsh vole were "[c]aptured during small mammal surveys in marsh habitats containing saltgrass (*Distichlis spicata*). Recorded in Areas A and B in 1981, 1991, 1996, and 2001. Captured only in Area B in 2010. Visually detected in saltmarsh habitat in Area B in 2011." Finally, Section 5.1.1, *Wetlands*, in Draft EIS/EIR Appendix D14 identifies that, "[t]idal channels provide hydrological input to a large portion of the wetlands in this area, and vegetation communities observed here were composed primarily of estuarine marsh species. Dominant vegetation in areas considered to be Corps/CCC jurisdictional wetlands includes bristly ox-tongue, alkali ryegrass (*Leymus triticoides*, FAC), annual bluegrass (FACW), brass buttons (*Cotula coronopifolia*, FACW), toad rush (*Juncus bufonius*, FACW), pickleweed species (*S. virginica*, *S. subterminalis*, *S. europaea*, OBL), saltgrass (*Distichlis spicata*, FACW), common cattail (*Typha latifolia*, OBL), narrowleaf willow (*Salix exigua*, OBL), arroyo willow (*Salix lasiolepis*, FACW), and Italian ryegrass (*Lolium multiflorum*, FAC)."

Draft EIS/EIR Section 3.4.2.2, under the heading "Southern Mud Intertidal," discusses the presence of shoregrass at the Ballona Reserve and explains that types of vegetation and along the edges of mudflats include both nonvascular algae (e.g., phytoplankton, diatoms, [Ulva spp.]) and vascular plants (e.g., surfgrasses [*Phyllospadix* spp.], 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. Within the Project Site, southern mud intertidal habitat is confined to narrow channels. The largest area of mudflat habitat is found in West Area B. This area receives tidal inputs up to 3.6 feet in elevation above mean sea level from Ballona Creek through two self-regulating tide gates. Water exits the wetlands through the same two gates and one additional flap gate on a western branch channel. A small ditch also persists in northeast Area A (Fiji Ditch), which receives tidal flows from Basin H in Marina del Rey Harbor through an open culvert under Dock 52. As shown in Draft EIS/EIR Table 3.4-1, southern mud intertidal habitat comprises 8.8 acres of the Project Site.

Draft EIS/EIR Section 3.4.2.2, under the heading "Tidal Salt Marsh," also discusses the presence of shoregrass at the Ballona Reserve. It explains that within the Project Site, tidal salt marsh habitat includes vegetated salt marsh floodplain surfaces that receive tidal flows through culverts and tidal gates. In the Project area more generally, low marsh areas are dominated by fleshy jaumea, Pacific pickleweed, dodder (*Cuscuta* spp.), and shore grass, which can tolerate relatively greater frequency and duration of inundation. Within the Ballona Reserve, the largest area of tidal marsh habitat is found in West Area B. A small area also persists along the Fiji Ditch in northeast Area A. As shown in Draft EIS/EIR Table 3.4-1, tidal marsh comprises 18.2 acres of the Project Site.

Draft EIS/EIR Appendix B3, *Conceptual Habitat Restoration and Adaptive Management Plan*, also discusses shore grass and saltgrass and in its Appendix A (Potential plant palette for wetland and upland restoration areas in the Ballona Reserve. Plant nomenclature follows Baldwin et al. [2012]) identifies shore grass (*Distichlis littoralis*) for "Salt Marsh," "High Marsh," and "Salt Pan" habitats, noting that it is salt tolerant" and historically did not occur at the Ballona Reserve; and spiked saltgrass (*Distichlis spicata*) for "Salt Marsh," "Mid Marsh," "High Marsh," and "Low Transition," noting that it is salt tolerant" and historically occurred at the Ballona Reserve.

Last, Draft EIS/EIR Appendix B8, *Ballona Wetland Feasibility Report*, discusses shore grass in Section 3.2, *Biodiversity*. It explains that the creation of wetland habitats allows for creation of transitional habitats, which would increase the regional diversity of vascular plants and terrestrial vertebrates. Examples of transition zone vascular plants include boxthorn (*Lycium californicum*), bush seepweed (*Suaeda nigra*), coast golden bush (*Isocoma menziesii*), and Parish's glasswort (*Arthrocnemum subterminale*). These overlap with the highest elevation salt marsh species including, for example, saltgrass, alkali weed (*Cressa truxillensis*), and shoregrass (*Monanthochloe littoralis*).

O4-40 Contrary to the suggestion in this comment, the Draft EIS/EIR not only provides substantial information on replacement of impacted essential fish habitat (EFH), but

also identifies project design features and mitigation measures to reduce impacts to ground fish to less than significant.

Draft EIS/EIR Section 3.4.6.1, in the context of Impact 1-BIO-1a under the heading "Essential Fish Habitat," analyzes impacts to groundfish EFH. As described in this same section under the heading "Post-Restoration," "[i]n total, the Project Site supports approximately 49 acres of habitat capable of supporting fish (40 acres of subtidal and 9 acres of intertidal channel). As discussed in Impact 1-BIO-2a, Alternative 1 would create 4.7 acres of southern mud intertidal habitat; resulting in a net habitat increase of 6.4 acres during Phase 1 and a total of 13.5 acres during Phase 2. Additionally, subtidal habitat would increase by 11.4 acres to 51.7 acres in Phase 2, thus resulting in a potential net beneficial effect. This expansion of tidal wetlands adjacent to Ballona Creek would substantially improve habitat functions and quality of existing habitat in the creek. Each successive phase would improve the functions and values of aquatic habitat in the Ballona Reserve by improving hydrology and associated ecosystem services. In addition, both phases would allow for larger areas of tidal wetland habitats in the Ballona Reserve to gradually move landward and adapt as sea levels rise. Therefore, Alternative 1 would result in long-term beneficial effects." Later in the same section, the Draft EIS/EIR concludes that the Project "would have a substantial adverse short-term construction impact either directly or through habitat modifications on EFH; however, even in consideration of permanent impacts identified above, following the Phase 2 restoration effort, Alternative 1 would result in a long-term net beneficial effect related to improved habitat quality." It further concludes that, "[t]he expansion of tidal wetlands adjacent to Ballona Creek would substantially improve EFH functions and quality of existing habitat in the creek without the need for compensatory mitigation" and identifies the following project design features and mitigation measures to reduce impacts to less than significant: Project Design Feature BIO-4 (Water Pollution and Erosion Control Plan) and Mitigation Measures WQ-1a-i (Monitoring and Adaptive Management Plan) and WQ-1a-ii (Sampling and Analysis Plan).

O4-41 Potential direct and indirect impacts to El Segundo blue butterfly (*Euphilotes battoides allyni*) are analyzed in Draft EIS/EIR Section 3.4.6; potential cumulative impacts are analyzed in Draft EIS/EIR Section 3.4.6. The opinion expressed in this comment about planning for the species' future is acknowledged, but does not inform CDFW's consideration of the potential impacts of the proposed restoration. Nonetheless, it is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-42 Contrary to the suggestion in this comment, the Draft EIS/EIR does discuss predator control and identifies areas that could benefit California least tern post-restoration. Draft EIS/EIR Section 3.4.2.2, under the heading "California Least Tern," discusses predator control for his species. It states, "[b]ased on recent observations, it is unlikely that California least terns would nest successfully again within the Ballona Reserve without an effective predator management plan that includes adequate and

well-maintained fencing to reduce the impact of land-based predators and adaptive management to reduce the impact of American crows. As colonial nesters, California least terns may require larger numbers to effectively reduce predation and to successfully nest in this area." The Draft EIS/EIR goes on to explain that Draft EIS/EIR Appendix D5 Table D5-11, History of California Least Tern Nesting in the Vicinity of Ballona Wetlands, 1973–2011, summarizes least tern nesting activity and productivity in the vicinity of the Ballona Reserve from 1973 to 2011. Studies of least tern foraging behavior in 1980 and 1981 included potential foraging habitat in the vicinity of the Venice Beach least tern nesting site just north of Ballona Creek (Atwood and Minsky 1983). The tidal channels of Area B supported up to 13 percent of the total foraging of a given survey date in 1980, but foraging at Area B was less frequent in 1981. In 1995, 1998, and 2001, KBC conducted foraging surveys for least terns at the tidal channels of Area B and Fiji Ditch in Area A. Foraging was documented in Area B tidal channels on three of seven survey dates in 1995, on 3 of 14 survey dates in 1998, and on 7 of 17 survey dates in 2001.[89] Most recently in 2012, a least tern foraging study for the Venice Beach nesting site was conducted during Corps-contracted dredging activities taking place at the Marina del Rey entrance channel. During this study, individuals were observed foraging immediately along the coast and in the entrance channel for Marina del Rey Harbor, north of the Ballona Creek channel. The report considered Ballona Creek as potential least tern foraging habitat; however, active foraging was not described[90] CDFW notes that contrary to the comment's statement that the Keane report was not available to the public, CDFW made available for download from its website the Keane report along with the other references in the Draft EIS/EIR.

Draft EIS/EIR Section 3.4 also discusses that the California least tern "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. This species unsuccessfully attempted to breed in Area B in 2014, so potential impacts to nesting could occur if this species attempts to nest onsite again. However, with implementation of Project Design Features and mitigation measures, Alternative 1 may affect, but is not likely to adversely affect California least tern or its habitat."

Table D5-6, Bird Species Documented in the Study Area, in Draft EIS/EIR Appendix D5 identifies California least tern as "[f]airly common summer resident, with a large breeding colony on Venice Beach and forage widely."

Draft EIS/EIR Appendix D12 under the "Birds" heading discusses California Least Tern and under "Likelihood of Occurrence" describes this species as "Less than reasonable as breeder as the species has not nested successfully on the Project Site since the 1970s and last documented attempt in 2001 failed. A large breeding colony (up to 200–300 pairs) within fenced-off "tern preserve" is located on Venice Beach

89 PWA, 2006.
90 Keane Biological Consulting. 2013. California Least Tern Foraging Study Marina Del Rey Dredging Project, U.S. Army Corps of Engineers, Los Angeles District. May.

just north of Ballona Creek mouth. High potential as a forager as this species is a fairly common summer resident, fishing offshore, along lower Ballona Creek., along tidal channels within the Project Site, at Ballona Lagoon, and at the Ballona freshwater marsh."

In addition, Draft EIS/EIR Appendix B5 discusses predator control in several locations. Section 1.3 of Appendix B5, under the heading "Urban Predator Management," describes that "[g]iven the urban setting surrounding the Ballona Reserve, urban predators such as feral cats and raccoons are likely to pose significant threats to native wildlife within the Ballona Reserve. The presence of such urban predators may prevent the establishment of populations of wildlife species and may require control to achieve wildlife performance goals. An Urban Predator Monitoring and Management Plan will be developed in coordination with the CDFW. This plan will identify key areas for monitoring, trigger levels for management, and appropriate control methods. The Plan will be prepared and administered by the CDFW or a qualified contractor working under the direction of CDFW." Draft EIS/EIR Appendix B5 Table 6, O&M Activities/Monitoring Efforts, identifies "Urban Predator Management" for all post-restoration habitat types, including "Tidal Marsh," "Subtidal and Intertidal Channels," "Mudflat Habitat," "Salt Pan," "Dune," and "Transition Zones." Draft EIS/EIR Appendix B5 Table 8b, Summary of Operation and Maintenance Activities – Habitat Restoration, Monitoring, and Maintenance, under Category "Habitat Restoration, Monitoring, and Maintenance – Habitat Monitoring" identifies "Monitor for non-native urban predators (e.g., domestic cats)" with a "Annually, year-round" frequency and timing and "continue indefinitely" duration for "All Habitats."

Section 4.12.4, *Urban Predator Management*, in Draft EIS/EIR Appendix B3 also discusses predator control in several locations. Section 4.2.3, for example, states, "[i]f it is determined that bird use of tidal marsh habitat does not demonstrate a suitable trajectory toward achieving performance goals within the expected timeframe for trends to become apparent, an assessment of overall trends in bird use will be conducted to determine whether trends are specific to [the Ballona Reserve] or occur at a regional scale. If it is determined that the poor performance is specific to [the Ballona Reserve], additional studies or changes in management may be warranted. Potential causes for a lack of progress toward meeting performance goals are likely to be related to vegetation composition or structure, the absence of suitable food sources, or the presence of bird predators. Potential corrective actions may include modifications to the management of vegetation, soil properties, or tidal regimes to create appropriate habitat structure for birds or to promote increased use of tidal marsh habitat by benthic invertebrates or fish species. Predator management may also be required and is discussed in further detail in Section 4.12.4."

Section 4.6.3, *Adaptive Management*, in Draft EIS/EIR Appendix B3 also states, "[i]f bird use of salt panne habitat does not demonstrate suitable progress toward meeting performance goals, a thorough analysis of the causes of this poor performance will be

conducted prior to implementing any corrective management actions. If it is determined that salt panne hydrology, salinity, and vegetation are all within an acceptable range (e.g., within the range of the same variables in other functioning salt panne habitat), additional factors will be analyzed. Potential factors to be analyzed include those related to food sources (e.g., invertebrate populations), predation by cats and other urban predators, or competition from other birds, particularly aggressive non-native birds. Once the potential cause of poor bird performance is determined, appropriate corrective management actions will be developed."

In turn, Section 4.12.4, *Urban Predator Management*, in Draft EIS/EIR Appendix B3 provides, "[g]iven the urban setting in which the Reserve occurs, urban predators such as feral cats and raccoons are likely to pose significant threats to native wildlife in the Reserve. The presence of such urban predators may prevent the establishment of populations of wildlife species and will require control if wildlife performance goals are to be achieved. An urban predator monitoring and management plan will be developed in coordination with the CDFW. This plan will identify key areas for monitoring, trigger levels for management, and appropriate control methods. The plan will be administered by the CDFW or an appropriately licensed firm specializing in predator management."

Draft EIS/EIR Appendix B8, *Ballona Wetland Feasibility Report*, discusses the importance of providing restoration that would benefit the California least tern in Appendix B, *Habitat Descriptions for Restoration Alternatives*. Under the heading "Deepwater Habitats (mud and sand substrates) – Open Water Subtidal Conditions," Appendix B8 describes that, "[e]stuarine open water habitats such as those provided by permanently flooded conditions are important foraging areas for birds from other habitats. Of note is the endangered California Least Tern (*Sterna antillarum browni*), which breeds on sandy habitats adjacent to marine and estuarine wetlands and forages on small fish, primarily Top Smelt (*Atherinops affinis*) and Northern Anchovy (*Engraulis mordax*) in the relatively shallow water of estuaries" and later identifies under "recovery opportunities" "foraging habitat for California Least Tern (*Sterna antillarum browni*), California Brown Pelican (*Pelicanus occidentalis californicus*), and Osprey (*Pandion haliaetus*); flat fish nursery habitat including California Halibut (*Paralichthys californicus*), Starry Flounder (*Platichthys stellatus*), and Diamond Turbot (*Hypsopsetta guttulata*).

Under the heading "Deepwater Subtidal and Wetland Intertidal Channels (cobble/gravel and riprap substrates) – Open Water Subtidal, Intertidal, and High Tide Conditions," Draft EIS/EIR Appendix B8 describes recovery opportunities including for foraging habitat for California Least Tern. Under the heading "Coastal Dune Scrub and Dune Herbs (including Foredunes)," Draft EIS/EIR Appendix B8 describes that, "[d]unes are important habitats. … The endangered California Least Tern (*Sterna antillarum browni*) and Western Snowy Plover (*Charadrius alexandrinus nivosus*) are associated with dune habitat but generally nest in the upper beach environment, which is no longer connected to the dunes."

O4-43 Contrary to the suggestion in this comment, the Draft EIS/EIR does analyze potential impacts to black oystercatcher, including potential changes to existing rocky habitat in the Ballona Reserve. Table D5-6, Bird Species Documented in the Study Area, in Draft EIS/EIR Appendix D5 shows that this species was observed at the Ballona Reserve by both the Santa Monica Bay Restoration Commission and Cooper sources and determined to be a "uncommon resident." In addition, Draft EIS/EIR Appendix D12, *Special-status Species Occurrence Tables*, includes black oystercatcher and concludes under "Likelihood of Occurrence" that it has a "[l]ess than reasonable for nesting (although breeding confirmed on outer jetties, this is well beyond potential Project influences)" and "[l]ess than reasonable as a forager since this species is in small numbers on the outer jetties and the free-standing breakwater of Playa del Rey and rarely seen along lower Ballona Creek."

As noted in this comment, black oystercatcher is a species that uses rock bank habitat like other shorebird species (e.g., willet, whimbrel, black-bellied plover, etc.). Draft EIS/EIR Section 3.4.5 describes that "[p]otential adverse impacts and beneficial effects on species and natural communities were evaluated according to the likelihood of occurrence while taking into account the biology and/or life history of each resource potentially impacted by the Project alternatives. Several considerations were made in determining the potential for each considered special-status species to occur on the Project Site, and the distribution of potential habitat on the site." This same section later elaborates that, "[o]ccurrence within the Project Site alone may not expose a resource to any reasonable potential for adverse impacts. For example, a species might be confirmed in the Project Site during its migration period but may be a broad habitat generalist at that time. If the known cause of decline or population limitation for that species occurs at life stages other than migration (e.g., during breeding), minor habitat removal due to the Project during that migration period may not be likely to cause significant adverse impacts on that species."

The Draft EIS/EIR analyzes impacts to special-status shorebirds in Section 3.4.6.1 in the context of Impact 1-BIO-1o and concludes under the heading "Post-restoration" that no direct impacts to special-status shorebirds or associated habitat would be anticipated during post-restoration. Following full implementation, Alternative 1 would increase the amount and quality of shorebird habitat by restoring tidal influence and by creating contiguous salt pan habitat by removing roads within the existing, large salt pan in West Area B (see Draft EIS/EIR Table 3.4-11). There still would be a net increase of over 13 acres in the total area of suitable habitat after completion of Alternative 1 Phase 2 as compared to existing conditions, which would be a beneficial effect (see Draft EIS/EIR Table 3.4-11). Further, the implementation of Project Design Feature BIO-3 (Habitat Restoration and Monitoring Plan) would require habitat mitigation and monitoring to create and restore sensitive habitats that support special-status shorebirds. In addition, upon completion of restoration activities, the existing salt pan habitat would be more resistant to inundation under sea-level rise scenarios. Draft EIS/EIR Table 3.4-11 (Changes in the Extent of

Shorebirds Habitat as a Result of Alternative 1) shows that a net increase of 13.5 acres of shorebird habitat would occur post-restoration.

In addition, Section III, *Habitat Descriptions*, in Draft EIS/EIR Appendix B8 provides a list of habitat categories and types for each targeted restored habitat, including "estuarine non-vegetated intertidal wetland habitats (Habitat Category II)" with descriptions of dominant and associated plants, characteristic animals, ecosystem functions, recovery opportunities and other elements. The "Intertidal Margins, Beds, Banks, and Benches (mud and sand substrates) – Low Tide Conditions" and "Intertidal Channels (cobble/gravel and riprap substrates) – Low Tide Conditions" are targeted habitats that would could provide habitat for black oystercatcher.

While the additional information presented in this comment regarding black oystercatcher confirms or clarifies the distribution of the species, it does not change the conclusion or mitigation for this species presented in the Draft EIS/EIR.

O4-44 CEQA requires lead agencies to analyze the potential environmental consequences (including direct, indirect, and cumulative impacts) of a project on existing (baseline) conditions. There is no requirement that the analysis evaluate potential impacts to potential future conditions. CDFW acknowledges the questions in this comment about the likelihood of a theoretical return of these species if certain unspecified conditions were to come to pass; however, the requested prognostications would not inform CDFW's evaluation of the potential impacts of this Project. Nonetheless, the questions are now part of the record of information that will be considered as part of CDFW's decision-making process.

Regarding the decision-making process by which the Project team developed the restoration alternatives, see General Response 3, *Alternatives* (Final EIR Section 2.2.3).

O4-45 It is not clear which document the commenter is referring to as "Appendix B pt 4." Draft EIS/EIR Appendix B contains 10 individual site-specific or project-specific technical studies regarding the project description and alternatives. Among them, Appendix B4 provides construction data and does not refer to Lewis' evening primrose or woolly seablite. Draft EIS/EIR Appendix D contains 17 individual Project Site-specific or Project-specific technical studies regarding biological resources. Among them, Appendix D1, *Summary of Botanical Studies in the Study Area*; Appendix D3, *Study Area Plant List*; and Appendix D11, *Occurrence Determination: Special-Status Plants*, discuss Lewis' evening primrose and woolly seablite. Each of these technical appendices is but one source of information among several that informs the analysis in Draft EIS/EIR Section 3.4 of the potential direct, indirect, and cumulative impacts of the Project and alternatives to biological resources. For example, direct and indirect impacts of the Project to Lewis' evening primrose and woolly seablite are documented in Section 3.4.6 in the context of

Impact 1-BIO-1b; cumulative impacts are analyzed in Section 3.4.7. Although the opinion stated in this comment about the sufficiency of the analysis appears to be based on a single source of information that predates the analysis as a whole, CDFW acknowledges it, and have included it as part of the record of information that will be considered as part of CDFW's decision-making process.

O4-46 This comment accurately quotes from Draft EIS/EIR Section 3.4.2, which describes the affected environment for purposes of raptor nesting and foraging. Regarding how the range of alternatives was developed, see General Response 3, *Alternatives* (Final EIR Section 2.2.3.3).

As indicated in General Response 3, raptor foraging habitat was not a specific driver in the formulation of alternatives. Nonetheless, restored habitats within the Ballona Reserve would benefit raptor species. Section III, *Habitat Descriptions*, in Draft EIS/EIR Appendix B8 provides a list of habitat categories and types for each targeted restored habitat. For example, restoration of deepwater habitats, deepwater subtidal and wetland intertidal channels, and intertidal wetland habitats would benefit osprey. Marsh plain and high marsh habitat restoration would benefit Northern harrier. Restoration of the high marsh transition zone would benefit various species of snakes, lizards, and small mammals –prey species of short-eared owl, Northern harrier, and white-tailed kite. Furthermore, the description for transitional emergent wetlands (delta distributaries and margins of estuaries) identifies white-tailed kite and other raptors as species of potential recovery opportunity; the description of freshwater marsh identifies northern harrier as a species of potential recovery opportunity; the upland description for grasslands (non-native herbaceous vegetation) identifies foraging habitat for raptors such as white-tailed kite and Northern harrier as a key ecosystem function and also includes these raptor species as species of potential recovery opportunity. The restored grassland habitat with the Ballona Reserve would be a focal habitat for raptor species. Other key raptors species that would be expected to benefit from restored grassland habitat include Western burrowing owl, red-tailed hawk, red-shouldered hawk, ferruginous hawk, sharp-shinned hawk, American kestrel, merlin, turkey vulture, and Cooper's hawk. Finally, the upland description for forests, woodlands, groves, and tree rows (including "eucalyptus grove") identifies "roosting and possibly nesting raptors" as characteristic animals. Raptors species known to use this habitat within the Ballona Reserve include, red-tailed hawk, red-shouldered hawk, sharp-shinned hawk and Cooper's hawk.

O4-47 The Draft EIS/EIR describes Ballona Creek within the Ballona Reserve (within the context of the Project Site as a whole) with respect to terrestrial and aquatic wildlife movement, including for marine mammals and avian species. Draft EIS/EIR Section 3.4.2.2 explains that there are no designated or major wildlife movement corridors within or adjacent to the Project Site as identified by Los Angeles County Department of Regional Planning (2014) or South Coast Wildlands (2008). The Project Site, including adjacent areas of open space associated with the Freshwater Marsh, Westchester Bluffs, and riparian corridor east of Lincoln Boulevard, is

surrounded by dense urban development. Terrestrial wildlife corridors between the Project Site and other areas of open space are extremely constrained; perhaps limited to the Playa Vista inlet beneath Highway 1 southeast of the Project Site. Terrestrial wildlife movement within the Project Site is currently impeded by Ballona Creek and three major roadways (i.e., Lincoln Boulevard, Culver Boulevard, and Jefferson Boulevard). This same section goes on to describe that "Ballona Creek and tidal channels provide movement for marine fish species into and out of the Project Site; however, marine mammals have not been reported in the Ballona Reserve because the size of the tide gates restrict their movement into the Ballona Reserve. One observation of a harbor seal occurred near the western tide gate in 2014; however, harbor seals and other marine mammals in the Project vicinity are likely not to be capable of entering the Reserve as a general rule.

The Draft EIS/EIR also describes the Ballona Reserve as a regionally important stopover site for both resident and migratory birds. Numerous resident species such as coastal California gnatcatcher and Cooper's hawk have been observed foraging on the Project Site, while a number of birds including burrowing owl and western snowy plover have been observed overwintering. The state of California, including the Ballona Reserve, is located within the Pacific Flyway, a major north-south flyway for migratory birds in America, extending from Alaska to Patagonia. Each year at least a billion birds migrate along the Pacific Flyway. During early spring months, flocks of migratory birds such as elegant terns, Caspian terns, and black-bellied plovers are regularly observed roosting on the salt pan habitats in Area B. During the late summer, several species of sandpiper and plover that arrive in southern California from breeding grounds in Canada and Alaska occasionally make use of Area B tidal channels and salt pan subject to tidal inundation.

Draft EIS/EIR Section 3.4.6.1 analyzes potential direct and indirect impacts to movement corridors. For example, Impact 1-BIO-4 analyzes impacts to migratory wildlife movement and, with respect to corridor provided by the Playa Vista inlet beneath Highway 1, which likely facilitates movement of relatively small terrestrial species such as raccoon, striped skunk, Virginia opossum, red fox, and gray fox, concludes that the Project would not impede the use of this potential wildlife corridor. The analysis further concludes that the Project Site facilitates movement of resident and migratory birds within the Pacific Flyway and, following restoration, no adverse direct or indirect impacts to wildlife corridors or wildlife movement would result.

CDFW has reviewed The Bay Foundation's proposed Ballona Creek Greenway Plan[91] and finds that implementation of the proposed restoration within the Ballona Reserve would not preclude or be inconsistent with the greenway plan as described.

CDFW also has reviewed information about the Park to Playa Trail: a multi-agency proposal to link a 13-mile network of regional trails, including the Ballona Creek

91 The Bay Foundation, 2014. Ballona Creek Greenway Plan. Available online: http://santamonicabay.org/wp-content/uploads/2014/05/BGP_3_GreenwayPlans.pdf. May 2014.

Bike Path.[92] Implementation of any of the restoration proposals within the Ballona Reserve would not preclude or be inconsistent with the proposed linkage of regional trails.

O4-48 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve. See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received regarding requests for recirculation. The Draft EIS/EIR analyzes potential impacts of the Project and alternatives, including potential impacts of the parking garage. Perceptions or misperceptions regarding who would use Project features is beyond the scope of the analysis, and does not support any suggestion of deficiency.

Consistent with CEQA Guidelines Section 15123 (14 CCR §15123[b][2]), Draft EIS/EIR Section ES.5 identifies areas of potential controversy known to CDFW, including issues raised by agencies and the public. It identifies "parking" as a potential issue relating to transportation and traffic.

O4-49 The Draft EIS/EIR identifies both timelines and costs. The precise initiation of restoration and construction, including related vehicle trips for example, cannot be known with certainty. Nonetheless, the Lead Agencies provided reasonable forecasts in the Draft EIS/EIR. Section 3.2.6.1, *Aesthetics*; Section 3.3.2.1 and Section 3.3.5.1, *Air Quality*; Section 3.6.5.2, *Geology, Seismicity, and Soils*; Section 3.7.5, GHG Emissions/Climate Change; Section 3.9.3.3, *Hydrology and Water Quality*; and Section 3.11.6.1, *Recreation*, all explain that the Project's proposed restoration activities would occur separately within Areas A, B, and C and sequentially over 4 years of activity. Further and more specifically, the Project would be implemented in two phases consisting of multiple sequences that were initially projected to begin in early 2017. The sequences would be grouped into two periods, with the first initially projected to occur between 2017 and 2022 and the second to occur in 2023. In the context of this timeline, no mechanized restoration activities would occur between 2020 and 2023 to facilitate habitat restoration and plant establishment within the Ballona Reserve. See also Draft EIS/EIR Section 2.2.2.5, which discusses the timing of the Project, including information on restoration phasing and sequencing (Table 2-6) and overall schedule (Table 2-7).

Any initial estimate of the Project time frame could not have anticipated that the Lead Agencies would receive approximately 8,000 separate communications in response to publication of the Draft EIS/EIR. Some expressed support, others opposition. Many included questions or comments about a specific issue of concern to the commenter. All required thoughtful consideration and response. Taking the requisite hard look at

92 Mountains Recreation and Conservation Authority, 2019. Park to Playa Trail. Available online: https://trails.lacounty.gov/Trail/237/park-to-playa-trail. Accessed January 17, 2019. See also Baldwin Hills Conservancy, 2017. Park to Playa Regional Trail. Available online: http://bhc.ca.gov/2017/11/park-to-playa/ November 2017.

potential environmental consequences takes time. General Response 8, *Public Participation* (Final EIR Section 2.2.8.1), explains why the review period for the Draft EIS/EIR was not further extended beyond 133 days. It is reasonable to believe that assumptions regarding the various agencies' permitting timelines remain valid because they are stattuory, regulatory, or because other agencies have posted them in terms of what to expect from the permitting process.

Regarding costs, Table 2-1a in Draft EIS/EIR Section 2.1.1.2 provides information comparing the cost for the Project, Alternative 2 (Restored Partial Sinuous Creek), and Alternative 3 (Levee Culverts and Oxbow). See also Appendices B9 and B10.

In determining whether an environmental analysis is adequate, reviewers will look to whether the report provides decision-makers with sufficient analysis to intelligently consider the environmental consequences of a project (see, e.g., 14 CCR §§15003(i), 15151). Perfect prognostication is not the standard for adequacy: sufficiency will be reviewed in the light of what is reasonably feasible with a focus on adequacy, completeness, and a good faith effort at full disclosure. Here, CDFW made a reasonable, good faith effort at full disclosure in the initial projections of timing and costs. While those initial projections may not have hit the bull's eye, the original estimations do allow decision-makers and members of the public to evaluate the comparative merits of the Project with the alternatives on a resource-by-resource, impact-by-impact basis. CEQA does not require more.

O4-50 See Response O4-49 regarding timing projections. CEQA does not require a formal comment period following publication of a Final EIR. State courts, for example, have recognized that "the Legislature did not intend to promote endless rounds of revision and recirculation of EIR's. Recirculation was intended to be an exception, rather than the general rule." *Silverado Modjeska Recreation & Park District v. County of Orange* (2011) 197 Cal. App. 4th 282, 303. No additonal comment period will be provided here. Although the overall duration of the environmmental review and permitting processes cannot be known with certainty, the Lead Agencies made reasonable forecasts, which were disclosed in the Draft EIS/EIR. The identificaiton of funding sources and contractors for project implementation is beyond the scope of the Final EIR. Regarding public access, see Response O4-3.

O4-51 Regarding costs, see Response O4-49. Supplementing the analysis provided with additional detail about potential delays or overruns is beyond the scope of the Final EIR and has not been done. CDFW acknowledges the commenter's interest in more, and more detailed, information about costs and timelines than was provided in the Draft EIS/EIR. However, because the scenario used in estimating the timeline and budget is the one that was described and analyzed in the Draft EIS/EIR as reasonably the most likely scenario, no change has been made in response to this request.

O4-52 This request for information about perceived delays in the process is beyond the scope of the Draft EIS/EIR, which analyzes the potential environmental consequences of the proposed restoration alternatives.

O4-53 See Response O4-49 and Response O4-50 regarding costs, timing, and potential funding sources. Questions about newsletters also are beyond the scope of the CEQA process, as they do not inform CDFW's consideration of the adequacy or accuracy of the EIR. See General Response 7 (Final EIR Section 2.2.7), regarding requests for recirculation.

O4-54 As noted above and elsewhere in these responses to comments, questions about funding sources and amounts are beyond the scope of the EIR to the extent they are over and above cost information needed to evaluate the relative merits of the various alternatives. See Response O4-49 regarding the costs of alternatives. Public records may be obtained from state and federal entities pursuant to other processes outside this CEQA process.

O4-55 The commenter's confusion about the differences between the Santa Monica Bay Restoration Commission and The Bay Foundation is acknowledged, but does not bear on the adequacy or accuracy of the EIR. Nonetheless, this comment has been included as part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*. The list of preparers has not been revised in response to this request.

O4-56 Involvement in the development of the design of the Project is distinguishable from authorship of or contributions to the analysis presented in the Draft EIS/EIR. Because the Santa Monica Bay Restoration Authority did not prepare or contribute to the Draft EIS/EIR, this joint powers authority has not been added to Draft EIS/EIR Chapter 5 and a discussion of its role has not been added to the Draft EIS/EIR. The request for greater clarity regarding "public and private influences" is acknowledged, but does not inform CDFW's consideration of the potential impacts of the Project or alternatives. Nonetheless, the information provided in this comment has been included in the formal record and is available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O4-57 Questions regarding the involvement of ICF prior to substantial development of the Draft EIS/EIR are acknowledged, but do not inform CDFW's consideration of the potential impacts of the Project. Nonetheless, this comment has been included in the formal record and is available for consideration as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received.*

O4-58 The comment is correct that Draft EIS/EIR Chapter 5 does not identify the California State Lands Commission (CSLC) as a preparer or contributor to the Draft EIS/EIR. The agency is, appropriately, identified relative to its roles in Draft EIS/EIR Chapter 1. See, e.g., Draft EIS/EIR Section 1.2.1, Section 1.5.1, and Section 1.6, where Draft EIS/EIR Table 1-1 explains that the CSLC owns in fee the Freshwater

Marsh located in Area B of the Ballona Reserve (which is not part of the Project Site) 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. Because the comment provides no information explaining why the commenter believes this information to be inaccurate, CDFW does not have enough information to provide a more detailed response.

O4-59 The comment is correct that Draft EIS/EIR Chapter 5 does not identify the Los Angeles County Flood Control District (LACFCD) as a preparer or contributor to the Draft EIS/EIR. The role of the agency is described in Draft EIS/EIR Section ES.1 as the owner and operator of the Ballona Creek channel and levee system, which are features of the Federally authorized Los Angeles County Drainage Area (LACDA) project. In this capacity, the section explains, LACFCD undertakes operation, maintenance, repair, replacement and rehabilitation activities within the Ballona Creek channel and levees for purposes of flood risk management. As explained in Draft EIS/EIR Section ES.2.1, CDFW and LACFCD are permit applicants for the Project. Status as a permit applicant is distinguishable from being a preparer of or contributor to the Draft EIS/EIR. This distinction is accurately reflected with respect to LACFCD in the EIR.

O4-60 The visitor center proposal was abandoned as acknowledged in this comment and as explained in Draft EIS/EIR Section 1.5.3 (“the visitor education center proposal was suspended and as a result is not included in this EIS/EIR”). Therefore, the inclusion of scoping comments regarding the visitor center in the Draft EIS/EIR would not inform CDFW’s consideration of the impacts of the Project and alternatives. Responses to comments submitted by US Fish and Wildlife Service are provided in Final EIR 2.3.1 (Letter AF1). Regarding parking, see General General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4).

O4-61 The commenter’s perceptions of the public process and disagreement with the characterization of the outcome of stakeholder meetings 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*. All public information included in the formal record, including attendance sheets and minutes, is available for public review upon request pursuant to the California Public Records Act, and need not be included in the Final EIR itself.

O4-62 Because the standard of adequacy of the EIR under CEQA is not whether the project objectives and alternatives are consistent with Science Advisory findings, CDFW declines to revise the Draft EIS/EIR to include the information requested.

O4-63 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains. See also General Response 7 (Final EIR Section 2.2.7), which addresses requests for recirculation.

O4-64 The Draft EIS/EIR analyzes potential impacts of the proposed parking structure on aesthetic and visual resources in Section 3.2.6, *Direct and Indirect Impacts*. The commenter's reference to page 425, CDFW presumes, is to the pdf version of the Draft EIS/EIR. If so, the analysis referenced is to Impact 1-AE-2, which evaluates whether the Project would "substantially damage scenic resources … within a state scenic highway." The analysis concludes, as indicated in this comment, that it would not. The analysis of Impact 1-AE-3, regarding whether the Project would substantially degrade the existing visual character or quality of the site and its surroundings, includes the language about the parking structure quoted in this comment on Draft EIS/EIR page 3.2-37 (pdf page 427). The analysis of these and other potential impacts to aesthetics are based on photo simulations prepared from key observation points shown in Draft EIS/EIR Figure 3.2-1 as prepared for the Lead Agencies by a specialty subconsultant, Vision Scape Imagery (visual simulation services), and on the professional expertise of ESA's technical staff and CDFW's extensive familiarity with the affected environment in and around the Ballona Reserve. The commenter's disagreement with the conclusions reached is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process.

Although not required by CEQA, visual simulations were prepared from 12 separate viewpoints. The commenter's request for an additional review and analysis is acknowledged; however, because the EIR is tasked with evaluating the potential environmental consequences of the Project as a whole, and because the aesthetic impacts of the proposed parking structure already have been analyzed, CDFW has elected not to prepare an additional simulation to further inform their consideration of the aesthetic effects of the proposed structure.

O4-65 As explained in Draft EIS/EIR Section 3.2.2, the Aesthetics section discusses potential Project-related changes to aesthetics and to visual resources from public vantage points, including from the perspective of "sensitive visual receptors or sensitive public viewpoints (i.e., individuals or groups of individuals who have views of a site afforded by a publicly-accessible scenic vista or scenic highway, or public recreation area)." Further, "KOPs were selected to represent a series of points along important travel routes, and at an existing or potential public use area, where the view of Project activities would be most perceptible. To the extent possible, views from KOPs were taken during the appropriate flowering season for vegetation to capture the different types of plants in each view (e.g., spring for upland views)." The commenter's perception about how the KOPs were selected is acknowledged, but is not supported by the record. Regarding the commenter's suggestion that KOP 12 be moved to the ecological reserve side of Fiji Way, there are no sidewalks or walking paths on that that side of the road. Instead, the ecological reserve side of Fiji Way is built to accommodate vehicles and cyclists only. Regarding the commenter's suggestion that views be shown from Culver Boulevard and Titmouse Park (also on Culver Boulevard), CDFW notes that KOPs 7 and 8 are from Culver Boulevard and show the change in vegetation and topography.

As noted above, CEQA does not require the preparation of visual simulations. Nonetheless, simulations were professionally prepared from 12 separate locations, which are identified in Draft EIS/EIR Figure 3.2-1. These KOPs provide representative views from public viewing locations. CDFW understands that the commenter would prefer that more and different visual simulations be prepared. Ultimately, although the comment appears to criticize what is shown in the KOPs, the comment does not raise any issues with the related analysis of aesthetic impacts nor provide any evidence that the Project would have a significant impact on aesthetics.

O4-66 The stated request that new artistic rendering be prepared to show topographical changes 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*.

O4-67 See Responses O4-64 and O4-65 regarding requests for additional KOPs.

O4-68 The request that topographical changes be reported in three separate ways is acknowledged and is now part of the record of information that will be considered as part of CDFW's decision-making process. Draft EIS/EIR Section 3.2 demonstrates that the Corps has taken a hard look at the potential environmental consequences of the proposed action and alternatives. Similarly, the analysis demonstrates that CDFW has provided a reasonable good faith disclosure of potential impacts of the Project and alternatives.

Regarding the height of the Area A perimeter levee to Fiji Way, see Draft EIS/EIR Figure 2-6, which shows the levee plan with the locations of typical grading cross-sections shown in Figure 2-7, Alternative 1, Phase 1: Levee Sections. See also Figure 2-8, which shows typical grading cross-sections for the channel, and Figure 2-13 and Figure 2-14, which show the levee plan with the locations of typical grading cross-sections. Further, Figure 2-15 shows the west end of Culver Boulevard where the West Area B levee would be located.

O4-69 See General Response 6, *Hydrology and Water Quality*, for sea-level rise (Final EIR Section 2.2.6.2), which addresses multiple comments received regarding sea-level rise. The request to provide case studies of how other wetlands across the globe are addressing sea-level rise is acknowledged as beyond the scope of this EIR, which analyzes the potential environmental consequences of the proposed restoration of the Ballona Reserve. The request that information provided be expressed in tables also is acknowledged, but simply repackaging information provided into a different format would not further inform CDFW or others as to the nature or intensity of potential environmental consequences and so has not been done.

The request for a new alternative that would retain salt pan habitat, one that would allow this habitat to withstand sea-level rise over a longer term, is acknowledged. However, CEQA does not require an a lead agency to consider every conceivable alternative to a project or alternative. The issue is whether the alternatives discussion

encourages informed decision-making and public participation. Here, CDFW believes the EIR's alternatives discussion meets this standard.

The questions submitted about marsh migration go to the potential benefits of the Project and alternatives rather than to whether the impacts analysis is adequate to foster informed decision-making. CDFW acknowledges the requests for additional information about the underlying approach to restoration as outside the scope of the EIR's analysis of potential impacts of the Project and alternatives. In light of the depth of analysis and length of the document, CDFW has decided not to add information to the Final EIR that does not relate to the impacts analysis. However, the questions are now part of the record of information that will be considered as part of CDFW's decision-making process.

Contrary to the suggestion in this comment, augmented accretion is discussed in the Draft EIS/EIR. See Draft EIS/EIR Appendix B5 Section 1.3 under the heading "Ballona Creek Channel and Levees," which describes that "[d]redged material either would be beneficially used within the wetlands (e.g., to raise sub-tidal and intertidal mudflat areas and create additional vegetated wetland habitat) or would be disposed of off-site." Appendix F7 Section 5 also provides detail on accretion, including in Figure 22, Bed Accretion in Ballona. Section 6.2 of Appendix F7, *Geomorphic Analyses*, describes geomorphic analyses of Ballona Creek channel sizing (hydraulic geometry), deposition, wetland accretion, and coastal sediment transport. Section 6.2.3 of Appendix 7, *Wetland Accretion*, discusses how the restored wetlands are expected to accrete due to organic soil production (i.e., bioaccumulation in vegetated wetlands) and inorganic sediment deposition. In addition, Appendix F7 Table 15, Volume and Rate of Modeling Wetland Sediment Deposition, shows that the modeled annual rate of wetland sediment deposition increases over time as the site becomes progressively lower in the tide frame. Finally, Appendix F7 Section 6.3.4, *Sea-Level Rise*, concludes that, "[t]he rate of sea-level rise is expected to be greater than the rate of wetland accretion. Restored wetland habitats are expected to convert to lower elevation habitats over time (e.g., vegetated wetland to mudflat and mudflat to subtidal). Figure 32 shows this habitat conversion assuming low sediment supply. The sediment supply from the watershed to the wetlands may support a somewhat higher rate of wetland accretion and a slower rate of wetland conversion. The restored wetlands are expected to transgress into restored transition and upland habitat zones as shown in Figure 32." Figure 32 is the same as Draft EIS/EIR Figure 2-40.

O4-70 See Response I15-31 regarding the extensive hydrological studies performed and relied upon in the analysis of potential impacts of the Project and alternatives. The request for more or different hydrology study does not suggest that the analysis provided is inadequate or inaccurate. See Draft EIS/EIR Section 2.3 and General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which further explains why Alternative 9 (Realignment of Ballona Creek Including Relocation or Raising of Key

Roads) and other alternatives that would involve raising portions of Culver and Jefferson Boulevards were not considered in detail in the Draft EIS/EIR.

O4-71 The commenter's interest specifically in seasonal wetlands is acknowledged. However, as explained in the Key Definitions and Acronyms section of the Draft EIS/EIR, the "official definition of 'wetland' differs among regulatory agencies" and, "[u]nless otherwise clearly indicated, this EIS/EIR uses the Corps and USEPA's definition." Wetland characterization and acreage counting is reflected in the Draft EIS/EIR for the convenience of and use by the Corps (as the federal Lead Agency) in evaluating potential impacts to the resources within this agency's jurisdiction and in making associated permitting decisions. That the commenter would prefer that information be described differently and explained in three formats (i.e., in text, tables, and figures) is acknowledged; however, doing so would not provide any new information about the potential environmental consequences of the Project or alternatives.

O4-72 The stated concerns about habitat loss resulting from the proposed levees and vegetation 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*. Questions about what motivated specific aspects of the levees and berms proposed as part of one or more of the restoration alternatives also are acknowledged, but because responses would not inform CDFW's consideration of the potential impacts of the proposed restoration, specific responses have not been provided. See Draft EIS/EIR Section ES.3 and Section 1.1 regarding the purpose and need and objectives of the Project. For responses to input received from USFWS, see Final EIR Section 2.3.1 (Letter AF1).

Contrary to the suggestion in this comment, impacts from seepage and piping are evaluated in Draft EIS/EIR in Section 3.6 and Appendix E, with appropriate mitigation identified for potentially significant impacts. As described in Draft EIS/EIR Section 3.6.1, "This section identifies and evaluates issues related to Geology, Seismicity, and Soils in the context of various wetland restoration alternatives, including … non-seismically induced events (i.e., erosion, loss of topsoil, seepage/piping. …" Section 3.6.2.2 includes the heading "Geologic and Soils Hazards" and subheading "Seepage/Piping," which explains that "[s]hallow permeable sand layers, previous channels, or the buried organics, including decayed tree roots, present beneath levees or other structures could provide a path for seepage (Appendix E). The levees themselves also would present a potential for seepage depending on the permeability values of the soil types present. The flow of water through or beneath levees or structures could erode, weaken, and undercut the levees or structures. Shallow sand layers are possible in West Area B because of the proximity of the dunes. Undocumented buried channels with uncompacted fill could be anywhere beneath the Ballona Reserve. Buried organics at the former celery waste dump in the northeast portion of Area A (see Section 3.8, *Hazards and Hazardous Materials*), may provide seepage pathways if left in place." Potential impacts relating

to seepage and piping are analyzed and mitigation measures are identified. See Draft EIS/EIR Section 3.6.6 and Section 3.6.7. In the context of Impact 1-GEO-2, the Draft EIS/EIR concludes that impacts would be less than significant with incorporation of Mitigation Measure GEO-1b. Moreover, any issue related to engineering of the levees will undergo more rigorous analysis as more detailed engineering designs are prepared and such information is analyzed and reviewed during the permitting process with the Corps.

Implementation of the proposed Operations and Maintenance Plan (a preliminary draft of which is included in Draft EIS/EIR Appendix B5) would monitor the natural recruitment process to assure that invasive vegetation would not overrun armored areas.

Photos of existing levees and berms in other locations (potentially under other management regimes and subject to different operations and maintenance plans than the one proposed) would not inform CDFW of the environmental consequences of the Project and alternatives. Because the Draft EIS/EIR is voluminous enough with information specific to this Project and this site, CDFW has elected not to supplement it with photos or other information about other projects.

O4-73 Draft EIS/EIR Section 2.2.2.5, under the heading "Nonnative Plant Material Treatment," describes how after grading, nonnative plants would be removed prior to and concurrent with revegetation to ensure native habitat enhancement. Draft EIS/EIR Appendix B3, *Conceptual Habitat Restoration and Adaptive Management Plan*, also discusses invasive species and their removal ("restoration objectives include the control of those species considered highly or moderately invasive by the California Invasive Plant Council … control of such species will be essential for the long-term development and maintenance of desired vegetation communities and high levels of biodiversity. Controlling invasive species will require appropriate pre- and post-construction measures and monitoring to ensure that existing populations of invasive species are handled appropriately and to avoid new introductions of invasive plants.") The timing of the restoration phase and the operations and maintenance phase for each of the restoration alternatives are provided in Draft EIS/EIR Section 2.2. The weight of the vegetation to be removed and the number of hours required specifically to implement this aspect of the proposed restoration do not bear on the adequacy or the accuracy of the analysis of potential impacts. Because this information would be beyond the scope of the Draft EIS/EIR, it has not been provided.

Draft EIS/EIR Appendix B5, *Preliminary Operation and Maintenance Plan*, in Section 1.3, *Operations and Maintenance Tasks/Activities*, under the heading "Habitat Restoration, Monitoring, and Maintenance" discusses control and limitation of the spread of exotic non-native and/or invasive species (floral and faunal) and restoration of the integrity of intact, native communities. Appendix B5 Table 6, O&M Activities/Monitoring Efforts, shows that vegetation and invasive plants would be

monitored in all restored habitat types. In addition, Appendix B5 Table 8b that monitoring efforts for invasive weed establishment throughout the Ballona Reserve would have a specific focus on the restoration areas that will continue indefinitely.

Regarding measures to limit the spread of invasives from equipment, as discussed in Draft EIS/EIR Section 3.9.3, as part of the NPDES Construction General permit requirements best management practices (BMPs) for construction equipment will be implemented to mitigate for the spread of invasives from equipment. Furthermore, "[a]s part of the NPDES program, the project operator is required to develop a Storm Water Pollution Prevention Plan (SWPPP), which includes best management practices (BMPs) to be implemented to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby surface waters."

O4-74 Draft EIS/EIR Figure 2-4, Figure 2-5, and Figure 2-9 show potential stockpiling of fill between Culver Boulevard and Jefferson Boulevard. Draft EIS/EIR Section 2.2.2, under the heading "East Area B," discloses that 50,000 to 80,000 cubic yards of excavated soil would be stockpiled in the western portion of East Area B in Alternative 1 Phase 1 for use in levee construction during Alternative 1 Phase 2. The remaining habitat area would be enhanced through invasive plant species removal and revegetation." In the event of a discrepancy between information found in the main body of the Draft EIS/EIR and a previously prepared appendix, reviewers should rely on the main body of the Draft EIS/EIR.

O4-75 The Annenberg Foundation did not prepare or contribute meaningfully to the preparation of the Draft EIS/EIR (see Draft EIS/EIR Chapter 5). As accurately noted in the comment, the foundation's participation in the process terminated well before the issuance of the Draft EIS/EIR. Therefore, responses to the questions posed regarding that period of time would not inform CDFW's consideration of the potential environmental consequences of the Project. Therefore, the requested responses have not been provided. See Final EIR Section 2.1.1, *Input Received*.

O4-76 Specifics of USFWS's cooperation as a cooperating agency as a cooperating agency in the NEPA process are outside CDFW's purview. Nonetheless, CDFW anticipates that the Corps will address questions relating to USFWS' role in the NEPA process and other NEPA-specific comments in a Final EIS. With that understanding, CDFW provides the following preliminary response for informational purposes.

All public records relating to the USFWS's participation as a Cooperating Agency in the NEPA process are available from the Corps pursuant to the federal Freedom of Information Act request process. As explained in Draft EIS/EIR Section ES.2.3, "Under NEPA, agencies other than the NEPA lead agency that have jurisdiction by law or special expertise with respect to the environmental effects anticipated from the Project may participate in the NEPA process as cooperating agencies (40 CFR §§1501.6, 1508.5.)"

The CEQ, in its response to Question 14a of CEQ's 40 Most Asked Questions about NEPA, provides helpful information: "Cooperating agencies are now required by Section 1501.6 to devote staff resources that were normally primarily used to critique or comment on the Draft EIS after its preparation, much earlier in the NEPA process -- primarily at the scoping and Draft EIS preparation stages. If a cooperating agency determines that its resource limitations preclude any involvement, or the degree of involvement (amount of work) requested by the lead agency, it must so inform the lead agency in writing and submit a copy of this correspondence to the Council. Section 1501.6(c)." Further, in response to Question 14c, the CEQ explains: "Cooperating agencies … must comment on environmental impact statements within their jurisdiction, expertise or authority." USFWS did so here (see Final EIR Section 2.3.1 [Letter AF1]).

CDFW understands that the standard of adequacy for the EIS under NEPA is not whether the document benefitted from interdisciplinary cooperation.

O4-77 See Response O4-76.

O4-78 See Response O4-76. However, CDFW notes that for the proposed restoration of the Ballona Reserve, including necessary modification of Los Angeles County Drainage Area/ federal flood risk management infrastructure, neither the National Oceanic Atmospheric Administration nor the National Parks Service, U.S. Forest Service, or U.S. Environmental Protection Agency has permitting authority over the Project. See Draft EIS/EIR Table 1-1, Summary of Required Permits and Approvals.

O4-79 See General Response 1 (Final EIR Section 2.2.1.1) concerning allegations of conflicts of interest or undue influence. The comment accurately notes that PSOMAS, Group Delta, and Raju and Associates have worked in the immediate area around the Ballona Reserve. See, e.g., Response I23-6. Regarding The Bay Foundation's involvement in the Project, see Draft EIS/EIR Section ES.2.5, which identifies the organization as a Project Proponent. CDFW disagrees with, but acknowledges, the commenter's concern about potential conflicts of interest. This comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O4-80 This statement of concern about the objectivity of public agencies 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*.

O4-81 See Response O4-80. See also Draft EIS/EIR Section ES.2.5, which identifies the Coastal Conservancy as a Project Proponent.

O4-82 See Response O4-80. See also Draft EIS/EIR Section ES.2.1 and Section ES.2.2, which identify CDFW as both a project applicant and the CEQA Lead Agency.

O4-83 See Response O4-80.

O4-84 CDFW acknowledges not only this request to "do more" to address potential vehicle-based wildlife mortality, but also that the comment provides no evidence that the existing analysis is inadequate or inaccurate. See Draft EIS/EIR Section 2.3 and General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which further explains why Alternative 9 (Realignment of Ballona Creek Including Relocation or Raising of Key Roads) and other alternatives that would involve raising portions of Culver and Jefferson Boulevards were not considered in detail in the Draft EIS/EIR.

O4-85 CDFW acknowledges this general statement of concern about the mitigation measures identified in the Draft EIS/EIR. Because this comment does not contain sufficient specificity for CDFW to provide a detailed response, only this general response is provided.

O4-86 Interested agencies and the public would have an opportunity to review public information for the Project, including the lighting plan when it becomes available, by making a request pursuant to the California Public Records Act.

CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by a commenter (see, e.g., 14 CCR §15204). Here, it is not necessary to have a full, final lighting plan prepared and included in order for CDFW to analyze the potential impacts of the Project; instead, it is enough to know that proposed lighting could cause a significant impact and that the implementation of Mitigation Measure AE-4b would reduce that potential significant impact to a less-than-significant level by requiring all exterior lighting to be directed downward and to be focused away from adjacent sensitive uses and habitats. See also Mitigation Measure EC-2b ("Parking garage operators shall turn off unneeded lights in the garage during the daytime in areas where ambient light is sufficient. Lights in emergency exit pathways shall remain on at all times for safety."). The comment does not suggest that the implementation of these specific actions would be insufficient to reduce the potential significant impact.

O4-87 Interested agencies and the public would have an opportunity to review the water pollution and erosion control plan when it becomes available by making a request to CDFW, the RWQCB, or both via the California Public Records Act. It is neither reasonable nor feasible to include the plan in the EIR because its requirements would be tailored to whichever alternative is approved; however, the types of measures to be included in the plan are disclosed in the Draft EIS/EIR (e.g., installation of a 500-foot floating boom and turbidity curtain, removal of floating debris upstream of the boom, sediment mats downstream of the work area, use of geotextile roads/mats, and gravel construction entrances). See, project design feature BIO-4 (Water Pollution and Erosion Control Plan) and project design feature HWQ-1 (Stormwater Management Plan), each described in Draft EIS/EIR Section 2.2.1.8 and summarized in Table 2-2. Also, as mentioned in HWQ-1, the draft stormwater management plan appears in Draft EIS/EIR Appendix B2.

O4-88 Interested agencies and the public would have an opportunity to review the noxious weed control plan that would be required by Mitigation Measure BIO-1b-iii when it becomes available by making a request to CDFW via the California Public Records Act. CDFW also updated Mitigation Measure BIO-1b-iii to clarify that the noxious weed control plan will use the applicable performance criteria from tables 2-12 through 2-20 in the Draft EIS/EIR related to the control of noxious weeds.

O4-89 Interested agencies and the public would have an opportunity to review the odor management plan that would be required by Mitigation Measure AQ-1 when it becomes available by making a request to CDFW via the California Public Records Act. The reference to "Ventana 2010" has been removed for the reasons noted in this comment: briefly, it is an example of what would not be used, not an example of what would be used. Deletions have been made in the summary of impacts and mitigation measures presented in Table ES-1 of the Draft EIS/EIR Executive Summary; in Section 3.3.6.1, where the odor management plan mitigation measure is set forth; and in Section 3.3.8, which is the references section for the Air Quality analysis. Because the odor management plan is intended to limit hydrogen sulfide levels to 20 parts per billion at the site perimeter, this criteria is stricter than the state 1-hour standard of 30 parts per billion, and the comment does not critique the mitigation measure's stated criteria, CDFW is unable to provide a more detailed response regarding effectiveness of the mitigation measure.

The odor problem reported by the Argonaut on October 12, 2016, as "Playa Vista's Big Stink" related to conditions in Freshwater Marsh and riparian corridor, which are located outside the Project Site. These conditions could not have been attributable to the project and do not indicate any deficiency in the EIR.

O4-90 See Response O4-86, which explains generally why all mitigation plans and design features have not been included in the Draft EIS/EIR. As explained in Draft EIS/EIR Section 2.2.2.6, adaptive management is proposed.

O4-91 See Response AS5-62.

O4-92 As explained in Draft EIS/EIR Section ES.3.1 and Section 1.1.1, one of the two primary NEPA purposes of the proposal is (with emphasis added) to "[e]nsure any alteration/modification to the LACDA project components within the Ballona Reserve maintain the authorized LACDA project levels of flood risk management." Flood risk under the No Action/No Project Alternative (Alternative 4) is analyzed in Draft EIS/EIR Section 3.9.6.4, which says: "Under Alternative 4, flood risk would remain the same as under existing conditions. Alternative 4 would not change the existing levees, unlike Alternatives 1, 2, and 3, which would build new levees that would be raised from existing conditions. Therefore, Alternative 4 would have a lower level of flood protection than in the other alternatives. As sea-level rises, the added height of the levees in all of the other alternatives would provide more flood protection than under Alternative 4."

O4-93 See Response O4-68, Response O4-69, and Response O4-92. CDFW acknowledges the request for "more detail" but notes that there is no suggestion in this comment that the level of detail provided precludes a reasonable good faith disclosure of the potential environmental impacts of the Project. Questions about whether or not a specific proposed feature is "necessary" are beyond the scope of the EIR, which analyzes the potential impacts of the Project as a whole.

O4-94 See Response O4-87. See also Draft EIS/EIR Appendix B5, *Preliminary Operations and Maintenance Plan*, regarding the proposed treatment of trash and other pollutants. Regarding the commenter's concern that trash would enter the restored Project Site from upstream locations, Section 3.9.2.2 of the Draft EIS/EIR states that the TMDL WLA goals for trash is zero with phased reductions of trash to occur over a period of 10 years. Moreover, maintenance of the existing trash boom system (or trash net) would continue. Because trash is coming from upstream of the Project Site, any restoration is unlikely to affect the quantity or type of trash being transported from upstream locations. See also the analysis of Impact 1-WQ-1b in Section 3.9.6.1, which states that "contaminated water and sediment from the watershed could, unless mitigated, be transported into the restored marsh resulting in areas of accumulated contaminated sediments and potential exceedance of water quality limits set forth by the Ballona Creek TMDL."

O4-95 The conditions of access to the Ballona Reserve under existing (baseline) conditions do not inform CDFW's analysis of the potential impacts of the Project. The Draft EIS/EIR has not been revised to include the requested information. As noted in responses to other comments in this letter, all public records about the Project, including correspondence, are accessible for review. It need not be included in the EIR itself.

See Response O4-3 regarding access to the Ballona Reserve. Furthermore, CEQA does not contain any requirement that a lead agency grant site access during the public comment period following release of a draft document for agency and public review. That CDFW declined to do so here does not bear on the adequacy or accuracy of the EIR. To emphasize, all agencies and members of the public had the same opportunity to ask questions and share perspectives on the Project as part of the CEQA process. See Draft EIS/EIR Section 1.9, regarding circulation of and access to the analysis as well as how to submit comments. See also Final EIR Section 2.1 and General Response 8 (Final EIR Section 2.2.8.1) about agency and public review of the Draft EIS/EIR, including the public meeting and extensions of the comment period.

O4-96 Neither The Bay Foundation nor Karina Johnston nor Tom Ford is a Lead Agency for the Project or has any decision-making authority regarding which if any of the alternatives is to be approved, or whether other necessary permits or funding would be authorized. See Draft EIS/EIR Section ES.2.5, which identifies The Bay Foundation as a Project Proponent. That they may have a position regarding the

proposed restoration does not reflect on the adequacy or accuracy of the EIR. That others may form opinions about one or another of the alternatives also does not reflect on the adequacy or accuracy of the EIR. Indeed, as explained in Final EIR Section 2.1.1, *Input Received*, mere expressions of favor or disfavor for an alternative or aspect of the Project are not substantive comments that are relevant to the CEQA process. Nonetheless, opinions submitted during the public review period (and this comment) are now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-97 "Newsletters" are beyond the scope of the EIR and do not bear on the adequacy or accuracy of the analysis under CEQA. Accordingly, the Draft EIS/EIR has not been revised to include or discuss them.

O4-98 Website "infographics" and the commenter's perception of other organizations' "marketing materials" are beyond the scope of the EIR and do not bear on the adequacy or accuracy of the analysis under CEQA. See Response O4-12. Regarding baseline biological resource conditions with the Ballona Reserve, see, e.g., Draft EIS/EIR Section 3.4 and Appendix D. Regarding hydrology, see Draft EIS/EIR Section 3.9 and Appendix F. There is not suggestion in this comment that the analysis is deficient in any way. Accordingly, the Draft EIS/EIR has not been revised in response to this comment.

O4-99 See Response O4-7, Response O4-10. Because the 2005 Interim Stewardship and Access Management Plan referenced in this comment is not part of the Project or another of the restoration alternatives, CDFW declines the invitation to revise the Draft EIS/EIR to include it as an appendix. Nonetheless, CDFW notes that the commenter has provided a copy of the plan in Comment O4-198.

CDFW acknowledges that the commenter would prefer a different approach to restoration of the Ballona Reserve than the ones reflected in the Project or Alternatives 2 and 3; however, this comment provides no evidence or other information suggesting that the suite of alternatives considered in the Draft EIS/EIR are somehow deficient under CEQA. Nonetheless, this comment, is part of the record of information that will be considered as part of CDFW's decision-making process.

O4-100 The 2007 Early Action Plan is not part of the Project or another restoration alternative; therefore, the Draft EIS/EIR has not been revised to include it or to provide an accounting of any funds associated with it. See Final EIR Section 2.1.1, *Input Received*.

O4-101 CDFW acknowledges that the priority expressed in this comment is appropriately placed: proposed public access and visitor amenities are a secondary focus of the Project and other restoration alternatives. See CEQA Project Objective 4 (Draft EIS/EIR Section 1.1.2), which is to "Develop and enhance wildlife dependent uses and secondary compatible on-site public access for recreation and educational activities." Questions of funding for public access improvements or other elements of

the proposed action or other alternatives are beyond the scope of the EIR, which focuses on the analysis of potential environmental consequences of the Project and alternatives.

O4-102 Draft EIS/EIR Section 3.11.6.1, under the heading "Direct Impacts" and subheading "Pedestrian Trails," explains that "under existing conditions, pedestrian paths in West Area B are only accessible by CDFW staff and through pre-arranged guided tours and restoration activities. During restoration activities, CDFW would be able to access these trails; however, use of this area by the Friends of Ballona Wetlands and the Los Angeles Audubon Society would be limited and/or confined to the westernmost trails in West Area B. Closure of this area would disrupt existing tours and restoration activities conducted by these organizations. However, since the Ballona Reserve is not open to the public and CDFW only allows these tours and restoration activities on a pre-arranged, pre-approved basis, closure of this site is within CDFW's discretion. The proposed restoration activities would occur separately within Areas A, B, and C and sequentially over 4 years of active construction activities. During this period, it is likely that tours and activities by these organizations could be disrupted on some level. Once restoration is complete, a larger area of the Ballona Reserve would be accessible to these organizations and opened to the public. Thus, while these passive uses would be temporarily displaced during the restoration phase, this displacement would be short term and would result in an overall greater use of the Ballona Reserve, which would be a long-term beneficial effect." Because this discussion (including the words "disrupt," "disrupted," and "displaced") is clear, the Draft EIS/EIR has not been revised in response to this comment.

O4-103 Draft EIS/EIR Section 2.2.2.3 explains that all three of the primary entrances and that some, but not all of the 16 secondary entrances proposed as part of the Project would comply with ADA Standards for Accessible Design relating to path of travel. Draft EIS/EIR Figure 2-19, noted in this comment, shows what a typical primary entrance might look like. The commenter's perception of the steepness of the ramp and appropriateness of the location of the entrance shown in Draft EIS/EIR Figure 2-19 is part of the record of information that will be considered as part of CDFW's decision-making process.

O4-104 The stated CDFW staffing and funding considerations are beyond the scope of the EIR, which analyzes potential environmental consequences of the Project and alternatives, including the number and location of parking spaces and related traffic to and from the Ballona Reserve. Nevertheless, it is expected that the Ballona Reserve would have one full-time land manager (Senior Environmental Specialist), one Environmental Scientist and up to 3-4 scientific aids assisting with management and monitoring activities; a Senior Environmental Scientist (Supervisory) would also have direct oversight of the Ballona Reserve. Wildlife officers also are assigned to the area that includes the Reserve. This level of staffing is consistent with other existing CDFW coastal ecological reserves in southern California, such as Bolsa Chica, Goleta Slough and Batiquitos Lagoon.

O4-105 See Response AS5-51, Response AS5-57, and Response AS5-62 regarding soil disposal options.

O4-106 See Response O4-105. Neither this comment nor the proceeding one contains any evidence that the existing analysis of potential disposal options is inadequate under CEQA; accordingly, the Draft EIS/EIR has not been revised in response to this comment.

O4-107 Specifics of the Section 404(b)(1) requirements for the evaluation of alternatives are outside CDFW's purview. Nonetheless, CDFW anticipates that the Corps will address questions relating to the Section 404 process and other NEPA-specific comments in a Final EIS. With that understanding, CDFW provides the following as a preliminary response for informational purposes.

See Draft EIS/EIR Section 2.1.1, *NEPA and Clean Water Act Section 404(b)(1) Requirements for the Evaluation of Alternatives*. See also Section 2.1.3, which describes the screening criteria relative to which potential alternatives were evaluated to determine whether they should be carried forward into the Draft EIS/EIR for detailed consideration, and Section 2.1.4, *Evaluation of Alternatives to the Proposed Action*. While CDFW acknowledges that the commenter may prefer to see more in this regard, this comment provides no evidence that the 13 pages of discussion and analysis is inadequate under NEPA or the Clean Water Act.

Contrary to this comment, the Draft EIS/EIR does evaluate alternatives that would reduce or eliminate impacts to wetlands and non-wetland waters, including special aquatic sites, such as Alternative 3 presented in Section 2.2.4, *Alternative 3: Levee Culverts and Oxbow*, and shown in Figure 2-52, Alternative 3: Proposed Habitats; Alternative 5 shown in Figure 2-55, Alternative 5: Enhancing Existing Habitat with Minimal Grading, and discussed in Section 2.3.1, *Alternative 5: Enhance Existing Habitat with Minimal Grading*; and Alternative 6 shown in Figure 2-56, Alternative 6: Tidal Wetland Restoration, and discussed in Section 2.3.2, *Alternative 6: Smaller Area Tidal Wetland Restoration*. See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses multiple comments received regarding the suite of alternatives analyzed in the Draft EIS/EIR.

O4-108 See Response O4-49 regarding uncertainties and the provision of reasonable forecasts in the Draft EIS/EIR. CEQA does not require perfection. Rather, CEQA requires a reasonable, good faith disclosure of the potential environmental impacts of a proposal and alternatives.

CEQA requires "significant new information" before recirculation is triggered. The mere passage of time, without more, does not constitute significant new information because there is no evidence that a new significant impact or a more severe significant impact would result from the extension. The California Supreme Court has emphasized that the "Legislature did not intend to promote endless rounds of revision and recirculation of EIR's" and has cautioned that "rules regulating the protection of

the environment must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development and advancement." *Laurel Heights Improvement Association v. Regents of University of California* (1993) 6 Cal. 4th 1112, 1132, as modified on denial of rehearing (Feb. 24, 1994). Here, balancing meaningful public participation with the federal and state interest in streamlining environmental review processes, CDFW has decided not to refine the projected timelines.

O4-109 CDFW acknowledges the commenter's disagreement with the methodology and conclusions in the Draft EIS/EIR's analysis of potential traffic impacts. Specifically, CDFW acknowledges the commenter's preference that the Draft EIS/EIR not rely on commonly accepted, assumptions published in the ITE Trip Generation Manual in the absence of ecological reserve-specific assumptions. The comment is correct that parks are likely to generate more trips than an ecological reserve. However, there is no specific classification in the manual for an ecological reserve. Because the types of use are roughly comparable, using the ITE classification's higher trip estimates for state park results in a reasonably conservative evaluation of impacts for the proposed reserve restoration project.

The existing trips noted in this comment have been factored into the analysis as part of the existing (baseline) condition. In addition, and contrary to this comment, the Draft EIS/EIR does analyze the estimated number of additional trips that would be generated by restoration at Ballona Reserve. Draft EIS/EIR Section 3.12.6.1, in the context of Impact 1-TRANS-1b under the heading "Trip Generation," describes that "[u]tilizing the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, the trip generation associated with Alternative 1's post-restoration increased visitorship to the Ballona Reserve was determined. As shown in Table 3.12-7, Estimated Weekday Vehicle Trip Generation Associated with Post-Restoration Increased Visitorship to the Ballona Reserve – Alternative 1, Alternative 1 would generate approximately 378 daily trips, of which 12 trips would occur during the morning peak hour and 52 trips during the evening peak hour." The suggested disagreement with the methodology used and conclusions reached do not demonstrate that either the methodology of the analysis is inadequate under CEQA. Accordingly, the Draft EIS/EIR has not been revised in response to this comment.

O4-110 Appendix B, *Existing Traffic Counts*, of Draft EIS/EIR Appendix H identifies the AM peak hour as extending from 7:00-9:45 AM and the PM peak hour as extending from 3:00-5:45 PM. The comment suggests that the commenter would have made different assumptions regarding daily trips, but provides no evidence that the ones relied upon in the EIR are inaccurate or misleading, and that the commenter would prefer greater specificity that the analysis provides. However, there is no indication seasonal variations would alter the conclusions reached in any meaningful way. Ultimately, the commenter appears to suggest an alternative method to conduct the analysis but does not specify any particular deficiency in the analysis that was conducted.

Draft EIS/EIR Appendix H is but one source of information relied on in the analysis of direct, indirect, and cumulative impacts of the proposed restoration. See, e.g., Section 3.12.8, which identifies references relied upon in Section 3.12, including Southern California Association of Governments' Regional Transportation Plan, which considers projected conditions through 2035. Adequacy of the EIR will be evaluated on the record as a whole, including information provided in the main record of the document. The comment accurately notes that the Draft EIS/EIR considers the planned development of Fiji Way as part of the cumulative scenario. See Draft EIS/EIR Section 3.1.4, *Cumulative Scenario*, and Section 3.12.7, which contains the cumulative impacts analysis specifically for Transportation and Traffic. CDFW acknowledges, but disagrees with the commenter's perception of the purpose of the proposed parking in Area A; nonetheless, the cumulative impacts analysis for traffic properly takes into consideration the incremental impacts of past, present and reasonably foreseeable future projects.

O4-111 Because the analysis in the Draft EIS/EIR properly is focused on Project-caused changes to the environment relative to existing (baseline) conditions, CDFW has not supplemented the Draft EIS/EIR to provide additional detail about the history of the Fiji Ditch because this additional data would not affect the analysis of impacts or the conclusions reached. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

The commenter's interest in the consideration of a new alternative also is acknowledged. However, this comment provides no evidence that the existing analysis of alternatives is inadequate or that it otherwise fails to satisfy the requirements of CEQA. See General Response 3, *Alternatives* (Final EIR Section 2.2.3), which addresses multiple comments relating to the alternaitves analysis.

O4-112 Draft EIS/EIR Section 3.5.8, which identifies the references relied upon in the cultural resources analysis, identifies the reference in full: "Bever, Michael R. and Karolina A. Chmiel, 2011. Draft Archaeological Survey Report for the Ballona Wetlands Ecological Reserve Restoration Project, City of Los Angeles, Los Angeles County, California. Prepared for the California State Department of Fish and Game and the California State Coastal Conservancy. ICF International. San Diego, California."

Under CEQA and other existing laws, environmental documents must not include information about the location of an archeological site or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (14 CCR §15120(d)). Sacred places and records of Native American places, features, and objects also are exempt from disclosure (Public Resources Code §§5097.9, 5097.993). CDFW takes very seriously its obligation and commitment to protect sensitive cultural resources-related and tribal cultural resources-related information

from public disclosure. Bever and Chmiel 2011 contains such information; therefore, CDFW has precluded general access to it.

O4-113 Draft EIS/EIR Section 3.5.8, which identifies the references relied upon in the cultural resources analysis, identifies the reference in full: "Lockwood, Christopher, 2015. Ballona Wetlands Ecological Reserve Wetlands Restoration Project: Geoarchaeological Review. Prepared for the California State Coastal Conservancy." This Lockwood report was protected from disclosure for the reasons explained in Response O4-112. See also Response O2-128 regarding fill.

O4-114 The Draft EIS/EIR analyzes Project-caused changes to the environment relative to existing (baseline) conditions, which include the existence and use of the baseball fields within the Ballona Reserve. According to regulations governing uses within the Ballona Reserve (14 CCR §630), "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." Any lease discussions with the league are separate from and independent of the Project, and beyond the scope of the EIR.

Nonetheless, as noted in the comment, the Draft EIS/EIR does analyze scenarios that keep or remove the existing ballfields. The request for more detail is acknowledged; however, because the comment provides no evidence that the existing analysis is inadequate or inaccurate, CDFW declines to supplement it as requested.

In addition, the factors that would be considered include (but are not limited to) funding, timing, demand and need for space to implement the restoration program components (including soil storage, upland restoration and public access). Potential environmental justice impacts relating to wheteher the alternatives would result in a "disproportionately high and adverse" impact on the identified minority or low-income communities is provided in Draft EIS/EIR Section 3.14. The request for "more realistic estimates" of bus usage by potentially affected people is acknowledged; however, the analysis has not been revised. As noted in Response O4-108, CEQA does not require perfection. Rather, it requires a reasonable, good faith disclosure of the potential environmental impacts of a project and alternatives. Here CDFW believes the infomration provided satisfies these requirements.

O4-115 All reference materials relied upon in the Draft EIS/EIR were available for public review from the time the Draft EIS/EIR was issued. They were available for inspection during normal business hours at the following locations: CDFW Los Alamitos office (located at 4665 Lampson Avenue, Los Alamitos, CA 90720); CDFW's the regional office (located at 3883 Ruffin Road, San Diego, CA 92123); and, as indicated in Draft EIS/EIR Section 1.9, the California State Coastal Conservancy's office in Oakland, the Los Angeles Public Library's Playa Vista Branch, County of Los Angeles Public Library in Marina del Rey, and the Los Angeles Public Library's Westchester-Loyola Village Branch. Additional posting

online was a courtesy extended for the convenience of reviewers and was not required. Regarding the duration of public review, see General Response 8 (Final EIR Section 2.2.8.1), which explains CDFW's decision not to further extend the comment period beyond 133 days. Regarding requests for disclosure of confidential cultural reports, see Response O4-12.

O4-116 Draft EIS/EIR Section 3.1.4 explains how the cumulative scenario was developed and which past, present, and reasonably foreseeable future projects were included as of the baseline time frame described in Draft EIS/EIR Section 1.8.5. CDFW understands that the referenced project would require a general plan amendment to change the zoning from light industrial to residential, which was not initiated by the City of Los Angeles at the time the Draft EIS/EIR was circulated for review; therefore, it was considered speculative under CEQA.

O4-117 As explained in Draft EIS/EIR Section 3.6.6.1, the analysis discloses corrosive soils are present in Area A and may be present in Area B, and that if present, could degrade and damage unprotected steel and concrete. The parking structure is proposed in an area that is potentially susceptible to corrosion. The implementation of Mitigation Measure GEO-4 would reduce the potential for a significant impact to result by managing levels of corrosivity in accordance with recommendations of a qualified geotechnical engineer or corrosion engineer and would require the use of Type II cement for all concrete and steel foundation work to further reduce the potential for degradation of concrete through corrosion.

CDFW acknowledges the commenter's unsupported opinion that Mitigation Measure GEO-4 is insufficient; however, without some indication of why, CDFW does not have enough information to provide a detailed response. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

As noted in Response O4-108, CEQA does not require perfection. Rather, CEQA requires a reasonable, good faith disclosure of the potential environmental impacts of a project and alternatives. Here, CDFW believes the information provided satisfies these requirements without the requested preparation of "complete test results" in advance of any decision as to whether to approve the Porject or an alternative.

O4-118 The stated preference to color code the figures across the Draft EIS/EIR and to standardize references to habitat types is acknowledged, but has not been accomplished in the Final EIR because it would not further inform CDFW's consideration of the potential impacts of the Project or alternatives. See Final EIR Section 2.1.1, *Input Received*.

O4-119 To be clear, Draft EIS/EIR Figure 3.5-1, Area of Potential Effects (APE), shows the area within which the Project or an alternative could have a direct or indirect adverse impact on cultural resources. To provide a reasonably conservative analysis (i.e., to provide the maximum reasonable protection), the Draft EIS/EIR considered the

largest reasonable APE for all alternatives. Furthermore, although no specific examples were given regarding instances in which alternative-specific figures would have aided the commenter's understanding, CDFW notes that the Draft EIS/EIR is clear that Alternative 2 is substantially the same as Alternative 1 Phase 1. Therefore, it would neither aid understanding or be an economical use of state monies to provide the same figure twice, changing only the label. CDFW believes this to have been a reasonable accommodation. Absent any specific request for clarification, CDFW does not have enough information to provide a more detailed response.

O4-120 The Draft EIS/EIR is clear that the visitor education center proposal was suspended and as a result is not included in this Draft EIS/EIR. See, e.g., Section 1.5.3. References to the visitor center in previously prepared appendices to the Draft EIS/EIR should be ignored. The commenter appears to be clear on this point, and no comments were received expressing confusion in this regard.

O4-121 The Draft EIS/EIR contains site-specific, Project-specific reports in the appendices that provide greater or more technical detail about the proposal or specific aspects of the environment. The Draft EIS/EIR relies on information provided in the technical appendices as cited in the body of the document. All materials are dated. In evaluating the Draft EIS/EIR, reviewers should consider information provided in the appendices to the extent it is cited or relied upon in the main body of the Draft EIS/EIR. CEQA does not require endless rounds of revision. Because there is no requirement that all reference materials or appendices bear the same date as the Draft EIS/EIR itself, CDFW has not updated them as requested in this comment.

O4-122 Contrary to suggestion in this comment, the term "adaptive management" is not a euphemism for deferral of studies. Rather, as described in Draft EIS/EIR Section 2.2.1.6, "[t]he 10-year monitoring program would evaluate the progress toward achieving restoration goals and inform the need for adaptive management during the lifespan of the restoration. Performance criteria would be open to revision based on improvements in understanding of habitat development or species requirements, including lessons learned from the restoration or other similar restoration projects being conducted in the area."

Moreover, as described in Draft EIS/EIR Section 2.2.2.6, "[s]uccessful adaptive management would require initial monitoring to identify and correct any problems in the restoration design. Consistent with the U.S. Department of Interior Technical Guide for Adaptive Management (2009), an adaptive management plan would be prepared prior to project implementation (and based on Appendix B3) to track restoration success relative to performance criteria and determine when criteria have been met and the restoration would proceed to its next phase. … [t]riggers for any remedial adaptive management actions would be based on significant deviation from or a lack of progress toward achieving the performance criteria outlined for each monitoring parameter coupled with an evaluation of the trajectories of habitat development or directions of change." Initial performance criteria for restoration at

the Ballona Reserve are identified in Draft EIS/EIR Table 2-12, Tidal Marsh Performance Criteria; Table 2-13, Tidal Channel Performance Criteria; Table 2-14, Mudflat Performance Criteria; Table 2-15, Brackish Marsh Performance Criteria; Table 2-16, Seasonal Wetland Performance Criteria; Table 2-17, Salt Pan Performance Criteria; Table 2-18, Riparian Habitat Performance Criteria; Table 2-19, Dune Performance Criteria; and Table 2-20, Upland Scrub and Grassland Performance Criteria. Draft EIS/EIR Appendix B3, *Conceptual Habitat Restoration and Adaptive Management Plan*, further describes adaptive management for restoration at the Ballona Reserve. See, e.g., Section 4.1.2 in Draft EIS/EIR Appendix B3, which identifies the monitoring parameters, performance goals, and adaptive management triggers that are incorporated into the Draft EIS/EIR.

The suggestion that observations and recommendations from the Bay Delta Plan Review be incorporated into the Project is acknowledged, but has not been accomplished because it would not further inform CDFW's consideration of the potential impacts of the proposed restoration. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-123 As explained in Draft EIS/EIR Appendix B1, "The proposed [meander-shaped] channel alignment is designed to replicate a more natural channel form and support the desired habitat, vegetation, and wildlife species. The channel alignment is also intended to avoid cultural resource areas identified by Tongva tribal representatives and cultural resource studies." The environmental impacts and benefits of this design are analyzed on a resource by resource basis throughout Draft EIS/EIR Chapter 3. Regarding the potential environmental consequences for biological resources, for example, see Draft EIS/EIR Section 3.4. The level of specificity requested in this comment regarding individual species has not been provided because it would not meaningfully improve CDFW's understanding of the environmental consequences of the Project and alternatives as required by CEQA.

O4-124 A qualified biologist is one that is approved by CDFW and for purposes of this EIR means a biologist that is knowledgeable and experienced in the biology and natural history of local fish and wildlife resources present at the Project Site and who shall be responsible for monitoring at specifically designated locations and conducting other project activities, such as biological surveys and monitoring. CDFW will evaluate the name, qualifications, business address, and contact information for the biologist.

O4-125 Neither Playa Capital LLC nor Friends of Ballona Wetlands is a Project applicant (Draft EIS/EIR Section ES.2.1); a NEPA or CEQA lead agency (Draft EIS/EIR Section ES.2.2); a cooperating, responsible, or trustee agency (Draft EIS/EIR Section ES.2.4); a Project proponent (Draft EIS/EIR Section ES.2.5); or in any other way a party to the proposed restoration of the Ballona Wetlands. Any legal settlement between Playa Capital LLC and the Friends of Ballona Wetlands is beyond the scope of the EIR. Neither the Ballona Wetlands Conservancy nor Friends of Ballona

Wetlands has any formal role with respect to the Project. See Final EIR Section 2.1.1, *Input Received*. To the extent the comment implies some sort of conflict or undue influence by Playa Capital LLC or Friends of Ballona Wetlands, see General Response 1 (Final EIR Section 2.2.1.1).

O4-126 A list of participants in the Draft EIS/EIR review process is provided in alphabetical order by last name in the Final EIR Appendix B. The LAHSA did not submit a letter or make an oral comment at the public meeting. See Response I37-3 regarding law enforcement activities within the Ballona Reserve, including work to address homeless encampments within the Reserve under existing (baseline) conditions. CDFW currently works with LAHSA, and other entities that provide homeless services, when removing homeless encampments or when CDFW is otherwise interacting with individuals who are homeless and residing in the Ballona Reserve. However, a formal protocol for work between CDFW and LAHSA does not exist. Further, such a protocol has not been developed for inclusion in the Draft EIS/EIR because it would not provide greater insight as to potential environmental consequences of the proposed restoration within the Ballona Reserve.

O4-127 Alternative 4 is the No Federal Action/No Project Alternative. The summary in Draft EIS/EIR Table 2-1c of what would occur under the various alternatives is intended to show what would occur with and without the Project. The summary in Table 2-1c merely highlights differences among the alternatives – it is not intended to be comprehensive. See Draft EIS/EIR Section 2.2.2.7, which describes CDFW's proposed efforts to continue addressing such issues as part of the Project. See also Draft EIS/EIR Appendix B5, *Preliminary Operations and Maintenance Plan*, which describes activities taken to discourage illegal camping and other illegal trespasser activity, coordination with other agencies to address illegal or dangerous activities and to enforce regulations that prohibit unauthorized uses. Response I37-3 provides additional details regarding law enforcement activities within the Ballona Reserve, including work to address homeless encampments within the Reserve under existing (baseline) conditions.

O4-128 See Response I37-3 and Response O4-127 regarding law enforcement activities and coordination. Existing security features are considered in the Draft EIS/EIR as part of the existing (baseline) condition. Proposed features, including entrances, gates, lighting, and public access restrictions are described on an alternative-by-alternative basis in Chapter 2.

O4-129 The timing of CDFW's response to the 2010 audit is beyond the scope of the EIR. Nonetheless, see Draft EIS/EIR Appendix B5, *Preliminary Operations and Maintenance Plan*, which describes operations and maintenance activities that would be implemented under the various restoration alternatives.

O4-130 That the commenter may prefer a different focus for restoration, i.e., the acquisition of new land rather than the restoration of existing land, is acknowledged. This

approach was considered in the Draft EIS/EIR. See Draft EIS/EIR Sections 2.3.7 and 2.3.8 (regarding Alternatives 11 and 12, respectively) and General Response 3 (Final EIR Section 2.2.3.3), which addresses these and other alternatives that were initially considered, but not carried forward for more detailed review.

O4-131 The commenter's statement of caution concerning the receipt of "cut and paste" comments 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*. It is worth noting that CDFW received "cut and paste" comments from both supporters and detractors of the alternatives analyzed in the Draft EIS/EIR.

O4-132 Questions of funding, staffing, agency internal decision-making are beyond the scope of the EIR, which focuses on the proposed restoration of the Ballona Reserve. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O4-133 That the commenter takes issue with CDFW's consideration of input published by Dr. Kay is acknowledged. However, CDFW has considered all input provided by participants in the environmental review process, including other published materials. See, e.g., Response O4-38 regarding CDFW's review of the article by Dr. Longcore published by the Los Angeles Audubon Society. The relative weight to be accorded any individual piece of evidence is a matter of the decision-makers discretion. That reasonable minds may reach a different decision based on the same record of information is not, without more, demonstrative of an inadequacy in the EIR.

O4-134 CDFW shares the commenter's preference for a sufficient level of funding to enhance the proposed monitoring effort. Nonetheless, the resource agency and other subject matter experts have determined that the proposed level of monitoring would be sufficient. This comment, although preferring more, provides no evidence that the proposed level of monitoring would be inadequate.

O4-135 Contractors have not been selected to implement the proposed restoration. It would be premature to do so before it is known whether the Project or a different alternative (including the No Federal Action/No Project Alternative) is authorized by all necessary permitting entities (see Draft EIS/EIR Table 1-1, Summary of Required Permits and Approvals). In any event, contractor selection is beyond the scope of the EIR, which focuses on the environmental consequences of the proposed restoration.

O4-136 Draft EIS/EIR Section 3.7 discusses and analyzes potential direct, indirect and cumulative impacts involving GHG emissions and carbon sequestration. See Draft EIS/EIR Section 3.7.6 for an analysis of direct and indirect impacts, and Section 3.7.7 regarding cumulative impacts. Tables 3.7-4, 3.7-5, 3.7-7, 3.7-8, 3.7-10, and 3.7-11 provide specific, quantified data about GHG emissions associated with each of the alternatives. Regarding carbon sequestration, see specifically Sections 3.7.6.1 and 3.7.6.2. It is not clear from the comment where additional specificity is being

suggested. Given the level of specificity provided in the Draft EIS/EIR and the lack of precision in the comment, CDFW does not have sufficient information to provide a more detailed response.

O4-137 Agency roles and responsibilities with respect to the Project are explained in Draft EIS/EIR Section ES.2 and Section 1.4. The Draft EIS/EIR title page identifies and provides contact information for Daniel Swenson, Regulatory Division, as the Corps' primary point of contact for NEPA purposes. This has been updated in the Final EIR to reflect that Aaron Allen since has assumed this responsibility. The title page in the Draft EIS/EIR and the Final EIR identify and provide contact information for R.C. Brody, Land Manager at the Ballona Reserve, as CDFW's primary point of contact for CEQA purposes. See Draft EIS/EIR Section 1.9 and Final EIR Section 1.4 regarding the public involvement in the environmental review process. All public information included in the formal record, including information about the schedule, is available for public review upon request pursuant to the federal Freedom of Information Act and the California Public Records Act, and need not be included in the Draft EIS/EIR itself.

O4-138 Document formatting recommendations are acknowledged, but have not been implemented because the effort would not substantively advance CDFW's consideration of the potential impacts of the proposed restoration. Nonetheless, the recommendations in this comment 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*.

O4-139 See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received regarding requests for recirculation.

O4-140 Receipt of what appears to be an undated presentation of The Bay Foundation regarding the Ballona Wetlands Ecological Reserve is acknowledged. Without a specific question or request, though, the comment does not provide CDFW with enough information to provide a detailed response. Nonetheless, the presentation is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-141 Receipt of this July 10, 2007, letter from the Bay Restoration Commission is acknowledged. To the extent that the commenter included the letter in reference to a specific comment above, see the response to that comment. Nevertheless, the 2007 letter does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the letter is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-142 Receipt of this September 20, 2005, *Federal Register* notice is acknowledged. See Final EIR Section 2.1.1, *Input Received*. The letter is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-143 Receipt of this July 12, 2007, letter from the Bay Restoration Commission is acknowledged. To the extent that the commenter included the letter in reference to a specific comment above, see the response to that comment. Nevertheless, the 2007 letter does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the letter is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-144 Receipt of this July 23, 2014, email correspondence from the Los Angeles County Department of Beaches and Harbors regarding the proposed parking structure and bike path is acknowledged. The fact that the information it provides is consistent with information provided in Draft EIS/EIR Chapter 2 also is acknowledged.

O4-145 Receipt of parking structure elevation and related figures and email correspondence is acknowledged. The figures provided are consistent with Draft EIS/EIR Figure 2-20 and Figure 2-21. Receipt of the preliminary grading plan also is acknowledged. See figures provided in Draft EIS/EIR Chapter 2 for the grading plans associated with each of the alternatives analyzed in detail. Receipt of email correspondence regarding Ms. McPherson's Public Records Act requests and the February 1, 2013, comments on Submittal A also are acknowledged.

O4-146 Receipt of this March 10, 2011, email correspondence regarding Area A parking lots is acknowledged. To the extent that the commenter included the email in reference to a specific comment above, see the response to that comment. Nevertheless, the 2011 email does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the email is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-147 Receipt of this April 16, 2011, email correspondence regarding Area A parking lots is acknowledged. See Response O4-146.

O4-148 Receipt of this April 13, 2004, memo regarding the Coastal Conservancy's proposed approach for planning the restoration and enhancement of the Ballona Reserve is acknowledged. To the extent that the commenter included the memo in reference to a specific comment above, see the response to that comment. Nevertheless, the 2004 memo does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the memo is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-149 Receipt of the August 18, 2014, Coastal Conservancy letter is acknowledged. However, it does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the letter is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-150 Receipt of this August 11, 2010, letter regarding collaboration among the Coastal Conservancy, CDFW, and the Santa Monica Bay Restoration Commission is acknowledged. However, since it does not comment on the adequacy or accuracy of

the EIR, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*.

O4-151 Receipt of this copy of the Memorandum of Understanding between CDFW, the Coastal Conservancy, and the Santa Monica Bay Restoration Commission is acknowledged. However, because it does not comment on the adequacy or accuracy of the EIR, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*.

O4-152 Receipt of this excerpt from the January 14, 2014, Los Angeles County Board of Supervisors meeting is acknowledged. However, since it does not comment on the adequacy or accuracy of the EIR, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the excerpt is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-153 Receipt of this March 1, 2016, Superior Court Order and related materials in *The Ballona Wetlands Land Trust v. Santa Monica Bay Foundation* is acknowledged. However, since it does not comment on the adequacy or accuracy of the EIR, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*.

O4-154 Receipt of this email with meeting notes taken by Josh Svensson is acknowledged. However, since it does not comment on the adequacy or accuracy of the EIR, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the notes are now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-155 Receipt of this January 26, 2012, letter from the Bay Restoration Commission regarding the draft Ballona Creek TMDL is acknowledged. Regarding the TMDL, see Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*. For comments from and responses to the Los Angeles Regional Water Quality Control Board regarding the TMDL, see Final EIR Section 2.3.3 (Letter AL9). To the extent that the commenter included the letter in reference to a specific comment above, see the response to that comment. Nevertheless, the 2012 letter is not about the Project and it does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the letter is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-156 Receipt of this February 7, 2012, email regarding a meeting at the Annenberg Foundation is acknowledged. See Draft EIS/EIR Section 1.5.3 and Response O4-60 regarding the abandonment of the visitor center proposal.

O4-157 Receipt of this July 17, 2012, letter from the Bay Restoration Commission is acknowledged. To the extent that the commenter included the letter in reference to a specific comment above, see the response to that comment. Nevertheless, the 2012 letter is not about the Project and does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the letter is now

part of the record of information that will be considered as part of CDFW's decision-making process.

O4-158 Receipt of this October 2012 email exchange regarding a draft MOU is acknowledged. See Response O4-151.

O4-159 Receipt of this copy of Coastal Conservancy Agreement No. 12-107 is acknowledged. To the extent that the commenter included the Agreement in reference to a specific comment above, see the response to that comment. Nevertheless, the Agreement does not discuss the potential environmental consequences of the Project and does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.

O4-160 Receipt of this May 14, 2014, letter terminating Coastal Conservancy Agreement No. 12-107 is acknowledged. To the extent that the commenter included the letter in reference to a specific comment above, see the response to that comment. Nevertheless, the 2014 letter is not about the Project and the letter does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.

O4-161 Receipt of this March 30, 2015, letter from the Bay Restoration Commission regarding Malibu Lagoon is acknowledged. However, since it does not discuss the EIR, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*.

O4-162 Receipt of this July 11, 2013, email regarding drains within the Ballona Reserve is acknowledged. See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.

O4-163 Receipt of this May 3, 1990, copy of the Articles of Incorporation of the Santa Monica Bay Restoration Foundation is acknowledged. To the extent that the commenter included the Articles of Incorporation in reference to a specific comment above, see the response to that comment. Nevertheless, the Articles of Incorporation are not about the Project and do not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.

O4-164 Receipt of this January 7, 2005, letter from Playa Capital LLC regarding a proposal to designate portions of the Ballona Wetlands as an ecological reserve is acknowledged. To the extent that the commenter included the letter in reference to a specific comment above, see the response to that comment. Nevertheless, the 2005 letter is not about the Project and the letter does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*. Without any indication of suggested relevance to CDFW's environmental review process for this Project, a detailed response is not provided.

O4-165 Receipt of this May 21, 2012, letter from Loyola Marymount University supporting a visitor center is acknowledged. See Draft EIS/EIR Section 1.5.3 and Response O4-60 regarding the abandonment of the visitor center proposal.

O4-166 Receipt of this June 2014 email exchange regarding Submittal A is acknowledged. See Response O4-145, acknowledging other information received regarding Submittal A. However, since this communication is about details of the Corps' permitting process and not about the EIR, a detailed response is not provided.

O4-167 Receipt of this public outreach material from the Steering Committee of the Wetlands Restoration Principles Coalition is acknowledged. For input provided by (and responses provided to) the Wetlands Restoration Principles Coalition, see Final EIR Section 2.3.6 (Letter O28).

O4-168 Receipt of this November 2007 draft Early Action Plan is acknowledged. To the extent that the commenter included the Plan in reference to a specific comment above, see the response to that comment. Nevertheless, since the 2007 Plan is not about the Project or any of the alternatives described in Draft EIS/EIR Chapter 2, a detailed response is not provided. Nonetheless, the Plan is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-169 Receipt of this June 5, 2008, Coastal Conservancy staff recommendation regarding the Early Action Plan is acknowledged. See Response O4-168.

O4-170 Receipt of this July 21, 2010, Coastal Conservancy staff recommendation regarding the public access improvements at the Ballona Reserve is acknowledged. However, since the disbursement discussed in this comment is not about the Project or any of the alternatives described in the EIR, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*.

O4-171 Receipt of this copy of minutes of the January 28, 2015, Dredged Material Management Team regarding the potential for some materials to be transported offsite for ocean disposal is acknowledged. The summary of the four alternatives analyzed in the Draft EIS/EIR is consistent with what is described in Draft EIS/EIR Chapter 2 and analyzed on a resource by resource basis throughout Chapter 3. For input provided by (and responses provided to) the U.S. Environmental Protection Agency regarding potential ocean disposal, see Final EIR Section 2.3.1. See, e.g., Comments and Responses AF2-5, AF2-6, and AF2-7.

O4-172 Receipt of this copy of the October 23, 2015, letter from USFWS is acknowledged. Regarding the role of the USFWS in the preparation of the Draft EIS/EIR, see Section ES.2.3, Section 1.4.2, and Table 1-1, Summary of Required Permits and Approvals. For input provided by (and responses provided to) USFWS on the Draft EIS/EIR, see Final EIR Section 2.3.1 (Letter AF1).

O4-173 Receipt of this copy of the USFWS's February 1, 2017, letter terminating cooperating agency status for the Project is acknowledged. See Response O4-172.

O4-174 [Intentionally left blank: there is no delineated comment O4-174.]

O4-175 Receipt of this graphic is acknowledged. The information provided is generally consistent with information disclosed in the Draft EIS/EIR. Because it is not clear what the commenter's question or request is, the comment does not provide sufficient information to allow CDFW to provide a detailed response. Nonetheless, the graphic is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-176 See Response O4-175.

O4-177 See Response O4-175.

O4-178 See Response O4-175.

O4-179 See Response O4-131.

O4-180 Receipt of this duplicate copy of The Bay Foundation's November 26, 2014, Technical Memorandum: Patterns of Vehicle-Based Vertebrate Mortality in the Ballona Wetlands Ecological Reserve, Los Angeles, CA is acknowledged. It is cited in Draft EIS/EIR Section 3.4.2.1 as having been relied upon in the preparation of the Draft EIS/EIR (see item 10 on the list of Project-specific or site-specific studies). Because it is not clear what the commenter's question or request is with regard to this memo, the comment does not provide sufficient information to allow CDFW to provide a detailed response.

O4-181 Receipt of this copy of the May 4, 2017, Coastal Commission staff report regarding The Bay Foundation's proposal to remove iceplant from a 3-acre area within the Ballona Reserve is acknowledged. However, since the proposal is separate from and independent of the Project and alternatives, it does not relate to the adequacy or accuracy of the EIR. Nonetheless, the staff report is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-182 Receipt of this October 17, 2017, letter of the LAX Coastal Chamber of Commerce to the Fish and Game Commission in support of business-related parking in Area A of the Ballona Reserve is acknowledged, but does not provide a substantive comment on the EIR. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the letter is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-183 Receipt of this October 21, 2015, email of Karina Johnston regarding a preliminary draft of Draft EIS/EIR Section 3.4 is acknowledged. See Response O4-96.

O4-184 See Response O4-183.

O4-185 Receipt of this October 8, 2008, letter of the U.S. Department of Commerce National Oceanic and Atmospheric Administration regarding the 2008 Feasibility Report is acknowledged. The subject report is provided in Draft EIS/EIR Appendix B8. For

input provided by (and response provided to) the Administration, see Final EIR Section 2.3.1 (Letter AF3). See General Response 3, *Alternatives* (Final EIR Section 2.2.3.3), which addresses Alternative 5 and other alternatives that were initially considered, but not carried forward for more detailed review.

O4-186 Receipt is acknowledged of this copy of Permit No. 04-015 issued May 31, 2006, by the Los Angeles County Department of Beaches and Harbors for Fisherman's Village employee parking. Receipt of associated correspondence and receipts also is acknowledged. Because the permit and related materials do not provide a substantive comment on the adequacy or accuracy of the EIR, a detailed response is not provided. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-187 Receipt is acknowledged of this copy of Permit No. 10-001 issued April 5, 2010, by the Los Angeles County Department of Beaches and Harbors for parking by employees of Shanghai Red's Restaurant. Receipt of associated correspondence also is acknowledged. Because the permit and related materials do not provide a substantive comment on the adequacy or accuracy of the EIR, a detailed response is not provided. Nonetheless, this comment is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-188 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2), which identifies those aspects of the Project that are subject to the Corps' permitting jurisdiction under Section 404, Section 10, and Section 408 as the "proposed action" for the Corps' NEPA purposes. The proposed action remains as described unless and until the description in the permit applications is revised.

O4-189 The suggestion that separate construction vehicle lanes could be considered 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, a detailed response is not provided.

O4-190 The suggestion regarding detour notifications 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, a detailed response is not provided.

O4-191 The suggestion that the possibility of providing two-way traffic at all times on Lincoln Boulevard and Culver Boulevard is now part of the record of information that will be considered as part of CDFW's decision-making process. Regarding potential restoration-phase lane closures, see Draft EIS/EIR Section 3.12.6 and Section 3.12.7. However, because this comment does not bear on the adequacy or accuracy of the EIR, a detailed response is not provided.

O4-192 The suggested introductory language regarding pedestrians and bicyclists is 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, a detailed response is not provided.

O4-193 See Response O4-110 regarding the EIR's reliance on the traffic study included in Draft EIS/EIR Appendix H.

O4-194 See Draft EIS/EIR Section 3.12.3.3, which identifies applicable laws, regulations, plans and standard of agencies regarding transportation and traffic. For example, the Marina del Rey Specific Plan includes a circulation section that provides guidelines related to the local roadway, pedestrian, and bicycle systems. See also the analysis of Impact 1-TRANS-6, which concludes that Alternative 1 would have a less-than-significant impact on alternative transportation travel modes, including bicycles, with the implementation of mitigation measures.

O4-195 See Response O4-170 regarding this same staff recommendation.

O4-196 Receipt of this November 1, 2000, copy of the bylaws of the Ballona Wetlands Conservancy is acknowledged. However, since the bylaws are not specific to the habitat restoration project or any of the alternatives described in Draft EIS/EIR Chapter 2, a detailed response is not provided. See Final EIR Section 2.1.1, *Input Received*.

O4-197 Receipt of what appears to be an undated presentation of the USFWS regarding the Thin Layer Salt Marsh Sediment Augmentation Project at the Seal Beach National Wildlife Refuge is acknowledged. Without a specific question or request, though, the comment does not provide CDFW with enough information to provide a detailed response. Nonetheless, the presentation is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-198 See Response O4-99.

O4-199 Receipt of this January 26, 2012, letter from CDFW regarding the draft Ballona Creek TMDL is acknowledged. Regarding the TMDL, see Draft EIS/EIR Section 3.9, *Hydrology and Water Quality*. For comments from and responses to the Los Angeles Regional Water Quality Control Board regarding the TMDL, see Final EIR Section 2.3.3 (Letter AL9). To the extent that the commenter included the letter in reference to a specific comment above, see the response to that comment. The 2012 letter does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the letter is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-200 Receipt of this November 25, 1992, Informational Phase Summary Report prepared by EPA Region IX is acknowledged. For comments from and responses to the U.S. Environmental Protection Agency, see Final EIR Section 2.3.1 (Letter AF2). To the extent that the commenter included the Report in reference to a specific comment above, see the response to that comment. Nevertheless, the 1992 Report is not about

the Project and does not comment on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*. Nonetheless, the report is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-201 Receipt of what appears to be an undated presentation of The Bay Foundation regarding the Ballona Wetlands Ecological Reserve is acknowledged. Without a specific question or request, though, the comment does not provide CDFW with enough information to provide a detailed response. Nonetheless, the presentation is now part of the record of information that will be considered as part of CDFW's decision-making process.

O4-202 Receipt of various email exchanges during September 2017 regarding Ballona Reserve educational tours and a Wetland Coalition meeting is acknowledged. Without a specific question or request, however, the comment does not provide CDFW with enough information to provide a detailed response. See Final EIR Section 2.1.1, *Input Received*.

O4-203 Receipt of this request for confirmation of receipt is acknowledged, but does not bear on the adequacy or accuracy of the EIR. See Final EIR Section 2.1.1, *Input Received*.

O4-204 All public information about the Project (including these comments) has been included in the formal record and is available for public review upon request pursuant to the federal Freedom of Information Act and the California Public Records Act.

O4-205 This comment and other information submitted to the Lead Agencies following issuance of the Draft EIS/EIR is part of the record of information that will be considered as part of CDFW's decision-making process. See Response O4-204 regarding availability of information for public inspection.

O4-206 Receipt of this November 2013 email exchange is acknowledged and is part of the record of information that will be considered as part of CDFW's decision-making process. See Response O4-204.

California Native Plant Society

Los Angeles / Santa Monica Mountains Chapter

3908 Mandeville Canyon Road
Los Angeles, California 90049
February 5, 2018

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E-mil: BWERcomments@wildlife.ca.gov

RE: Ballona Wetlands Restoration Project Draft EIS/EIR

Dear Sirs:

The Los Angeles / Santa Monica Mountains Chapter of the California Native Plant Society (CNPS) has hundreds of members living in the watershed of Ballona Creek and Wetlands. We have been interested in this rare marshland for many years and are very concerned about the major land transformation of the wetlands proposed in this project and the lack of definitive protection and replanting of the onsite listed native plants and appropriate native plants for the different marshland and upland vegetative alliances in Ballona Wetlands after the major soil removal, channel contouring,construction of berms, etc. is done.

Comments:

1. Problems with Alternative 1:

a. Too much removal of contaminated soil. The intent seems to be to create deeper channels and/or higher areas abutting Ballona Creek, and to protect buildings in Marina del Rey from rising sea levels and possible storm damage from storm surges. However, the assumption seems to be that these will be freshwater storm surges. Ocean storm surges from southern hurricanes moving faster and more strongly north in warming Pacific ocean currents do not seem to be part of the planning.

Apparently the dunes supporting residences of Playa del Rey are not as important as Marina del Rey, nor are the high density of listed native plant species growing on the back of those dunes in West Area B (see Fig. 3.4-4). Alternative 1 would remove the berm protecting the back dune area, remove soil to engineer a full salt marsh there then dump soil to create a berm behind the dunes instead of along the north edge of the dunes, where the dunes are most exposed to storm surges.

O5-1

1. Problems with Alternative 1, continued:

b. There is a similar problem with the dumping of large amounts of contaminated soil on North Area C (see Fig. 3.4-4). Here there are healthy populations of Lewis' Evening Primrose. There are smaller populations of Lewis' Evening Primrose in Area A near the westernmost populations of Lewis' Evening Primrose in North Area C. Since Area A is going to become a bluff area buried under many tons of contaminated soil what is going to happen to those listed plants? Alternative 1 is totally lacking in detail about the rescue and future home for these native plants. O5-2

c. How will the Army Corp of Engineers (ACE) get rid of many tons of contaminated soil that cannot be deposited in Ballona Wetlands? The proposal is to either move the contaminated soil by trucks to an appropriate dump site (hazardous waste site?) which would probably require hours of travel to Kern County or out of state.

The other suggestion is to take the contaminated soil out in the ocean and dump it in sites designated by Los Angeles as dump sites for contaminated soil. Our coastal ecosystems are under enough stress already, from diminishing kelp beds to Channel Islands fish nurseries. Is this much excavating and dredging necessary? O5-3

d. The best measure of the importance of native plant systems to ACE is in Table 2-12, Tidal Marsh Performance Criteria, Section on Vegetation and Invasive Plants. There are lines for Years 1-3, Years 4-7, and Years 5-10. In each one there is an estimate of increases of canopy cover for native salt-marsh species, hoping for 35% cover in 3 years, 50% cover in 7 years and 75% cover in 10 years. However they intend to accomplish this by the same weed-removal procedure in each year: "Canopy cover of invasive species rated as 'High' or 'Moderate' by the Cal-IPC, *exclusive of annual grasses (my italics),* will not exceed 10% cover in any year."

Since the general term "annual grasses" is used, one may assume the usual invasive non-native annual grasses will be left untouched. This ensures that most of the native seed planted will not germinate due to the shading canopy and masses of shallow-rooted non-native grasses. This same protection for "annual grasses" is in the performance criteria of Table 2-15 Brackish Marsh Performance Criteria, Table 2-16 Seasonal Wetland Performance Criteria, Table 2-17 Salt Pan Performance Criteria, Table 2-18 Riparian Habitat Performance Criteria, Table 2-19 Dune Performance Criteria, and Table 2-20 Upland Scrub and Grassland Performance Criteria. O5-4

Conclusion: Alternative 1 is not interested in restoring or maintaining native plant populations anywhere in Ballona Wetlands.

For that apparent refusal to do a proper restoration of native plants and native plant habitats, along with the excessive grading and the loss of the berm by West Area B, CNPS opposes Alternative 1.

2. Comments on Alternative 2:

a. Alternative 2 provides more protection for the dunes and the dune habitats, by keeping the berm along Ballona Creek also along the dunes and West Area B. As ocean levels rise, the berm may be overtopped by storms or rising tides, but will still act as barrier above or below water, to slow water movement and to prevent erosion. O5-5

b. Alternative 2 seems to provide more protection for native plant alliances in situ and for those native plants which will be planted in the newly contoured Ballona Wetlands areas. However, Alternative 2 seems to have been added to this draft EIS/EIR as an afterthought. In addressing the plans for restoring the various areas in Ballona Wetlands, the text simply says that Alternative 2 will follow the same procedures as are listed in O5-6

O5-6 cont.

various tables for Alternative 1. Since Alternative 1 says annual grasses are not to be touched in invasive plant removal, that implies that Alternative 2 will follow the same misguided, doomed to failure, plan. We hope the Alternative 2 restoration plans for native plants in the various Ballona Wetlands habitats will be more accurately described botanically and monitored in their execution by an expert botanist so the results will be more successful than those described for Alternative 1. With those reservations, CNPS tentatively supports Alternative 2.

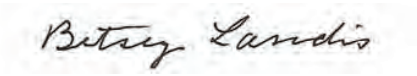
O5-7

3. Comment on Alternative 3:

Alternative 3 only addresses the work to be done to raise the level of the land in Areas A and C. Ballona Wetlands needs more restoration than that. If the ACE is going to recontour Ballona Creek and raise the berms to protect nearby homes, then this is a good time also to try to clean up Ballona Wetlands, get the weeds under control, enhance and enlarge the areas of native plants in their native plant alliances/habitats, properly protect Culver and Jefferson Boulevards against rising ocean levels and provide some simple amenities, such as paths and foot bridges for visitors. Without all the weeds and trash, Ballona Wetlands will be covered in blooms, birds, butterflies and myriad native wetland species.

O5-8

Sincerely,



Betsey Landis
Member of the Conservation Committee
and
Vice President
Los Angeles / Santa Monica Mountains Chapter
California Native Plant Society

Letter O5: California Native Plant Society

O5-1 The commenter's opposition to the repositioning of soil as part of the Project is acknowledged. As described in Draft EIS/EIR Section ES.4.1, the purpose of repositioning fill is to allow Ballona Creek to reconnect with its historic floodplain and to create perimeter levees, transition zones, and upland restoration areas, which would permit the adaptation and migration of wetland habitat as sea levels rise. The commenter is mistaken: the berms and levees would not be constructed to adapt for "freshwater storm surges," but rather to prepare wetland habitats within the Ballona Reserve and adjacent development to be resilient and adaptive to rising sea levels and associated storm surges.

The commenter's concern for the dune habitat in West Area B is acknowledged. As reflected in Draft EIS/EIR Figure 2-1, Alternative 1, Phase 2: Proposed Habitats, once the southern levee along Ballona Creek is removed, the upland habitat berm would wrap around the dune habitat in the western edge of West Area B. As a result, this habitat would be maintained and would remain protected from storm surges. Additionally, as described in Draft EIS/EIR Section 2.2.2.2, "along the existing dunes, Alternative 1 would create additional dune habitat along the levee shoulder."

O5-2 As described under Impact 1-BIO-1b in Draft EIS/EIR Section 3.4, the Lewis' evening primrose population in North Area C could be permanently impacted by Alternative 1 Phase 1 restoration activities in Areas A and C. However, the implementation of Mitigation Measures BIO-1b-I (Special Status Plants) and BIO-1b-ii (Biological Monitoring) would ensure that direct impacts to this species are avoided to the extent possible. These mitigation measures would require special-status plants to be restored on site at a minimum ratio of 1:1. Restoration plantings would target a higher ratio than 1:1 to ensure minimal impacts to the species. Similar impacts to the species are expected under Alternative 2, Alternative 3 could impact approximately 500 out of 12,200 individual Lewis' evening primrose plants. However, with the implementation of the mitigation measures described above, impacts would be less than significant. As for the concern related to contaminated soil, Draft EIS/EIR section 3.8.6.1 states, "Results of the Sediment Quality Investigation and the Sediment Toxicity Evaluation concluded that there are no chemicals in soil at concentrations that would prevent the reuse of soil in the various proposed habitats at the Ballona Reserve."

O5-3 Off-site soil export is described in Draft EIS/EIR Section 2.2.2.5, *Alternative 1: Implementation and Restoration Process*, under the heading "Implementation Methods" and subheading "Off-site soil export." As described in this section, excavated soil could be disposed of at local landfills including Scholl Canyon Landfill in the City of Glendale, Lancaster Landfill and Recycling Center in Lancaster, and Calabasas Sanitary Landfill in the City of Agoura (all located in Los Angeles County). As described in Draft EIS/EIR Section 3.13, *Utilities*, a round trip to Scholl Canyon Landfill would take approximately 2.5 hours whereas a round trip to Lancaster Landfill would take approximately 3.5 hours. If necessary, soil may also

be disposed at the Los Angeles/ Long Beach Ocean Dredged Material Disposal Site or Newport Bay Ocean Dredged Material Disposal Site. As described in Draft EIS/EIR Section 3.13.2.2, if these ocean disposal sites are used, a permit from the Corps would be required and approval of the disposal by both the Corps and EPA would be necessary. Additionally, dredged material would not be allowed to be disposed in the ocean unless the material meets strict environmental standards established by both the Corps and EPA.

Excavation is necessary for restoration activities such as: establishing channel habitat, restoring tidal wetland, constructing new levees in Area A and B, and creating upland habitat. The Project and Alternatives require differing amounts of excavation, as outlined in Draft EIS/EIR Table 2-1. However, for each Alternative, some amount of excavation would be necessary to restore physical and biological function to the Reserve and reconnect Ballona Creek to its historic floodplain.

O5-4 The comment critiques the performance criteria for tidal marsh habitat Draft EIS/EIR Table 2-12, stating that it provides an appropriate measure for the development of native plant populations year-over-year. For other habitat types, it hypothesizes that most of the native grass seed that is planted will not germinate due to shading by invasive non-native annual grasses, concluding that the Project is not interested in restoring or maintaining native plant populations. To the contrary, much thought has gone into the restoration of native habitats at the Ballona Wetlands. The overall restoration approach is described in the Conceptual Habitat Restoration and Adaptive Management Plan (Conceptual Plan) described in the discussion "Revegetation of Graded and Disturbed Areas" in Draft EIS/EIR Section 2.3.2.5, *Alternative 1: Implementation and Construction Process*, and included as Appendix B3 to the Draft EIS/EIR. The comment that native grass will be challenging to grow from seed does not cite a deficiency in the EIR and is noted. In addition, see "Nonnative Plant Material Treatment," also in Section 2.2.2.5, which says, "invasive-nonnative species populations designated as High by Cal-IPC would be targeted for removal. If other invasive-nonnative plant species listed as having a moderate or limited impact by the Cal-IPC are present, they would be removed if, based on the CDFW's review, they are negatively affecting habitat and/or restoration efforts at the site." Performance criteria in Tables 2-12 through 2-20 have been updated to reflect the fact that all invasive species rated as High by Cal-IPC will not exceed specified cover. See Final EIR Section 3.2.5.

O5-5 The commenter's thoughts on Alternative 2 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.*

O5-6 As described in Draft EIS/EIR Section 2.2.2, *Alternative 2: Restored Partial Sinuous Creek,* "Alternative 2 is similar to Alternative 1, but with a slightly smaller footprint. … this alternative restores a mix of fully tidal wetlands and managed wetlands in the Ballona Reserve while retaining existing habitats in West Area B." The target habitat

types for restoration under Alterative 2 are similar to those for Alternative 1; therefore, the activities required for restoration under Alternative 2 would be substantially similar to those for Alternative 1, just on a smaller scale.

O5-7 The comment states that the proposed annual grass revegetation strategy is flawed and will fail, and then offers support for Alternative 2. This comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives; nonetheless, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*.

O5-8 The commenter's opposition to Alternative 3 due to the smaller scale of restoration when compared to Alternatives 1 and 2 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*.

-----Original Message-----
From: Rogers, Bonnie L CIV USARMY CESPL (US) [mailto:Bonnie.L.Rogers@usace.army.mil]
Sent: Monday, February 5, 2018 8:12 AM
To: Janna Scott <JScott@esassoc.com>
Subject: FW: [Non-DoD Source] BWER DEIS/DEIR request 30 day legal extension due to surprise reference docs just made public

our brief customer survey:
http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

-----Original Message-----
From: Jill Stewart [mailto:jilltepleystewart@gmail.com]
Sent: Saturday, 3 February, 2018 3:23 PM
To: Rogers, Bonnie L CIV USARMY CESPL (US) <Bonnie.L.Rogers@usace.army.mil>; Brody, Richard@Wildlife <Richard.Brody@wildlife.ca.gov>
Subject: [Non-DoD Source] BWER DEIS/DEIR request 30 day legal extension due to surprise reference docs just made public

Hello,

The Coalition to Preserve LA requests a legal extension for public review and comment on the BWER DEIS/DEIR given the untimely release of reference materials and documents on the CDFW website, linked and listed below. In addition to being made public far too late in the process, the release of this material was not properly noticed to the public. O6-1

Blockedhttps://www.wildlife.ca.gov/regions/5/ballona-eir <Blockedhttps://www.wildlife.ca.gov/regions/5/ballona-eir> O6-2

It is required by law that the additional new information ADDED/POSTED (see list below) undergo NEPA and CEQA processing and assessment of the new documents, which are thousands of pages.. O6-3

We request a 30 day extension of the Feb. 5 Monday deadline. O6-4

We expect a timely response to this request.

Index of /Ballona_Restoration_EIR_Reference_Material/

[parent directory] <ftp://ftp.wildlife.ca.gov/>
Name Size Date Modified
00 Acronyms Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/00%20Acronyms%20Refs/> 1/22/18, 7:36:00 AM
01_Exec Sum_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/01_Exec%20Sum_Refs/> 1/23/18, 5:18:00 AM
1_Introduction_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/1_Introduction_Refs/> 1/22/18, 8:00:00 AM
2_Descrip of Project and Alts_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/2_Descrip%20of%20Project%20and%20Alts_Refs/> 1/22/18, 8:30:00 AM
3-01_Introduction_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-01_Introduction_Refs/> 1/23/18, 4:20:00 AM
3-02_Aesthetics_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-02_Aesthetics_Refs/> 1/22/18, 8:56:00 AM
3-03_AQ_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-03_AQ_Refs/> 1/22/18, 9:53:00 AM
3-04_Bio_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-04_Bio_Refs/> 1/22/18, 11:31:00 PM
3-06_GeoSoils_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-06_GeoSoils_Refs/> 1/23/18, 12:25:00 AM
3-07_GHG_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-07_GHG_Refs/> 1/23/18, 5:01:00 AM
3-08_Hazards_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-08_Hazards_Refs/> 1/23/18, 5:27:00 AM
3-09_Hydro_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-09_Hydro_Refs/> 1/23/18, 7:35:00 AM
3-10_Noise_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-10_Noise_Refs/> 1/23/18, 1:19:00 AM
3-11_Recreation_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-11_Recreation_Refs/> 1/23/18, 1:33:00 AM
3-12_Transportation_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-12_Transportation_Refs/> 1/23/18, 1:49:00 AM
3-13_Utilities_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-13_Utilities_Refs/> 1/23/18, 2:15:00 AM
3-14_SocioEc and EJ_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/3-14_SocioEc%20and%20EJ_Refs/> 1/23/18, 3:52:00 AM
4_Comparison of Alts_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/4_Comparison%20of%20Alts_Refs/> 1/23/18, 3:57:00 AM
5_Other CEQA Considerations_Refs/ <ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/5_Other%20CEQA%20Considerations_Refs/> 1/23/18, 4:00:00 AM
Welcome to CDFW Ballona Restoration EIR Reference Material - you can delete this.txt
<ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material/Welcome%20to%20CDFW%20Ballona%20Restoration%20EIR%20Reference%20Material%20- O6-5

California Department of Fish and Wildlife

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/) 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)
- Public Notice - Extension of Comment Period (PDF) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=150793&inline)
- Draft EIR (PDF) (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)
  - Appendix A, part 1 (PDF) (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)
  - Appendix B, part 1 (PDF) (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)
  - Appendix B, part 3 (PDF) (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)
  - Appendix C (PDF) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149714&inline)
  - Appendix D (PDF) (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)
  - Appendix E, part 2 (PDF) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149725&inline)
  - Appendix F (PDF) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149716&inline)
  - Appendix G (PDF) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149717&inline)
  - Appendix H (PDF) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149718&inline)
  - Appendix I (PDF) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149719&inline)
  - Appendix J (PDF) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149720&inline)
  - Reference Materials (ftp://ftp.wildlife.ca.gov/Ballona_Restoration_EIR_Reference_Material)

O6-6

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: BWERcomments@wildlife.ca.gov (mailto:BWERcomments@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/dj6IbnKcPRk)

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.

O6-6 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) | (858) 467-4201 | FAX: (858) 467-4299

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%20you%20can%20delete%20this.txt> 0 B 10/26/15, 5:00:00 PM

Sincerely,
Jill Stewart
Executive Director
Coalition to Preserve LA

From:	Jill Stewart
To:	Wildlife Ballona Wetlands Ecological Reserve EIR; Rogers, Bonnie L SPL
Subject:	DEIS/DEIR Comments on Ballona Wetlands Restoration Project (State Clearinghouse No. 2012071090) and Federal Document - Public Notice/Application No. SPL-2010-1155
Date:	Sunday, February 4, 2018 11:53:51 PM
Attachments:	DEISDEIR Comments on Ballona Wetlands Restoration Project (State Clearinghouse No. 2012071090) and Federal Document - Public NoticeApplication No. SPL-2010-1155.docx

(Note: The below pasted in submission is a copy of the attached submission.)

DRAFT Environmental Impact Statement / Environmental Impact Report (DEIS/DEIR), Ballona Wetlands Restoration Project (BWER) Comments.

Attention: Bonnie L. Rogers, US Army Corps of Engineers, Los Angeles District, Regulatory Division Attn: SPL-2010-01155 (Bonnie Rogers) 915 Wilshire Blvd., Suite 930 L.A., CA 90017-3401; Tel: 213.452.3372; bonnie.l.rogers@usace.army.mil

Attention: Charlton H. Bonham and Richard Brody, California Department of Fish and Wildlife (BWER) c/o ESA (jas) 550 Kearney St., Suite 800, San Francisco, CA 94108; Tel: (415) 896-5900; BWERcomments@wildlife.ca.gov

RE: DEIS/DEIR Comments regarding Ballona Wetlands Restoration Project:. (State Clearinghouse No. 2012071090) and Federal Document: Public Notice/Application No.: SPL-2010-1155

Dear Col. Kirk E. Gibbs, Bonnie L. Rogers, Charlton H. Bonham and Richard C. Brody,

I urge you to revise and recirculate another Draft EIR/DEIS for the Ballona Wetlands Restoration Project. O6-7

Comments below focus on proposed alternatives in the DEIR/DEIS that include plans to bulldoze and/or conduct major earth-moving efforts to create a berm or land ridge or land barrier; or to alter the salt content of, or to degrade or destroy, the fresh water elements within the existing Ballona Wetlands ecosystem. O6-8

1) The DEIR/DEIS unfortunately shows a pre-commitment by the lead agency toward their own preferred alternatives. This is seen in the inadequate addressing of negative impacts to climate change, and the environment, that will be caused by the massive carbon release and loss of longstanding carbon sequestration benefits created by the proposed bulldozing or earth-moving Alternatives, 1-3. O6-9

Why were the issues of massive carbon release and loss of longstanding carbon sequestration benefits in the wetlands not candidly and fully addressed in the DEIR/DEIS? O6-10

The DEIR/DEIS fails to meaningfully address and account for the findings of the Intergovernmental Panel on Climate Change, that the world's soils hold more than double the amount of carbon that is in our atmosphere. IPCC's most recent report finds that storing or sequestering carbon is essential to lowering atmosphere carbon levels. O6-11

See the IPCC report here: http://www.ipcc.ch/report/ar5/wg1/

Forestry and *other land-use practices* that store carbon in the ground offer an opportunity to mitigate climate change. Soils with more organic matter can store carbon while providing O6-12

environmental benefits.

The soils, soil microbes and plants of the Ballona Wetlands are a key example of a vast carbon storage system.

Los Angeles is in a race to defeat the effects of climate change and the heat-island effect by utilizing every possible resource at hand to reduce the release of carbon into its atmosphere.

This proposed project has a major negative impact on the area's environment: it will release a dramatic carbon load, long sequestered in the soils, into the atmosphere. But the DEIR/DEIS fails to facilitate careful and informed decision-making on this issue.

This failure must be addressed in full in the DEIR/DEIS. It is not appropriate under California law to wait to fully address such a significant issue of sustainability in a final EIR.

O6-12 cont.

2) The DEIR/DEIS is silent on accepted findings in agricultural carbon sequestration studies and other soil studies, that the <u>stored carbon in soils is lost as soon as the soil is plowed</u>, even if years of carbon has been accumulated.

Why is serious consideration of this immediate negative impact -- i.e., the moment bulldozing or earthmoving begins -- missing from the DEIR/DEIS?

A highly negative environmental outcome would result from significant earth-moving proposed in this DEIR in the Ballona Wetlands, where much of the meadowland, mud, riparian areas, seasonal wetlands and other soil features have not been plowed or bulldozed for decades, if not far longer.

One widely respected study on the environmental impact of seriously disrupting soils is here: https://dl.sciencesocieties.org/publications/sssaj/abstracts/70/4/1398

This must be addressed in full in the DEIR/DEIS. But the DEIR/DEIS fails to facilitate careful and informed decision-making on this issue. It is not appropriate under California law to wait to fully address such a significant issue of sustainability in a final EIR.

O6-13

3) The DEIR/DEIS is silent on research determining that freshwater wetlands play a key role in regulating climate by acting as carbon sinks, but that <u>this role in sustainability is compromised if human disturbance occurs</u>.

The study titled "*Soil carbon sequestration in freshwater wetlands varies across a gradient of ecological condition and by ecoregion*" found that human disturbance of the soils reduces the carbon sink: https://www.sciencedirect.com/science/article/pii/S0925857417305335.

The study concluded: "These data indicate that freshwater wetlands play a role in regulating climate by acting as carbon sinks and that anthropogenic disturbance can impact rates of carbon burial."

Why was this negative impact on climate change, which occurs when freshwater wetlands are disturbed by humans, not directly and fully addressed in the DEIR/DEIS?

The DEIR/DEIS fails to facilitate careful and informed decision-making on this issue. The negative sustainability impact of this proposal must be addressed in full in the DEIR/DEIS. It is not appropriate under California law to wait on a key issue such as this, and deal with it later in a final EIR.

O6-14

4) The untimely release of large amounts of materials on the CDFW website in the final days of January is inappropriate and makes it essential that the DEIR/DEIS be fully

O6-15

revised to take the new materials into account. Similarly, the non-transparent behavior of the CDFW described in detail by the Ballona Wetlands Land Trust in its submission to you on 2/2/17, is inappropriate and makes it essential that the DEIR/DEIS be fully revised.

Why is the DEIR/DEIS silent on this pattern of fundamental failures by official agencies to conduct a fully transparent CEQA process as required under the law, to facilitate maximum public understanding, equity and involvement?

We have seen, and the Ballona Wetlands Land Trust has documented in materials sent to you on Feb. 2, an unacceptable official process in which reference materials were requested, provided, then removed, then provided again — in a different format.

Now, we have yet another unacceptable and non-transparent handling of materials and information by official bodies that makes it impossible for the DEIR/DEIS to serve the public or the law: namely, the surprise appearance on January 23, 2018 on the CDFW website of a vast new body of materials and documents that no member of the public can possibly absorb and respond to by the Feb. 5, 2018 deadline.

O6-15 cont.

That action demonstrates a pre-commitment by the lead agency toward their own preferred alternatives.

O6-16

This mishandling of public materials, failure to hew to government transparency norms or to timely inform the public, require that a fully revised DEIR/DEIS be completed. It is not appropriate under California law to deal with these serious discrepancies later in a final EIR.

O6-17

5) **The DEIR/DEIS is based on a profoundly flawed baseline of data, given that illegal drains were secretly installed in the Ballona Wetlands in 1996 and these drains took untold amounts of freshwater out of the wetlands for more than a decade, until, in December of 2017, the illegal drains were ordered capped by the California Coastal Commission.**

Why does this DEIR/DEIS fail to account for this improper human intervention that since 1996 has robbed key areas at Ballona Wetlands of rain water that had historically fed its seasonal wetlands, ponds and meadows -- an intervention that has clearly distorted the baselines now being used by the lead agency in the DEIR/DEIS?

The DEIR/DEIS's failure to explore this game-changing discovery -- the fact that Ballona has been systematically and secretly dewatered for years -- shows yet another pre-commitment by the lead agency toward their own preferred alternatives.

O6-18

This wrongdoing by developer Playa Vista was accidentally discovered by naturalist Jonathan Coffin and widely reported in the media (*Please see http://www.laweekly.com/news/secret-drain-system-below-ballona-wetlands-under-investigation-4175661; and also please see: https://la.curbed.com/2014/7/3/10079320/secret-drains-have-been-siphoning-water-from-ballona-wetlands*). This makes it all the more crucial that a fully transparent public vetting be completed, in order to refocus the DEIR/DEIS on the baseline data that would exist, had the illegal drains not robbed Ballona of a key source of rainwater.

O6-19

The wetlands delineations in the DEIR/DEIS are wrong because of this illegal drainage, and therefore the mitigation requirements are also incorrect. The state must redo the species abundance and other surveys after enough rainwater has soaked in so that the aquifer is naturally restored to its level before the drains were secretly installed. This would establish the proper baseline.

O6-20

O6-21

The proposed project should be fully withdrawn until a new baseline can be established and accurate wetland delineations and species surveys can be completed using the new and untainted baseline. The public's trust of the entire process hangs in the balance. O6-22

6) "2.3.1 Alternative 5 Enhance Existing Habitat with Minimal Grading," was not given equal status with Alternatives 1 through 4, yet it is a much cheaper alternative and is a true restoration, not an illegal and unsustainable new creation. O6-23

Please see comments and supporting facts in this YouTube resource from: Margot Griswold, Restoration Ecologist - Ballona Wetlands 4, https://youtu.be/XdtWA0t-030

TheYouTube was shown at the California Coast Commission on December 14, 2017, followed by the Commission's unanimous vote to order the removal of the illegal Playa Vista drains in the BWER. O6-24

A fully revised DEIR/DEIS must be completed to directly address this unresolved question of pursuing a highly experimental re-creation, into an utterly different kind of wetlands than we have today, by man. It is not appropriate under California law to deal with this serious discrepancy and key sustainability issue later in a final EIR. O6-25

7) "2.3.7 Alternative 11: 19th Century Wetlands" clearly shows that the majority of Ballona Wetlands Ecological Reserve has been a freshwater seasonal wetland for more than 100 years.

Why, in the face of this known history, has "Full Tidal" or "Tidal" -- meaning a dramatic and experimental remaking of these wetlands to a saltwater feature -- been chosen for the first three Alternatives? These choices vividly demonstrate a pre-commitment by the lead agency toward their own preferred alternatives. O6-26

A study of the Ballona Wetlands by Dr. Travis Longcore, *et al*, has shown that the BWER has not been a full-tidal wetland dominated by saltwater for 4,000 years. Only during major storms has Ballona Wetlands sometimes been opened to the sea, but that state is rare and temporary, as the land returns to its natural state as a freshwater marsh.

Please see the following YouTube resource: Implications Ballona Wetlands Restoration, Dr. Travis Longcore, https://youtu.be/1viLaZaVhQY O6-27

A fully revised DEIR/DEIS must be completed to directly address this unresolved historic record and proposed experimental re-creating of an utterly different kind of wetlands, by man. It is not appropriate under California law to deal with this serious discrepancy and key sustainability issue later in a final EIR. O6-28

Thank you for your consideration.

Sincerely,

Jill Stewart, Executive Director, Coalition to Preserve LA

--
Jill Stewart
Coalition to Preserve LA

Climate Change 2013: The Physical Science Basis

EN | Fr | Sp (beta)

(http://www.climatechange2013.org)

WGII | WGIII | SYR | All AR5

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- Video (ar - en - es - fr - ru - zh)
- Fact Sheet
- Questions about the Report
- FAQ Brochure (30MB)
- All Citations (PDF - Endnote)
- Poster
- All Graphics
- Full Report (http://www.climatechange2013.org/images/report/WG1AR5_ALL_FINAL.pdf) (375MB)
- Errata (http://www.climatechange2013.org/images/report/WG1AR5_Errata_11122015.pdf)
- WGI Report Website (http://www.climatechange2013.org)

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9. Evaluation of Climate Models - 24.6MB
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11. Near-term Climate Change: Projections and Predictability - 14.1MB
12. Long-term Climate Change: Projections, Commitments and Irreversibility - 36.6MB
13. Sea Level Change - 32.9MB
14. Climate Phenomena and their Relevance for Future Regional Climate Change - 10.6MB

Annexes

I. Atlas of Global and Regional Climate Projections - 44.7MB
II. Climate System Scenario Tables - 1.5MB
III. Glossary - 0.4MB
IV. Acronyms - 0.1MB
V. Contributors to the WGI Fifth Assessment Report - 0.2MB
VI. Expert Reviewers of the WGI Fifth Assessment Report - 0.5MB

- Index 0.2MB
- Errata 5.4MB (http://www.climatechange2013.org/images/report/WG1AR5_Errata_11122015.pdf) (Updated 11/12/2015)

The designations employed and the presentation of material on maps do not imply the expression of any opinion whatsoever on the part of the Intergovernmental Panel on Climate Change concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

Copies of the printed report are available from Cambridge University Press (http://www.cambridge.org/9781107661820) .

Summary Volume (SPM, TS & FAQs) into UN Languages New

SPM in UN and other languages

Headline Statements in UN and other Languages

Drafts and Review Materials

Presentation

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Soil Science Society of America Journal Abstract - Soil & Water Management & Conservation

Aggregation and Organic Matter Protection Following Tillage of a Previously Uncultivated Soil

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Vol. 70 No. 4, p. 1398-1406

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doi:10.2136/sssaj2005.0313

A. Stuart Grandy * and G. Philip Robertson

Author Affiliations

Abstract

Understanding the effects of tillage on soils following years or decades of no-till is critical for developing C conservation strategies. To date, short-term responses to tillage in previously uncultivated or other long-term no-till soils have primarily focused on total C changes, which are difficult to detect. Tillage effects on soil conservation and C permanence may be better predicted by changes in more readily detected factors known to affect C storage such as aggregation and physically protected C. We annually plowed replicated plots in a previously uncultivated midsuccessional field between 2002 and 2004 and investigated changes in the distribution of aggregates, physically protected C, and light fraction (LF) organic matter. Within 60 d of initial cultivation, soil aggregates in the 2000- to 8000-μm size class declined from 0.47 to 0.15 g g^{-1} at 0- to 7-cm soil depth and from 0.32 to 0.23 g g^{-1} at 7 to 20 cm. Lower levels of aggregation persisted through the winter and spring of the following year. Inter-aggregate, unprotected light fraction (LF) increased following cultivation, as did particulate C in soil fractions with densities < 1.9 g cm^{-3} Changes in the mass of total soil C were not detectable after 3 yr but the vertical distribution of all soil C pools was altered by plowing. Our study demonstrates that plowing once immediately and substantially alters aggregation and LF and particulate C dynamics and that these conditions persist. Results suggest that no-till soils need to be continuously maintained to protect aggregation and physically stabilized C pools.

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O6-30

Soil carbon sequestration in freshwater wetlands varies across a gradient of ecological condition and by ecoregion

M.S. Fennessy [a], D.H. Wardrop [b], J.B. Moon [b, 1], S. Wilson [a, 2], C. Craft [c]

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Highlights

- Wetland's ability to sequester carbon varies with ecological condition.
- Low ecological condition sites (more disturbance) had higher soil accretion and C accretion rates.
- C sequestration was correlated with higher sediment and associated allochthonous C inputs.

O6-31

Abstract

We evaluated the ability of freshwater riparian wetlands along a gradient of ecological condition to act as sinks for carbon and sediment. We compared rates of carbon accretion and soil accretion across 20 wetlands in the Lake Erie Drift Plain and the Ridge and Valley ecoregions. Soil cores were collected and analyzed using ^{137}Cs dating to quantify long-term (~50 year) rates of sediment and carbon accumulation. Data on hydrology and floristic quality were used to help explain variability in rates. Sites were classified as being in low, moderate, or high ecological condition based on a rapid assessment method, which was verified by their floristic quality. Wetlands of low ecological condition (more human disturbance) had higher mean soil accretion and carbon accretion rates. Soil accretion averaged 0.24 ± 0.17 cm yr^{-1} and 0.14 ± 0.04 cm yr^{-1} in low condition sites and high condition sites, respectively. Carbon accretion averaged 88 ± 50 gC m^{-2} yr^{-1} in low condition and 65 ± 27 gC m^{-2} yr^{-1} in high condition sites. Low condition sites had lower mean soil carbon concentrations in the upper 10 cm of the soil profile, suggesting that the higher carbon burial in these sites was related to allochthonous carbon inputs in incoming sediment, rather than autochthonous carbon inputs. There were also striking rate differences between ecoregions. Erie Drift Plain wetlands had significantly higher mean soil accretion rates, compared to Ridge and Valley wetlands. These data indicate that freshwater wetlands play a role in regulating climate by acting as carbon sinks and that anthropogenic disturbance can impact rates of carbon burial.

Soil carbon sequ
gradient of ecological condition and by ecoregion

M.S. Fennessy [a], D.H. Wardrop [b], J.B. Moon [b, 1], S. Wilson [a, 2], C. Craft [c]

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Abstract

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O6-32

LA WEEKLY

Ballona's hidden creatures under assault by secret drainage plan

Jonathan Coffin

Secret Drain System Below Ballona Wetlands Under Investigation

GRACIE ZHENG | JULY 18, 2013 | 6:45AM

76 Ballona Wetlands, the last major tidal marsh in Los Angeles ~~Southern California~~, has been the center of a furious recent debate pitting environmental groups against the Annenberg Foundation and state agencies, who want to construct a huge building there.

Now, a mysterious underground

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O6-33

AA

hy e Still arch: Preparing for Saturday's

drain system, installed by developer Playa Capital 20 feet beneath restricted, fragile public land, is a new battleground. Ballona Wetlands naturalist Jonathan Coffin discovered manhole-like "risers" built for overflows, which in turn led him to a huge underground drain created beneath the ecosystem -- a place where man's handling of tides, rain and the water table is a delicate scientific question. Somehow, Playa Capital has been quietly draining pond water off public land and into Ballona Creek for years. The baffled Coastal Commission tells *L.A. Weekly* it is investigating.

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One of the two secret drain openings discovered by photographer Jonathan Coffin

Grassroots Coalition

The drainage outlet Coffin came upon while photographing is physical proof of an underground drainage system never approved by the state, which has been

O6-33 cont.

silently draining water from the freshwater marsh at Jefferson Boulevard and Lincoln Boulevard -- and into Ballona Creek about 1,000 feet away.

Environmentalists are appalled, saying that the hidden drain line, probably big enough for humans to crawl through, is an outrageous private move to dewater the wetlands, undetected for years, and almost certainly violating numerous federal and state laws.

Jack Ainsworth, senior deputy director of the state Coastal Commission, said in a June meeting, "We have opened a violation against Playa Capital with regard to one particular drain that's in the middle of wetlands that's having adverse impact."

O6-33 cont.

For environmentalists, Playa Capital's big, secret drain answers a long-troubling mystery about the wetlands' health.

Conservationist John Davis says that in the years "before the drainage system was installed, the wetlands were filled with water." But, he says, "after it was installed" over time, the same section of wetlands "was no longer filled with water." **(See side-by-side**

comparison photos below:)

How the developers' secret drainage system wiped out Ballona's life-giving water.

Jonathan Coffin

Said Davis, "It's like a huge bathtub drain."

The drain is "under investigation" and at the stage of "gathering facts," according to Andrew Willis, an enforcement analyst from the Coastal Commission.

The damage caused by Playa Capital is unknown at this time. But clearly, wildlife from birds and mammals to insects and tiny plants suffer when pond water is drained from a habitat. In addition, draining the surface water prevents the unseen groundwater from being recharged.

A timeline recently created by conservationist John Davis shows that Playa Vista developer McGuire Thomas Partners, which got permission to build the freshwater marsh as part of the restoration of the rare wetlands,

O6-33 cont.

also sought a project aimed at "elimination of saltwater intrusion" -- a controversial draining plan never approved by the Coastal Commission.

Great egret at Ballona Wetlands **Jonathan Coffin**

Environmentalists were outraged by the developers' outmoded idea of trying to cut off the wetlands from the natural saltwater of the Pacific Ocean, an historic and healthy part of the wetlands' rich habitat, and not something man could or should stamp out.

A June 12 letter to Playa Capital from the Coastal Commission, obtained by Patricia McPherson of the Grassroots Coalition via the California Public Records Act, stated:

> "There is not any indication of plans for the debris risers [overflow outlets] or the drain lines, nor do we have any records regarding the authorization for their construction."

O6-33 cont.

In this polite letter, the state regulator offers to "resolve this situation amicably," giving these basic options to mega-rich developer Playa Capital:

--removal of unpermitted development, restoration of any damaged resources, and mitigate for such damages,

--or obtain a coastal development permit authorizing the development after-the-fact with any necessary mitigation,

--or some combination of the two mechanisms.

This brings to mind the "after-the-fact permit" granted by the Coastal Commission to billionaire Jerry Perenchio, who sneakily built an illegal golf course behind an 8-foot rock wall in downtown Malibu, unbeknown to almost everyone.

Environmentalists standing on a high hill looked down upon Malibu Lagoon one day and spotted the nearby hidden golfing facility -- a chemical-laden, massive lawn that many now believe was leeching thousands of gallons of lawn products into Malibu Lagoon for years.

Furious people sent in 2,000 signatures from around the globe

O6-33 cont.

signatures from around the globe to prevent the fantastically rich Perenchio from obtaining an "after-the-fact" permit from the Coastal Commission.

But the commission relented after Perenchio agreed to halt his massive runoff of pesticides, fertilizers and other chemicals into the lagoon, erect a wastewater treatment facility -- and bequeath the land as open space upon the death of him and his wife.

Now, another wildly wealthy group out for itself may have used the old "ask forgiveness later" approach. Only time will tell.

Environmentalists say the state of California should conduct a hydrology study of the wetlands and look into what has happened.

In 2003, apparently shortly after the secret drain went in, the state acquired the 640 surviving acres of Ballona Wetlands from developer Playa Capital, which took over from a previous developer. The Department of Fish and Wildlife owns the land where the drain was installed.

Jordan Traverso of the California Department of Fish and Wildlife (CDFW) wrote in an email, "This issue only recently came to our

O6-33 cont.

attention. ... We're working closely with the Coastal Commission to look into this situation. The drainages were constructed prior to CDFW owning the land. We understand the Playa Vista developer says that the drainages were required by the city for flood control."

That's a fascinating statement by Fish and Wildlife.

As the department should know, city governments have no say over flood control in California or its wetlands. Flood control is the purview of the Army Corps of Engineers, a federal agency.

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Davis says some responsibility lies with Fish and Wildlife for buying land with an illegal drain installed upon it, and never doing anything about it or the tremendous damage it may have caused.

"If you own a house and put in an illegal drainage system in your backyard, when you sold the house, whoever you sold the house to should also be responsible," he

O6-33 cont.

explains.

McPherson, president of Grassroots Coalition, a nonprofit environmental group, says the drainage system is "active destruction" to the wetlands. She says the Fish and Wildlife is not innocent in this matter and should have alerted the public.

"The state is not being transparent. Onions are peeling back here. The illegal drainage system is only one layer of the problem," McPherson says.

O6-33 cont.

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"Laugh Out Lo... Wed., Feb. 21, 7:30pm TICKETS	CSUN Mens B... Tue., Mar. 13, 2:00pm TICKETS

Letter O6: Coalition to Preserve Los Angeles

O6-1 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 and explaining that all reference materials relied on in the drafting of the Draft EIS/EIR were available upon publication of the Draft EIS/EIR. There was no delay in making such materials available. Further, there is no requirement to provide notice of availability of reference materials – only of the Draft EIS/EIR itself.

O6-2 The commenter's inclusion of links to the electronic version of the Draft EIS/EIR is acknowledged. However, this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives. See Final EIR Section 2.1.1, *Input Received*.

O6-3 The commenter asserts that new reference materials were posted during the comment period. The reference materials, made available on CDFW's website in January, were available for public review immediately upon issuance of the Draft EIS/EIR as noted in the Draft EIS/EIR and in the NOA. Electronic copies of these materials were available for review during normal working hours at the California State Coastal Conservancy and specified public libraries in Playa Vista, Marina del Rey, and Westchester-Loyola Village. These materials thereafter also were uploaded to the Project website in response to requests and for the additional convenience of members of the public. No additional reference materials were added after the Draft EIS/EIR was published for public review.

O6-4 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.

O6-5 See Response O6-2.

O6-6 See Response O6-2.

O6-7 See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received requesting recirculation.

O6-8 CDFW disagrees with the commenter's characterization of the proposed restoration activities, which are described in Draft EIS/EIR Section ES.4.1 and Section 2.2.2.

O6-9 CDFW disagrees that there is any predisposition toward a particular outcome in the Draft EIS/EIR. See General Response 2 (Final EIR Section 2.2.2) regarding the proposed project, and preferred alternative. The assertion regarding the analysis presented in Draft EIS/EIR Section 3.7, *Greenhouse Gas Emissions/Climate Change*, is addressed in Response O6-10. However, without more information as to why the commenter believes the analysis to be inadequate or why this demonstrates a pre-commitment toward a particular alternative, CDFW does not have enough information to provide a more detailed response.

O6-10 As analyzed in Draft EIS/EIR Section 3.7.6, *Direct and Indirect Impacts*, all of the restoration alternatives, to varying extent, would result in higher functioning wetlands and, therefore, would increase the Project Site's ability to function as a carbon sink. Draft EIS/EIR Section 3.7.6 analyzes the varying abilities of each alternative to sequester carbon and compares this value to the Project's emissions over time. Without further information as to why the commenter believes this analysis to be inaccurate, CDFW does not have enough information to provide a more detailed response.

O6-11 Draft EIS/EIR Section 3.7, *Greenhouse Gas Emissions/Climate Change*, considered (and cited) the 2013 IPCC report and its guidance with regard to wetlands and carbon sequestration. See, e.g., Draft EIS/EIR Section 3.7.2.1, *Environmental Setting*, and Section 3.7.8, *References*.

O6-12 The commenter is correct that land use practices that store carbon offer an opportunity to mitigate climate change through carbon sequestration. However, the commenter is mistaken that the Project would have a negative impact by releasing a carbon load previously sequestered in the soils. As analyzed in Draft EIS/EIR Section 3.7, under each restoration alternative, "the increase in wetlands post-restoration would increase the Project Site's ability to function as a carbon sink." The difference in each restoration alternative's ability to sequester carbon is presented in Section 3.7; however, each alternative would result in an increase in carbon sequestration.

O6-13 The Project and Alternatives 2 and 3 each would require some level of soil disturbance, which could result in minor amount CO2 emissions as existing soils are moved. However, as described in Draft EIS/EIR Section 3.7, *Greenhouse Gas Emissions/Climate Change*, the wetland restoration activities associated with the Project would increase the Project Site's long term ability to function as a carbon sink. Initially, Alternatives 2 and 3 would sequester more carbon than the Project as they would have larger amounts of salt marsh in west and north Area B (as opposed to upland levee, which would sequester less carbon). However, with sea-level rise, the tidal signal in the managed marsh would eventually shrink until vegetation was impacted and the habitat converted to mudflat. In the Project (and Alternative 2, to a lesser extent), the marsh would be able to migrate up the levee slope, and the upland would remain, sequestering carbon for a longer period of time than in Alternative 3 and Alternative 2. Therefore, the Project would have the greatest long term benefit with regard to carbon sequestration.

Receipt of the link to the abstract of the article entitled "Aggregation and Organic Matter Protection Following Tillage of a Previously Uncultivated Soil"[93] is acknowledged. It is now part of the record of information that will be considered as

[93] Grandy and Robertson, 2006. Aggregation and Organic Matter Protection Following Tillage of a Previously Uncultivated Soil. Soil Science Society of America Vol. 70 No. 4, pp. 1398–1406. Published July, 2006.

part of CDFW's decision-making process. CDFW was unable to access the full article because it does not have a paid subscription to the service providing the article.

O6-14 See Response O6-13. Receipt of the link to the abstract for the article entitled "Soil Carbon Sequestration in Freshwater Wetlands Varies across a Gradient of Ecological Condition and by Ecoregion"[94] is acknowledged. It is now part of the record of information that will be considered as part of CDFW's decision-making process. CDFW was unable to access the full article because it does not have a paid subscription to the service providing the article.

O6-15 See Response O6-3 regarding the availability of reference materials. For input provided by (and responses provided to) the Ballona Wetlands Land Trust, see Section 2.3.6 (Letter O4).

O6-16 See Response O6-3 regarding the availability of reference materials. See Response O6-9 regarding CDFW's disagreement that there is any predisposition toward a particular outcome in the Draft EIS/EIR.

O6-17 As explained in Response O6-3, all reference materials were available for review immediately upon publication of the Draft EIS/EIR: no "mishandling of public materials" occurred. Contrary to the assertion in this comment, the public process has been appropriately transparent and, regardless of any disagreement on that point, has satisfied the requirements of CEQA. See General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received requesting recirculation.

O6-18 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.

O6-19 See General Response 4, *Drains* (Final EIR Section 2.2.4), which addresses multiple comments received about these drains.

O6-20 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O6-21 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O6-22 See General Response 4, *Drains* (Final EIR Section 2.2.4). See also General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7), which addresses multiple comments received requesting recirculation.

O6-23 See Draft EIS/EIR Section 2.3.1 regarding Alternative 5 and General Response 3, *Alternatives* (Final EIR Section 2.2.3.4), regarding Alternative 5 and other

94 Fennessy et al, 2018. Soil carbon sequestration in freshwater wetlands varies across a gradient of ecological condition and by ecoregion. Ecological Engineering, Vol 114, pp. 129–136. Published April 15, 2018.

alternatives that were initially considered, but not carried forward for more detailed review.

O6-24 See General Response 4, *Drains* (Final EIR Section 2.2.4).

O6-25 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See also General Response 7, *Requests for Recirculation* (Final EIR Section 2.2.7).

O6-26 See General Response 2 (Final EIR Section 2.2.2.6) regarding the definition of "restoration," and General Response 3 not only regarding requests to consider a "freshwater alternative" (Final EIR Section 2.2.3.1), but also regarding alternatives (such as Alternative 11) that were initially considered, but not carried forward for more detailed review. As explained in Response O6-9, CDFW disagrees that there is any predisposition toward a particular outcome in the Draft EIS/EIR.

O6-27 The commenter's inclusion of Dr. Travis Longcore's May 22, 2012, lecture, "Closure Dynamics of Southern California Estuaries, and Implications for Restoration," is acknowledged. While this comment does not address the adequacy or accuracy of the EIR or the merits of the alternatives, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*. Other input from Dr. Longcore also has been considered in the drafting of the Draft EIS/EIR. See, e.g., Appendix A and Response O4-38.

O6-28 See Response O6-26.

O6-29 See Response O6-11.

O6-30 See Response O6-13.

O6-31 See Response O6-14.

O6-32 See Response O6-14.

O6-33 Receipt of the July 18, 2013, *LA Weekly* article entitled "Secret Drain System Below Ballona Wetlands Under Investigation" is acknowledged. While it does not address the adequacy or accuracy of the EIR or the merits of the alternatives, it is now part of the record of information that will be considered as part of CDFW's decision-making process. See Final EIR Section 2.1.1, *Input Received*. General Response 4, *Drains* (Final EIR Section 2.2.4), addresses comments received about drains.

From: Julie Valdez <julievaldez@bryantrubber.com>
Sent: Thursday, November 9, 2017 1:42 PM
To: Richard Brody
Cc: 'marcos.espinosa@wholefoods.com'
Subject: Culver Marina Clarification of Restoration Position

Importance: High

Brody,

Please accept and process this email as Culver Marina Youth Baseball's method to supersede the verbal comment made by our Board Member, Mark Espinosa, at the Restoration Public Meeting on Wednesday November 8, 2017. Mark Espinosa verbally stated that Culver Marina's request is to "Cancel the Plan" or in other words Alternative 4. This verbal statement was in error. Mark is on this email chain.

I am a Culver Marina Youth Baseball Board Member. Our League President assigned me to research The Ballona Restoration Project Plan, and how it affects our Little League. Culver Marina Youth Baseball Board Members agree that we are in Opposition of Alternative 2, which will affect our ball fields. Alternative 2 will be detrimental to the families, especially the youth, of the communities we serve. We are in support of Alternative 1 and 3, which specifically state our Ball Fields are not affected. Our view is that the beautification and revitalization of Alternatives 1 and 3 will enhance our League's site in South Area C. O7-1

Thank you.

Julie Valdez
Human Resources Manager | California Office
Direct: (310) 997-1559 | Cell: (310) 613-4278

Letter O7: Culver Marina Youth Baseball

O7-1 The correction to statements made on behalf of the Culver Marina Youth Baseball League at the November 8, 2017, public meeting; opposition to Alternative 2; and support for the Project and Alternative 3 are acknowledged and are part of the record of information that will be considered as part of CDFW's decision-making process.

U.S Army Corps of Engineers
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Daniel Swenson, Regulatory Division
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California Department of Fish & Wildlife
R.C. Brody, Land Manager (BWER)
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San Francisco, CA 94108
BWERcomments@wildlife.ca.gov

February 2, 2018

Dear Mr Swenson and Mr Brody,

At a special meeting of the Del Rey Neighborhood Council on February 2nd, 2018, the Board voted 7-0-2 (Dellinger & Lerner abstaining) for the following motion which contains comments on the Ballona Wetlands Draft EIR. Please accept and review the enclosed.

"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.

O8-1

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

O8-2

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. O8-2 cont.

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. O8-3

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. O8-4

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. O8-5

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. O8-6

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. O8-7 O8-8

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. O8-9

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. O8-10

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.

O8-10 cont.

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.

O8-11

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.

O8-12

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.

O8-13

O8-14

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.

O8-15

10 • GAS STORAGE FACILITY
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).

O8-16

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."

O8-17

Should you have any questions, please contact me either via email at matt.wersinger@delreync.org or by telephone at 310.721.2980.

Sincerely,

Matt Wersinger
Chairman, Land Use & Planning Committee

CC: Department of Neighborhood Empowerment Early Notification System; Councilmember Mike Bonin; Chuy Orozco, Senior Field Deputy, CD11; Assemblywoman Autumn Burke; Robert Pullen-Miles; Scott Dellinger, DRNC President.

Letter O8: Del Rey Neighborhood Council

O8-1 The stated neutral position of the Del Rey Neighborhood Council with regard to the restoration Alternatives is acknowledged. The questions and concerns contained in this letter are part of the record of information that will be considered as part of CDFW's decision-making process.

O8-2 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." Potential direct, indirect, and cumulative adverse impacts and beneficial effects to biological resources are documented in Draft EIS/EIR Section 3.4. For impacts and effects to hydrology and water quality, see Draft EIS/EIR Section 3.9. See Draft EIS/EIR Section ES.3 and Section 1.1 regarding the purpose and need and objectives of the Project.

O8-3 See Responses F8-2, F8-3, and O1-5, which discuss potential impacts to Area C with regard to elevation. The commenter's opposition to elevation change in 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 Final EIR Section 2.1.1, *Input Received*.

O8-4 See Response I37-3 regarding crime and homelessness in the Project area under existing (baseline) conditions.

O8-5 See Response F8-4, which addresses concerns regarding the potential for Project-caused dust to affect the Villa Marina neighborhood. The commenter's objection to truck routes through residential routes is acknowledged; however, the proposed truck haul route for the Project complies with applicable requirements and restrictions. Potential impacts to noise and vibration resulting from truck trips would be reduced to less than significant by Mitigation Measures NOI-1-i through NOI-1-ix and NOI-2. Additionally, potential impacts to transportation and traffic due to truck trips would be mitigated by the implementation of the Construction Traffic Management Plan (Mitigation Measure TRANS-1a).

O8-6 See Responses O8-3, F8-2, F8-3, and O1-5.

O8-7 Overall redistribution of wildlife during the restoration period for Alternatives 1 through 3 may occur but their presence and movement patterns are likely already to be affected by the existing paved surfaces and areas of fill/dirt associated with existing parking lots and activities assoicated with the baseball fields and the SoCalGas well pads and staging areas. As anlayzed in Draft EIS/EIR Section 3.4, restoration activities would result in a temporary adverse impact to wildlife as well as (for the Project and Alternatives 2 and 3) long–term beneficial effects to native plant and wildlife species. During restoration, Mitigation Measures Bio-1b-i: Special Status Plants, BIO-1b-ii: Biological Monitoring, BIO-1b-iii: Noxious Weed Control Plan, Bio1g-i: Pre- and Post-restoration Survey for Silvery Legless Lizard, Bio 1i-i:

Nesting Bird and Raptor Avoidance, Bio 1i-ii: Belding's Savavannah Sparrow Breeding Habitat, Bio-ij-i: Coastal Californai Gnatcatcher Avoidance, Bio 1k-I: Least Bell's Vireo Avoidance, Bio 1l-i: Burrowing Owl Surveys, and Bio-1r: Bat Avodiance would be implemented to reduce the impacts of restoration activities on wildlife. The implementation of these mitigation measures, described in Draft EIS/EIR Table ES-1 and Section 3.4, would reduce restoration impacts to wildlife to less than significant levels.

O8-8 Draft EIS/EIR Section ES.3 and Section 1.1 outline the purpose and need, and the objectives, for the Project. It is in furtherance of these needs, purposes, and objectives that short-term adverse impacts and long-term beneficial effects would occur. The commenter's suggestion that a land bridge option be provided and analyzed will be taken into consideration as part of CDFW's decision making process. This suggestion, however, is not proposed as part of the Project.

O8-9 The stated support for operation of the Culver Marina Little League is acknowledged. 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. For input provided by and responses provided to Culver Marina Little League, see Section 2.3.5 (Letter F1) and Culver Marina Youth Baseball, see Section 2.3.6 (Letter O7). Additional input was provided at the public hearing (see Section 2.3.8).

O8-10 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.4), which addresses multiple comments regarding parking facilities within the Ballona Reserve.

O8-11 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.

O8-12 None of the restoration alternatives would affect the Project Site's designation as an ecological reserve. Each of the potential restoration alternatives has been developed with careful consideration of the project objectives set forth in Draft EIS/EIR Section ES.3 and Section 1.1, including restoration, enhancement, and creation of habitats as well as developing and enhancing wildlife-dependent uses and secondary compatible on-site public access for recreation and educational activities. As a result, the public access plans are designed to avoid impacts to sensitive habitat and to plants and wildlife. The stated preference for an alternative with reduced public access is acknowledged, but is not proposed as part of the Project. As described in the preliminary operations and maintenance plan included in Draft EIS/EIR Appendix B5, for each of the proposed alternatives, CDFW would continue to work

with local law enforcement to identify and remove transient encampments if they are reestablished after restoration is complete.

O8-13 As described in Draft EIS/EIR Sections 1.2.2.1 through 1.2.2.4, for each restoration alternative, existing operation and maintenance activities would continue, including trash removal efforts at the existing trash boom system. See also Draft EIS/EIR Appendix B5, which provdies additonal detail in this regard.

O8-14 As descried in Response O8-13, existing trash collection and removal efforts would continue under each restoration alternative. Additionally, BIO-4, Water Pollution and Erosion Control Plan, would be incorporated into the Project and Alternatives 2 and 3 as a project design feature. This plan would prevent the degradation of water quality as a result of restoration activities through the implementation of BMPs 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.

O8-15 As described in Draft EIS/EIR Section ES.3.1 and Section 1.1.1, one of the two overall Project purposes is to "[e]nsure any alteration/modification to the LACDA project components within the Ballona Reserve maintain the authorized LACDA project levels of flood risk management." Drafters of the Draft EIS/EIR considered this specifically as a screening criterion in determining whether or not to carry a potential alternative forward for more detailed review (see Draft EIS/EIR Section 2.1.3). If a potential alternative would not meet the overall Project purpose, then it was not carried forward. See, e.g., Alternatives 5, 6, 10, 11, and 12 in Draft EIS/EIR Table 2-30.

The discussion of flood protection upstream off site is found in Draft EIS/EIR Section 3.9. Hydraulic modeling was conducted to examine any changes to flood water elevations due to implementation of the Project. With the Project, "the expansion of flow onto the floodplain reduces flow velocities through the Project Site and increases the water level. However, the slower flow results in less head loss or energy dissipation through the Culver Boulevard Bridge and Lincoln Boulevard Bridge, which reduces water levels upstream to State Route 90 (Figure 3.9-12, Water Levels during the Design Event). Upstream of State Route 90 Alternative 1 does not change flood levels. The model results indicate that Alternative 1 actually decreases flood water levels just upstream of the site, which would be a beneficial effect." Questions of financing are beyond the scope of the Draft EIS/EIR's analysis of potential environmental consequences.

O8-16 The request is acknowledged to permanently close the SoCalGas Facilities within the Ballona Reserve. Although the request is now part of the record of information that will be considered as part of CDFW's decision-making process, none of the restoration alternatives has been revised to include it. What would occur with respect

to the existing facilities under each of the alternatives analyzed in detail is explained in Draft EIS/EIR Chapter 2. See, e.g., Draft EIS/EIR Table 2-1c (summary of infrastructure and utility modifications that would occur under each alternative), Section 2.2.1.4 (overview of common features), Section 2.2.2.4 (the Project), Section 2.2.3.4 (Alternative 2), Section 2.2.4.4 (Alternative 3), and Section 2.2.5.4 (Alternative 4). CEQA does not require a justification of an existing use; instead, each law requires an evaluation of potential impacts of a proposed project and alternatives. See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.3), which addresses multiple comments received regarding the SoCalGas Company infrastructure.

O8-17 Proposed operation and maintenance activities for each of the restoration alternatives are described in Draft EIS/EIR Sections 1.2.2.1 through 1.2.2.3. See Section 2.2.1.7, *Operation and Maintenance Activities*, and Appendix B5, *Preliminary Operations and Maintenance Plan*, for a detailed description of proposed operation and maintenance activities.

Del Rey Residents Association
Since 1972

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February 5, 2018

VIA U.S.P.S. and E-Mail
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San Francisco, CA 94108

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915 Wilshire Blvd.
Los Angeles, CA 90017

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Re: Ballona Wetlands Restoration Project
Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) (State Clearinghouse No. 2012071090)

Our Interest in the Project

Ballona Creek bisects the Del Rey community (about 33,000 residents), and Area C of the Ballona Wetlands is in Del Rey. Thus, our members all live very close to Ballona Creek and the Ballona Wetlands Ecological Reserve, and we are very concerned about the Ballona Wetlands Restoration Project ("the Project") that will impact us so directly. O9-1

The Project is funded by public money and is for the benefit of the public. The residents of Del Rey are among the people who will derive the most benefit and experience the greatest impact from any of the proposed Alternatives. Among the negative impacts that have not been fully considered are: (1) hauling of excavated material from Area A to Area C through the Villa Marina residential O9-2

neighborhood; (2) the risk of contaminated material being repositioned to Area C; (3) the potential for increased crime and homeless encampments if the berm along Culver Boulevard is raised; (4) disruption and possible closure of the Culver Marina Little League fields; (5) the risk of flooding if the concrete levees are disturbed. O9-3 O9-4 O9-5 O9-6

1. Not a Restoration

We are not wetland ecologists, but we do know about our community, and our comments are made from that point of view. A quick review of articles written about other wetland restoration projects makes it clear that in order to "restore" a wetland, one must first know what type of wetland one is trying to "bring back." "'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." (33 C.F.R. §332.2).

Alternatives 1 and 2 call for the Ballona Wetlands Ecological Reserve to become a full tidal saltwater marsh, which is something it has never been.
Local historical records show that in the late 1880s, the area was a freshwater seasonal estuary, and in the 1920s, the Ballona Wetlands were primarily used for agricultural purposes, a further indication that the area was not a saltwater marsh. (See records posted by Del Rey Consultancy and the citations in potential Alternatives 10 and 11.) O9-7

The levees were built after the 1938 flood, and the construction of Marina del Rey in the 1960s resulted in excavated debris being dumped in the wetlands. These changes made the soil more degraded than it was a century ago and converted parts of the wetlands to uplands, but they did not convert what was historically a freshwater estuary into a saltwater tidal marsh.

Please explain how creation of a saltwater tidal marsh wetland is a valid approach and why this would be considered a "restoration" of the Ballona Wetlands. The Draft EIS/EIR does not satisfactorily explain how the resulting ecosystem and hydrology will be an accurate restoration of this area's natural state.

2. Natural versus Artificial

The entire approach of the Project should be to restore some form of 'natural' state for this location. Instead, an artificially created, idealized version of 'nature' is being proposed, and no explanation is given for why public money should be spent to achieve this. O9-8

Removing portions of the Ballona Creek's concrete levees is an essential component of a 'renaturalization' and restoration project. However, the introduction of a fixed 'S'-curved waterway for the creek is simply an illustration of nature and is not natural in any way. The proposed creek configuration is an arbitrary and fake form of nature. Per Section 2.2.2.1, *"a more sinuous channel with two meander-shaped bends would be created through the site. The proposed channel alignment would mimic natural channel forms…"* Mimicking nature is not the same as a restoration of nature.

Please provide scientific justification of the form selected for the path and configuration of the creek. Provide further explanation how this condition would actually occur in nature in this location.

O9-8 cont.

3. Trash control

Currently, the trash in Ballona Creek is contained within the levees and is at least partially collectable by pontoon nets and volunteer cleanups along the banks. Even with these efforts, trash makes its way along the extent of Ballona Creek to the ocean. "Los Angeles County Department of Public Works officials said nearly 100 million gallons of contaminated water and debris flow through the storm drain system on dry days, and up to 10 billion gallons on a rainy day. Trash nets capture about 200 tons of litter each year at Ballona Creek and the Los Angeles River, but much more ends up in the oceans, according to Public Works." (Sandy Mazza, Daily Breeze, October 10, 2013 (updated September 6, 2017)).

In Alternatives 1, 2 and 3, as Ballona Creek and seawater flow into the wetlands, trash will be dispersed throughout the wetlands and be nearly impossible to collect. Please provide a detailed description of how debris will be controlled and collected in each Alternative. Also include an explanation of how pollution will be kept from reaching Santa Monica Bay.

O9-9

4. Storm Drainage and Flooding.

As a community, we are very concerned about the ability of Ballona Creek to drain flood waters from our neighborhoods. The levees of Ballona Creek were constructed after the flood of 1938 for the purpose of controlling flooding in our area. We must be assured that during and after the Project, the Creek will provide equal or improved capacity for handling storm water drainage from the parts of Del Rey that are upstream from the wetlands. Please provide a comparison of the storm drainage capacity of Ballona Creek showing stormwater capacity currently, during construction and after completion of the Project, and provide a plan for financing upkeep of any flood control capacity.

O9-10

5. **Habitat preservation**

Much of the current reserve is not in the same condition it was in before the levees and Marina del Rey were built. However, even in its current condition, the Ballona Wetlands Ecological Reserve does provide habitat for many birds, mammals, reptiles, amphibians, fish, plants and insects. The Draft EIS/EIR calls for destruction of habitat in the name of "restoration," but the Project will just replace one artificial habitat with another. We do not see the benefit of this disruption. Moreover, the current inhabitants of the wetlands may not be adapted to the conditions in the restored wetlands.

During the process of excavation, earth moving and land grading, habitat will be destroyed. The Draft EIS/EIR does not explain how wildlife, plants and insects, including some threatened and endangered species, will be protected during the excavation of millions of cubic yards of sediment and soil. The proposition that the wildlife, plants and insects can be captured, retained and released back into the "restored" environment is not feasible, nor is it credible.

The Draft EIS/EIR does not adequately describe how a successful restoration will look, how it will be evaluated or how any benefit outweighs the disruption of habitat. Please provide scientific data and case study documentation that demonstrates how the proposed solutions to the wildlife displacement situation can be successfully executed.

O9-11

6. **An Ecological Reserve, not a park.**

California Fish and Game Code section 1580 states that it is the policy of the state "to protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and nonmarine aquatic, or large heterogeneous natural gene pools for the future use of mankind through the establishment of ecological reserves." The Ballona Wetlands Ecological Reserve is not intended to be a recreational park, criss-crossed by paved surfaces, trails and kayaking routes. Public facilities should not impair native wildlife or the planned ecological functions of the wetland. We opposed the Annenberg proposal to build a 49,000 square foot animal shelter in the wetlands, and we similarly oppose any project that involves new construction or building in the wetlands, i.e. no parking structures, no paved bike trails, no lighted walkways. Public access should not be greater than at current levels, which means the unlighted baseball fields, the Ballona bike path, minimal trails for educational and maintenance purposes must be left as they are now.

O9-12

7. Hazards and Hazardous Materials

All Alternatives use some form of "restoration" that involves removing large amounts of soils from Area A, and placing them in Area C, effectively using Del Rey as a dump. O9-13

Area C is home to the Culver-Marina Little League baseball fields. The baseball fields will continue to operate during and after construction, with possible disruptions during construction under Alternatives 1 and 3, and full closure during construction with reopening contingent on "various factors" under Alternative 2. Significant amounts of dredged soil would be moved to Area C where the baseball fields are located, and that soil must be analyzed to the level required for recreational use by children. The soil has not yet been tested for use with consideration of this site specific factor. O9-14

As proposed, Alternatives 1 and 2 would reposition up to 1,000,000 and 1,400,000 cubic yards, respectively, of dredged or fill material from Area A to Area C. Alternative 3 would reposition up to 190,000 cubic yards of such material onsite but the exact destination is not identified.

Section 2.4.3 of the Draft EIS/EIR states in part, "[a]lthough the preliminary chemical assessment demonstrated that the majority of the Area A soil is within regulatory limits for use as landfill material and restoration activities, the screening criteria cannot be applied without consideration of site specific factors. This is a screening level assessment and more analysis would be required before a disposal option is selected and/or implemented." O9-15

The Draft EIS/EIR does not sufficiently address the environmental impact of hauling the dirt through the Villa Marina residential neighborhood in order to place the dirt in Area C. O9-16

Further, no analysis of soil intended for repositioning appears to have considered the effects of concentrating the excavated dredged material into a smaller area. Contaminants may be below actionable levels in one location but increase to actionable levels when repositioned and concentrated. O9-17

In discussing the placement of dredged sediment from Areas A and north Area B in the ocean, the following statement is made, "Sediments that are identified to have constituents at a level that preclude it from ocean disposal would be buried in upland areas on-site". See 1-WQ-1C, page 3.9-53. Area C comprises most of the upland area on-site, including the baseball fields. Area C is not a landfill and O9-18

should not be a dumping site for materials that do not meet the criteria for disposal in the ocean. O9-18 cont.

8. Effect of Higher Grade Elevations

The Draft EIS/EIR does not consider the impacts to security and safety that would result from raising the berm along Culver Boulevard in Area C. Per Section 2.2.2.1 of the Draft EIS/EIR, "The 1,730,000 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." This area is already significantly higher than Culver Blvd., and it will become even further out of sight from people passing by on either Culver Blvd. or the Ballona bike path.

Because it cannot be patrolled easily, it is currently one of the most problematic environments on the Westside. Crime and homelessness thrive there. The fences, embankments, Little League facilities, etc. in Area C are constantly being vandalized. If the berm is another 30 feet higher, the newly created "upland" will not restore any of the ecology that was there in the 1920s, but it will make it much easier for illegal activities to occur and for homeless people to live in and damage what is supposed to be an ecological reserve. O9-19

Please provide an Alternative in which the elevations in Area C are not raised above the existing grades, and the post-restoration environment will be safer and more easily patrolled than the existing environment. O9-20

9. **Culver Marina Little League**

In park-poor Del Rey, the Culver Marina Little League (CMLL) is one of the few community institutions that we have. It provides an extremely important opportunity for neighborhood youth to play team sports and for families to socialize. The use of the Little League fields will be disrupted for approximately three years during construction, and under Alternative 2, there is a risk of closure. For us, there is no question that Alternatives 1, 2 and 3 would have a significant environmental impact on our community.

While we agree that the low lying areas of the Ecological Reserve should not be turned into a park, it is our view that the upland location of the baseball fields should be considered an exception to the limits on public access due to the historical use of the property for this purpose. O9-21

The CMLL is important to Del Rey's sense of community, and the lead agencies should provide specific plans that are acceptable to the community and to the

CMLL (determined through public outreach) for the baseball fields in each Alternative. Please provide necessary means of funding the Alternatives. O9-21 cont.

10. Maintenance Costs

For each Alternative, the need for ongoing site management and the cost of additional staffing to maintain the wetlands must be considered. If any dredging is going to be needed to keep the watercourses flowing freely, that cost needs to be considered in the evaluation of Alternatives. Further, as an ecological reserve, the Ballona Wetlands is not supposed to be a place for human habitation. However, there are numerous homeless encampments with their accompanying cooking fires and trash. The Draft EIS/EIR does not address this significant issue and the continuing cost of managing the situation. O9-22

11. Gas Storage

The Project is next door to a natural gas storage facility (8141 Gulana Avenue) that is less than five miles from any part of Del Rey and its schools, a major hospital, our residences and businesses. We do not know how the restoration will impact the gas storage facility. Whether the earth movement and redirection of water during the course of the restoration could cause a leak at the natural gas storage facility is a risk that concerns us greatly. Certainly the Aliso Canyon gas leak affected residents within a radius of three miles. For us, the only way to mitigate the risk of a leak is to close down the gas facility as a condition of starting the Project. O9-23

12. Need for Re-Circulation

Following publication of the Notice of Availability of the Draft EIS/EIR on September 25, 2017, members of the public were given until Monday, February 5, 2018, at 5 p.m. to submit comments on a,1,242 page document that has 6,871 pages of appendices.

Although the current Draft EIS/EIR has taken many years to prepare, it has been developed behind closed doors, with little outreach to the communities most affected. There was only one scoping meeting in 2012 and one public meeting in November 2017.

The draft mentions a dozen Alternative projects, and although the "lead agencies" (California Department of Fish and Wildlife ("CDFW") and the U.S. Army Corps of Engineers ("USACE")) have focused on a "tidal habitat restoration," there has been no investigation of which Alternative would be preferred by the people who must live with the restoration. After the lead O9-24

agencies review the comments and come to a decision on the Alternative to be chosen, we want the Draft EIS/EIR to be recirculated so that the public that is funding the Project will have an opportunity to weigh in on whether they agree with the lead agencies' choice.

O9-25

Because comments were due before our February 5, 2018 board meeting, our board of directors reviewed these comments and voted electronically to submit them.

Best regards,

DEL REY RESIDENTS ASSOCIATION

By Elizabeth A. Pollock, President

CC:
Frank Wu, Senior Civil Engineer, Los Angeles County Department of Public Works, FWU@ladpw.gov
JulieValdez@bryantrubber.com (Culver Marina Little League)
Sue Herrschaft, sherrschaft@yahoo.com (Villa Marina Townhomes)
Councilman Mike Bonin
C.D. 11 Planning Director Krista Kline
Scott Dellinger, president, Del Rey Neighborhood Council

Letter O9: Del Rey Residents Association

O9-1 The proximity of the Del Rey community to the Project Site is acknowledged and will be taken into consideration as part of CDFW's decision-making process.

O9-2 See Response O8-5, which explains that the proposed truck haul route complies with applicable requirements. Potential impacts regarding transporting excavated materials have been considered in the EIR. See, e.g., Draft EIS/EIR Section 3.12, *Transportation and Traffic*; Section 3.3, *Air Quality*; Section 3.7, *GHG Emissions*; and Section 3.8, *Hazards and Hazardous Materials*, each of which evaluate emissions and other secondary impacts of truck transport. Without more information about why the commenter believes materials transport-related impacts have not been fully considered, CDFW does not have enough information to provide a more detailed response.

O9-3 Under the Project (Alternative 1), Area C would be restored for upland habitat and would receive excavated materials from Area A. As discussed in Draft EIS/EIR Section 3.8, the sediments from Area A were analyzed and determined to be suitable for reuse at Area C on the basis of evaluating for four potential uses (wetland surface materials, wetland foundation materials, upland materials, or ocean disposal) against several ecologic, two human health, two hazardous waste, and one ocean disposal criteria. See also Draft EIS/EIR Appendix F5 for the Sediment Quality Investigation results that show that the sediments that would be used as wetland surface and foundation materials, are suitable. Therefore, the Project would not reposition contaminated materials to Area C.

O9-4 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. See Response I37-3 regarding crime and homelessness in the Project area under existing (baseline) conditions.

O9-5 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.

O9-6 The potential for the Project to cause flooding is addressed in Impact 1-WQ-4. The impact analysis of flooding concludes that with implementation of Mitigation Measure 1-WQ-4, the potential for adverse effects from flooding would be less than significant. See also Response O8-15 regarding maintenance of the authorized LACDA project levels of flood risk management as one of the overall Project purposes.

O9-7 See General Response 2, *Proposed Project* (Final EIR Section 2.2.2.6), which addresses multiple comments regarding the definition of "restoration." See General Response 3, *Alternatives* (Final EIR Section 2.2.3.1), which addresses issues raised

regarding the need and analysis of 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.

O9-8 The comment states that the proposed creek configuration that would occur under the Project would be an "arbitrary and fake form of nature." The Draft EIS/EIR provides scientific justification of the channel reconfiguration and notes that dynamic process would be restored under the channel reconfiguration. As stated in Section 2.2.2, "the restored Ballona Creek banks and floodplain would experience some level of periodic erosion and deposition, which are typical for natural river and estuarine environments. The goal is to accommodate and support this level of natural channel and floodplain dynamics, while protecting developed areas outside the Project Site. While these active processes may require periodic maintenance and adaptive management (e.g., removal of any major channel blockages such as sediment or debris), they also would benefit ecological processes such as natural disturbance regimes." Such monitoring and adaptive management have been incorporated into the Project and alternatives to ensure that the restoration processes meet the Project's performance criteria for the habitats, as outlined in Table 2-11 of the Draft EIS/EIR. See also General Response 6, *Hydrology and Water Quality* (Final EIR Section 2.2.6), which provides additional information regarding hydrodynamics.

O9-9 As described in Draft EIS/EIR Sections 1.2.2.1 through 1.2.2.4, for each restoration alternative, and as further described in the preliminary operations and maintenance plan provided in Draft EIS/EIR Appendix B5, existing operation and maintenance activities would continue, including trash removal efforts at the existing trash boom system.

O9-10 See Response O8-15 regarding maintenance of the authorized LACDA project levels of flood risk management as one of the overall Project purposes. The analysis of potential flooding risks from the Project was considered and analyzed in Impact 1-WQ-4. As stated within that impact analysis, hydraulic modeling was used to evaluate the potential for flooding for both existing and proposed conditions. During construction, measures such as constructing the berm around Area A prior to removing the channel levees would ensure that flooding potential is not increased during the temporary transitional phases of the Project. Following construction, the modeling indicates that with the expansion of flow onto the floodplain, flow velocities through the Project Site would be reduced, which ultimaltely would result in reduced water levels upstream. This would be a beneficial effect related to flood protection. Downstream, there is a section of the existing levee between the upstream end of the jetty and Area A that may need to be raised. Adherence to the 408 permit would be required prior to construction of the levee and further modeling would determine the appropriate elevation of the levee that would be necessary to maintain the existing level of flood protection. In addition, Mitigation Measure 1-WQ-4 would be required to ensure that water levels would be monitored and adaptive management

measures such as installing flap gates on the culverts to limit the flow into South Southeast Area B. Therefore, as demonstrated and concluded by the analysis in Impact 1-WQ-4, with implementation of Mitigation Measure 1-WQ-4, the Project's potential flooding impacts would not increase for either on- or off-site locations and the impact would be less than significant.

O9-11 Biological resources-related direct and indirect impacts of the Project and alternatives as related to habitat modifications are discussed in Draft EIS/EIR Section 3.4.6. Specific Project design features are included to ensure the success of restoration efforts (see Project Design Feature BIO-3 [Habitat Restoration]). Additionally, mitigations such as BIO-1b-ii (Biological Monitoring) and WQ-1a-i (Water Quality Monitoring and Adaptive Management Plan) among other measures, are included for the impacted species during and following restoration of the Project Site. The implementation of Project design features along with the mitigation measures, described in Draft EIS/EIR Table ES-1 and Section 3.4, *Biological Resources*, would reduce restoration impacts to wildlife to less than significant levels. Regarding how restoration would "look," see Draft EIS/EIR Section 3.18, *Visual Resources,* which provides context photographs and simulations of post-project conditions from 12 different viewpoints. Without more information about why the proposed restoration is believed to be infeasible or incredible, CDFW does not have enough information to provide a more detailed response.

O9-12 The commenter's opposition to construction and enhanced public access in the Ballona Reserve is acknowledged. Each of the potential restoration alternatives has been developed with careful consideration of the Project objectives set forth in Draft EIS/EIR Section 1.1.2, including restoration, enhancement, and creation of habitats as well as developing and enhancing wildlife-dependent uses and secondary compatible on-site public access for recreation and educational activities. As a result, the public access plans are designed to avoid impacts to sensitive habitat and to plants and wildlife. The stated preference for an alternative with reduced public access is acknowledged, but is not proposed as part of the Project.

O9-13 See Response O9-2. CDFW disagrees with the characterization of the proposed soils redistribution as using Del Rey as a dump. Nonetheless, the opinion 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*.

O9-14 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.

O9-15 Alternative 3 would include repositioning of soils for construction of levees per Corps requirements. Draft EIS/EIR Section 2.2.2.5 describes three possible destinations for the off-site soil exports. See also Response O9-2.

O9-16 See Response O9-2.

O9-17 The Draft EIS/EIR considered the effects of potentially contaminated soils in Section 3.8, *Hazards and Hazardous Materials*. Mitigation measures are included in the Draft EIS/EIR that would include ongoing water quality sampling onsite per WQ-1a-i. Contrary to the suggestion in this comment, the EIR does consider potential impacts resulting from materials movement within the Ballona Reserve.

O9-18 The commenters' opposition to placement of sediments dredged from Areas A and B into the upland sites of Area C is acknowledged. As described in Draft EIS/EIR Section 2.2.2.1, *Alternative 1: Ecosystem Restoration*, under the subheading "Restored Habitats (Alternative 1, Phase 1), "In North and South Area C, upland habitats would be restored and enhanced, with an emphasis on coastal sage scrub and grassland habitat, with smaller areas of seasonal wetlands and a restored Fiji Ditch channel riparian corridor within the upper portion of the Fiji Ditch in North Area C." Therefore, excavated fill would be deposited in Area C to create enhanced upland habitat, transition zones, and perimeter berms. Not only would this process enhance upland and riparian habitats, it would also allow habitats to migrate upslope as sea levels rise resulting in a self-sustaining, adaptive range of habitats.

O9-19 See Responses F8-2 and O1-5, which discuss the Project's and Alternatives 2's and 3's impacts to Area C with regard to elevation. The commenter's opposition to elevation change in Area C is acknowledged and will be taken into consideration as part of CDFW's decision-making process. 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. See Response I37-3 regarding crime and homelessness in the Project area under existing (baseline) conditions.

O9-20 The comment requests that an alternative be provided that does not raise elevations in Area C above the existing grades, to facilitate patrolling the post- restoration more easily, compared to existing conditions. However, there is no indication that the existing range of alternatives is inadequate. Therefore, although they have not been adopted, the commenter's suggestions 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*.

O9-21 The historical uses and community value for the ball fields is acknowledged and will be considered by CDFW. 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. For input provided by and responses provided to Culver Marina Little League, see Section 2.3.5 (Letter F1) and Culver Marina Youth Baseball, see Section 2.3.6 (Letter O7). Additional input was provided at the public hearing (see Section 2.3.8).

O9-22 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 (see Section ES.1 and Section 1.2.2; see also Section 2.2.2). See also Response I37-3 regarding crime and homelessness in the Project area under existing (baseline) conditions. These illegal uses of the Ballona Reserve are subject to ongoing removal efforts by CDFW, independent of the Project; therefore the Project did not include a cost analysis of these management actions as separate from other elements of exiting conditions that would continue if one of the restoration alternatives is approved. Regarding dredge and disposal cost estimates, see Draft EIS/EIR Appendix B8. Regarding costs of the various alternatives, see Draft EIS/EIR Appendix B9 and Appendix B10.

O9-23 The commenter's preference that SoCalGas Company facilities within the Ballona Reserve be closed is aknowledged 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 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.

O9-24 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.

O9-25 There were additional opportunities for the public to provide input other than the CEQA process. See General Response 7, *Request for Recirculation* (Final EIR Section 2.2.7), and General Response 8, *Public Participation*. There is no requirement in CEQA to allow for additional public input after the agency decision, but there will be additional opportunities during the permitting phase.

From: Wildlife Ballona Wetlands Ecological Reserve EIR [mailto:BWERcomments@wildlife.ca.gov]
Sent: Friday, February 2, 2018 3:22 PM
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: Scott Culbertson [mailto:scott@ballonafriends.org]
Sent: Friday, February 02, 2018 2:47 PM
To: Wildlife Ballona Wetlands Ecological Reserve EIR <BWERcomments@wildlife.ca.gov>; daniel.p.swenson@usace.army.mil
Cc: Lisa Fimiani <lisafimiani@gmail.com>; Catherine Tyrrell <catherine.a.tyrrell@gmail.com>; Edith Read <marshmistress@msn.com>; Ruth Lansford <ruthklansford@gmail.com>; Neysa Frechette <neysaf@ballonafriends.org>; Patrick Tyrrell <patrickt@ballonafriends.org>
Subject: DEIR Comment Letter from the Friends of Ballona Wetlands

Friends of Ballona Wetlands is pleased to provide comments on the Draft Environmental Impact Report/Statement. These Friends specific comments are an addendum to the joint comments of the Wetlands Restoration Principles Coalition Steering Committee submitted yesterday.

One behalf of the Friends of Ballona Wetlands board of directors, science committee and staff I urge you to evaluate and consider our analysis in your preparation of the final EIR.

Thank you for your time. We look forward to a healthy and restored Ballona.

Best regards,

Scott Culbertson

--

Scott H. Culbertson | Executive Director

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FRIENDS OF BALLONA WETLANDS

February 2, 2018

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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. O10-1

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.

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.

O10-13 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.

O10-13 cont.

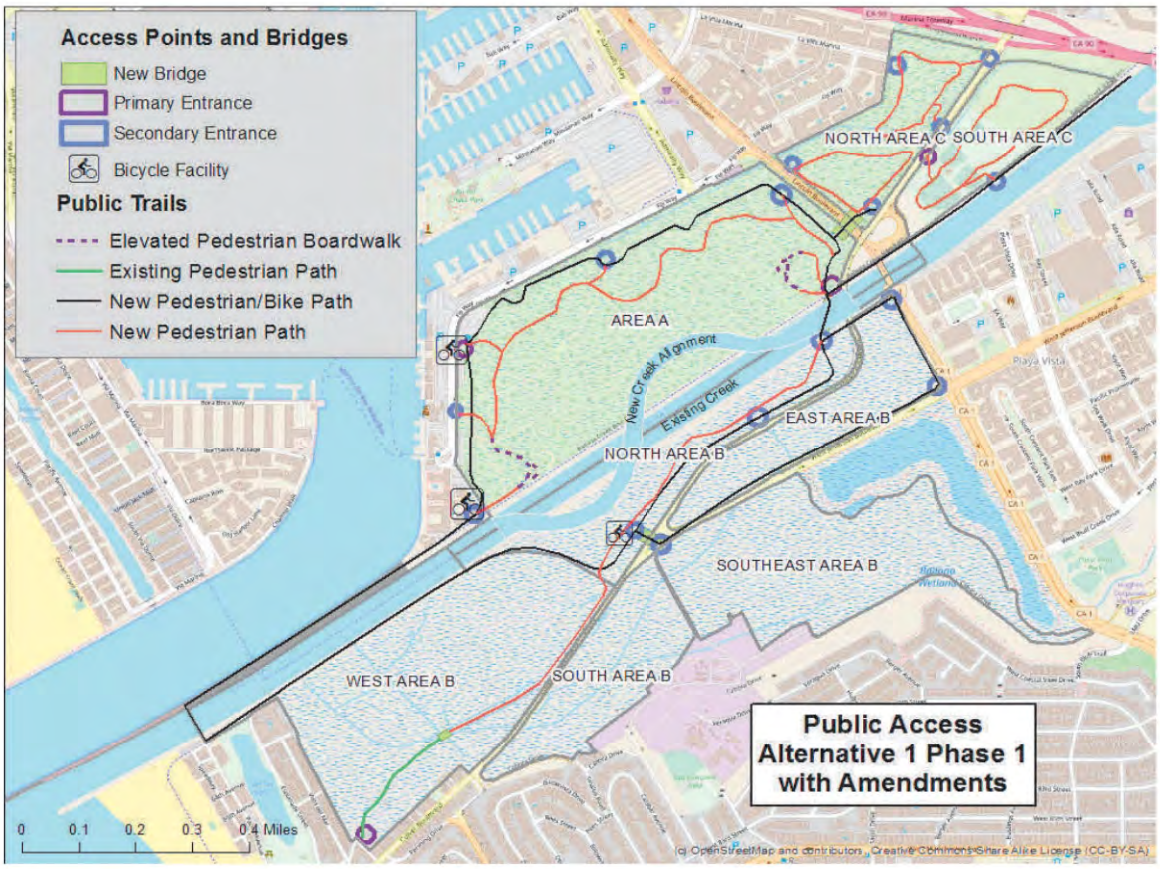
Thank you for your attention to our comments. We are delighted to look at a future where significantly more healthy wetlands and uplands habitat exist once again at Ballona, and where bike and walking trails provide for the safe enjoyment of our citizens and visitors!

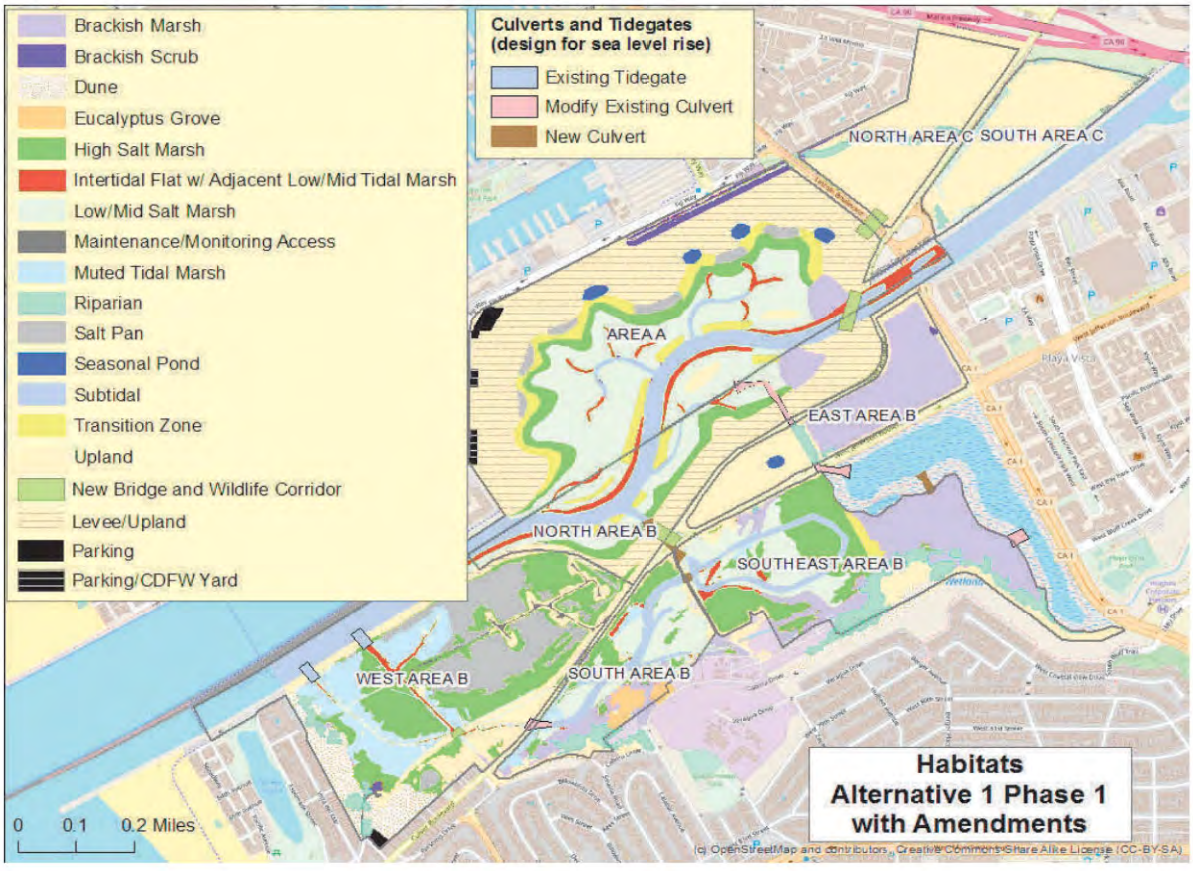
Sincerely,

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


Access Points and Bridges
New Bridge
Primary Entrance
Secondary Entrance
Bicycle Facility
Public Trails
Elevated Pedestrian Boardwalk
Existing Pedestrian Path
New Pedestrian/Bike Path
New Pedestrian Path
NORTH AREA C
SOUTH AREA C
AREA A
New Creek Alignment
Existing Creek
EAST AREA B
NORTH AREA B
SOUTHEAST AREA B
WEST AREA B
SOUTH AREA B
Public Access
Alternative 1 Phase 1
with Amendments
0 0.1 0.2 0.3 0.4 Miles
(c) OpenStreetMap and contributors, Creative Commons-Share Alike License (CC-BY-SA)


Brackish Marsh
Brackish Scrub
Dune
Eucalyptus Grove
High Salt Marsh
Intertidal Flat w/ Adjacent Low/Mid Tidal Marsh
Low/Mid Salt Marsh
Maintenance/Monitoring Access
Muted Tidal Marsh
Riparian
Salt Pan
Seasonal Pond
Subtidal
Transition Zone
Upland
New Bridge and Wildlife Corridor
Levee/Upland
Parking
Parking/CDFW Yard
Culverts and Tidegates
(design for sea level rise)
Existing Tidegate
Modify Existing Culvert
New Culvert
NORTH AREA C
SOUTH AREA C
AREA A
EAST AREA B
NORTH AREA B
SOUTHEAST AREA B
WEST AREA B
SOUTH AREA B
Habitats
Alternative 1 Phase 1
with Amendments
0 0.1 0.2 Miles
(c) OpenStreetMap and contributors, Creative Commons-Share Alike License (CC-BY-SA)

O10-6

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]

O10-7

Projects that incorporate the nine fundamental principles of wetland restoration are supported by the following organizations:

Heal the Bay
SURFRIDER FOUNDATION
FRIENDS OF BALLONA WETLANDS
ENVIRONMENT CALIFORNIA
Ocean Conservancy
AMIGOS DE LOS RIOS
WILDCOAST COSTASALVAJE
FRIENDS OF THE LA RIVER
The RIVER PROJECT
LMU LA Center for Urban Resilience
Friends of Madrona Marsh

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.[iii]

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.

O10-8

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.

wetlandsrestoration.org

The Steering Committee of the Wetlands Restoration Principles Coalition

February 1, 2018

Mr. Richard Brody
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Daniel Swenson, Regulatory Division
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Los Angeles District
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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. O10-9

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.

O10-9 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.

O10-9 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.

O10-9 cont.

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.

O10-9 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

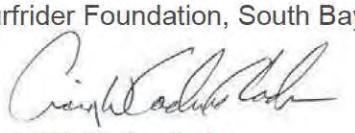
Heal the Bay

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
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Jayme Wilson, Economic Development/Beaches & Harbor Deputy jwilson@bos.lacounty.gov
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Congressman Ted Lieu
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
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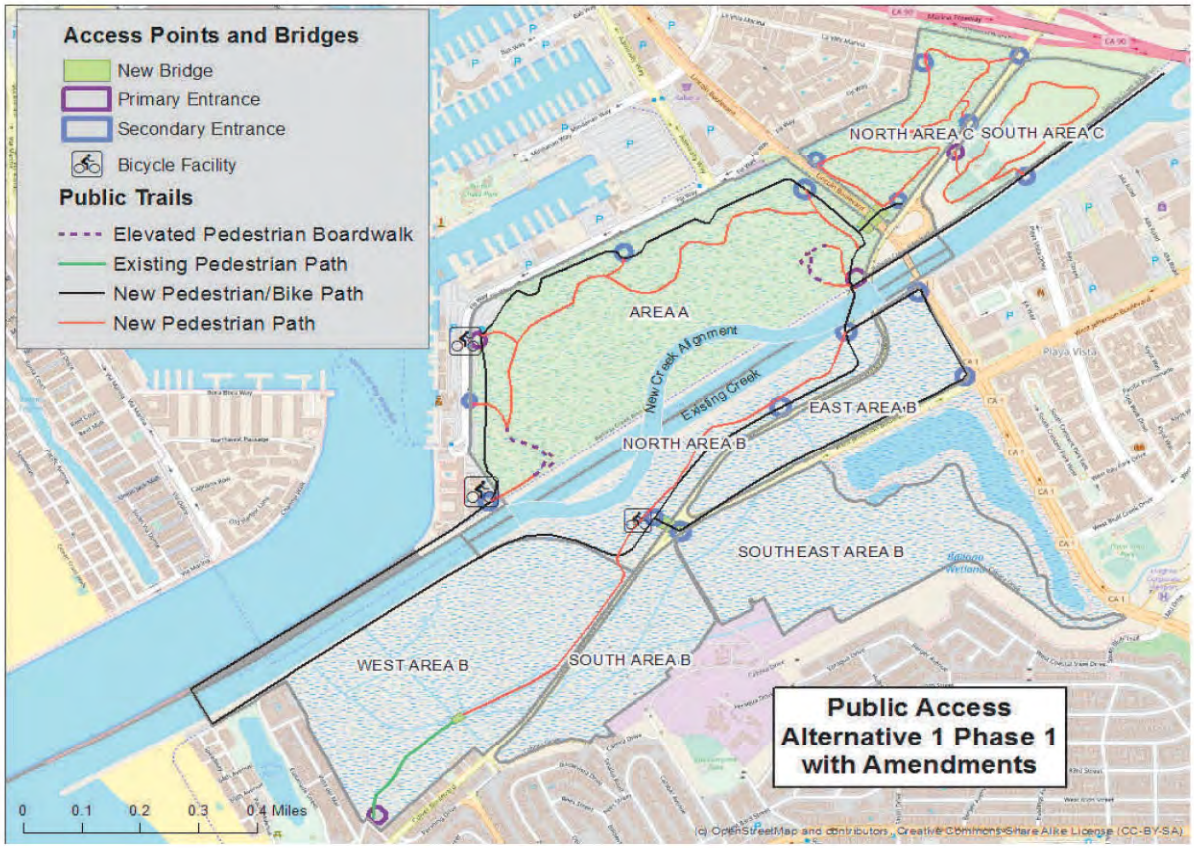
Mark Pestrella, Director, County of Los Angeles Public Works mpestrel@ladpw.org

O10-9 cont.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New Bridge
Primary Entrance
Secondary Entrance
Bicycle Facility
Public Trails
Elevated Pedestrian Boardwalk
Existing Pedestrian Path
New Pedestrian/Bike Path
New Pedestrian Path
NORTH AREA C
SOUTH AREA C
AREA A
New Creek Alignment
Existing Creek
EAST AREA B
NORTH AREA B
SOUTHEAST AREA B
WEST AREA B
SOUTH AREA B
Public Access
Alternative 1 Phase 1
with Amendments
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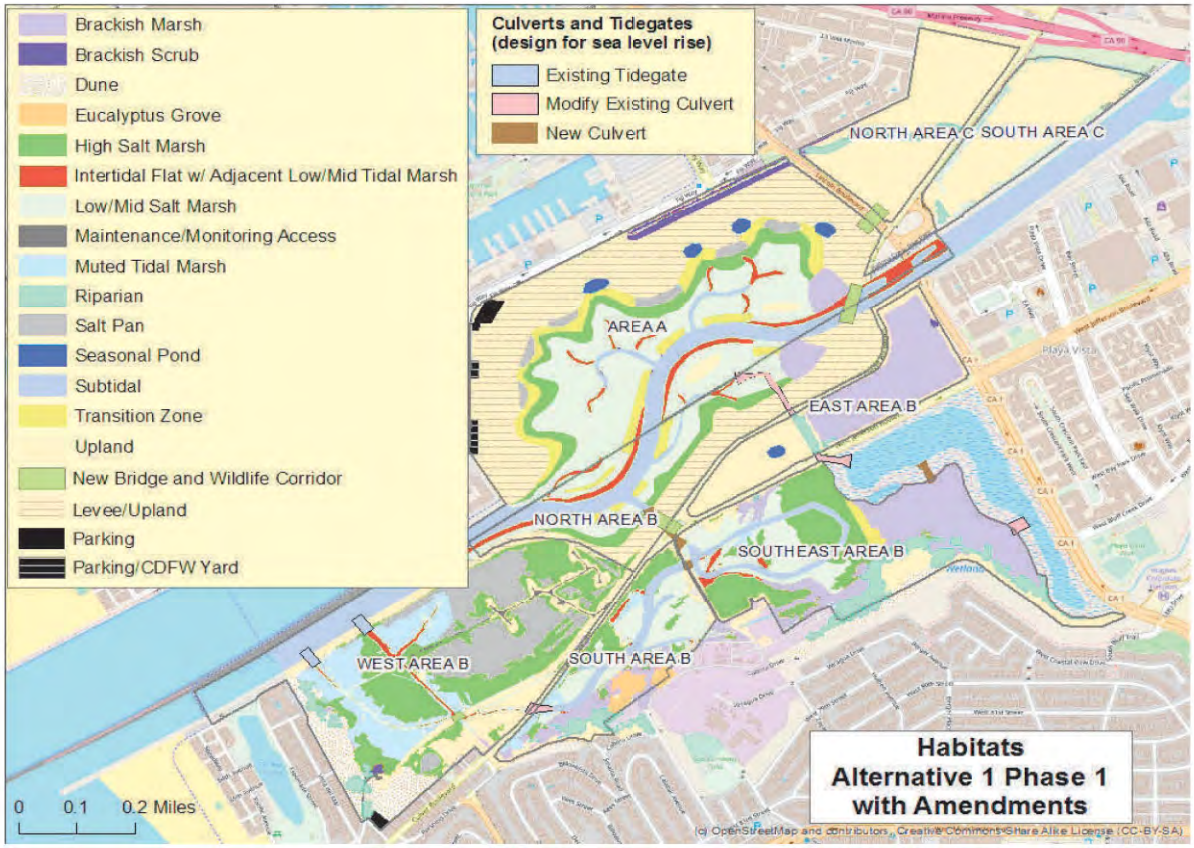
Brackish Marsh
Brackish Scrub
Dune
Eucalyptus Grove
High Salt Marsh
Intertidal Flat w/ Adjacent Low/Mid Tidal Marsh
Low/Mid Salt Marsh
Maintenance/Monitoring Access
Muted Tidal Marsh
Riparian
Salt Pan
Seasonal Pond
Subtidal
Transition Zone
Upland
New Bridge and Wildlife Corridor
Levee/Upland
Parking
Parking/CDFW Yard
Culverts and Tidegates
(design for sea level rise)
Existing Tidegate
Modify Existing Culvert
New Culvert
NORTH AREA C
SOUTH AREA C
AREA A
EAST AREA B
NORTH AREA B
SOUTHEAST AREA B
WEST AREA B
SOUTH AREA B
Habitats
Alternative 1 Phase 1
with Amendments
0 0.1 0.2 Miles
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O10-9 cont.

From: Scott Culbertson [mailto:scott@ballonafriends.org]
Sent: Friday, February 02, 2018 3:31 PM
To: Wildlife Ballona Wetlands Ecological Reserve EIR <BWERcomments@wildlife.ca.gov>
Cc: Neysa Frechette <neysaf@ballonafriends.org>
Subject: Endorsement in Support of a Robust Science-based Restoration of the Ballona Wetlands Ecological Reserve

Good afternoon Mr. Brody. The Friends of Ballona Wetlands recently posted an online endorsement page for proponents of a robust and comprehensive restoration of the Ballona Wetlands to show their support.

To date 424 individuals signed the endorsement (there are 441 signers but 17 are duplicates). Most of those who signed are from communities adjacent to the Reserve but you will see support from all over Los Angeles County and even statewide.

Here is a link to the endorsement campaign page: https://docs.google.com/forms/d/1G7KwHkVMM-YaL6dtxgyB89okUo0MtkoJm6-dTRL-xks/edit#response=ACYDBNgZBwcl_MAITIjpPXgiJ-Bkj_Rec3yXEfN7Z7Dhkkgu7xzNnGQRQmJnLQU

Attached is a screen shot of the page and spreadsheet of those who signed the endorsement.

This historic restoration project has wide support. We urge you heed their call in support of restoration to preserve this highly degraded and important land.

O10-10

Sincerely,

Scott Culbertson

--

Scott H. Culbertson | Executive Director

Friends of Ballona Wetlands | P.O. Box 5159 | Playa del Rey | CA | 90296

p. 310.306.5994 | m. 310.612.4551

scott@ballonafriends.org

www.ballonafriends.org

Endorsement in Support of a Robust Science-based Restoration of

SEND

QUESTIONS RESPONSES 440

Endorsement in Support of a Robust Science-based Restoration of the Ballona Wetlands Ecological Reserve

By submitting this form, I endorse a robust science-based restoration of the Ballona Wetlands based on the Wetlands Restoration Principles (www.wetlandsrestoration.org), written by the Coalition including Heal the Bay, Friends of Ballona Wetlands, LA Waterkeeper, Trust for Public Land, and Surfrider Foundation.

Together we encourage the Department of California Fish and Wildlife to:

1. Protect, enhance and create diverse habitats for native plants and wildlife. Optimize diversity and enhance quality of wildlife habitats 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 public access that is open, accessible, and welcoming to all people throughout Los Angeles using 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. Use appropriate measures of law enforcement to protect Ballona from trespassing, dumping, and other negative impacts.

First Name *

Short answer text

O10-11

From: Steve Hirai [mailto:stevehirai@yahoo.com]
Sent: Saturday, February 03, 2018 11:41 PM
To: Wildlife Ballona Wetlands Ecological Reserve EIR <BWERcomments@wildlife.ca.gov>; 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. O10-12

Respectfully submitted,

Steve Hirai
Board Director
Friends of Ballona Wetlands

FRIENDS OF BALLONA WETLANDS

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.

O10-13

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.

O10-13 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.

O10-13 cont.

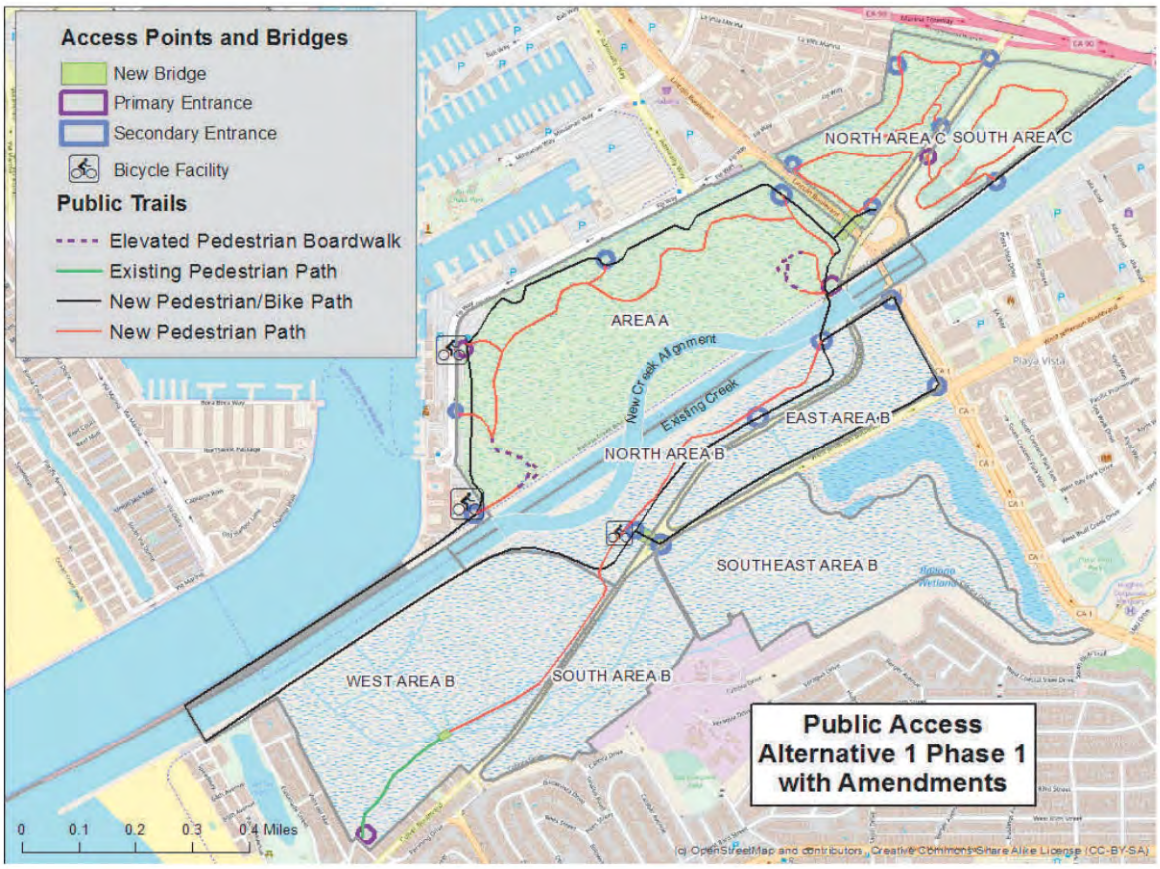
Thank you for your attention to our comments. We are delighted to look at a future where significantly more healthy wetlands and uplands habitat exist once again at Ballona, and where bike and walking trails provide for the safe enjoyment of our citizens and visitors!

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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Public Trails
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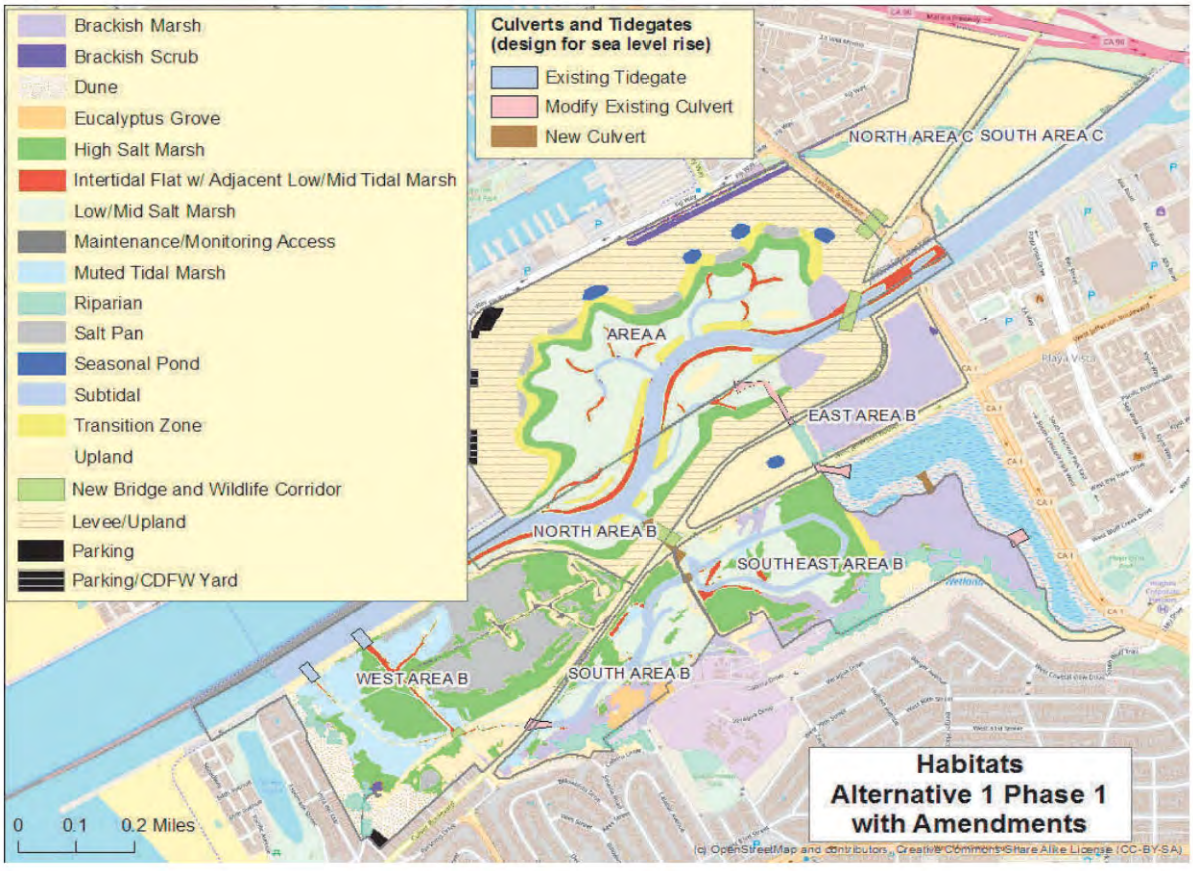
Brackish Marsh
Brackish Scrub
Dune
Eucalyptus Grove
High Salt Marsh
Intertidal Flat w/ Adjacent Low/Mid Tidal Marsh
Low/Mid Salt Marsh
Maintenance/Monitoring Access
Muted Tidal Marsh
Riparian
Salt Pan
Seasonal Pond
Subtidal
Transition Zone
Upland
New Bridge and Wildlife Corridor
Levee/Upland
Parking
Parking/CDFW Yard
Culverts and Tidegates
(design for sea level rise)
Existing Tidegate
Modify Existing Culvert
New Culvert
NORTH AREA C
SOUTH AREA C
AREA A
EAST AREA B
NORTH AREA B
SOUTHEAST AREA B
WEST AREA B
SOUTH AREA B
Habitats
Alternative 1 Phase 1
with Amendments
0 0.1 0.2 Miles
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O10-13 cont.

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.

O10-14

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.

O10-15

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.

O10-16

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

O10-17

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. O10-17 cont.

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. O10-18

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. O10-19

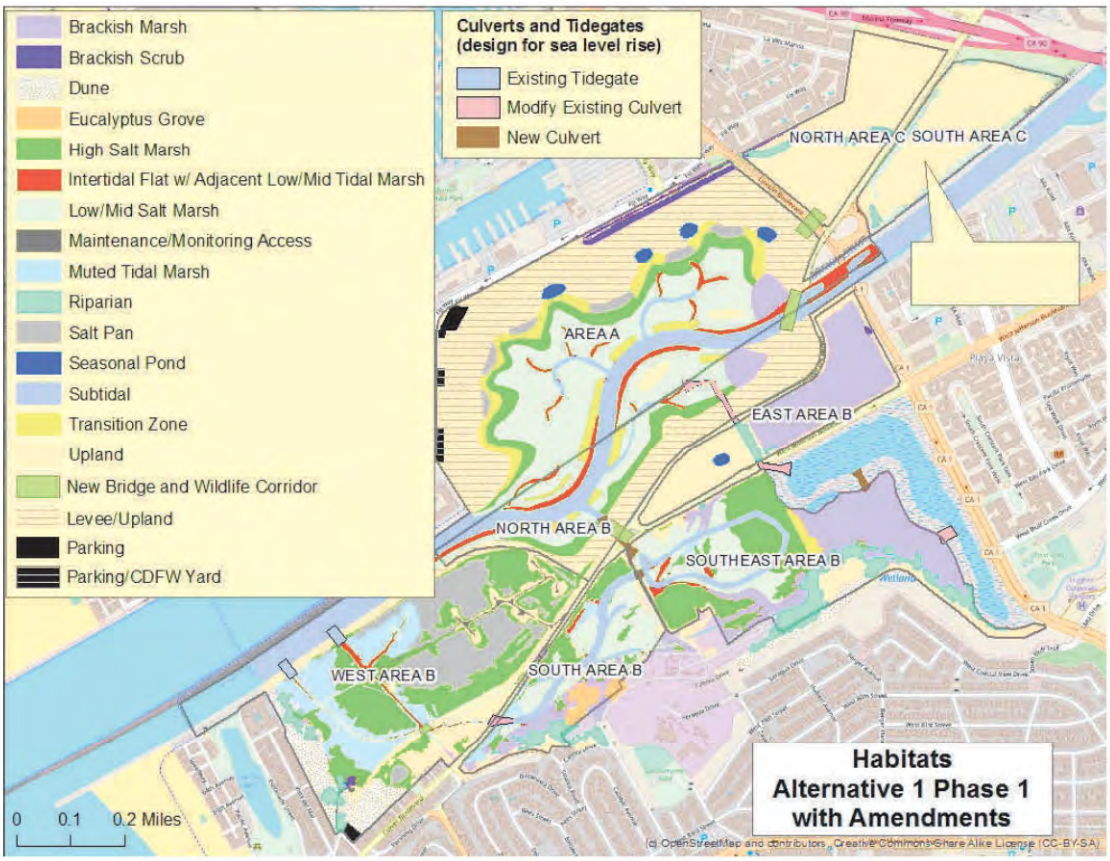
East Area B: We support the Alternative 1 Phase 1 plan to protect seasonal wetlands in East Area B. However, we believe a trail system should be added on part of the perimeter as reflected in the Alternative 2 Access Plan. We would like to see wetland habitat maximized here by protecting and improving 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. O10-20

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. O10-21

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. O10-22

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. O10-23

The next page shows maps that reflect our habitat and public access comments.


Brackish Marsh
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Dune
Eucalyptus Grove
High Salt Marsh
Intertidal Flat w/ Adjacent Low/Mid Tidal Marsh
Low/Mid Salt Marsh
Maintenance/Monitoring Access
Muted Tidal Marsh
Riparian
Salt Pan
Seasonal Pond
Subtidal
Transition Zone
Upland
New Bridge and Wildlife Corridor
Levee/Upland
Parking
Parking/CDFW Yard
Culverts and Tidegates (design for sea level rise)
Existing Tidegate
Modify Existing Culvert
New Culvert
NORTH AREA C
SOUTH AREA C
AREA A
EAST AREA B
NORTH AREA B
SOUTHEAST AREA B
WEST AREA B
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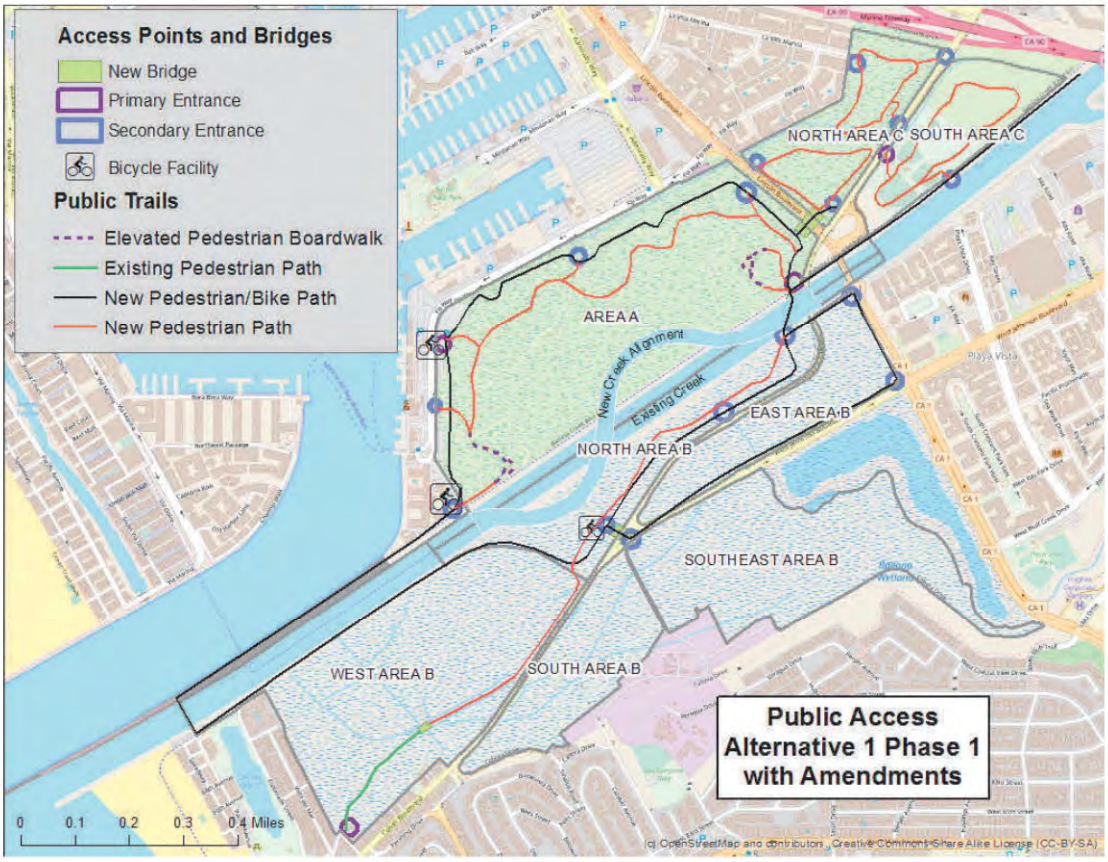
0 0.1 0.2 Miles
Habitats
Alternative 1 Phase 1
with Amendments
(c) OpenStreetMap and contributors, Creative Commons-Share Alike License (CC-BY-SA)


Access Points and Bridges
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Bicycle Facility
Public Trails
Elevated Pedestrian Boardwalk
Existing Pedestrian Path
New Pedestrian/Bike Path
New Pedestrian Path
NORTH AREA C
SOUTH AREA C
AREA A
New Creek Alignment
Existing Creek
EAST AREA B
NORTH AREA B
SOUTHEAST AREA B
WEST AREA B
SOUTH AREA B
0 0.1 0.2 0.3 0.4 Miles
Public Access
Alternative 1 Phase 1
with Amendments
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O10-24

3

The Steering Committee of the Wetlands Restoration Principles Coalition

FRIENDS OF BALLONA WETLANDS | Heal the Bay | LOS ANGELES WATERKEEPER | THE TRUST FOR PUBLIC LAND | SURFRIDER FOUNDATION

February 1, 2018

Mr. Richard Brody
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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.

O10-25

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.

O10-25 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.

O10-25 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.

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[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.

O10-25 cont.

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.

O10-25 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:

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Los Angeles Waterkeeper

Bruce Reznik, Executive Director
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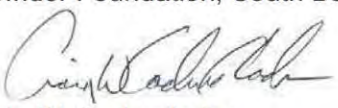
Surfrider Foundation, South Bay Chapter



Craig W. Cadwallader
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Tori Kjer, Los Angeles Director
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Enclosure: Wetlands Restoration Principles

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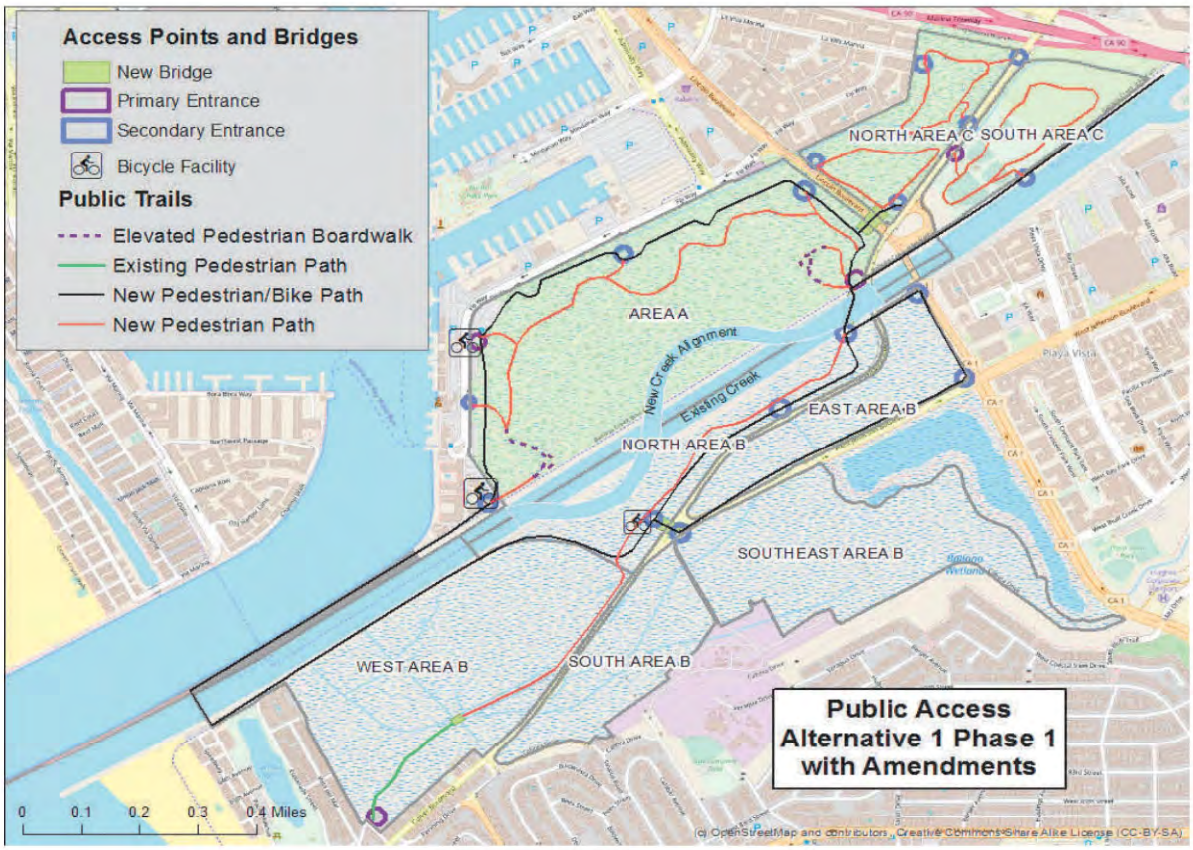
O10-25 cont.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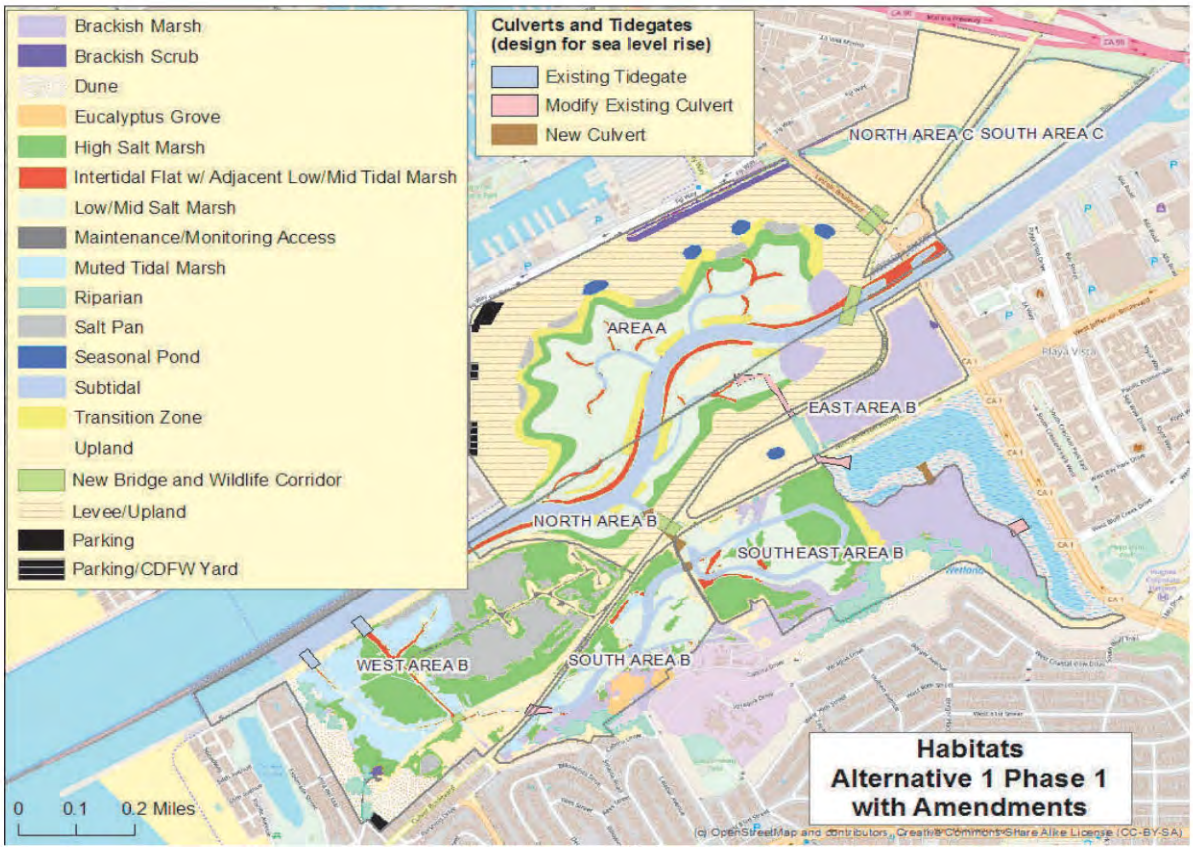
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0 0.1 0.2 Miles
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O10-25 cont.

Letter O10: Friends of Ballona Wetlands

O10-1 General support for restoration and for the comments provided by the Wetlands Restoration Principles Coalition are acknowledged. The stated support for public access points, separate bicycle and walking trails and is acknowledged. Suggested alterations to public access points 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*. However, these ideas have not been incorporated into the Project.

O10-2 The commenter's support of Alternative 1, Phase 1 is acknowledged. The commenter's opinion that Phase 2 should only be implemented in the event of severe sea-level rise that cannot be addressed by less extreme measures 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*.

O10-3 Suggestions regarding the implementation of Alternative 1 Phase 2, including suggestions related to Belding's habitat, water quality improvements, protection of salt pan habitat, and the construction of the levee along Culver 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*. The restoration alternatives have not been revised to incorporate them.

O10-4 General support for the restoration of Area C as described in Alternative 1 Phase 1 is acknowledged. Disagreement about the amount of fill to be removed and suggestions about how it should be distributed also are acknowledged. These ideas 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*), but have not been incorporated into the Project. See also Responses F8-2 and O1-5, which discuss the impacts to Area C with regard to elevation.

O10-5 The commenter's disapproval of full-tidal restoration in West Area B is acknowledged. Suggestions regarding public access, grading and contouring, and sea-level rise adaptation also are acknowledged. These ideas 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*), but have not been incorporated into the Project.

O10-6 Receipt of these two figures illustrating the commenter's suggested modifications is acknowledged. These graphics 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*), but have not been incorporated into the Project.

O10-7 The commenter's support for the stated wetland restoration principles is acknowledged 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*.

O10-8 See Response O10-7.

O10-9 Receipt of this duplicate copy of the Wetlands Restoration Principles Coalition comments is acknowledged. Specific responses are provided in the context of Letter O28, below.

O10-10 Receipt of the list of names and letters submitted as an endorsement of support for a robust, science-based restoration of the Ballona Reserve is acknowledged. These names and endorsements 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*.

O10-11 See Response O10-10.

O10-12 The commenter's support of Alternative 1, Phase 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*.

O10-13 See Responses O10-1 through O10-5.

O10-14 The Friends of Ballona Wetlands' Overall Goals for Ballona 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*.

O10-15 Support for public access is acknowledged. Suggestions regarding reducing the footprint of the parking lot, allowing the parking lot to remain open until 11:00 pm, and including bathrooms at primary trailheads, are acknowledged. These ideas 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*), but have not been incorporated into the Project.

O10-16 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.

O10-17 General support for the restoration of Area A as described in Alternative 1 Phase 1 and Alternative 2 is acknowledged. Suggestions regarding the location of entrances, creation of wildlife corridors, public access, and upstream water quality projects also are acknowledged. These ideas 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*), but have not been incorporated into the Project.

O10-18 See Response O10-3.

O10-19 General support for the restoration of Southeast and South Area B as described in Alternative 1 Phase 1 and Alternative 2 is acknowledged. Suggestions regarding the

orientation of the channel, and protection of the eucalyptus patch also are acknowledged. These ideas 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*), but have not been incorporated into the Project.

O10-20 General support for the restoration of East Area B as described in Alternative 1 Phase 1 and Alternative 2 is acknowledged. Suggestions regarding freshwater input and daylighting the culvert also are acknowledged. These ideas 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*), but have not been incorporated into the Project.

O10-21 General support for the restoration of West Area B as described in Alternative 1 Phase 1 and Alternative 2 is acknowledged. Suggestions regarding public access and sensitive dune habitat, sea-level rise resiliency, and tidal flow into the area also are acknowledged. These ideas 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*), but have not been incorporated into the Project.

O10-22 See Response O10-2.

O10-23 See General Response 5, *Biological Resources*, regarding Belding's savannah sparrow (Section 2.2.5.4), which addresses multiple comments received about this species.

O10-24 The commenter's inclusion of graphics illustrating suggested modifications is acknowledged. These ideas 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*), but have not been incorporated into the Project.

O10-25 Receipt of this duplicate copy of Letter O28 and the Friends of Ballona Wetlands' agreement with comments provided therein are acknowledged. Specific responses to issues raised within the letter are provided in the context of Letter O28.

From: patricia mc pherson [mailto:patriciamcpherson1@verizon.net]
Sent: Friday, October 06, 2017 10:35 AM
To: FGC <fgc@fgc.ca.gov>; Termini, Valerie@FGC <valerie.termini@fgc.ca.gov>; Director <director@dfg.ca.gov>
Cc: Willis, Andrew@Coastal <andrew.willis@coastal.ca.gov>; Bonin Mike <mike@11thdistrict.com>; Swenson, Daniel P CIV USARMY CESPL (US) <Daniel.P.Swenson@usace.army.mil>
Subject: [EXTERNAL] Ballona Wetlands EIR/S Atascadero Hearing Item

GRASSROOTS COALITION
ENVIRONMENTAL INTEGRITY & PUBLIC POLICY

TO: ALL FISH AND GAME COMMISSIONERS AND MS. TERMINI,

RE: **BALLONA WETLANDS ECOLOGICAL RESERVE, October- ATASCADERO MEETING AGENDA ITEM**

Grassroots Coalition also requests that you request an extension of time for response to the Ballona Wetlands Ecological Reserve "Restoration" EIR/S.
The online notice provided on Oct. 25, 2017 provides for a 45 day response to the EIR/S. O11-1

There are numerous reasons for which to request an extension that include but are not limited to the following:

1. **Appendix D—Which is an appendix with cited inclusion of the SoCalGas oil/gas field operations information —does not open.** When clicked on, Appendix C
is presented which is not the appendix requested. This is but one of many irregularities and problems with the presentation of the EIR/S by CDFW.

O11-2

The oilfield gas issues of SCG are anything but simple, while the EIR/S provides only cursory information in its DEIR Summary Section that is the only very cursory reference to
the oilfield gas issues outside of ..apparently…Appendix D.

As an example of why this issue needs more time for serious address, the DEIR section simply cites that the SCG wells will (in some scenarios) be 'decommissioned'
which is not a term utilized per se in the oil/gas industry as it does not provide any specificity as to what will be done. The DEIR section provides no
actual information pertaining to SCG operational problems and the wells that SCG declares as…not in their control…such as **University City Syndicate which is located**
in the Flood Control Basin of Area B. This Basin communicates to the Ballona Channel via a Main Drain which currently has illegally attached Drains located in
the Ballona Wetlands to which CDFW was sued and is now in communications with the California Coastal Commission in order to stop the drainage and also provide
hydrology report(s). **The leaking oilfield gases of University City Syndicate in the Flood Control Basin may also be communicating gases into the Main Drain and the**
illegal drains, hence the nexus.

GC would hope that CDFW and its Commission would also note that well 'decommissioning' is a misnomer and that **University City Syndicate is a key**
demonstration of a RE-REABANDONED OIL/GAS WELL that has leaked since its re-reabandonment and has yet to be stopped in its leakage. Instead, that leakage is growing.

O11-3

The following DIVISION OF OIL AND GAS AND GEOTHERMAL RESOURCES (PRA'd) VIDEOS are a reminder of continuing failure to seal off
oilfield gases leaking via oil/gas wells of Ballona Wetlands.

Blockedhttp://www.youtube.com/watch?v=LR1r9X2VGZo&feature=geosearch

O11-4

Thank you for your review of these issues of great concern to the public,
Patricia McPherson, Grassroots Coalition

-----Original Message-----
From: patricia mc pherson [mailto:patriciamcpherson1@verizon.net]
Sent: Friday, October 06, 2017 11:47 AM
To: FGC <fgc@fgc.ca.gov>; Termini, Valerie@FGC <valerie.termini@fgc.ca.gov>; Director <director@dfg.ca.gov>
Cc: Swenson, Daniel P CIV USARMY CESPL (US) <Daniel.P.Swenson@usace.army.mil>
Subject: [EXTERNAL] Ballona Wetlands -Peabody Award - NBC's BURNING QUESTIONS-- oilfield gas issues BALLONA WETLANDS/ PLAYA VISTA/SCG

TO: ALL FISH & GAME COMMISSIONERS, MS. TERMINI; DIRECTOR BONHAM,

RE: Fish & Game Commission Hearing Atascadero; Ballona Wetlands Ecological Reserve

Below is a link to NBC's Peabody Award winning series on the oilfield gas dangers of Ballona Wetlands and Playa Vista. The initial story provides testimony from the former head of the California Public Utilities Commission-L. Lynch that provides
the political setting to the area's oilfield gas issues.

Further links can be found online and GC has provided more links to further segments of the programming should you choose
to watch. The series is highly illuminating and profoundly disturbing.

O11-5

Thank you for any time you spend in review,
Patricia McPherson, Grassroots Coalition

GRASSROOTS COALITION

Burning Question NBC 4 part 1 - Playa Vista Safe? Part 1 - YouTube
https://www.youtube.com/watch?v=c4O6jl2y_m4
Jul 5, 2013 - Uploaded by Jeanette Vosburg
Click here to visit our frequently asked questions about HTML5 video. Share ...
Burning Question NBC 4 part 1 ...

Burning Question NBC 4 part 2 - Playa Vista Safe? Part 2 - YouTube
https://www.youtube.com/watch?v=y_5PGSmEIj0
Jul 5, 2013 - Uploaded by Jeanette Vosburg
Your browser does not currently recognize any of the video formats available.
Click here to visit our frequently ...

Playa Vista Burning Questions NBC: Part 1 of 5 Segments - 2005 on ...
www.saveballona.org/.../playa-vista-burning-questions-nbc-part-1-5-segments-2005-...
Jan 5, 2016 - **Playa Vista Burning Questions**: Part 1 of 5 Segments - 2005 on KNBC - Video. YouTube https://youtu.be/c4O6jl2y_m4 (link is external).

1

From: Jeanette Vosburg [mailto:saveballona@hotmail.com]
Sent: Sunday, October 15, 2017 5:24 PM
To: Jeanette Vosburg <jeanette@saveballona.org>
Subject: [EXTERNAL] FYI October 10, 2017 excerpts from the Fish & Game Commission Meeting in Atascadero Re: Ballona Wetlands Ecological Reserve DEIR.

Blockedhttps://youtu.be/iqXc3K6QGHs

Fish & Game Commission Meeting in Atascadero Re: Ballona Wetlands Ecological Reserve DEIR 10.11.17

youtu.be

This video is about the Fish & Game Commission Meeting in Atascadero Re: Ballona Wetlands Ecological Reserve Draft Environmental Impact Report 10.11.17 In 20...

Dear Ballona Supporters,
This 1 hour and 15 minute YouTube sets the tone for future discussions of the proposed Restoration Alternatives for Ballona Wetlands Ecological Reserve.

We think you will find this helpful in understanding why this 8,000 page DEIR document which took 12 years to prepared needs a 120 day extension to the review period and a re-write to include a Fresh Water Seasonal Wetland Alternative. O11-6 O11-7

Sincerely, Jeanette Vosburg

From: patricia mc pherson [mailto:patriciamcpherson1@verizon.net]
Sent: Thursday, November 02, 2017 3:16 PM
To: Swenson, Daniel P CIV USARMY CESPL (US) <Daniel.P.Swenson@usace.army.mil>; Gibbs, Kirk E COL USARMY CESPL (US) <Kirk.E.Gibbs@usace.army.mil>
Cc: Jeanette Vosburg <saveballona@hotmail.com>
Subject: [EXTERNAL] Fwd: BAllona Wetlands: broiling gas 7-23-17 video

Col. Gibbs, Mr. Swenson,

Grassroots Coalition(GC) has attempted through numerous outreaches to USACE to provide information and alert regarding the numerous hazardous oilfield gas migration/ well leakage issues due to the Playa del Rey oilfield the SoCalGas oil/gas operations within the Playa del Rey oilfield. GC, herein again, provides an alert.

The DEIR/S that has just been released pertaining to BAllona Wetlands Ecological Reserve is absent any meaningful review of the oil/gas field issues for
this region and is absent any review of oilfield related subsidence issues. This absence is keenly lacking, especially since GC and others provided oil/gas field data and information into the Scoping Documents in hopes of a prudent review of the health and safety issues. The DEIS contains no reference, inclusion or response to the documents provided.

Not only is the DEIR/S lacking in any analysis, the few sentences that are vaguely about the oil/gas issues, are overwhelmingly misleading and /or outright false.

O11-8

Grassroots Coalition requests that the USACE withdraw its EIS, correct it and recirculate it.
Patricia McPherson, Grassroots Coalition

Begin forwarded message:

From: patricia mc pherson <patriciamcpherson1@verizon.net>
Subject: Fwd: BAllona Wetlands: broiling gas 7-23-17 video
Date: November 1, 2017 at 12:04:28 PM PDT
To: arthur.heath@waterboards.ca.gov, LB.Nye@waterboards.ca.gov, solomon.ejigu@waterboards.ca.gov, thizar.williams@waterboards.ca.gov, "Ly, Jillian@Waterboards" <jillian.ly@waterboards.ca.gov>
Cc: "Pamela@SLC Griggs" <pamela.griggs@slc.ca.gov>, "Willis, Andrew@Coastal" <andrew.willis@coastal.ca.gov>, "Haage," <lisa.haage@coastal.ca.gov>, "Revell,"

<mandy.revell@coastal.ca.gov>, "Unger," <Samuel.Unger@waterboards.ca.gov>, Bonin Mike <mike@11thdistrict.com>, ExecutiveOffice <executiveoffice@bos.lacounty.gov>, FourthDistrict@bos.lacounty.gov, Sheila <sheila@bos.lacounty.gov>, firstdistrict@bos.lacounty.gov, "Apodaca, Joey" <joey.apodaca@mail.house.gov>, Karly Katona <KKatona@bos.lacounty.gov>, markridley-thomas@bos.lacounty.gov, "Weber, Mark" <mark.weber@asm.ca.gov>, Samuel.Liu@sen.ca.gov, len.nguyen@lacity.org, Tina.Andolino@sen.ca.gov, Chad Molnar <chad.molnar@lacity.org>, Jeanette Vosburg <saveballona@hotmail.com>, Joe Piasecki <joe@argonautnews.com>

Should anyone have had difficulty in viewing the video attached with GC's email below, here is another LINK TO THE GAS VIDEO.

Blockedhttps://www.flickr.com/gp/stonebird/5KU61h

Thank you for watching,
Patricia McPherson, GC

Begin forwarded message:

From: patricia mc pherson <patriciamcpherson1@verizon.net>
Subject: BAllona Wetlands: broiling gas 7-23-17 video
Date: October 31, 2017 at 10:59:22 AM PDT
To: arthur.heath@waterboards.ca.gov, LB.Nye@waterboards.ca.gov, solomon.ejigu@waterboards.ca.gov, thizar.williams@waterboards.ca.gov, "Ly, Jillian@Waterboards" <jillian.ly@waterboards.ca.gov>
Cc: "Pamela@SLC Griggs" <pamela.griggs@slc.ca.gov>, "Willis, Andrew@Coastal" <andrew.willis@coastal.ca.gov>, "Haage," <lisa.haage@coastal.ca.gov>, "Revell," <mandy.revell@coastal.ca.gov>, "Unger," <Samuel.Unger@waterboards.ca.gov>, Bonin Mike <mike@11thdistrict.com>, ExecutiveOffice <executiveoffice@bos.lacounty.gov>, FourthDistrict@bos.lacounty.gov, Sheila <sheila@bos.lacounty.gov>, firstdistrict@bos.lacounty.gov, "Apodaca, Joey" <joey.apodaca@mail.house.gov>, Karly Katona <KKatona@bos.lacounty.gov>, markridley-thomas@bos.lacounty.gov, "Weber, Mark" <mark.weber@asm.ca.gov>, Samuel.Liu@sen.ca.gov, len.nguyen@lacity.org, Tina.Andolino@sen.ca.gov, Chad Molnar <chad.molnar@lacity.org>, Jeanette Vosburg <saveballona@hotmail.com>, Joe Piasecki <joe@argonautnews.com>

GRASSROOTS COALITION
ENVIRONMENTAL INTEGRITY & PUBLIC POLICY

Waterboard Personnel,

Please include this information as part of Grassroots Coalition's(GC) CAL EPA COMPLAINTS -COMP- 25061 & COMP- 23608 currently under investigation by LA AND STATE WATER BOARD STAFF.

No response to the July 25, 2017 email below was received by GC. The lack of response is of great concern as the entities GC provided this alert to-have oversight of this area.
The LARWQC also has oversight of this area and has direct review of its environmental conditions, as does CD 11, the California Coastal Commission and the State Lands Commission(owners of the property on behalf of the public).
The Playa Vista generated Reports that are provided to LARWQCB, for review are absent any information regarding the oilfield gas contamination
that is ongoing at this site and that has been ongoing since PLAYA VISTA first abandoned University City Syndicate-with its subsequent leakage. The oilfield gas leakage has been ongoing since that general timeframe without any responsive attempt to eliminate the leakage. Instead, the leakage not only continues but, as is seen here, growing in magnitude in the area shown below which is over the well head of University City Syndicate.
This leakage contains Prop 65 chemicals that are known to cause birth defects and cancer namely--BTEX & H2S(and its set of health hazards) as can be reviewed in the CDM Report contained in SCOPING DOCUMENTS submitted by GC in -CDFW DEIR BALLONA WETLANDS
Blockedhttps://www.wildlife.ca.gov/Regions/5/Ballona-EIR

O11-9

For your consideration,
Patricia McPherson, Grassroots Coalition

Please see video link below image.

Also, for reference to this troublesome area, please review the DOGGR videos which include
1. the area in the image below, during location with a magnetometer-the well head of Unv. City Syn. -and note the relatively low volume of outgassing then as compared to now in the July 25, 2017 video.
2. the large outgassing that continues in the catch basin, approximately 100 feet to the west of the well head of University City Syndicate.

O11-10

Blockedhttp://www.youtube.com/watch?v=LR1r9X2VGZo&feature=geosearch

Begin forwarded message:

From: patricia mc pherson <patriciamcpherson1@verizon.net>
Subject: Fwd: roiling gas 7-23-17 video
Date: July 25, 2017 at 5:13:41 PM PDT
To: "Wilson, Jayme" <Jwilson@bos.lacounty.gov>, Bonin Mike <mike@11thdistrict.com>, "Willis, Andrew@Coastal" <andrew.willis@coastal.ca.gov>, "Pamela@SLC Griggs" <pamela.griggs@slc.ca.gov>

This is ALARMING!
As I've given you info showing more widespread oilfield gases emanating from University City Syndicate; this is the latest erupting
gas flow into the freshwater marsh area - Playa Vista's flood control device. The bubbling is always constant but this is an exponentially greater
volume of gases.

What is also alarming is the lack of -as Vector Control cites- clear line of authority for oversight of this area.
State Lands Commission has oversight but has been essentially absent. Playa Capital LLC did the re abandonment on University City Syndicate (and the City of LA repaid PC LLC for the work) The well leaked shortly thereafter and a few more sacks of cement were thrown at it. It has been leaking for years since. DOGGR files show the well as a 'problem well'. The whole area has become more and more
of a tea kettle of bubbling and here it is shown getting far worse. Exploration Technologies Inc. equated concerns of this area
being a conduit for much of the gases moving eastward underground.

The gas problems of this area are not cited in any of the monitoring reports for the marsh and should have been an integral
part. The gas studies of this leakage contains BTEX and H2S at low levels which can cause birth defects and cancer (Prop. 65)

O11-11

over long term exposure. The impacts upon the wildlife that live there have not been studied.

Knowing that our own gas meters register explosive levels at approximately 10-15 or more feet away from the gusher that is constant and to the west of this broiler, when the winds are calm-it is lucky that no workers with cigarettes have ever caused a flash fire of the gases.

This increase is very close to the pedestrian shore area.

O11-11 cont.

Thank you, Jonathan for the head's up on this nasty imagery. (Please note that it is on video at the https below)
Patricia, Grassroots Coalition

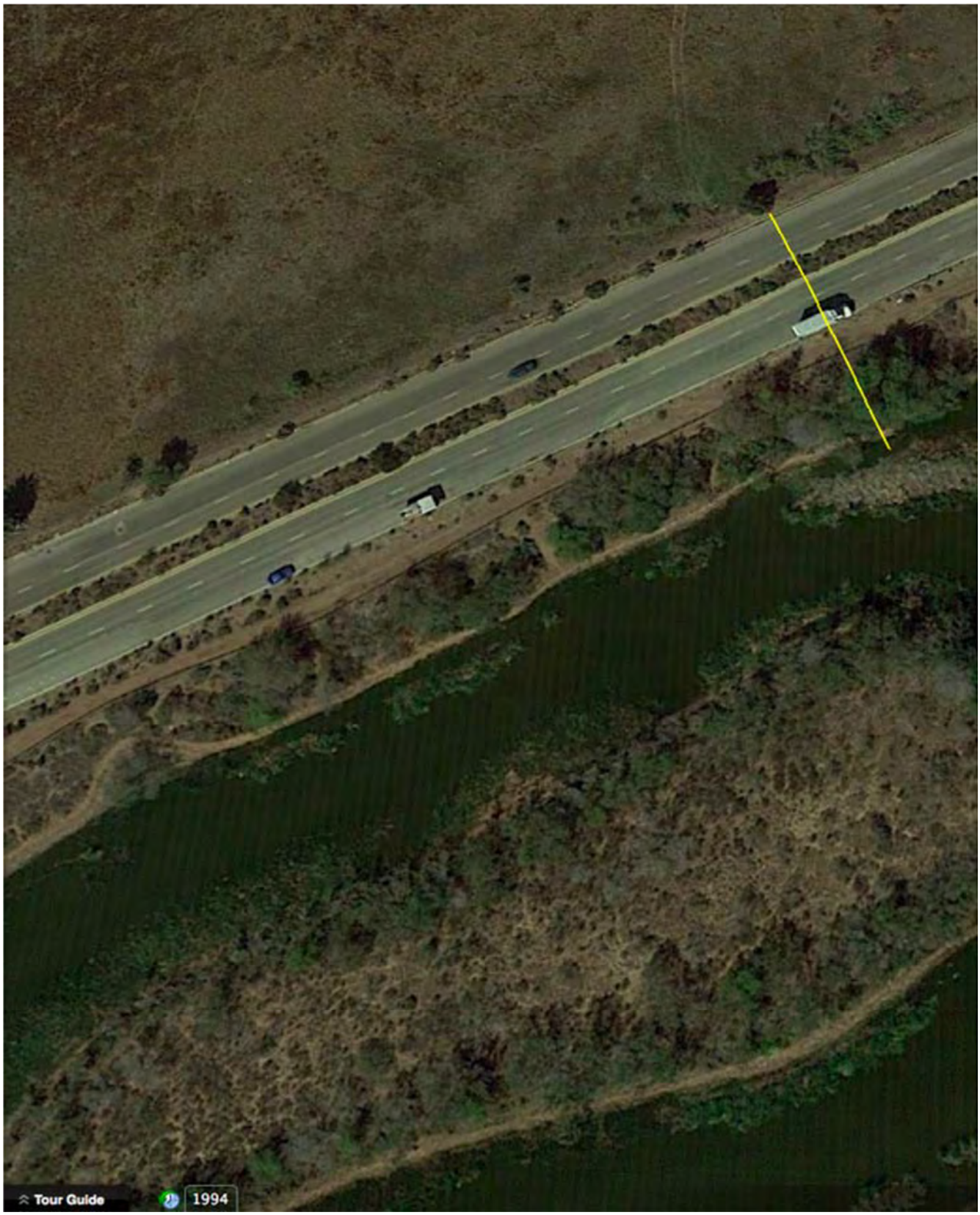
Begin forwarded message:

From: Jonathan Coffin <jonathan.r.coffin@gmail.com>
Subject: roiling gas 7-23-17 video
Date: July 25, 2017 at 2:55:38 PM PDT
To: Patricia McPherson <patriciamcpherson1@verizon.net>

Gas bubbling more than I've seen in a while 7-23-17 video. Google map approx.loc.

Blockedhttps://www.flickr.com/gp/stonebird/03MAPo

O11-12


Tour Guide
1994

From: patricia mc pherson [mailto:patriciamcpherson1@verizon.net]
Sent: Sunday, November 05, 2017 1:24 PM
To: Gibbs, Kirk E COL USARMY CESPL {US} <Kirk.E.Gibbs@usace.army.mil>; Pamela@SLC Griggs <pamela.griggs@slc.ca.gov>; Willis, Andrew@Coastal <andrew.willis@coastal.ca.gov>; Haage, <lisa.haage@coastal.ca.gov>; Revell, <mandy.revell@coastal.ca.gov>; Unger, <Samuel.Unger@waterboards.ca.gov>; Bonin Mike <mike@11thdistrict.com>; ExecutiveOffice <executiveoffice@bos.lacounty.gov>; FourthDistrict@bos.lacounty.gov; Sheila <sheila@bos.lacounty.gov>; firstdistrict@bos.lacounty.gov; Apodaca, Joey <joey.apodaca@mail.house.gov>; Karly Katona <KKatona@bos.lacounty.gov>; markridley-thomas@bos.lacounty.gov; Weber, Mark <mark.weber@asm.ca.gov>; arthur.heath@waterboards.ca.gov; LB.Nye@waterboards.ca.gov; solomon.ejigu@waterboards.ca.gov; thizar.williams@waterboards.ca.gov; Ly, Jillian@Waterboards <jillian.ly@waterboards.ca.gov>; Samuel.Liu@sen.ca.gov; len.nguyen@lacity.org; Tina.Andolino@sen.ca.gov; Chad Molnar <chad.molnar@lacity.org>; Jeanette Vosburg <saveballona@hotmail.com>; Joe Piasecki <joe@argonautnews.com>; Swenson, Daniel P CIV USARMY CESPL {US} <Daniel.P.Swenson@usace.army.mil>; Orozco Chuy <jesus.d.orozco@lacity.org>; Gibson, Thomas@CNRA <thomas.gibson@resources.ca.gov>; Gary Walker <Gary@ArgonautNews.com>; Leary Zachary <Zachary.Leary@asm.ca.gov>; Samahndi.Cunningham@asm.ca.gov; Ben Hamilton <ben.hamilton@sbcglobal.net>; Lauren Pizer Mains, <lauren.pizermains@sen.ca.gov>
Cc: Todd T. Cardiff, Esq. <todd@tcardifflaw.com>; Jeanette Vosburg <Jeanette@saveballona.org>; Joe Piasecki <joe@argonautnews.com>
Subject: [EXTERNAL] Ballona Wetlands DEIR/S

GRASSROOTS COALITION
ENVIRONMENTAL INTEGRITY & PUBLIC POLICY

INFO- Ballona Wetlands Ecological Reserve DEIR/S

- Included below is an EPA LINK that provides basic restoration process concepts.

- Included below are two different YOU Tube visuals with discussion of CDFW's Alternative 1 for Ballona Wetlands Ecological Reserve by TATTN , John Tommy Rosas, a native american representative. The videos provides discussion using historical mapping with overlays from the

O11-13

DEIR/S. (The mapping was done roughly during thel870's which, at that timeframe the opening to the ocean was kept open via various dredging efforts of the dune portion used.)

O11-13 cont.

Restoration Concerns-
The DEIR/S cites .the restoration will MAINTAIN THE FRESHWATER RESOURCES. there appears to be nothing in the DEIR/S to either address maintenance of the freshwater aspects and /or provisions or address to and for the restoration/ protection of Ballona's underlying freshwater resources.

To the contrary, CDFW has, at least since 2004, engaged in draining the ponding rainwaters of Ballona via Ca. Coastal Commission unpermitted drains that the California Coastal Commission has cited as harming Ballona Wetlands. CDFW continues to allow this to occur and makes no mention of this freshwater drainage in the DEIR/S, and does not discuss the diversion of groundwater from east of Lincoln Blvd. by Playa Vista. A basic hydrology study of Ballona, and one that addresses the issues cited above, is not contained in the DEIR/S.

O11-14

1. TATTN YouTube .Ballona Wetlands Ecological Reserve with overlays of Alternative 1

Blockedhttps://www.youtube.com/watch?v=3_BB1VmryiQ&t=2s

2. TATTN You Tube.Ballona Wetlands Ecological Reserve -- .VISUALS include GRADING PROFILES

Blockedhttps://www.youtube.com/watch?v=BA30aXpInDY

O11-15

FEDERAL EPA LANGUAGE PER RESTORATION OF WETLANDS, ETC.--
The following LINK is to EPA basics language per restoration goals.

Blockedhttps://nepis.epa.gov/Exe/ZyPDF.cgi/20004PNM.PDF?Dockey=20004PNM.PDF

O11-16

and, below are also images from roughly l870s..WITH google earth image and overlay of the Alternative 1.to make it easier to see what was where.
(Note..the blue lettering is not originally from the map but, added in recent past, I believe as part of the funding from the Coastal Conservancy)

O11-17

Thank you for your time,
Patricia McPherson-Airport Marina Group Sierra Club and Grassroots Coalition

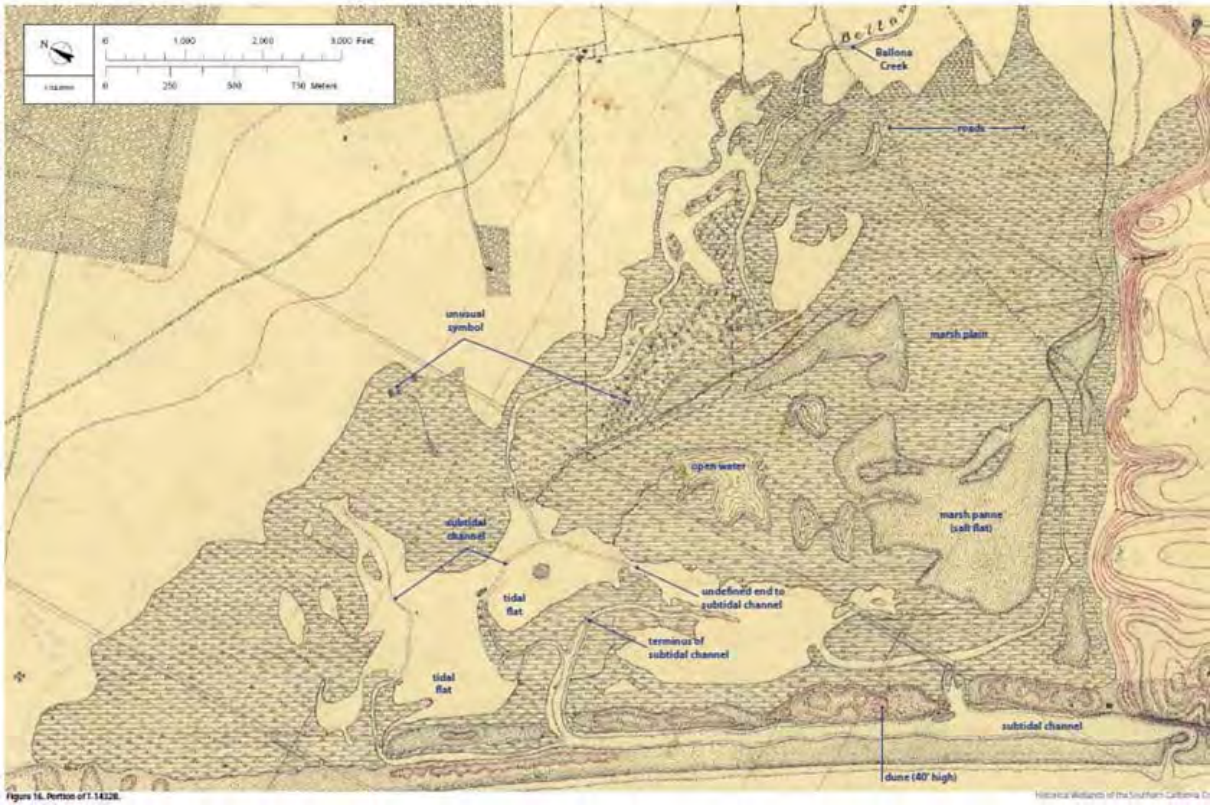
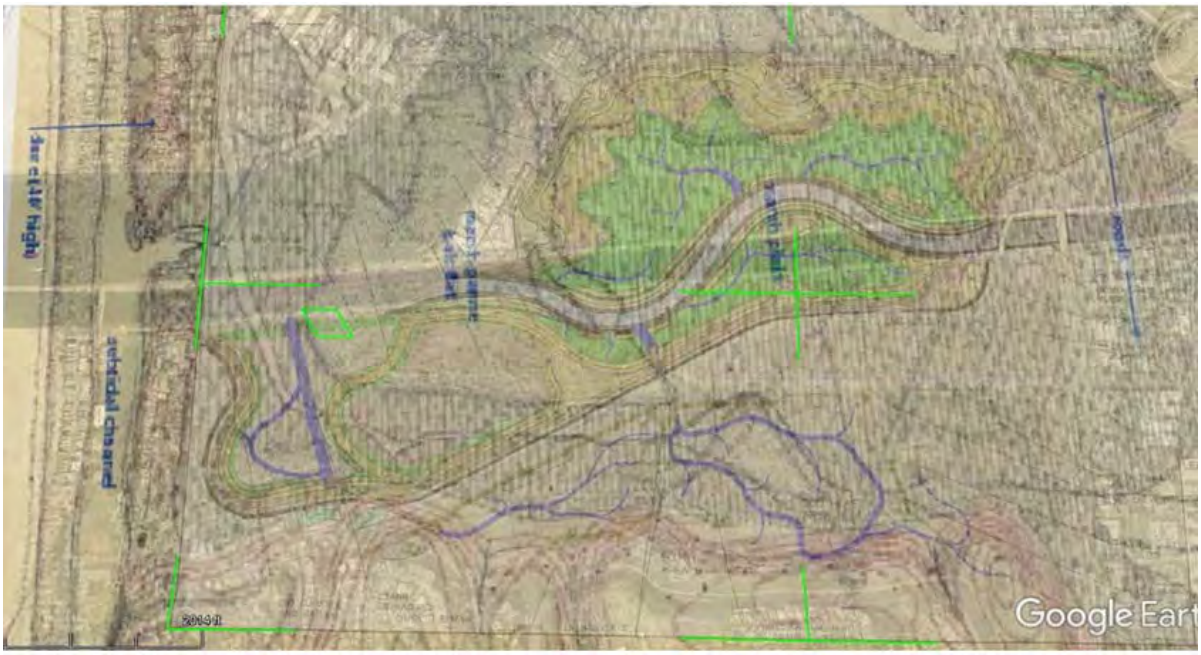


Figure 16. Portion of T-14328.



United States Environmental Protection Agency | Office of Water (4501F) | EPA841-F-00-003 March 2000

EPA Principles for the Ecological Restoration of Aquatic Resources

Restoration – the return of a degraded ecosystem to a close approximation of its remaining natural potential – is experiencing a groundswell of support across the United States. The number of stream, river, lake, wetland and estuary restoration projects grows yearly. Current Federal initiatives call for a wide range of restoration actions, including improving or restoring 25,000 miles of stream corridor; achieving a net increase of 100,000 acres of wetlands each year; and establishing two million miles of conservation buffers. Many on-going or completed restoration projects now offer valuable lessons. To help build on these lessons and promote effective restoration, the Watershed Ecology Team of the Office of Wetlands, Oceans, and Watersheds has assembled the following list of principles that have been critical to the success of a wide range of aquatic resource restoration projects. These principles apply to different stages in the life of a restoration project – from early planning to post-implementation monitoring – and are offered here for use by a wide variety of people and organizations, ranging from Federal, State, Tribal, and local agencies to outdoor recreation or conservation groups, corporations, landowners, and citizens' groups.

These principles focus on scientific and technical issues, but as in all environmental management activities, the importance of community perspectives and values should not be overlooked. The presence or absence of public support for a restoration project can be the difference between positive results and failure. Coordination with the people and organizations that may be affected by the project can help build the support needed to get the project moving and ensure long-term protection of the restored area. In addition, partnership with stakeholders can also add useful resources, ranging from money and technical expertise to volunteer help with implementation and monitoring.

Restoration Guiding Principles

Preserve and protect aquatic resources

Restore ecological integrity

Restore natural structure

Restore natural function

Work within the watershed/landscape context

Understand the potential of the watershed

Address ongoing causes of degradation

Develop clear, achievable and measurable goals

Focus on feasibility

Use reference sites

Anticipate future changes

Involve a multi-disciplinary team

Design for self-sustainability

Use passive restoration, when appropriate

Restore native species, avoid non-native species

Use natural fixes and bioengineering

Monitor and adapt where changes are necessary

Watershed Ecology Team, US EPA Office of Wetlands, Oceans and Watersheds

Restoration Guiding Principles

Preserve and protect aquatic resources. Existing, relatively intact ecosystems are the keystone for conserving biodiversity, and provide the biota and other natural materials needed for the recovery of impaired systems. Thus, restoration does not replace the need to protect aquatic resources in the first place. Rather, restoration is a complementary activity that, when combined with protection and preservation, can help achieve overall improvements in a greater percentage of the Nation's waters. Even with waterbodies for which restoration is planned, the first objective should be to prevent further degradation.

Restore ecological integrity. Restoration should reestablish insofar as possible the ecological integrity of degraded aquatic ecosystems. Ecological integrity refers to the condition of an ecosystem -- particularly the structure, composition, and natural processes of its biotic communities and physical environment. An ecosystem with integrity is a resilient and self-sustaining natural system able to accommodate stress and change. Its key ecosystem processes, such as nutrient cycles, succession, water levels and flow patterns, and the dynamics of sediment erosion and deposition, are functioning properly within the natural range of variability. Biologically, its plant and animal communities are good examples of the native communities and diversity found in the region. Structurally, physical features such as the dimensions of its stream channels are dynamically stable. Restoration strives for the greatest progress toward ecological integrity achievable within the current limits of the watershed, by using designs that favor the natural processes and communities that have sustained native ecosystems through time.

Restore natural structure. Many aquatic resources in need of restoration have problems that originated with harmful alteration of channel form or other physical characteristics, which in turn may have led to problems such as habitat degradation, changes in flow regimes, and siltation. Stream channelization, ditching in wetlands, disconnection from adjacent ecosystems, and shoreline modifications are examples of structural alterations that may need to be addressed in a restoration project. In such cases, restoring the original site morphology and other physical attributes is essential to the success of other aspects of the project, such as improving water quality and bringing back native biota.

Restore natural function. Structure and function are closely linked in river corridors, lakes, wetlands, estuaries and other aquatic resources. Reestablishing the appropriate natural structure can bring back beneficial functions. For example, restoring the bottom elevation in a wetland can be critical for reestablishing the hydrological regime, natural disturbance cycles, and nutrient fluxes. In order to maximize the societal and ecological benefits of the restoration project, it is essential to identify what functions should be present and make missing or impaired functions priorities in the restoration. Verifying whether desired functions have been reestablished can be a good way to determine whether the restoration project has succeeded.

Work within the watershed and broader landscape context. Restoration requires a design based on the entire watershed, not just the part of the waterbody that may be the most degraded site. Activities throughout the watershed can have adverse effects on the aquatic resource that is being restored. A localized restoration project may not be able to change what goes on in the whole watershed, but it can be designed to better accommodate watershed effects. New and future urban development may, for example, increase runoff volumes, stream downcutting and bank erosion, and pollutant loading. By considering the watershed context in this case, restoration planners may be able to design a project for the desired benefits of restoration, while also withstanding or even helping to remediate the effects of adjacent land uses on runoff and nonpoint pollution. For example, in choosing a site for a wetland restoration project, planners should consider how the proposed project may be used to further other related efforts in the watershed, such as increasing riparian habitat continuity, reducing flooding, and/or enhancing downstream water quality. Beyond the watershed, the broader landscape context also influences restoration through factors such as interactions with terrestrial habitats in adjacent watersheds, or the deposition of airborne pollutants from other regions.

Understand the natural potential of the watershed. A watershed has the capacity to become only what its physical and biological setting -- its ecoregion's climate, geology, hydrology, and biological characteristics -- will support. Establishing restoration goals for a waterbody requires knowledge of the historical range of conditions that existed on the site prior to degradation and what future conditions might

be. This information can then be used in determining appropriate goals for the restoration project. In some cases, the extent and magnitude of changes in the watershed may constrain the ecological potential of the site. Accordingly, restoration planning should take into account any irreversible changes in the watershed that may affect the system being restored, and focus on restoring its remaining natural potential.

Address ongoing causes of degradation. Restoration efforts are likely to fail if the sources of degradation persist. Therefore, it is essential to identify the causes of degradation and eliminate or remediate ongoing stresses wherever possible. While degradation can be caused by one direct impact such as the filling of a wetland, much degradation is caused by the cumulative effect of numerous, indirect impacts, such as changes in surface flow caused by gradual increases in the amount of impervious surfaces in the watershed. In identifying the sources of degradation, it is important to look at upstream and up-slope activities as well as at direct impacts on the immediate project site. Further, in some situations, it may also be necessary to consider downstream modifications such as dams and channelization.

Develop clear, achievable, and measurable goals. Restoration may not succeed without good goals. Goals direct implementation and provide the standards for measuring success. Simple conceptual models are a useful starting point to define the problems, identify the type of solutions needed, and develop a strategy and goals. Restoration teams should evaluate different alternatives to assess which can best accomplish project goals. The chosen goals should be achievable ecologically, given the natural potential of the area, and socioeconomically, given the available resources and the extent of community support for the project. Also, all parties affected by the restoration should understand each project goal clearly to avoid subsequent misunderstandings. Good goals provide focus and increase project efficiency.

Focus on feasibility. Particularly in the planning stage, it is critical to focus on whether the proposed restoration activity is feasible, taking into account scientific, financial, social and other considerations. Remember that solid community support for a project is needed to ensure its long-term viability. Ecological feasibility is also critical. For example, a wetlands restoration project is not likely to succeed if the hydrological regime that existed prior to degradation cannot be reestablished.

Use a reference site. Reference sites are areas that are comparable in structure and function to the proposed restoration site before it was degraded. As such, reference sites may be used as models for restoration projects, as well as a yardstick for measuring the progress of the project. While it is possible to use historic information on sites that have been altered or destroyed, historic conditions may be unknown and it may be most useful to identify an existing, relatively healthy, similar site as a guide for your project. Remember, however, that each restoration project will present a unique set of circumstances, and no two aquatic systems are truly identical. Therefore, it is important to tailor your project to the given situation and account for any differences between the reference site and the area being restored.

Anticipate future changes. The environment and our communities are both dynamic. Although it is impossible to plan for the future precisely, many foreseeable ecological and societal changes can and should be factored into restoration design. For example, in repairing a stream channel, it is important to take into account potential changes in runoff resulting from projected increases in upstream impervious surface area due to development. In addition to potential impacts from changes in watershed land use, natural changes such as plant community succession can also influence restoration. For instance, long-term, post-project monitoring should take successional processes such as forest regrowth in a stream corridor into account when evaluating the outcome of the restoration project.

Involve the skills and insights of a multi-disciplinary team. Restoration can be a complex undertaking that integrates a wide range of disciplines including ecology, aquatic biology, hydrology and hydraulics, geomorphology, engineering, planning, communications and social science. It is important that, to the extent that resources allow, the planning and implementation of a restoration project involve people with experience in the disciplines needed for the particular project. Universities, government agencies, and private organizations may be able to provide useful information and expertise to help ensure that restoration projects are based on well-balanced and thorough plans. With more complex restoration projects, effective leadership will also be needed to bring the various disciplines, viewpoints, and styles together as a functional team.

Design for self-sustainability. Perhaps the best way to ensure the long-term viability of a restored area is to

minimize the need for continuous maintenance of the site, such as supplying artificial sources of water, vegetation management, or frequent repairing of damage done by high water events. High maintenance approaches not only add costs to the restoration project, but also make its long-term success dependent upon human and financial resources that may not always be available. In addition to limiting the need for maintenance, designing for self-sustainability also involves favoring ecological integrity, as an ecosystem in good condition is more likely to have the ability to adapt to changes.

Use passive restoration, when appropriate. "Time heals all wounds" applies to many restoration sites. Before actively altering a restoration site, determine whether passive restoration (i.e., simply reducing or eliminating the sources of degradation and allowing recovery time) will be enough to allow the site to naturally regenerate. Many times there are reasons for restoring a waterbody as quickly as possible, but there are other situations when immediate results are not critical. For some rivers and streams, passive restoration can reestablish stable channels and floodplains, regrow riparian vegetation, and improve in-stream habitats without a specific restoration project. With wetlands that have been drained or otherwise had their natural hydrology altered, restoring the original hydrological regime may be enough to let time reestablish the native plant community, with its associated habitat value. It is important to note that, while passive restoration relies on natural processes, it is still necessary to analyze the site's recovery needs and determine whether time and natural processes can meet them.

Restore native species and avoid non-native species. American natural areas are experiencing significant problems with invasive, non-native (exotic) species, to the great detriment of our native ecosystems and the benefits we've long enjoyed from them. Many invasive species outcompete natives because they are expert colonizers of disturbed areas and lack natural controls. The temporary disturbance present during restoration projects invites colonization by invasive species which, once established, can undermine restoration efforts and lead to further spread of these harmful species. Invasive, non-native species should not be used in a restoration project, and special attention should be given to avoiding the unintentional introduction of such species at the restoration site when the site is most vulnerable to invasion. In some cases, removal of non-native species may be the primary goal of the restoration project.

Use natural fixes and bioengineering techniques, where possible. Bioengineering is a method of construction combining live plants with dead plants or inorganic materials, to produce living, functioning systems to prevent erosion, control sediment and other pollutants, and provide habitat. Bioengineering techniques can often be successful for erosion control and bank stabilization, flood mitigation, and even water treatment. Specific projects can range from the creation of wetland systems for the treatment of storm water, to the restoration of vegetation on river banks to enhance natural decontamination of runoff before it enters the river.

Monitor and adapt where changes are necessary. Every combination of watershed characteristics, sources of stress, and restoration techniques is unique and, therefore, restoration efforts may not proceed exactly as planned. Adapting a project to at least some change or new information should be considered normal. Monitoring before and during the project is crucial for finding out whether goals are being achieved. If they are not, "mid-course" adjustments in the project should be undertaken. Post-project monitoring will help determine whether additional actions or adjustments are needed and can provide useful information for future restoration efforts. This process of monitoring and adjustment is known as adaptive management. Monitoring plans should be feasible in terms of costs and technology, and should always provide information relevant to meeting the project goals.

* * * * *

Notice: This document is intended to promote effective restoration approaches and practices. This document does not substitute for the Clean Water Act or EPA's regulations; nor is it a regulation itself. Thus, it cannot impose legally-binding requirements on EPA, States, or the regulated community, and may not apply to a particular situation based upon the circumstances. EPA retains the discretion to adopt approaches on a case-by-case basis that differ from this guidance where appropriate. EPA may change this guidance in the future.

This publication should be cited as: *USEPA, 2000. Principles for the Ecological Restoration of Aquatic Resources. EPA841-F-00-003. Office of Water (4501F), United States Environmental Protection Agency, Washington, DC. 4 pp.* To order single, free copies, call 1-800-490-9198 and request document number EPA841-F-00-003. The document is also on the OWOW Restoration Website at ***http://www.epa.gov/owow/restore/***

From: patricia mc pherson <patriciamcpherson1@verizon.net>
Sent: Wednesday, November 15, 2017 4:43 PM
To: Pamela@SLC Griggs; Willis, Andrew@Coastal; Haage,; Revell,; Unger,; Bonin Mike; ExecutiveOffice; FourthDistrict@bos.lacounty.gov; Sheila; firstdistrict@bos.lacounty.gov; Apodaca, Joey; Karly Katona; markridley-thomas@bos.lacounty.gov; Weber, Mark; arthur.heath@waterboards.ca.gov; LB.Nye@waterboards.ca.gov; solomon.ejigu@waterboards.ca.gov; thizar.williams@waterboards.ca.gov; Ly, Jillian@Waterboards; Samuel.Liu@sen.ca.gov; len.nguyen@lacity.org; Tina.Andolino@sen.ca.gov; Chad Molnar; Jeanette Vosburg; Joe Piasecki; Swenson, Daniel P CIV USARMY CESPL (US); Gibbs, Kirk E COL USARMY CESPL US); Orozco Chuy; Gibson, Thomas@CNRA; Gary Walker; Leary Zachary; Samahndi.Cunningham@asm.ca.gov; Ben Hamilton; Lauren Pizer Mains,
Subject: [EXTERNAL] Fwd: Ballona Wetlands -Peabody Award - NBC's BURNING QUESTIONS--oilfield gas issues BALLONA WETLANDS/ PLAYA VISTA/SCG

GRASSROOTS COALITION
ENVIRONMENTAL INTEGRITY & PUBLIC POLICY

TO ALL ENGAGED DIRECTLY AND INDIRECTLY WITH BALLONA WETLANDS DEIR/S.

There is no specific and/or meaningful review contained in the DEIR/S regarding the oilfield gas issues and SCG.
This issue needs specific and prudent review to be contained in the DEIR/S.

Below is a link to NBC's Peabody Award winning series on the oilfield gas dangers of Ballona Wetlands and Playa Vista.
The initial story provides testimony from the former head of the California Public Utilities Commission-L. Lynch that provides
the political setting to the area's oilfield gas issues.

Further links can be found online and GC has provided more links to further segments of the programming should you choose
to watch. The series is highly illuminating and profoundly disturbing.

Thank you for any time you spend in review,
Patricia McPherson, Grassroots Coalition

O11-18

Blockedhttps://www.youtube.com/watch?v=c4O6jI2y_m4

Blockedhttps://www.youtube.com/watch?v=y_5PGSmEIj0

Burning Question NBC 4 part 1 - Playa Vista Safe? Part 1 - YouTube

https://www.youtube.com/watch?v=c4O6jI2y_m4
Jul 5, 2013 - Uploaded by Jeanette Vosburg
Click here to visit our frequently asked questions about HTML5 video. Share ...
Burning Question NBC 4 part 1 ...

Burning Question NBC 4 part 2 - Playa Vista Safe? Part 2 - YouTube

https://www.youtube.com/watch?v=y_5PGSmEIj0
Jul 5, 2013 - Uploaded by Jeanette Vosburg
Your browser does not currently recognize any of the video formats available.
Click here to visit our frequently ...

Blockedwww.saveballona.org/.../playa-vista-burning-questions-nbc-part-1-5-segments-2005-…

Playa Vista Burning Questions NBC: Part 1 of 5 Segments - 2005 on ...
www.saveballona.org/.../playa-vista-burning-questions-nbc-part-1-5-segments-2005-...
Jan 5, 2016 - **Playa Vista Burning Questions**: Part 1 of 5 Segments - 2005 on KNBC - Video.
YouTube https://youtu.be/c4O6jI2y_m4 (link is external).

O11-18 cont.

Comment Letter O11

From: patricia mc pherson <patriciamcpherson1@verizon.net>
Sent: Wednesday, November 15, 2017 4:44 PM
To: Pamela@SLC Griggs; Willis, Andrew@Coastal; Haage,; Revell,; Unger,; Bonin Mike; ExecutiveOffice; FourthDistrict@bos.lacounty.gov; Sheila; firstdistrict@bos.lacounty.gov; Apodaca, Joey; Karly Katona; markridley-thomas@bos.lacounty.gov; Weber, Mark; arthur.heath@waterboards.ca.gov; LB.Nye@waterboards.ca.gov; solomon.ejigu@waterboards.ca.gov; thizar.williams@waterboards.ca.gov; Ly, Jillian@Waterboards; Samuel.Liu@sen.ca.gov; len.nguyen@lacity.org; Tina.Andolino@sen.ca.gov; Chad Molnar; Jeanette Vosburg; Joe Piasecki; Swenson, Daniel P CIV USARMY CESPL (US); Gibbs, Kirk E COL USARMY CESPL US); Orozco Chuy; Gibson, Thomas@CNRA; Gary Walker; Leary Zachary; Samahndi.Cunningham@asm.ca.gov; Ben Hamilton; Lauren Pizer Mains,
Subject: [EXTERNAL] BEACHHEAD - Ballona Wetlands Article Nov. 2017

A cogent article on Ballona Wetlands-

What this article has left out is the large volume of groundwater that is also being pumped out from under the Playa Vista buildings due to the need to rid Playa Vista of any groundwater that would invade the underground gas
mitigation systems. This volume is discharged into the sanitary sewer (also much of the detoxified groundwater,
under LARWQCB, jurisdiction is also sent to the sanitary sewer). The ETR and Vesting Tract Agreements (mitigation requirements of Playa Vista) require that
groundwater brought to the surface, be cleansed and reused onsite-specifically for recharge of Ballona's aquifers.
Please note the ponding rainwaters in the photos below the article. (the photos are taken in different time frames)
Thank you,
Patricia McPherson, Grassroots Coalition

O11-19

Private Flood Control Called Public Wetlands Restoration

By John Davis

The Draft EIR for the Playa Vista Flood Control Project has been released. It proposes to destroy the Ballona Wetlands, ruin a potential source of public drinking water, and violate the California Constitution in the process.

The vast project was built in the former floodplain of the Los Angeles River over twenty years ago, replacing absorbent land with an impermeable surface that could no longer allow groundwater recharge. Wells and pumps were also installed to lower the groundwater levels to prevent the buildings subterranean structures from being damaged from groundwater that continues to flow in an underground channel.

It was simply impossible for such a massive project to provide adequate flood control, given it is in an area that has floods with great regularity. The last floods occurring in the late 1930s. And worse yet, an even larger flood is overdue. (https://www.youtube.com/watch?v=8P-N-HA9iS8)

The creek along the bluff was dredged to accommodate more water flow and a retention basin was installed across Lincoln Blvd. From there water is piped directly into Ballona creek without recharging the groundwater at the wetlands. It was mis-branded a "freshwater marsh system" to sell the concept to the public without revealing the main purpose. It is an example of stealth marketing.

The jurisdictional State Lands Commission and Department of Fish and Wildlife have allowed the private use the Ballona Wetlands for the Playa Vista project to drain public groundwater away for years, and without a public benefit.

All of the groundwater pumping and diversion have dried the State-owned wetland preserve of the resources that are supposed to nourish it. Groundwater that should flow down gradient to the wetlands has been stopped. It is pumped into the sanitary sewer by a plethora of pumps at the project site then discharged into to the flood control system that drains directly into Ballona Creek, disallowing recharge to the aquifers below.

If this were not enough damage already, the project installed drains to stop surface rain water from ponding too, tapping into an underground drain pipe which are going to be considered by the Coastal Commission in December.

The State Porter Cologne Act designated the Venice Sub-Basin of the Santa Monica Groundwater basin as a potential source of drinking water for emergencies, such as earthquakes cutting off the water supplies from the aqueducts that bring water to the City.

Removing groundwater invites saltwater from the ocean to invade and sink into the freshwater resource since it is heavier. This process contaminates waters of the State rendering them unusable in an emergency. This phenomenon is called salt water intrusion.

Rather than preventing this from happening, employees of State Department of Fish and Wildlife are encouraging this deplorable conduct to continue at public expense, naming it a restoration. It is not, it is the creation of something that was not there before, a big scar where a thriving freshwater ecosystem stands today, even with State water resources being tampered with upstream. The project is an attempt by employees of the government to build the unfinished flood control project, charge the people to do it, all for an obviously private purpose.

This is like the Executive Director of that Agency, Charles Bonham, giving you a cup of water cool water to drink and claiming he has made it even better by filling with salt. Try this at home and see if the Department is lying to you or not.

(https://www.waterboards.ca.gov/laws_regulations/docs/portercologne.pdf)

O11-19 cont.

O11-19
cont.

From: patricia mc pherson <patriciamcpherson1@verizon.net>
Sent: Wednesday, November 15, 2017 5:04 PM
To: Pamela@SLC Griggs; Willis, Andrew@Coastal; Haage,; Revell,; Unger,; Bonin Mike; ExecutiveOffice; FourthDistrict@bos.lacounty.gov; Sheila; firstdistrict@bos.lacounty.gov; Apodaca, Joey; Karly Katona; markridley-thomas@bos.lacounty.gov; Weber, Mark; arthur.heath@waterboards.ca.gov; LB.Nye@waterboards.ca.gov; solomon.ejigu@waterboards.ca.gov; thizar.williams@waterboards.ca.gov; Ly, Jillian@Waterboards; Samuel.Liu@sen.ca.gov; len.nguyen@lacity.org; Tina.Andolino@sen.ca.gov; Chad Molnar; Jeanette Vosburg; Joe Piasecki; Swenson, Daniel P CIV USARMY CESPL (US); Gibbs, Kirk E COL USARMY CESPL US); Orozco Chuy; Gibson, Thomas@CNRA; Gary Walker; Leary Zachary; Samahndi.Cunningham@asm.ca.gov; Ben Hamilton; Lauren Pizer Mains,
Cc: Jeanette Vosburg
Subject: [EXTERNAL] Ballona Wetlands DEIR/S - NEW TATTN VIDEO 3

Hello and welcome,
to this opportunity for insight into Ballona history and its native american stewardship. All of Ballona has been provided the status as
a SACRED SITE due to the efforts of Mr. Rosas.
The following is a newly created video by Mr. Rosas which provides 3 D GOOGLE EARTH and overlay imagery for help
in review of the Alternatives provided in the BAllona Wetlands Ecological Reserve DEIR/S.
As a native american spokesperson Mr. Rosas has also been a part of ongoing consultation in the DEIR/S process of BallonaWetlands Ecological Reserve which provides a level of insight into how various entities are engaged — a process to which the public has long been shut out. O11-20

Thank you for your time in viewing of this important video.
Patricia McPherson, Grassroots Coalition

Blockedhttps://www.youtube.com/watch?v=lJyeKpIGwwg&feature=youtu.be

JOHN TOMMY ROSAS
TRIBAL ADMINISTRATOR
TRIBAL LITIGATOR -TATTN JUDICIAL # 0001
TONGVA ANCESTRAL TERRITORIAL TRIBAL NATION
A TRIBAL SOVEREIGN NATION UNDER THE UNDRIP AND AS A TREATY [s] SIGNATORIES RECOGNIZED TRIBE, WITH HISTORICAL & DNA AUTHENTICATION ON CHANNEL ISLANDS AND COASTAL VILLAGES - AND AS A CALIFORNIA NATIVE AMERICAN TRIBE / SB18-AB 52-AJR 42-ACHP/NHPA - CALIFORNIA INDIANS JURISDICTIONAL ACT U S CONGRESS APPROVED MAY 18, 1928 45 STAT. L 602

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TRUTH IS OUR VICTORY AND HONOR IS OUR PRIZE >TATTN ©

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From: Kevin Takei
Sent: Tuesday, January 16, 2018 1:09 PM
To: Wildlife Ballona Wetlands Ecological Reserve EIR
Subject: FW: BALLONA WETLANDS - CDP No. 5-17-0253 DRAINING WETLANDS
Attachments: DOGGR ORDER 1008.pdf; Playa Letter re Gas Seeps 12 8 2017.pdf; Attachments for Huffman Letter.pdf

From: patricia mc pherson [mailto:patriciamcpherson1@verizon.net]
Sent: Friday, January 12, 2018 6:02 PM
To: Revell, Mandy@Coastal <Mandy.Revell@coastal.ca.gov>; Willis, Andrew@Coastal <Andrew.Willis@coastal.ca.gov>; Padilla, Al@Coastal <Al.Padilla@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Haage, Lisa@Coastal <Lisa.Haage@coastal.ca.gov>; Wildlife DIRECTOR <DIRECTOR@wildlife.ca.gov>; Pert, Ed@Wildlife <Ed.Pert@wildlife.ca.gov>; Gibbs, Kirk E COL USARMY CESPL (US) <kirk.e.gibbs@USACE.army.mil>; Henry.Teresa@Coastal.ca.gov; Daniel SPL Swenson P <daniel.p.swenson@USACE.ARMY.MIL>
Cc: Jeanette Vosburg <Jeanette@saveballona.org>; Medak, Christine <christine_medak@fws.gov>; Stork, Natalie@Waterboards <Natalie.Stork@Waterboards.ca.gov>; Heath, Arthur@Waterboards <Arthur.Heath@waterboards.ca.gov>; Williams, Thizar@Waterboards <Thizar.Williams@waterboards.ca.gov>; Ejigu, Solomon@Waterboards <Solomon.Ejigu@waterboards.ca.gov>; Nye, LB@Waterboards <LB.Nye@waterboards.ca.gov>; Ly, Jillian@Waterboards <Jillian.Ly@waterboards.ca.gov>
Subject: BALLONA WETLANDS - CDP No. 5-17-0253 DRAINING WETLANDS

GRASSROOTS COALITION
ENVIRONMENTAL INTEGRITY & PUBLIC POLICY

California Coastal Commission (CCC) Director, Staff,

BALLONA ECOLOGICAL RESERVE
Comments Pertaining to the Commissioner Decisions Re: The Capping and Removal of the Drains (in part- CDP 5-17-0253) ; & **BALLONA WETLANDS --DEIR/S COMMENTS**

Preface:
There is no information contained within the Ballona Restoration DEIR/S that discloses to the public, the Drains Violation and attendant issues cited by the CCC April 14, 2014 Violation Letter to CDFW and Playa Capital LLC. The basis of the DEIR/S is about restoration of a wetland yet the DEIR fails to include CDFW'S HISTORY OF HARMING BALLONA VIA THE UNPERMITTED AND COASTAL ACT VIOLATIVE DRAINING OF FRESHWATERS OF BALLONA WETLANDS ECOLOGICAL RESERVE. THIS DRAINAGE HAS BEEN ILLEGALLY OCCURRING SINCE CDFW TOOK OVERSIGHT CONTROL OF BALLONA WETLANDS in 2004 and potentially as early as 1996. Because these issues are not addressed in the DEIR/S, the DEIR/S FAILS to provide a forum for discussion of the hydrology of the site; the effects of the drainage, the mitigation for such drainage damage and all the attendant issues of misappropriation of bond funds, failure to provide adequate and protective oversight by CDFW. Contrary to CEQA/NEPA STANDARDS OF REVIEW the issues are left out of the DEIR/S. Therefore, CDFW's ask of the CCC Commissioners to include the drain pipes as part of the DEIR/S—WHICH WAS REJECTED BY THE CCC COMMISSIONERS UNANIMOUSLY--, was wholly specious by CDFW to attempt to claim the unpermitted drains are part of the DEIR/S and could therefore be dealt with by the DEIR/S process currently before the public. O11-21

The Drains Violation by CDFW lies within the jurisdiction of mitigation/remediation, fines etc. of the CCC and can be dealt with as cited in the April 14, 2017 CCC Letter via Commissioner choices as a Cease and Desist Order and/or as is currently being applied, as a Coastal Development Permit (CDP) process. GC believes that a Cease and Desist Order is the most direct and efficient process however, the Commissioners have chosen a CDP process at this point in time that starts with the immediate capping of the drains.
The Commissioners rejected the violation to be mitigated via the DEIR/S process which would have predominantly taken out of their jurisdiction. O11-22

The following is in response to CDP NO. 5-17-0253 —Additional Info re Gas Seeps, provided to CCC by Playa Capital LLC-Marc Huffman, Vice President of Planning & Entitlements.

1. Grassroots Coalition requests any/all written verification from CDFW provided to CCC that authorizes any/all Playa Capital LLC/Brookfield (Coastal Act violator per the CCC April 14, 2014 Letter to Playa Capital LLC/Brookfield) reports, comments etc. can be given to the CCC as part of CDFW's efforts of CCC response per CDP No. 5-17-0253. Thus far, upon request for such authorization by Ms. Revell to CDFW's BAllona Land Manager,Mr. Brody, **no such authorization exists.** O11-23

Why has Planning Staff allowed the Playa Capital LLC reports use as CDFW documentation for its CDP Application RATHER THAN TREAT THE PLAYA CAPITAL LLC information as it did the general public's information and GC's information? CCC Staff DID NOT INCLUDE GC data in the Staff Report for 5-17-0253(with the exception of noting the drainage videotape). Additionally, the Staff Report cited-inaccurately- that GC had not provided any substantive documentation regarding the dewatering and/or the gas issues. GC had to bring additional persons to the CCC Meeting in order to broadcast our information to the Commissioners whereas the CCC Staff provided time for question and answers to consultants of Playa Capital LLC. Playa Capital LLC first provided their reports to CCC Planning directly which were included in the CCC Staff Report comments, however the full reports have not been provided to the O11-24

public or, apparently the Commissioners for any review of a complete document. GC's attorney Todd Cardiff expressed the
lack of complete reports among other lacking information in his Letter given to CCC Planning and read aloud by Jeanette Vosburg at the Dec. 14, 2017 10 C Agenda Item.
(See email of Ms. Revell and CDFW/Brody below)

O11-24 cont.

rom: Brody, Richard@Wildlife
o: Revell, Mandy@Coastal
ubject: RE: reports and background info
ate: Tuesday, December 12, 2017 8:53:56 AM
ttachments: Ballona_WCB Minutes_Sept2003.pdf
Methane Evaluation of FWM Drain Riser Capping_Dec082017.pdf
20170927 Riser Hydrologic Analysis.pdf
Topography Exhibit.pdf

---

li Mandy, both reports are attached and here is the Departments response to your questions:

: is unclear what you mean by whether Playa Capital is authorized to represent CDFW. By our nderstanding of the terms, Playa Capital is not so authorized. However, it is an interested party in ne hearing. Coastal Commission staff originally reached out to just Playa Capital Company about nis matter. Only later did Coastal Commission staff include CDFW on that correspondence. Also, laya Capital and CDFW were named defendants in the lawsuit by Grassroots Coalition and similarly oth Playa Capital and CDFW signed the settlement agreement. CDFW is the applicant for the CDP ecause it owns the land. However, given the aforementioned correspondence and litigation, Playa ; also interested in resolving the matter, and is providing information to help reach resolution, ecause it has the requisite scientific and technical expertise necessary to address the Coastal ommission's questions.

n response to your question about acquisition:

O11-25

allona Wetlands Ecological Reserve has historically been referred to as having 3 components, Areas , B and C. CDFW owns fee title to all 3 sections.

rea A and part of Area B, previously referred to as Area B "Residential" (totaling 192 acres) were urchased from Playa Capital Company, LLC in Fee by the Wildlife Conservation Board (WCB) for 139,000,000 using Proposition 50 funds. The portion of Area B previously referred to as Wetlands" and the Ballona Creek Channel (totaling 291 acres) were donated to the State by Playa apital Company, LLC. WCB approved the acquisition on September 30, 2003 and escrow closed on ecember 19, 2003. An additional $1,000,000 out of Prop 50 was authorized to cover the cost of nd transactions and recordation fees. See attached minutes

rea C (70 acres) was transferred to the Department on August 4, 2004 (COE Sept 17, 2004) through Grantor named BNY Western Trust Company. The value was approximately $50,750,000. This arcel was the subject of a 1984 settlement agreement whereby the Howard Hughes Estate was irected by the State Controller's Office to convey the title to this property to CDFW, through WCB. his information is all contained in legislation, SB 666 (June 2003).

lope this helps,

rodv

2. GC MAINTAINS its concerns for thermogenic and any associated biogenic gases of the marsh to move in solution in the water to the unpermitted pipes and risers.
GC also maintains its concerns for any soil gas migration into the pipes that may occur due to corrosion that may exist in the pipes.

To that end, GC supplies Playa Capital's own Latham Watkin fax with attendant hand written comments on a GeoScience Analytical (GA) document provided to GC by GA.
Spark testing on membranes at Playa Vista has not been done due to concerns of potential fire and/or explosive results. GC believes that this level of concern should be applied
to the unpermitted pipes and risers. NOTE BELOW…GOD FORBID AND RECIPE FOR DISASTER PER using "standard high voltage techniques". Fleet Rust- President of GA.

O11-26

no field techniques exist for HDPE testing at penetrations either.

soil gas at higher pressures. In the first place, no field techniques exist for the leak testing of Liquid Boot at seams and penetrations. In the case of HDPE, three independent methods are available. Additionally, Liquid Boot demonstrates significant deformation under gravitational and other forces. This becomes detrimental to product performance on vertical surfaces and especially in penetration applications. Penetrations require the Liquid Boot to be applied to a slab penetrating conduit, for example. The seal between the conduit and the Liquid Boot is attained by affixing a tie-wrap or other clamp around the Liquid Boot. However, we have observed that the clamp cuts through the Liquid Boot if too much pressure is applied. Otherwise, the Liquid Boot deforms following installation of the clamp, thins in its thickness and leaves a gap between the clamp and the conduit which results in a leak. Lastly, as previously stated, no field testing method exists for testing the penetration seal in the case of Liquid Boot. We have worked with LBI Technologies Inc., Liquid Boot's manufacturer, in our testing methodologies and have made every effort to evaluate their product impartially and with their assistance.

at? → How so?

the clamp is unnecessary but required by agencies

* recipe disaster

With respect to HDPE, in higher pressure soil gas environs, we utilize conduit transitions which facilitate welding of the HDPE directly to the conduit and without clamps, rubber and sealant. This seam penetration can be field tested using standard high voltage techniques. !

GOD FORBID !!!

O11-27

Although additional testing is required at Playa Vista to determine gaseous pressures, the ETI report of April 17 raises concerns that the soil gas requires characterization as high pressure thereby requiring mitigation beyond Liquid Boot technology. The conclusions speculate that the gas is migrating from a deep petrogenic source along faults into shallow gravel zones. Furthermore, field observations apparently deduced that the gaseous pressure is sufficient to support a water column blow-out 40 feet in height for several hours, at a minimum.

Based on the ETI conclusions, we would not recommend that Liquid Boot be utilized for most mitigation applications within the Playa Vista project. With respect to HDPE, please be aware that under normal field applications it has been observed to experience a high failure rate reported to be as high as 85% in some cases. It is only with extensive field observations and testing, coupled with passive/active gas extraction, that mitigation of a high pressure hazardous gas anomaly will be successful. We will be pleased to provide you with testing and installation protocols that we have found successful as your needs dictate.

so what do you use? if neither liquid boot or hdpe

Sincerely yours,

Fleet E. Rust

Fleet E. Rust, Ph.D.
President

* methane under the membrane can be ignited by high voltage sparks.

GC raises concerns that are unique to the capping/removal of the unpermitted pipes. GC,contrary to Mr. Huffman's comments below **is not** raising issues that are old and already addressed by state agencies. O11-28

3. Grassroots Coalition(GC) has a lengthy history in oilfield gas migration issues in the Ballona Wetlands area and was key in securing independent analysis of the Playa del Rey/SCG oilfield and operations when Playa Capital LLC became owners of the Playa Vista properties,inclusive of the area known as the Playa Vista Flood Control System (aka Freshwater Marsh System). GC, in working with the City of LA Dept. of Building & Safety, was instrumental in securing independent gas studies for Ballona Wetlands and the Playa Vista site itself.
The studies were done by Exploration Technologies Inc., a company negotiated into such service via the City of Los Angeles for investigative(gas studies/ mitigation studies) and peer review work on the area that was free from conflicted interests. GC was later instrumentalin securing a new Citywide Methane Code and the new methane code for Playa Vista— the Playa Vista Methane Prevention Detection and Monitoring Program. GC also was in litigation via the California Public Utility Commission (CPUC) process for approximately 7-9 years prior to its Settlement Agreement outcome.

The information provided with this response includes some of our lengthy years of work regarding the oilfield and injected gas issues of SoCalGas/ Playa del Rey and the nexus with the Playa Vista site and Playa Vista consultants. O11-29

4. Many of Mr. Huffman's comments are either misleading and/or inaccurate in his Dec. 8,2017 Letter to Ms. Revell (CCC Planning). O11-30

a. GC's claims ARE BASED UPON NEW EVIDENCE and evidence that has not been previously shared with various State agencies.

1. GC has shared the ETI CD of its body of work upon the Ballona Wetlands and the Playa Vista development site with Andrew Willis-Enforcement Staff of the CCC and had requested the CD to be copied and shared with other pertinent Staff regarding the oilfield gas issues of the Ballona Wetlands region, inclusive of the Playa Vista development site. ETI's work for the City of LA was completed roughly in 2000-01.

In one section discussing H2S ETI cites: O11-31

2.3 Soil Gas Hydrogen Sulfide

Hydrogen sulfide in detectable concentrations (Table 3, Plate 7) in the near-surface soils are very localized in areal extent with respect to the entire Playa Vista Development. Concentrations ranged from non-detect to 41 ppmv. Anomalous areas of hydrogen sulfide, with the greatest areal extent, are generally coincident with the western methane anomaly in Tract 49104-01 described above. Only 12 samples exceed 1 ppmv in concentration, and all but one of these samples lie within area 49104-01 where the largest macroseeps occur. The second largest anomaly of 27 ppmv does occur in association with a methane level of 5.33 % at site 9349 in area 49104-04. Ethane and propane anomalies are also present in the vicinity of this site, but are not coincident. A tighter grid spacing of soil gas should be applied in order to better define this hydrogen sulfide anomaly, followed by installing at least one monitor well for sampling of the Ballona aquifer. Two existing monitor wells, C-23 and C-28 should also be sampled from this general area for background control.

Although hydrogen sulfide has often been observed within archeological trenches, an evaluation of the many boring logs drilled and sampled on this site have shown that hydrogen sulfide occurs randomly, and almost always within natural or shallow fill sediments. The source of the hydrogen sulfide appears to be from shallow recent swamp deposits and perhaps from the fill brought to the site from the La Brea area during the Hughes operations. During the installation of the methane vent wells, CDM and ETI/LADBS consultants inspected every vent well for H2S odors. In no cases were H2S odors detected in spite of the fact that significant levels of methane gas was being vented from the wells. The most important observation, with respect to hydrogen sulfide, is that it is not detected in near-surface soils except in the areas of advective methane seeps. Thus, outside of high-volume methane discharge areas, there is no hydrogen sulfide problem.

O11-32

There is always a need for new surveys to determine the latest gas migration patterns and constituents and volumes. The dangers of the site should never be underestimated.

O11-32 cont.

5. GC provided to the CCC, imagery of recent Picarro methodology imagery that shows methane outgassing into the ambient air over both the flood control catch-basin and Playa Vista.

6. GC provided video of greater volumes of outgassing over University City Syndicate,an oilwell most recently abandoned by Playa Capital LLC. This is new 2017 information that GC provided to the CCC. Additionally, GC provided Division of Oil & Gas(DOGGR) videotape that demonstrated the location of the seepage being both GPS'd (location mapping) and the well head of University City Syndicate being located via a magnetometer by DOGGR personnel.

GC also provided an internal SCG memo discussing University City Syndicate well as having been reabandoned (by Playa Capital LLC) and that it leaked directly afterwards. The well had a few more bags of cement thrown at it and as cited in the internal document, it is considered a 'problem well' by DOGGR.

DOGGR personnel have identified the current leakage as being over UNIVERSITY CITY SYNDICATE (video provided) and no further analysis or cessation of this leakage has been attempted. The 2001 date that Mr. Huffman supplies as the reabandonment having been approved by DOGGR , was an approval by DOGGR given after it leaked directly post abandonment, after Playa Capital LLC had several bags of cement added at the top of the well to stop the leakage, at least short term. The approval occurred prior to the subsequent filling of the site with water and its subsequent leakage.

O11-33

7. GC provided CCC Staff with powerpoint image(s) revealing a 2010 DOGGR Report portions that provide DOGGR's SHUT DOWN ORDER 1008 of SCG due to reservoir gas leakage. GC re-provides the pdf of the 1008 Order to CCC.

8. GC provided CCC Staff with an internal Memo of SCG citing 26 wells with reservoir gas leakage noted via helium leakage from the wells as well as other leakage diagnostics done on those wells. To GC's knowledge, this information has not been previously provided to the City of LA and/or Playa Capital LLC

O11-34

or the CCC. An email communication from Ms. Revell to Brody/ CDFW relays this information to CDFW also. None of this information is noted in the Staff Report. O11-34 cont.

9. The GeoScience Analytical Report of 2010 that was provided by Mr. Huffman, exists as but ONE STUDY done on the catch basin gas leakage. Mr. Huffman is a long time employee of Playa Capital LLC privy to all the gas reports of same. O11-35

Mr. Huffman opines that no H2S is found and therefore not an issues of concern however, he does this by excluding information that Playa Capital LLC has. Mr. Huffman excludes, for instance, Playa Capital LLC -Camp Dresser McGee gas analysis and other consultant work done on this site that CONFIRMS THE PRESENCE OF H2S. (eg. CDM 2005 attached and discussed with CCC Staff during meetings with GC. And, which is cited to by GeoScience Analytical on page 4 of 43 of the Huffman attachment. O11-36

However, it is unclear as to why Mr. Huffman chooses to pick on this particular chemical that is known to exist across the catch basin area prior to the construction of the catch basin. eg. Archaeological Reports that reveal workers having to flee the site due to high H2S outgassing in dig sites. These sites are known to have been later backfilled and otherwise dealt with to avoid the H2S. The PDR oilfield itself is well established as having H2S - a soured oilfield. SCG documents reveal the extensive use of biocides used to attempt to control levels of H2S. The well sites themselves, present signs warning of H2S and other oilfield gases that may be present inclusive of Prop. 65 Warnings. O11-37

CDM
18581 Teller Avenue, Suite 200
Irvine, California 92612
tel: 949 752-5452
fax: 949 752-1307

April 25, 2005

Mr. David Nelson
Vice President
Playa Capital Company, LLC
5510 Lincoln Blvd Suite 100
Playa Vista, California 90094

Subject: Report of Sampling Results for Gas Bubbles Observed in the Freshwater Marsh

Dear Mr. Nelson:

Camp Dresser & McKee Inc. (CDM) has prepared this report to describe its assessment of the gas bubbles observed in the Freshwater Marsh, which is located to the west of the Playa Vista project, near the intersection of Lincoln Boulevard and Jefferson Boulevard. In particular, the purpose of this assessment is to compare the chemical composition of observed gas bubbles with gas from the Southern California Gas Company (Gas Company) Playa Del Rey Storage Field (the "reservoir"), which is located further west of the Freshwater Marsh. Additionally, survey data were reviewed to verify the location of the gas bubbles relative to the University Syndicate Well 1, an exploratory well that was re-abandoned in 2001 to current Division of Oil, Gas, and Geothermal Resources (DOGGR) standards.

O11-38

Overview

During the course of the past 12 years, investigations have specifically explored the issue of whether gas bubbles migrating to the surface have the same composition as gas stored in the reservoir. Each investigation reached the same conclusion: the gases are of different composition and do not originate from the Gas Company reservoir. Additionally, recent surveying indicates the gas bubbles observed in the Freshwater Marsh are more than 200 feet distant from the location of abandoned University Syndicate Well 1. No gas bubbles have been observed in the area proximate to the abandoned well. A detailed discussion of these findings follows.

Historical Studies

In 1993, Dr. Ian Kaplan, a Ph.D. in Biogeochemistry from USC and Emeritus Professor of Geology and Geochemistry at UCLA, conducted a study that analyzed and compared gas samples from the Ballona Channel and Centinela Channel and from the Gas Company reservoir. The results of the study were presented in the report titled *Comparison of Chemical*

Table 3
Summary of Data in Comparison to Risk-Based Concentrations
Samples from Freshwater Marsh and SoCal Gas Wells
Playa Vista

Chemical	Detected Concentration ($\mu g/m^3$)	Risk-Based Concentration ($\mu g/m^3$)
Benzene	ND (RL = 2.5)	60 (chronic) (LA Area Background 1.9 to 2.8)
Toluene	3.5	37,000 (acute) 300 (chronic)
Ethylbenzene	5.3	2,000 (chronic)
Xylenes (m,p + o)	20.5	22,000 (acute) 700 (chronic)
Hydrogen Sulfide	11.6	42 (acute) 10 (chronic)
N-Hexane	ND (RL = 35,243)	7,000 (chronic)

All risk-based concentrations are Reference Exposure Limits (RELs) developed by the Office of Environmental Health Hazard Assessment (OEHHA) (http://www.oehha.ca.gov/risk/ChemicalDB/index.asp) for non-cancer effects, except as noted. Acute RELs are not available for benzene, ethylbenzene or n-hexane. However, acute criteria are always higher than chronic criteria. Thus, if chronic criteria are not exceeded, no acute threats are present.

O11-39

Mr. Huffman's citation to the GeoScience Analytical Report's assertions of no health risks posed is inaccurate as GeoScience Analytical is ONLY referring to its sampling and GeoScience Analytical cites, "The gas is void of hydrogen sulfide and does not pose AN OBVIOUS health risk." emphasis added. GeoScience Analytical cites their sampling to be 'similar' to gas previously analyzed in a CDM 2005 Report and 'similar' to gas found in the 50' gravel aquifer reported previously by ETI in 2000. HOWEVER, the CDM 2005 Report does reveal the presence of H2S. And, ETI in 2000 did find H2S in their gas analysis at various sites. AND, THE NEW LARGE GAS SEEPAGE OVER UNIVERSITY CITY SYNDICATE WAS NOT ANALYZED IN THE 2010 GEOSCIENCE ANALYTICAL REPORT.

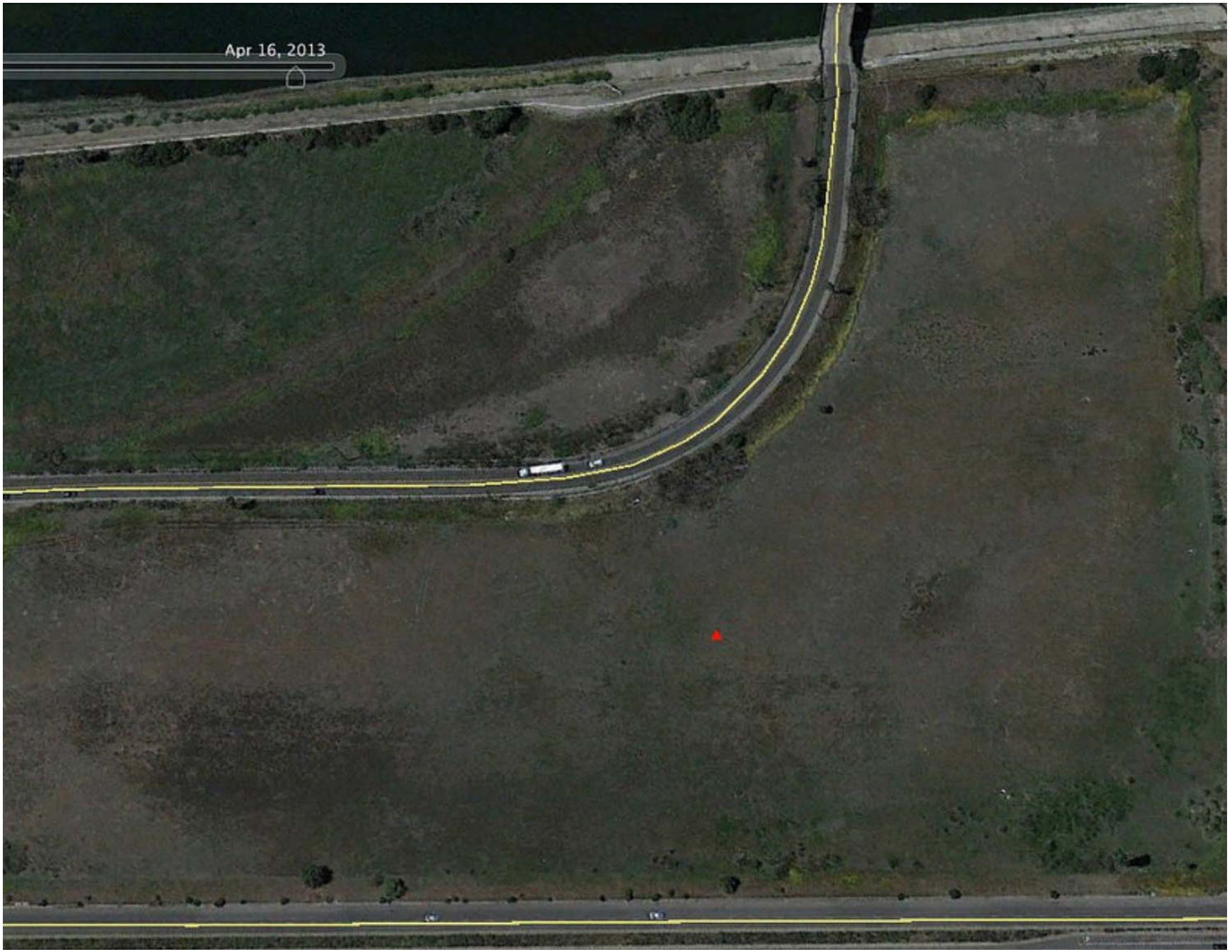
O11-40

The SLC study and conclusions,included in the Huffman attachment, provides an additional evaluation of the volumes of outgassing. This study was also done prior to the current enhanced outgassing.

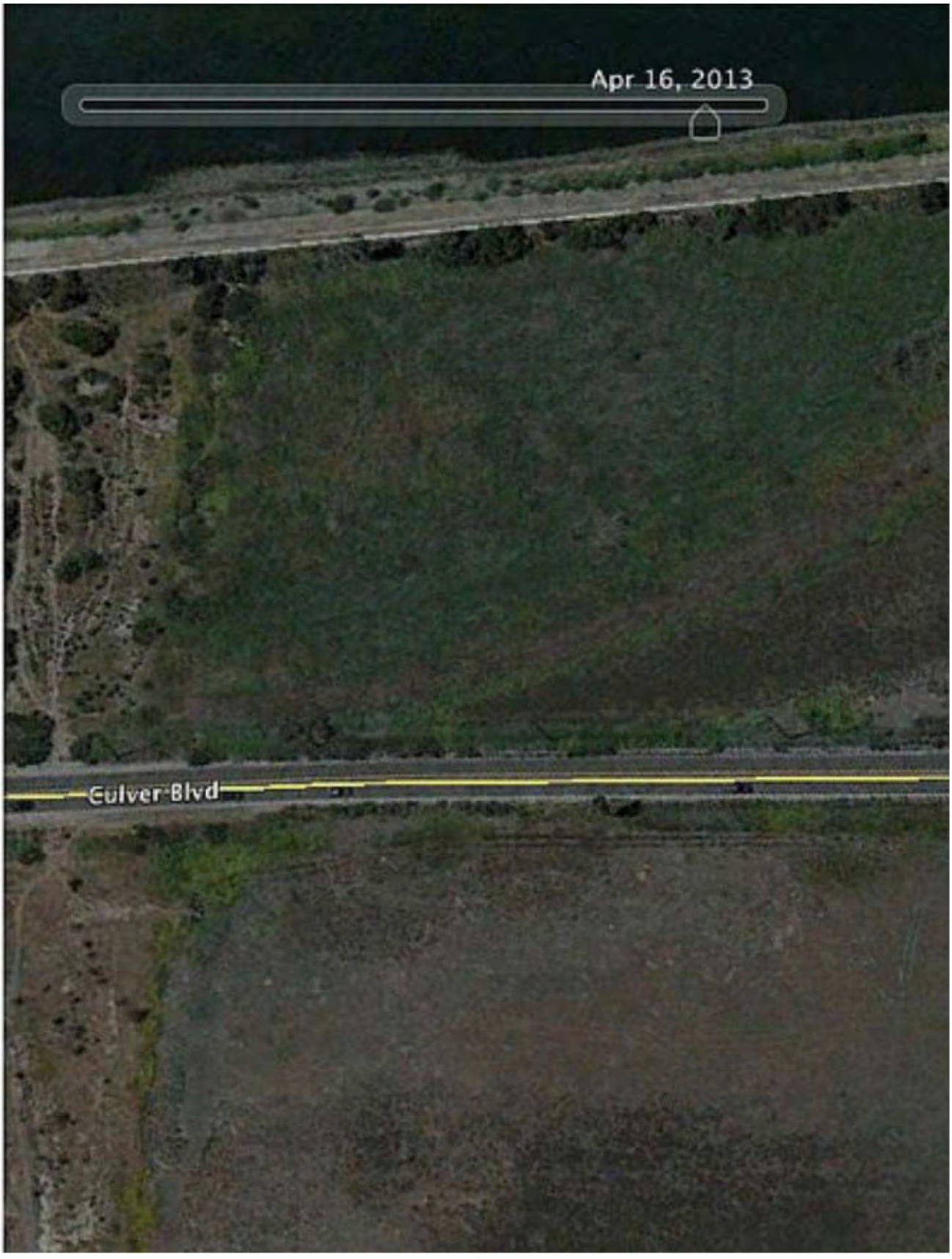
GC was unaware of this report and GC appreciates the opportunity to both review and share this report with gas experts. This report is the only gas report that GC is aware that finds no BTEX chemicals in the gases retrieved and analyzed and no H2S. The Report does state the predominance of gas to be thermogenic in origin. The Report does mention the ability of the gas to remain in the water column which is the concern that GC raises as the methane levels may be elevated at the site of the work to be done. Certainly, nearby borings have produced methane at levels that cause bubbling to occur over multiple days in BENTONITE FILLED BOREHOLES. SEE VIDEO LINK ATTACHED AND LOCATION OF BORING ATTACHED.

O11-41

MVI_0331.MOV



O11-41
cont.



O11-41
cont.

10. The CCC Staff Report essentially was dismissive of the Psomas hydrology report, citing that, " *…Commission staff observed the drain risers and the location of the weep holes in the risers during a site visit in October of 2016, and noted several of the weep holes were at grade and slightly higher than grade level (Ex. 6). Staff has also observed how the weep holes actually function during a rain event, which is documented on video submitted by a member of the public. The video demonstrates that the relatively large weep holes located at grade and slightly higher than grade level do in fact drain water that would otherwise be retained in the wetland during a rain event, which is in fact detrimental to the surrounding wetland habitat."* O11-42

therefore, why didn't Staff correct Atty. Takai, speaking on behalf of CDFW, when he cited, in response to a Commissioner's request as to how much water may be lost in the time it would take to cap the drains, Mr. Takai cited that it would take 2xs a 100 year storm event for ponding to reach the unpermitted drain south of Culver Blvd.? O11-43

Staff, as cited in the Staff Report, already knew that the drain south of Culver had been draining ponded rain waters the previous year due to the video that GC supplied to CCC Staff showing this drainage. Staff had the photographs of ponded water that fully overtopped the top riser area of the drain and photos that revealed the water drained the next day. This type of occurrence was shown in photo/video documentation from 2 separate rain events that were not even close to a 100 year storm event. The drainage shown in the videos occurring multiple days after the initial flushing out of the ponded rainwaters. O11-44

11. **Per Atty. Takai's comments regarding the only ways for water to enter the drains and exit the drains. (Dec. 14, 2017 Meeting 10 C)**
Mr. Takai was disingenuous and/or is not informed by CDFW to be aware of the Psomas -Crehan email discussing the Ballona Channel waters as entering the Main Drain and exiting the unpermitted drains into the wetlands for several hundred feet around the drains. Mr. Takai cited that only waters from the freshwater marsh might get backed up and overflow into Ballona Wetlands. HOWEVER, per the email below from the engineer of record for the installation and oversight of the system—Mike Crehan— TIDAL FLOWS ARE BROUGHT TO THE FEW HUNDRED SQUARE FEET AROUND THESE INLETS. CCC Enforcement Staff already have had this email for at least a year. O11-45

2. ""There is actually some tidal action that occasionally (at very high tides) occurs that brings some tidal flows to the few hundred square feet around these inlets." O11-46

GC believes this to be an ongoing Clean Water Act violation.

PSomas has long been the consultant for Playa Capital LLC and as such is conflicted due to its own freshwater dewatering needs for its development project -Playa Vista-to be sold and exist. Mr. Crehan is therefore also conflicted and yet is on the Project Management Team for Ballona's restoration. Diana Hurlbert, Karina Johnston, Shelley Luce, Fimiani (Friends BAllona Wetlands and possibly Bay Foundation) are all Bay Foundation entities and Santa Monica Bay Restoration Commission leadership entities-past / present. These people and Rick Mayfield of CDFW all failed to inform regarding the harmful drainage of Ballona's freshwaters and were obviously privy to the existence of the drains and the negative impacts occurring to Ballona, at least since 2004. All of these entities have been extensively engaged in the Ballona restoration alternative(s) to create BAllona into a saltwater embayment. The symbiotic relationship between these entities for both financial gain and an outcome to protect and enhance the Playa Vista development site is no leap to understand. O11-47

GC believes that these conflicted entities and consultants of Playa Capital LLC should not be allowed any further input in any capping, removal of pipes, mitigation, hydrology or gas studies and only unconflicted entities should be allowed by the CCC to engage with CDFW ON THIS PROJECT.

O11-48

From: Mike Crehan
To: Diana Hurlbert; Karina Johnston; Shelley Luce; Lisa Fimiani; Mayfie
Subject: RE: Google Alert - Ballona Wetlands
Date: Thursday, July 11, 2013 3:33:33 PM

FYI:

These inlets are intended to eliminate standing water immediately aro the surrounding ground. Since the area around the drains are cut off occur from any stormwater other than what falls directly on the area.

Three other points:

1. If these inlets were plugged, there would be no chance of any floc higher than the surrounding grades. A three foot storm would be son the idea) and L.A. would not notice a little flooding here.
2. There is actually some tidal action that occasionally (at very high ti these inlets.
3. Playa Vista is also looking at this. You might touch base with Marc

Mike

PSOMAS
Michael J. Crehan, P.E.
Vice President / Principal
555 South Flower Street, Suite 4300
Los Angeles, CA 90071
(213) 223-1400
mcrehan@psomas.com

O11-49

These are a few of the issues that GC wishes Staff to more carefully review and understand.

Patricia McPherson, Grassroots Coalition

Begin forwarded message:

From: "Revell, Mandy@Coastal" <Mandy.Revell@coastal.ca.gov>
Subject: FW: CDP No. 5-17-0253 - Additional Info re Gas Seeps
Date: December 8, 2017 at 4:47:30 PM PST
To: patricia mc pherson <patriciamcpherson1@verizon.net>, JD <jd@johnanthonydavis.com>

John and Patricia,
Please find the attached submittal received today from the applicant.

Mandy Revell
Coastal Program Analyst
California Coastal Commission
South Coast Office

Mandy.revell@coastal.ca.gov
200 Oceangate, 10th Floor
Long Beach, CA 90802
(562) 590-5071

Save Our Water

O11-50

From: Marc Huffman [mailto:Marc.Huffman@brookfieldrp.com]
Sent: Friday, December 08, 2017 3:22 PM
To: Revell, Mandy@Coastal
Cc: Casey, Ed; Hill, Kathleen; Brody, Richard@Wildlife; Takei, Kevin@Wildlife; Gary E. Tavetian
Subject: CDP No. 5-17-0253 - Additional Info re Gas Seeps

Dear Ms. Revell – attached please find supplemental information related to claims made by Patricia McPherson regarding gas seeps in the Freshwater Marsh.

Regards,

Marc Huffman
Vice President of Planning & Entitlements

Brookfield Residential
12045 Waterfront Drive Suite 400, Playa Vista, CA. 90094
D: 310.448.4629 **C:** 310.968.5233 **F:** 714.338.8229
Marc.Huffman@brookfieldrp.com
www.brookfieldresidential.com
Valued Team Member since 2012

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patricia mc pherson
patriciamcpherson1@verizon.net

NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., GOVERNOR

DEPARTMENT OF CONSERVATION

Managing California's Working Lands

Division of Oil, Gas, & Geothermal Resources

801 K STREET • MS 20-20 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 445-9686 • FAX 916 / 323-0424 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

ORDER NO. 1008

by

Elena M. Miller

STATE OIL AND GAS SUPERVISOR

DATED

March 4, 2011

Southern California Gas Company (S4700)

Playa Del Rey field

Los Angeles County

O11-51

On February 24, 2011, water and storage gas was found to be leaking into the surface/production casing annulus of the "Riegle" 1 well (API: 03726998, S27, T2S, 15W). Southern California Gas Company immediately directed a service company to pump water down the annulus to stop the well from flowing. Water and gas samples were collected and tested. Preliminary gas sample analyses indicate the gas is from the gas storage zone. Pressure continues to buildup in several wells surrounding the "Riegle" 1 well.

The State Oil and Gas Supervisor (Supervisor) has determined that there is a connection between Southern California Gas Company's injection operations in the Playa Del Rey field and the water and gas leak from several wells in the vicinity of, and including the "Riegle" 1 well. Section 3106 of the Public Resources Code (PRC) states: "The supervisor shall so supervise the drilling, operations, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities attendant to oil and gas production, including pipelines not subject to regulation pursuant to Chapter 5.5 of Part 1 of Division 1 of Title 5 of the Government Code that are within an oil and gas field, so as to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil and gas deposits from infiltrating water and other causes; loss of oil, gas, or reservoir energy, and damage to underground and surface waters suitable for irrigation or domestic purposes by the infiltration of, or the addition of, detrimental substances." In addition, in reference to underground injection projects, Title 14, Section 1724.10 (h) of the California Code of Regulations states: "Data shall be maintained to show performance of the project and to establish that no damage to life, health, property, or natural resources is occurring by reason of the project. Injection shall be stopped if there is evidence of such damage, or loss of hydrocarbons, or upon written notices from the Division. Project data shall be available for periodic inspection by Division personnel."

Therefore, to protect health and safety and in furtherance of the authorities cited above, and acting pursuant to Section 3224 and 3226, the Supervisor orders that all injection associated with Southern California Gas Company's gas storage project in the Playa Del Rey field immediately cease until the time that the Supervisor is satisfied that the situation has been remediated and that the storage gas and zone water is confined to the intended zone.

With permission from the Division, injection may be conducted for the limited purpose of conducting testing while this order is in effect.

O11-51 cont.

This order may be appealed by filing a written statement with the Supervisor or district deputy that the order is not acceptable within ten (10) days of receipt of the order. Upon receipt of an appeal, the Director will schedule a public hearing pursuant to Section 3351 of the PRC.

O11-51 cont.

Elena M. Miller
State Oil and Gas Supervisor

by Robert S Habel
Robert S. Habel
Chief Deputy State Oil and Gas Supervisor

cc: DOGGR-HQ
Cindy Traxler, Counsel
L. Pearlman, Deputy Atty. Gen.

Certified Mail Receipt No. 7006 0810 0005 0961 7114

Brookfield Residential

December 8, 2017

Mandy Revell
Coastal Program Analyst
California Coastal Commission
South Coast Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

Dear Ms. Revell

My name is Marc Huffman, and I am Vice President of Planning and Entitlements with Brookfield Residential, the current Master Developer for the Playa Vista community (Playa). I am submitting this letter in connection with the application by the California Department of Fish & Wildlife (CDFW) for a coastal development permit (CDP) to cap two existing storm drains within the Ballona Wetlands Ecological Reserve, Area B. Playa was the prior owner of that land before conveying it to CDFW in December 2003. O11-52

We understand that a concern has been raised about gas leakage from an abandoned oil well within the Freshwater Marsh. That claim is not based on new information and was addressed by various State agencies years ago. In 2010, the California Division of Oil, Gas and Geothermal Resources (DOGGR) commissioned an outside consulting company to evaluate the issue, which was raised by the same individual raising the issue at the present time. Their Seep Gas Analysis report (Attachment A to this letter) concluded that the seepage is void of hydrogen sulfide, poses no health risk and is the same as the seepage reported on in a 2005 report commissioned by the California State Lands Commission (which owns the Freshwater Marsh at the subject site). The 2005 Report (Attachment B to this letter) concluded that the seepage is naturally occurring and not from the Playa del Rey gas storage field. Further the report noted that a former oil well (University Syndicate) was properly re-abandoned in 2001 (refer to Attachment C to this letter). O11-53

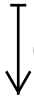
In light of these prior State investigations, it is clear that the gas bubbles occurring within the Freshwater Marsh have no bearing on CDFW's application, and we request that the Coastal Commission approve the requested CDP. O11-54

Regards,

J. Marc Huffman
Vice President, Planning and Entitlements

3200 Park Center Drive, Suite 1000 | Costa Mesa, California 92626 | Tel: 714.427.6868 | Fax: 714.200.1835
12265 El Camino Real, Suite 180 | San Diego, California 92130 | Tel: 858.481.8500 | Fax: 858.255.6937
12045 East Waterfront Drive, Suite 400 | Playa Vista, California 90094 | Tel: 310.822.0074 | Fax: 310.821.9429
www.BrookfieldRP.com | www.BrookfieldSoCal.com

ATTACHMENT A



GeoScience Analytical, Inc. "established March 1981"

608 HAILEY COURT SIMI VALLEY, CA 93065 (805) 526-6532 FAX 526-3570 EMAIL GEOSCI10@AOL.COM

12 July 2010

CADOGGR
5816 Corporate Ave., Ste. 200
Cypress, CA 90630

REC'D JUL 14 2010

Attn.: Ms. Anneliese Anderle

RE: Geochemical Analysis of Playa Vista "seep" Gas Vicinity of

Dear Ms. Anderle:

On June 2, 2010, GSA personnel collected "seep" gas from bubbles observed in a man-made wetland within the Playa Vista community and in the vicinity of a previously abandoned well (University City Well). Precise location of the gas "seep" was determined by CADOGGR [(X=33.97045972; Y.=118.4326556); (Figure 2)] as was the location of the well [(X=33.970835209; Y.=118.43204842 (per CDM); (Figure 2)].

O11-55 cont.

"Seep" gas was collected from a canoe by inverting a polyethylene funnel over the surficial bubbles approximately two inches below the water surface. From the top of the funnel, the gas was transported into glass bottles through tygon tubing. Bottles were previously filled with water, inverted into the wetlands water, and the water displaced by the gaseous flow until filled with gas, at which time screw caps were refastened.

In order to measure the flow rate of the "seep", a funnel of known volume was filled with water and inverted over the "seep". The time required for the displacement of the water within the funnel by the incoming "seep" gas was measured and a "seep" flow rate calculated.

Immediately following sample collection, randomly selected bottle samples were transferred to tedlar bags for certain laboratory analyses utilizing a gas tight syringe and water injection for pressure balancing thereby enabling gaseous transfer with no possibility of atmospheric contamination.

Samples were transported under chain-of-custody to three laboratories for specific and duplicative analyses. Sample splits were also transported to CDM, an independent consulting firm retained by Playa Capital for separate analyses. Laboratory analyses were according to approved methods.

Table 1 summarizes C1-C7 hydrocarbons, CO_2, O_2, N_2 and H_2S concentration analyses as reported by the GSA laboratory on four gas samples of the "seep" gas. Additionally, analytical data reported previously in 2005 by an independent study of the

"seep" gas have been included as sample FWM-1-031705. Within that previous study, chemical analyses of a gas well, known as Vicor-14 (sample No. 031705) and reported to be in contact with the deep storage reservoir operated by the Southern California Gas Co. within close proximity to the subject gas "seep", have been included within Table 1. Lastly, chemical analyses of Sample MMW4-FG-4, collected and analyzed in 2000 and reported by ETI to be a gas sample within a gas charged shallow reservoir at approximately 50.0 ft. (bg), are included in the data Table.

Tables 2 and 3 summarizes analytical data of the "seep" gas obtained from Columbia Analytical Services, Inc., a certified laboratory specializing in the analyses of gases. Analytical data include analyses of hydrogen sulfide and the aromatic hydrocarbons, benzene, toluene, ethylbenzene and xylenes.

Table 4 summarizes analytical data of the "seep" gas obtained from Isotech Laboratories Inc., a geochemical laboratory in Illinois specializing in the geochemical analyses of gases including isotopic analyses. Analytical data include chemical speciation in addition to isotopic analyses including $\delta^{13}C$, δD and ΔC^{14}, BTU and specific gravity.

Analytical reports are attached hereto as Appendices I & II.

Field measurements indicate that the "seep" flow rate is approximately 1,300 mcf/yr, at a concentration of approximately 93% methane.

O11-55 cont.

Table 1 analytical data suggest that the "seep" gas is similar in chemical composition to the "seep" previously analyzed in 2005 and reported elsewhere by CDM. Furthermore, the "seep" is similar in chemical composition to the 50' gravel aquifer gas previously analyzed in 2000 by ETI. The "seep" gas is not, however, similar to the gas storage reservoir as previously characterized. These conclusions result from a review of gas "wetness": the significant inclusion in the storage reservoir gas of heavier hydrocarbons including ethane, propane, butanes and heavier hydrocarbons and isotopic ratios. Although stripping mechanisms during vertical migration of the reservoir gas could result in the a more "dry" surface gas from that observed within the reservoir, additional analytical parameters identified herein offer further data confirming the Table 1 conclusion.

Tables 2 and 3 analytical data have identified hydrogen sulfide concentration in the "seep" gas at "ND" with a detection limit of 5.0 ppbv. Additionally, benzene, ethylbenzene and m,p and o-xylenes are all present at concentrations below detection limits of 3.1, 2.3, 4.5 and 2.3 ppbv, respectively. Toluene was identified at a concentration of 5.7 ppbv with a detection limit of 2.7 ppbv.

Table 4 geochemical data have analyzed the "seep" gas for chemical composition as well as isotopic ratio analyses of the methane and carbon dioxide. Chemical composition data are similar to those reported in Tables 1 - 3. Additional data have been reported as -62.7 ppt for $\delta^{13}C$ (methane) and -208.4 ppt for δD (methane). These data have been plotted on the attached Figure 1 and fall in a similar graphic location for that

previously reported in prior reports referenced hereinabove as "sub-surface microbial (CO_2 reduction). In order to assess the carbon age of the methane components of the "seep" gas, ΔC^{14} was performed. The methane was reported to contain <0.2 pMC (percent modern carbon) . This corresponds to a carbon age of >55,000 years BP.

In summary, the "seep" gas is similar to that "seep" gas analyzed previously and reported in 2005 by CDM. Additionally, it is similar to that gas found in the 50' gravel aquifer and reported previously in 2000 by ETI. The gas is void of hydrogen sulfide and does not pose an obvious health risk. The gas is void of heavy hydrocarbons and is not polluting the wetlands with hydrocarbons. Acidity of the wetlands is being monitored by a biologist and no changes in pH have been identified thus far. Based on all available analytical data, the subject "seep" gas is not related to either the gas storage reservoir or a mature crude oil reservoir. The most likely source of the gas is a mixed source of sedimentary decomposition diagenesis and secondary CO_2 reduction at sedimentary depths >55,000 yrs. BP, though not to depths of local petroleum reservoirs.

O11-55 cont.

A surficial conduit for the "seep" has not been identified. Gas bubbles were identified in the immediate vicinity of the abandoned well, however they remain of unknown origin. Although the abandon well is not in close proximity to the subject "seep", it has not been ruled out as a conduit for the vertical migration of the "seep" gas.

Sincerely yours,

Louis J. Pandolfi
President

TABLE 1: CHEMICAL COMPOSITION OF SEEP GAS

Sample No.	Gas Location	Date Collected	Time Collected	Analyte (Concentration ppmv)								
				Methane	Ethane	Propane	n-butane	C5+	CO2	O2	N2	H2S
3912-2	seep	6/02/10	11:40 AM	937,711.0	2,039.0	23.7	3.8	nd (1)	16,077.0	3,956.0	40,190.0	nd (2)
3912-4	seep	6/02/10	11:55 AM	941,914.0	2,032.0	18.8	nd (1)	nd (1)	15,402.0	3,653.0	36,980.0	nd (2)
3912-5	seep	6/02/10	12:03 PM	924,989.0	1,935.0	13.8	nd (1)	nd (1)	16,436.0	6,816.0	49,810.0	nd (2)
3912-6	seep	6/02/10	12:10 PM	933,212.0	1,905.0	20.3	nd (1)	nd (1)	16,110.0	5,023.0	43,730.0	nd (2)
FWM-1-031705	seep	3/21/05		955,500.0	2,410.0	30.0	nd (2)	nd (2)	6,300.0	5,020.0	30,100.0	nd (3)
MMW4-FG-4	50' gravel	2/14/00		975,000.0	4,800.0	100.0	nd (2)	nd (2)	7,300.0	1,100.0	43,300.0	nd (3)
Vicor-14-031705	storage reservoir	3/17/05		905,600.0	46,700.0	11,700.0	1,630.0	2,048.0	5,400.0	1,890.0	23,699.0	nd (3)

Notes: (1) limit of detection 0.1 ppmv
(2) limit of detection 1.0 ppmv
(3) limit of detection unknown

O11-55 cont.

TABLE 2

COLUMBIA ANALYTICAL SERVICES, INC.

RESULTS OF ANALYSIS

Page 1 of 1

Client: **Geoscience Analytical, Inc.**
Client Project ID: **Playa Vista - Seep Sample** CAS Project ID: P1001913

Hydrogen Sulfide

Test Code: SCAQMD 307-91
Instrument ID: Agilent 7890A/GC22/SCD
Analyst: Zheng Wang
Sampling Media: 1.0 L Tedlar Bag(s)
Test Notes:

Date(s) Collected: 6/2/10
Date Received: 6/3/10
Date Analyzed: 6/3/10

Client Sample ID	CAS Sample ID	Injection Volume ml(s)	Time Analyzed	Result µg/m³	MRL µg/m³	Result ppbV	MRL ppbV	Data Qualifier
3912-3	P1001913-001	1.0	08:58	ND	7.0	ND	5.0	
Method Blank	P100603-MB	1.0	07:39	ND	7.0	ND	5.0	

ND = Compound was analyzed for, but not detected above the laboratory reporting limit.
MRL = Method Reporting Limit - The minimum quantity of a target analyte that can be confidently determined by the referenced method.

O11-55 cont.

Verified By: _____ Date: 6/15/10

TABLE 3

COLUMBIA ANALYTICAL SERVICES, INC.

RESULTS OF ANALYSIS

Client: **Geoscience Analytical, Inc.**
Client Sample ID: **3912-3**
Client Project ID: **Playa Vista - Seep Sample**

CAS Project ID: P1001913
CAS Sample ID: P1001913-001

Test Code: EPA TO-15 Modified
Instrument ID: Tekmar AUTOCAN/Agilent 5973inert/6890N/MS8
Analyst: Elsa Moctezuma
Sampling Media: 1.0 L Tedlar Bag
Test Notes:

Date Collected: 6/2/10
Date Received: 6/3/10
Date Analyzed: 6/3/10
Volume(s) Analyzed: 0.050 Liter(s)

CAS #	Compound	Result µg/m³	MRL µg/m³	Result ppbV	MRL ppbV	Data Qualifier
71-43-2	Benzene	ND	10	ND	3.1	
108-88-3	**Toluene**	**21**	10	**5.7**	2.7	
100-41-4	Ethylbenzene	ND	10	ND	2.3	
179601-23-1	m,p-Xylenes	ND	20	ND	4.6	
95-47-6	o-Xylene	ND	10	ND	2.3	

O11-55 cont.

ND = Compound was analyzed for, but not detected above the laboratory reporting limit.
MRL = Method Reporting Limit - The minimum quantity of a target analyte that can be confidently determined by the referenced method.

Verified By: _____ Date: 6/15/10

TABLE 4

ISOTECH®
ISOTECH LABORATORIES INC

ANALYSIS REPORT

Lab #:	187846	Job #:	13097
Sample Name/Number:	3912-2		
Company:	Geoscience Analytical, Inc.		
Date Sampled:	6/02/2010		
Container:	Glass Bottle		
Field/Site Name:	Playa Vista		
Location:	Playa Vista, CA		
Formation/Depth:			
Sampling Point:			
Date Received:	6/04/2010	Date Reported:	7/10/2010

Component	Chemical mol. %	Delta C-13 per mil	Delta D per mil	C-14 conc. pMC	Tritium TU
Carbon Monoxide	nd				
Hydrogen Sulfide	nd				
Helium	0.0011				
Hydrogen	0.0011				
Argon	0.116				
Oxygen	1.41				
Nitrogen	7.66				
Carbon Dioxide	0.84				
Methane	89.79	-62.70	-208.4	< 0.2	
Ethane	0.184	-20.30			
Ethylene	nd				
Propane	0.0025				
Iso-butane	nd				
N-butane	nd				
Iso-pentane	nd				
N-pentane	nd				
Hexanes +	nd				

Total BTU/cu.ft. dry @ 60deg F & 14.7psia, calculated: 914
Specific gravity, calculated: 0.603

nd = not detected. na = not analyzed. Isotopic composition of carbon is relative to VPDB. Isotopic composition of hydrogen is relative to VSMOW. Calculations for BTU and specific gravity per ASTM D3588. Chemical compositions are normalized to 100%. Mol. % is approximately equal to vol. % Chemical

O11-55 cont.

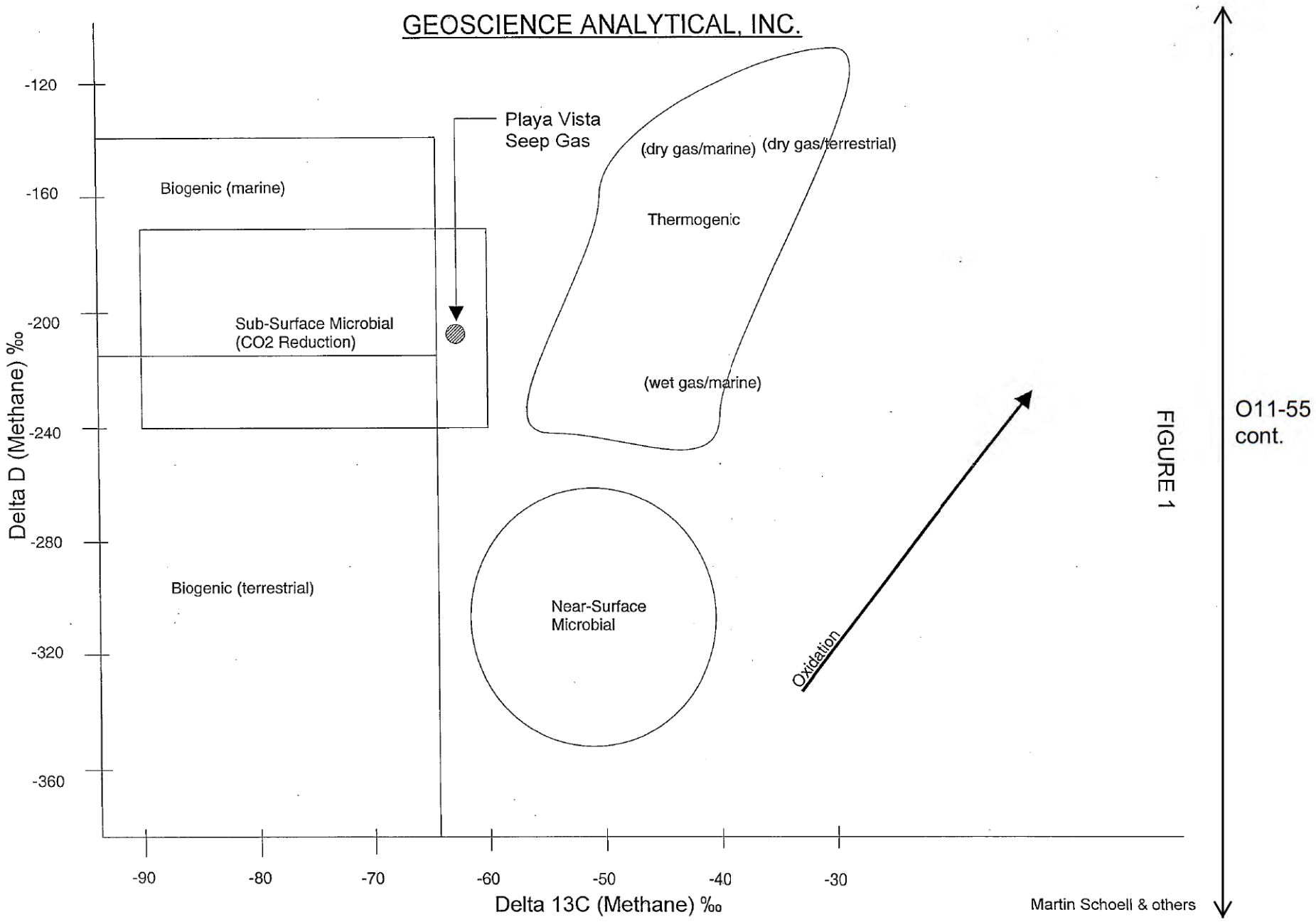
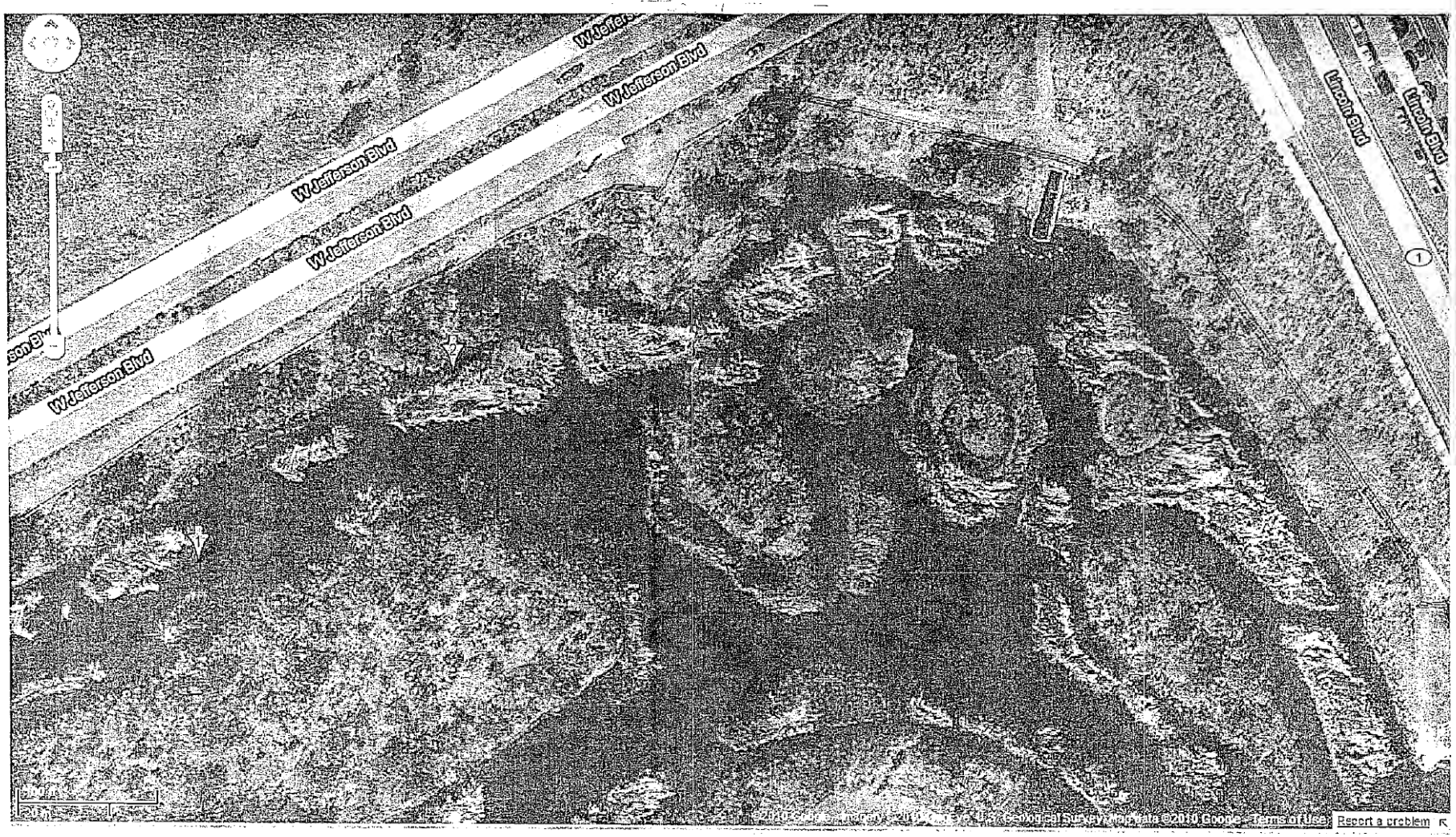


FIGURE 1

O11-55
cont.

FIGURE 2



1 = 33.97045972, -118.4326656 = Seep

2 = 33.970835209, -118.432048422 = University City Well

O11-55 cont.

APPENDIX I

O11-55
cont.

COLUMBIA ANALYTICAL SERVICES, INC. ANALYTICAL REPORT

Columbia Analytical Services™ 2655 Park Center Drive, Suite A | Simi Valley, CA 93065 | 805.526.7161 | 805.526.7270 fax | www.caslab.com

LABORATORY REPORT

June 16, 2010

Louis Pandolfi
Geoscience Analytical, Inc.
608 Hailey Ct.
Simi Valley, CA 93063

RE: Playa Vista - Seep Sample

Dear Louis:

Enclosed are the results of the sample submitted to our laboratory on June 3, 2010. For your reference, these analyses have been assigned our service request number P1001913.

All analyses were performed according to our laboratory's NELAP-approved quality assurance program. The test results meet requirements of the current NELAP standards, where applicable, and except as noted in the laboratory case narrative provided. For a specific list of NELAP-accredited analytes, refer to the certifications section at www.caslab.com. Results are intended to be considered in their entirety and apply only to the samples analyzed and reported herein. Your report contains 11 pages.

O11-55 cont.

Columbia Analytical Services, Inc. is certified by the California Department of Health Services, NELAP Laboratory Certificate No. 02115CA; Arizona Department of Health Services, Certificate No. AZ0694; Florida Department of Health, NELAP Certification E871020; New Jersey Department of Environmental Protection, NELAP Laboratory Certification ID #CA009; New York State Department of Health, NELAP NY Lab ID No: 11221; Oregon Environmental Laboratory Accreditation Program, NELAP ID: CA20007; The American Industrial Hygiene Association, Laboratory #101661; United States Department of Defense Environmental Laboratory Accreditation Program (DoD-ELAP), Certificate No. L10-3; Pennsylvania Registration No. 68-03307; TX Commission of Environmental Quality, NELAP ID T104704413-09-TX; Minnesota Department of Health, Certificate No. 11495AA; Washington State Department of Ecology, ELAP Lab ID: C946. Each of the certifications listed above have an explicit Scope of Accreditation that applies to specific matrices/methods/analytes; therefore, please contact me for information corresponding to a particular certification.

If you have any questions, please call me at (805) 526-7161.

Respectfully submitted,

Columbia Analytical Services, Inc.

Sue Anderson
Project Manager

100% Recycled Paper

Columbia Analytical Services™ 2655 Park Center Drive, Suite A | Simi Valley, CA 93065 | 805.526.7161 | 805.526.7270 fax | www.caslab.com

Client: Geoscience Analytical, Inc. CAS Project No: P1001913
Project: Playa Vista - Seep Sampling

CASE NARRATIVE

The sample was received intact under chain of custody on June 3, 2010 and was stored in accordance with the analytical method requirements. Please refer to the sample acceptance check form for additional information. The results reported herein are applicable only to the condition of the sample at the time of sample receipt.

Hydrogen Sulfide Analysis

The sample was analyzed for hydrogen sulfide per modified SCAQMD Method 307-91 using a gas chromatograph equipped with a sulfur chemiluminescence detector (SCD).

Volatile Organic Compound Analysis

The sample was also analyzed for selected volatile organic compounds in accordance with EPA Method TO-15 from the Compendium of Methods for the Determination of Toxic Organic Compounds in Ambient Air, Second Edition (EPA/625/R-96/010b), January, 1999. The analytical system was comprised of a gas chromatograph/mass spectrometer (GC/MS) interfaced to a whole-air preconcentrator. According to the method, the use of Tedlar bags is considered a method modification.

The results of analyses are given in the attached laboratory report. All results are intended to be considered in their entirety, and Columbia Analytical Services, Inc. (CAS) is not responsible for utilization of less than the complete report.

O11-55 cont.

♻ 100% Recycled Paper

Client: Geoscience Analytical, Inc.
Project: Playa Vista - Seep Sample

Service Request: P1001913

O11-55 cont.

SAMPLE CROSS-REFERENCE

SAMPLE #	CLIENT SAMPLE ID	DATE	TIME
P1001913-001	3912-3	6/2/10	11:46

3

Columbia Analytical Services
2655 Park Center Drive, Suite A
Simi Valley, California 93065
Phone (805) 526-7161
Fax (805) 526-7270

Air - Chain of Custody Record & Analytical Service Request

Page 1 of 1

Requested Turnaround Time in Business Days (Surcharges) please circle
1 Day (100%) 2 Day (75%) 3 Day (50%) 4 Day (35%) 5 Day (25%) 10 Day-Standard

CAS Project No. P1001913

Company Name & Address (Reporting Information)
GeoScience Analytical, Inc
608 Hailey Ct.
Simi Valley, CA 93065

Project Name: Playa Vista - Seep Sample

Project Number:

P.O. # / Billing Information:

Project Manager: Louis T. PANDOLFI

Phone: (805) 526-6532 Fax: (805) 526-3570

Email Address for Result Reporting: GEOSCI10@aol.com

Sampler (Print & Sign): Fleet E. Rust Fleet Rust

CAS Contact:

Client Sample ID	Laboratory ID Number	Date Collected	Time Collected	Canister ID (Bar code # - AC, SC, etc.)	Flow Controller ID (Bar code # - FC #)	Canister Start Pressure "Hg	Canister End Pressure "Hg/psig	Sample Volume	Analysis Method: ASTM D 5504-01	Analysis Method: EPA TO-15 (mod.) BTEX	Comments e.g. Actual Preservative or specific instructions
3912-3	(1)	6/2/10	11:46						X	X	

Report Tier Levels - please select
Tier I - (Results/Default if not specified) ____
Tier II (Results + QC) ____
Tier III (Data Validation Package) 10% Surcharge ____
Tier V (client specified) ____

EDD required Yes / No
Type: ____

Relinquished by: (Signature)	Date:	Time:	Received by: (Signature)	Time:
Fleet Rust	6/3	6:55	[signature] 6/3/10	6:55
Relinquished by: (Signature)	Date:	Time	Received by: (Signature)	Time:

Project Requirements (MRLs, QAPP)

Cooler / Blank Temperature ____ °C

O11-55 cont.

Columbia Analytical Services, Inc.
Sample Acceptance Check Form

Client: Geoscience Analytical, Inc. Work order: P1001913

Project: Playa Vista - Seep Sample

Sample(s) received on: 6/3/10 Date opened: 6/3/10 by: MZAMORA

Note: This form is used for all samples received by CAS. The use of this form for custody seals is strictly meant to indicate presence/absence and not as an indication of compliance or nonconformity. Thermal preservation and pH will only be evaluated either at the request of the client and/or as required by the method/SOP.

		Yes	No	N/A
1	Were **sample containers** properly marked with client sample ID?	☒	☐	☐
2	Container(s) **supplied by CAS**?	☐	☒	☐
3	Did **sample containers** arrive in good condition?	☒	☐	☐
4	Was a **chain-of-custody** provided?	☒	☐	☐
5	Was the **chain-of-custody** properly completed?	☒	☐	☐
6	Did **sample container labels** and/or tags agree with custody papers?	☒	☐	☐
7	Was **sample volume** received adequate for analysis?	☒	☐	☐
8	Are samples within specified holding times?	☒	☐	☐
9	Was proper **temperature** (thermal preservation) of cooler at receipt adhered to?	☐	☐	☒
	Cooler Temperature _____ °C Blank Temperature _____ °C			
10	Was a **trip blank** received?	☐	☒	☐
	Trip blank supplied by CAS: _____			
11	Were **custody seals** on outside of cooler/Box?	☐	☒	☐
	Location of seal(s)? _____ Sealing Lid?	☐	☐	☒
	Were signature and date included?	☐	☐	☒
	Were seals intact?	☐	☐	☒
	Were custody seals on outside of sample container?	☐	☒	☐
	Location of seal(s)? _____ Sealing Lid?	☐	☐	☒
	Were signature and date included?	☐	☐	☒
	Were seals intact?	☐	☐	☒
12	Do containers have appropriate **preservation**, according to method/SOP or Client specified information?	☐	☐	☒
	Is there a client indication that the submitted samples are **pH** preserved?	☐	☐	☒
	Were **VOA vials** checked for presence/absence of air bubbles?	☐	☐	☒
	Does the client/method/SOP require that the analyst check the sample pH and if necessary alter it?	☐	☐	☒
13	**Tubes:** Are the tubes capped and intact?	☐	☐	☒
	Do they contain moisture?	☐	☐	☒
14	**Badges:** Are the badges properly capped and intact?	☐	☐	☒
	Are dual bed badges separated and individually capped and intact?	☐	☐	☒

Lab Sample ID	Container Description	Required pH *	Received pH	Adjusted pH	VOA Headspace (Presence/Absence)	Receipt / Preservation Comments
P1001913-001.01	1.0 L Tedlar Bag					

Explain any discrepancies: (include lab sample ID numbers): _____

*Required pH: Phenols/COD/NH3/TOC/TOX/NO3+NO2/TKN/T.PHOS, H2SO4 (pH<2); Metals, HNO3 (pH<2); CN (NaOH or NaOH/Asc Acid) (pH>12); Diss. Sulfide, NaOH (pH>12); T. Sulfide, NaOH/ZnAc (pH>12) RSK - MEEPP, HCL (pH<2); RSK - CO2, (pH 5-8); Sulfur (pH>4)

5

O11-55 cont.

COLUMBIA ANALYTICAL SERVICES, INC.

RESULTS OF ANALYSIS
Page 1 of 1

Client: **Geoscience Analytical, Inc.**
Client Project ID: **Playa Vista - Seep Sample** CAS Project ID: P1001913

Hydrogen Sulfide

Test Code: SCAQMD 307-91
Instrument ID: Agilent 7890A/GC22/SCD
Analyst: Zheng Wang
Sampling Media: 1.0 L Tedlar Bag(s)
Test Notes:

Date(s) Collected: 6/2/10
Date Received: 6/3/10
Date Analyzed: 6/3/10

O11-55 cont.

Client Sample ID	CAS Sample ID	Injection Volume ml(s)	Time Analyzed	Result µg/m³	MRL µg/m³	Result ppbV	MRL ppbV	Data Qualifier
3912-3	P1001913-001	1.0	08:58	ND	7.0	ND	5.0	
Method Blank	P100603-MB	1.0	07:39	ND	7.0	ND	5.0	

ND = Compound was analyzed for, but not detected above the laboratory reporting limit.
MRL = Method Reporting Limit - The minimum quantity of a target analyte that can be confidently determined by the referenced method.

Verified By: _____ Date: 6/17/10

COLUMBIA ANALYTICAL SERVICES, INC.

LABORATORY CONTROL SAMPLE SUMMARY

Client: **Geoscience Analytical, Inc.**
Client Sample ID: **Lab Control Sample**
Client Project ID: **Playa Vista - Seep Sample**

CAS Project ID: P1001913
CAS Sample ID: P100603-LCS

Test Code: SCAQMD 307-91
Instrument ID: Agilent 7890A/GC22/SCD
Analyst: Zheng Wang
Sampling Media: 1.0 L Tedlar Bag
Test Notes:

Date Collected: NA
Date Received: NA
Date Analyzed: 6/03/10
Volume(s) Analyzed: NA ml(s)

CAS #	Compound	Spike Amount ppbV	Result ppbV	% Recovery	CAS Acceptance Limits	Data Qualifier
7783-06-4	Hydrogen Sulfide	1,920	**2,250**	**117**	57-134	

O11-55 cont.

Verified By: _____ Date: 6/15/10

COLUMBIA ANALYTICAL SERVICES, INC.

RESULTS OF ANALYSIS

Client: **Geoscience Analytical, Inc.**
Client Sample ID: **3912-3**
Client Project ID: **Playa Vista - Seep Sample**

CAS Project ID: P1001913
CAS Sample ID: P1001913-001

Test Code: EPA TO-15 Modified
Instrument ID: Tekmar AUTOCAN/Agilent 5973inert/6890N/MS8
Analyst: Elsa Moctezuma
Sampling Media: 1.0 L Tedlar Bag
Test Notes:

Date Collected: 6/2/10
Date Received: 6/3/10
Date Analyzed: 6/3/10
Volume(s) Analyzed: 0.050 Liter(s)

O11-55 cont.

CAS #	Compound	Result µg/m³	MRL µg/m³	Result ppbV	MRL ppbV	Data Qualifier
71-43-2	Benzene	ND	10	ND	3.1	
108-88-3	**Toluene**	**21**	10	**5.7**	2.7	
100-41-4	Ethylbenzene	ND	10	ND	2.3	
179601-23-1	m,p-Xylenes	ND	20	ND	4.6	
95-47-6	o-Xylene	ND	10	ND	2.3	

ND = Compound was analyzed for, but not detected above the laboratory reporting limit.
MRL = Method Reporting Limit - The minimum quantity of a target analyte that can be confidently determined by the referenced method.

Verified By: _____ Date: 6/15/10

COLUMBIA ANALYTICAL SERVICES, INC.

RESULTS OF ANALYSIS

Client: **Geoscience Analytical, Inc.**
Client Sample ID: **Method Blank**
Client Project ID: **Playa Vista - Seep Sample**

CAS Project ID: P1001913
CAS Sample ID: P100603-MB

Test Code: EPA TO-15 Modified
Instrument ID: Tekmar AUTOCAN/Agilent 5973inert/6890N/MS8
Analyst: Elsa Moctezuma
Sampling Media: 1.0 L Tedlar Bag
Test Notes:

Date Collected: NA
Date Received: NA
Date Analyzed: 6/3/10
Volume(s) Analyzed: 1.00 Liter(s)

O11-55 cont.

CAS #	Compound	Result µg/m³	MRL µg/m³	Result ppbV	MRL ppbV	Data Qualifier
71-43-2	Benzene	ND	0.50	ND	0.16	
108-88-3	Toluene	ND	0.50	ND	0.13	
100-41-4	Ethylbenzene	ND	0.50	ND	0.12	
179601-23-1	m,p-Xylenes	ND	1.0	ND	0.23	
95-47-6	o-Xylene	ND	0.50	ND	0.12	

ND = Compound was analyzed for, but not detected above the laboratory reporting limit.
MRL = Method Reporting Limit - The minimum quantity of a target analyte that can be confidently determined by the referenced method.

Verified By: _____ Date: 6/15/10

COLUMBIA ANALYTICAL SERVICES, INC.

SURROGATE SPIKE RECOVERY RESULTS

Client: **Geoscience Analytical, Inc.**
Client Project ID: **Playa Vista - Seep Sample** CAS Project ID: P1001913

Test Code: EPA TO-15 Modified
Instrument ID: Tekmar AUTOCAN/Agilent 5973inert/6890N/MS8 Date(s) Collected: 6/2/10
Analyst: Elsa Moctezuma Date(s) Received: 6/3/10
Sampling Media: 1.0 L Tedlar Bag(s) Date(s) Analyzed: 6/3/10
Test Notes:

Client Sample ID	CAS Sample ID	1,2-Dichloroethane-d4 % Recovered	Acceptance Limits	Toluene-d8 % Recovered	Acceptance Limits	Bromofluorobenzene % Recovered	Acceptance Limits	Data Qualifier
Method Blank	P100603-MB	**96**	70-130	**99**	70-130	**99**	70-130	
Lab Control Sample	P100603-LCS	**96**	70-130	**100**	70-130	**101**	70-130	
3912-3	P1001913-001	**98**	70-130	**101**	70-130	**97**	70-130	

Verified By: _____ Date: 6/15/10

COLUMBIA ANALYTICAL SERVICES, INC.

LABORATORY CONTROL SAMPLE SUMMARY

Client: **Geoscience Analytical, Inc.**
Client Sample ID: **Lab Control Sample** CAS Project ID: P1001913
Client Project ID: **Playa Vista - Seep Sample** CAS Sample ID: P100603-LCS

Test Code: EPA TO-15 Modified Date Collected: NA
Instrument ID: Tekmar AUTOCAN/Agilent 5973inert/6890N/MS8 Date Received: NA
Analyst: Elsa Moctezuma Date Analyzed: 6/03/10
Sampling Media: 1.0 L Tedlar Bag Volume(s) Analyzed: NA Liter(s)
Test Notes:

CAS #	Compound	Spike Amount ng	Result ng	% Recovery	CAS Acceptance Limits	Data Qualifier
71-43-2	Benzene	25.8	**24.6**	**95**	63-112	
108-88-3	Toluene	26.8	**25.0**	**93**	66-120	
100-41-4	Ethylbenzene	26.3	**25.0**	**95**	69-122	
179601-23-1	m,p-Xylenes	51.5	**48.0**	**93**	69-122	
95-47-6	o-Xylene	26.0	**23.4**	**90**	69-122	

O11-55 cont.

Verified By: _____ Date: 6/15/10

APPENDIX II

O11-55 cont.

ISOTECH LABORATORIES ANALYTICAL REPORT

ISOTECH®
ISOTECH LABORATORIES INC

ANALYSIS REPORT

Lab #:	187846	Job #:	13097
Sample Name/Number:	3912-2		
Company:	Geoscience Analytical, Inc.		
Date Sampled:	6/02/2010		
Container:	Glass Bottle		
Field/Site Name:	Playa Vista		
Location:	Playa Vista, CA		
Formation/Depth:			
Sampling Point:			
Date Received:	6/04/2010	Date Reported:	7/10/2010

Component	Chemical mol. %	Delta C-13 per mil	Delta D per mil	C-14 conc. pMC	Tritium TU
Carbon Monoxide	nd				
Hydrogen Sulfide	nd				
Helium	0.0011				
Hydrogen	0.0011				
Argon	0.116				
Oxygen	1.41				
Nitrogen	7.66				
Carbon Dioxide	0.84				
Methane	89.79	-62.70	-208.4	< 0.2	
Ethane	0.184	-20.30			
Ethylene	nd				
Propane	0.0025				
Iso-butane	nd				
N-butane	nd				
Iso-pentane	nd				
N-pentane	nd				
Hexanes +	nd				

Total BTU/cu.ft. dry @ 60deg F & 14.7psia, calculated: 914
Specific gravity, calculated: 0.603

nd = not detected. na = not analyzed. Isotopic composition of carbon is relative to VPDB. Isotopic composition of hydrogen is relative to VSMOW. Calculations for BTU and specific gravity per ASTM D3588. Chemical compositions are normalized to 100%. Mol. % is approximately equal to vol. % Chemical

O11-55 cont.

ISOTECH

Isotech Laboratories, Inc.
1308 Parkland Court
Champaign, IL 61821
Phone: 217-398-3490
Fax: 217-398-3493
www.isotechlabs.com
mail@isotechlabs.com

Send Data and Invoice to

Name: Louis J. Pawlowski
Company: GeoScience Analytical Inc.
Address: 608 Hailey Ct.
Simi Valley, CA 93065
Phone: (805) 526-6532
Fax: (805) 526-3570
Email: GEOSCI10@aol.com

Project: Playa Vista
Location: Playa Vista CA
Sampled by: Fleet E. Rust

Circle one:
(Standard)
Priority
Rush

Analysis Package Codes on Back

Sample Description

Container Number	Sample Identification	Date Sampled	Time	NG-1	ΔC14	13C2	Comments
3912-2		6/2	11:40	X		X	
3912-4		6/2	11:55		X		

Chain-of-Custody Record

	Signature	Company	Date	Time
Relinquished by	Fleet Rust	GeoScience Analytical Inc.	6/3	8:00
Received by		ISOTECH LABS	6/4/10	0930
Relinquished by				
Received by				
Relinquished by				
Received by				

O11-55 cont.

ATTACHMENT B

O11-55
cont.

Report on Seepage at the Ballona Freshwater Marsh Playa del Rey

Ira Leifer[1], Tonya del Sontro[1], and Dan Dudak[2]

[1] University of California, Santa Barbara
[2] California State Lands Commission

Summary

Seepage has been reported in the Ballona Freshwater Marsh (FWM) in Playa del Rey, and alleged to pose a health hazard. In response, an effort was made to quantify seepage fluxes from the main seep (Seep 1), a background flux, and a minor seep (Seep 2) area and to determine the gas composition. Surface surveys showed a third dispersed area of seepage in the corner of the marsh. A turbine seep-tent was deployed at Seep 1 and recorded a flux of approximately 150 cm^3/sec, or 540 liters/hr. Gas samples from both seeps were collected and sent to Texas A&M GERG and IsoTech Laboratories for analysis. The background tent collected gas at a rate of 31 $cm^3/hr/m^2$. For a very rough estimate of marsh surface area of approximately 40,000 m^2, this is equivalent to 1200 liters/hour, comparable to the measured seep emission from the two dominant seepage sites in the marsh.

Approaches

Three approaches were used to study seepage in the FWM. These included an on-water survey, collection of gas for analysis, and flux measurements both by filling a jar, and with a turbine tent.

On August 4, 2005, a turbine tent was deployed at the dominant seepage area, covering both vents. A second seepage area (Seep 2) was surveyed but was too distant for cables to allow data collection from both seeps. Thus, seepage flux was monitored only at Seep 1. Gas samples were also collected from both seeps and analyzed to compare with potential sources.

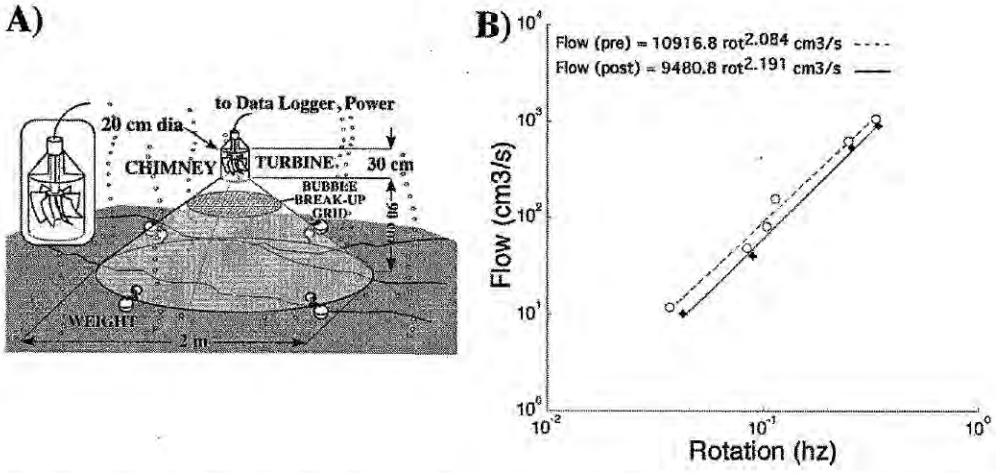


Figure 1A. Schematic of turbine tent. **B.** Pre-mission and post-mission calibration curves. Flow is for standard temperature and pressure.

O11-55 cont.

The turbine seep-tent features a turbine in a chimney at the apex of a conical shaped tent constructed from PVC with PVC pipe support structure (Fig. 1A). Rising bubbles pass through a bubble break-up grid that creates a nearly mono-disperse bubble size-distribution. This has no effect on the gas composition. The rising bubbles create an upwelling flow that is in part dependent on the bubble size-distribution – hence the bubble break-up grid – that spins the turbine. The spin rate is recorded by a series of pulses from an optical encoder. The pulse rate is laboratory calibrated with known gas flow rates both prior to and after a deployment (Fig. 1). There was an increase in the spin rate for a given flow over the course of the mission, presumably due to the newness of the turbines. For the data analysis, the calibration curves were assumed to vary linearly with time between the pre-mission and post-mission curves. A background emission tent captured bubbles in a one-liter jar attached upside down at the tent's apex. The jar was capped and sealed underwater. In the laboratory, the jar was weighed, a gas sample was withdrawn with a syringe, and the jar was filled with water, re-weighed, and then re-weighed dry.

Samples were collected in 250-ml serum bottles from the boat at a depth of ~10 cm with the aid of a funnel. The time to fill the bottles was recorded, and then the bottles were overfilled, or flushed with a second volume of gas. The bottles were corked and crimp-sealed. Water temperature was recorded with a mercury bulb thermometer at about 10 cm depth, and in the bubble plume. Finally, surface surveys identified the spatial distribution of seepage.

O11-55
cont.

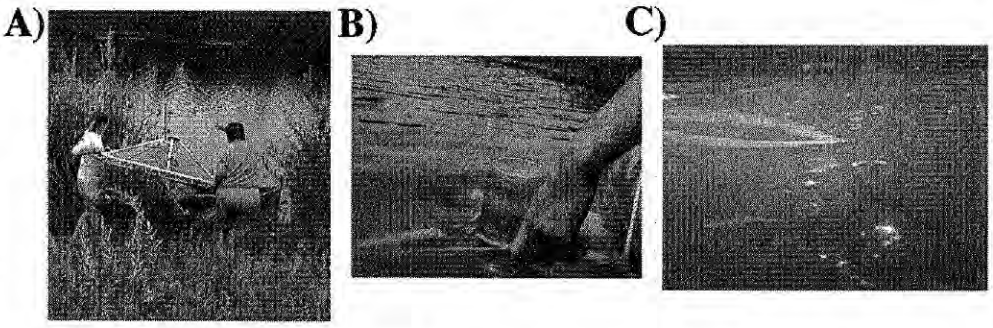


Figure 2A. Turbine-tent deployment. **B.** Recovery of background collection jar and tent. **C.** Underwater image of minor seep in the east-branch seep area.

Findings

Surveys

Surface surveys identified three seepage areas (see appendix A), the strongest seepage (Seep 1) was from two vents on the east-west branch of the marsh near the channel center, 2 meters deep. Water visibility was very poor due to the bubble plumes, which lifted fine-grained sediments. A second seepage area (Seep 2) was identified on the north-south branch of the marsh, which had about seven plumes, one of which was much more active than other plumes in this area. Here, the much less intense seeps entrained minimal sediment and water visibility was about 1 meter. These seeps were close to one shore of the marsh in ~1 meter of water. A third area of seepage (Seep 3) was discovered

in the northeast corner of the marsh, and encompassed numerous small bubble plumes, on the order of ~25. Here, plumes were generally oriented along linear trends.

Emission measurements

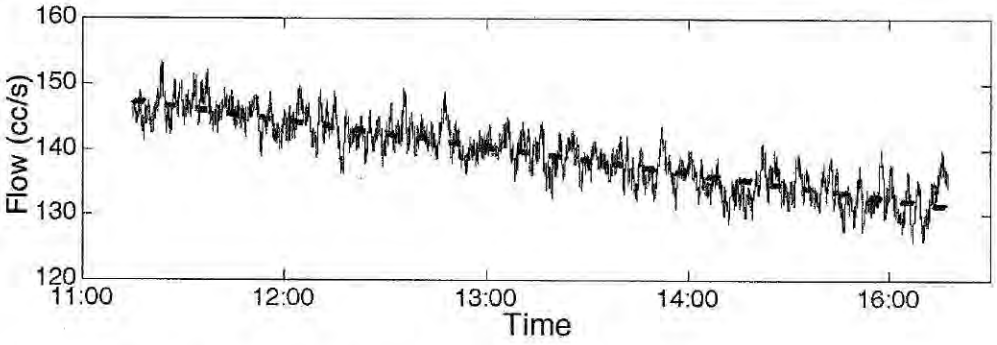


Figure 3. Low-pass filtered (1 minute) flow rates from turbine tent.

A turbine tent was deployed at Seep 1 at 11:11 AM and collected data for roughly 4 hours at a rate of 4 hertz. The mean flux was ~139±25.4 cm^3/sec (500 liter/hr, or 12 m^3 /day). Data was corrected for hydrostatic pressure. A 1-minute, low-pass filter was applied. The flow showed a clear decreasing trend (~11%) during the deployment (Fig. 3). The water temperature increased approximately 1°C over this same period, possibly relating to the decrease in flow. Although the standard deviation was 25 cm^3/sec, there were many strong peaks lasting less than a second, which were removed by the low-pass filter (Fig. 4). The 4 hertz sample rate clearly resolved these peaks and showed short, transient emissions as high as 250 cm^3/sec.

O11-55 cont.

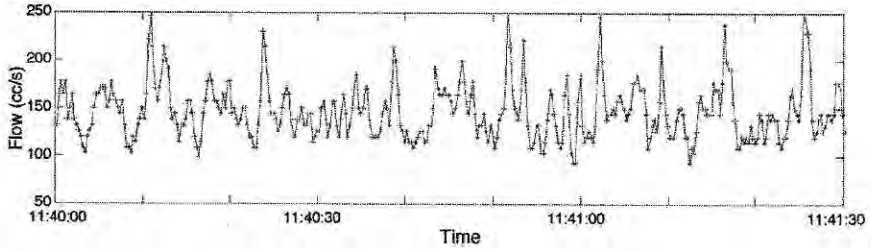


Figure 4. Unfiltered data showing short time scale variability.

Peaks were preceded and followed by significant, short-lived decreases in flux. Data was detrended and the Fourier spectrum calculated (Fig. 5). The spectrum showed a strong peak at 2.5 s with harmonics at 5 and 7.5 s. The physical processes controlling the flux and thus a response at these frequencies remain unknown. A second strong peak was observed at 5 s, and may relate to surface wind-waves, because it was absent in spectra at the beginning of the tent deployment before the winds picked up.

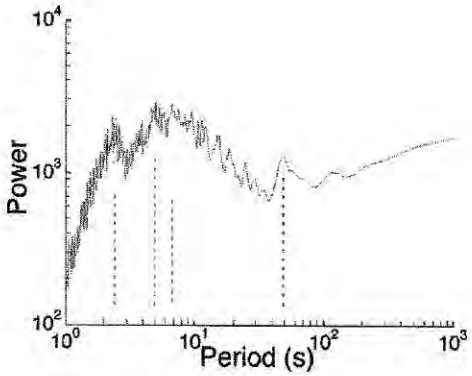


Figure 5. Power spectrum of flow data.

A second tent with a capture bottle was deployed on the marsh bed in an area with no visible seepage to estimate gas flux from the background. During the 5.5 hr deployment, the tent captured 312.5 ml gas, or 30.9 ml/hour/m^2 (the tent covers 1.8 m^2). The background value was intended to subtract from the measured value and was orders of magnitude smaller than the flux measured by the turbine tent at Seep 1. However, the flux must be extrapolated to the entire marsh. A very rough estimate of the marsh surface area is 40,000 m^2 (two 1000 m channels each 20 m wide). This implies a background gas flux of 1200 liters/hour, which is larger than the emissions from Seep 1. Naturally, extrapolating a single measured value from 1.8 m^2 to the entire marsh introduces significant uncertainties; however, the exercise is highly illustrative. Specifically, with respect to methane, normal gas emissions from the marsh are comparable in magnitude to the measured methane emissions from the visible seepage.

O11-55 cont.

Sample bottles were filled at the minor seep, Seep 2, where several plumes were observed, and took approximately 90 seconds to fill. This correlates to a flow rate of 15 liters/hour for the most intense seepage in this area. An estimate of the total gas emissions from the area would be perhaps double, i.e., 30 liters/hour. Thus, the emissions from Seep 2 area were less than a tenth that of Seep 1.

Gas composition analysis

Two separately collected gas samples from Seep 1 and 2 were analyzed (See appendix B). Samples from the same seep showed a high degree of agreement (within 1%). Also, samples showed good agreement between the two seep areas, particularly with respect to the isotopic ratios. Air gases were higher for Seep 2, which is consistent with the lower flow rate. A high flow rate plume tends to saturate the surrounding water and as a result, bubbles lose less methane and absorb (or inflow) less air. Carbon dioxide was a trace component. The dominant gas was methane, about 95% for Seep 1, and 86% for Seep 2, the difference being due to air adsorption. Ethane mixing ratios were similar for both seeps, about 0.3%, with propane mixing ratios a hundred times less than ethane. Higher n-alkanes were not detected. Also, BTEX (Benzene, Toluene, Ethyl-toluene, and Xylene) mixing ratios were lower than detection limits (detection limit of 1 – 2 ppbv), see Appendix C.

Isotopically, the gas shows a primarily thermogenic origin, but with some biogenic input (Fig. 6). This is expected for a thermogenic gas percolating through (i.e.,

disturbing) muddy marsh sediments. δ^{13} CH_4 was –59 to –61.6 with C1/(C2+C3) ~ 410 for the two seeps. These values compared well with the CDM (04/25/05) reported values for the marsh of δ^{13} CH_4 = -60.9, and C1/(C2+C3) ~ 410. This indicates that the gas is a combination of thermogenic (geologically formed at great depth) and biogenic gases (biological source) but is primarily thermogenic - although it does not indicate whether the thermogenic component is derived from native or non-native sources (i.e., storage field gas imported from an outside source). For comparison, CDM analysis of observation well samples shows δ^{13} CH_4 ~ -42, and C1/(C2+C3) ~10, i.e., a very different signature. Also very different between the sources were BTEX. For this study, BTEX levels were below detection limits. In contrast, significant BTEX concentrations were reported by CDM in Playa del Rey storage field observation wells, i.e., wells that penetrate the storage field and allow monitoring of the storage field pressure as well as sample collection.

Table 1. BTEX in Playa del Rey storage field observation wells*

Site	benzene	toluene	ethyl-toluene	xylene
Vidor 14	68 ppmv	74 ppmv	2.7 ppmv	4.8 ppmv

*** reported by CDM (04/25/05)**

O11-55 cont.

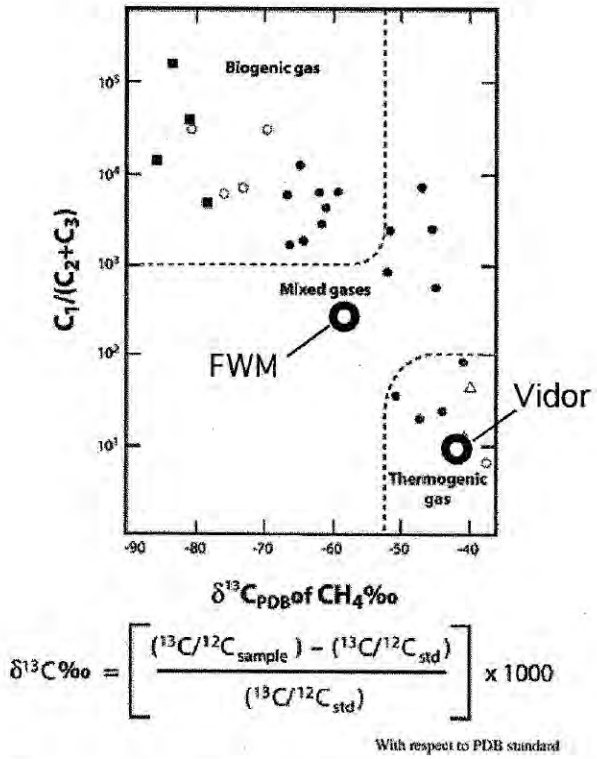


Figure 6. Biogenic-thermogenic origin, gas composition mapping, with FWM and Playa del Rey storage gas from observation well Vidor 14 plotted as circles. After *Barnard* (1978).

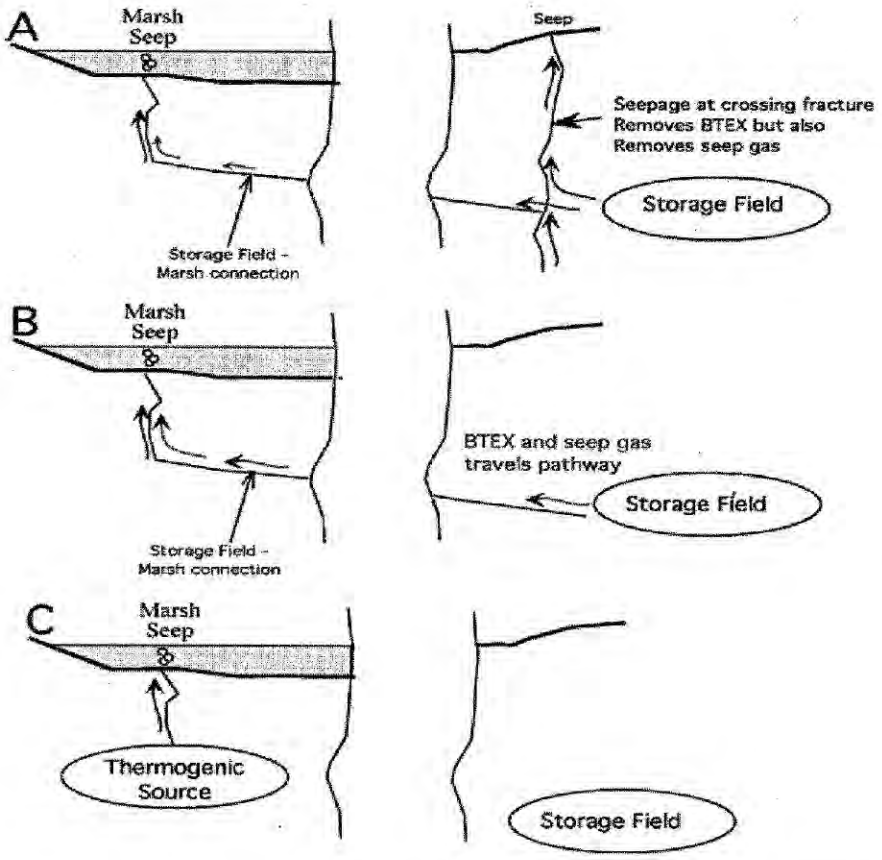
Discussion

This study produced several interesting results. Specifically, that the natural marsh bubble flux from bacterial decomposition is comparable to the measured seep gas emissions. This is because despite the low level of "background" gas emissions per square meter of marsh, integrated over the large surface area of the entire marsh they are significant. Moreover, the natural flux likely is underestimated as only the bubble gas flux was measured – gas diffusion from the sediment to the water column and then to the atmosphere for such a shallow body of water (<2 meters) could be significant. However, given that the background data was only a single point measurement; the extrapolated emission for the entire marsh should be considered illustrative rather than quantitative.

During the deployment period, there was no significant trend in seepage. However, since deployment covered the period around solar noon, the absence of a clear diurnal variability does not demonstrate its absence. Near surface-water temperatures increased about 1 C during the deployment. Pulses in the emission occurred frequently with varying size, and were preceded and followed by decreases in emissions. This pulsing behavior likely occurred from a blockage of the seepage due to sediment cohesion, and is consistent behavior with observations at the Coal Oil Point seep field (*Leifer and Boles*, 2005). Blockage occurs due to sediment cohesiveness, followed by blockage failure (the emission pulse) and a brief recovery period when seepage is less due to depressurization of the seepage pathway by the pulse in emissions. With increasing pulse size, larger pulses likely occur less frequently due to the need for greater strength of the mud blockage. In fact, the presence of seepage decreases the likelihood of large pulses of methane by preventing a buildup of pressure in sub-sediment fractures.

A comparison of the chemical fingerprints of the marsh seep gas and storage gas suggests significant differences. Specifically, the storage gas is clearly thermogenic, while the marsh seep gas is a mixture of thermogenic and biogenic with lower concentration of larger n-alkanes and a significantly more negative δ^{13} CH_4. This could suggest either a different local thermogenic source, such as subsurface Pico Formation or other gas charged formations (Appendix D), and biogenic gas from microbial activity in the marsh, or mixing between the storage reservoir and the marsh seep if one hypothesizes a subsurface connection (Fig. 7). However, the complete absence of BTEX suggests that if there was such connectivity, there must have been crossing seep fractures that "stripped" out the BTEX. In this case, such crossing seepage would have also stripped out the other components of the storage gas. As a result, the data suggests that in this case, the seep marsh gas would not have any storage gas remaining in it.

O11-55 cont.



O11-55 cont.

Figure 7. Schematic showing three hypothetical connectivity pathways. In **A)** cross-seepage strips out the BTEX and therefore removes all other storage field gas components before it reaches the marsh (no BTEX observed). In **B)** there is no cross-seepage and storage field gas, including BTEX, escapes from the marsh; however, BTEX was not observed in marsh. In **C)** no connection exists between storage field and marsh, indicating seepage from another, different thermogenic source.

Conclusions

The findings of this study indicate that seepage emissions in the FWM are comparable in magnitude to methane emissions from naturally occurring biological activity. Thus any potential health hazards from seep methane are comparable to health hazards from natural biological marsh emissions. The findings, particularly the chemical fingerprinting, indicate that the seep gas is inconsistent with gas from the Playa del Rey gas storage field. Instead, the findings are consistent with gas derived from another local, thermogenic source such as subsurface Pico Formation or other gas charged formations and biogenic gas from microbial activity in the marsh.

It is also important to note the University Syndicate #1 well, located in the northeast corner of the marsh, demonstrated the presence of thermogenic gas directly below the marsh when it was drilled in 1930. This "native" gas was present long before the

commencement of gas storage operations in the mid-1940's to the southwest in the deeper Puente Formation of the Playa de Rey Oil Field. The well was plugged and abandoned to current State standards in 2001.

Possible further study efforts could better estimate the background gas flux, and identify the source(s) of the gas in the seepage through fingerprinting comparison with native thermogenic sources. Seismic surveys could also be conducted to map gas charged layers and gas pathways.

O11-55 cont.

References

Barnard, B.B. (1978). Ph.D. Thesis, Texas A&M University.

Leifer, I., and J. Boles, 2005. Turbine Tent Measurements of Marine Hydrocarbon Seeps on Subhourly Time Scales, *J. Geophys. Res.*, 110, C01006, doi:10.1029/2003JC002207.

Appendix A. Overview image of Ballona Freshwater Marsh.

Aerial image of Ballona Freshwater Marsh. Main vent is at 1, minor vents are at 2. Also a series of small seeps was noted in the northwest corner, at 3. Image from *google-earth.*

O11-55 cont.

Appendix B. Gas Analysis Results

Isotech Gas Data

Job 6726

Isotech Lab No.	Sample Name	Field Name	Formation	GC date	He %	H_2 %	Ar %	O_2 %	CO_2 %	N_2 %	CO %
91356	39866-1a	Seep 1	Sample 1	12/1/05	0	0	0.0671	0.0075	1.01	3.69	0
91357	39866-1b	Seep 1	Sample 3	12/1/05	0	0	0.0606	0.0081	0.94	3.12	0
91358	39866-2b	Seep 2	Sample 4	12/1/05	0	0	0.192	0.0123	1.23	11.89	0
91359	39866-2a	Seep 2	Sample 6	12/1/05	0	0	0.191	0.0075	1.23	11.78	0

Isotech Lab No.	Field Name	C_1 %	C_2 %	C_2H_4 %	C_3 %	iC_4 %	nC_4 %	iC_5 %	nC_5 %	C_6+ %	$\delta^{13}CO_2$ ‰	$\delta^{13}C_1$ ‰	$\delta^{13}C_2$ ‰	Specific Gravity	BTU
91356	Seep 1	94.99	0.228	0	0.0025	0	0	0	0	0	*-29.9*	-61.58	*-19.7*	0.581	967
91357	Seep 1	95.64	0.228	0	0.0028	0	0	0	0	0	*-25.9*	-61.67	*-19.7*	0.578	974
91358	Seep 2	86.39	0.288	0	0.0025	0	0	0	0	0	*-30.4*	-58.96	*-21.0*	0.618	881
91359	Seep 2	86.50	0.288	0	0.0024	0	0	0	0	0	*-30.7*	-58.98	*-20.9*	0.618	882

Chemical analysis based on standards accurate to within 2%

*** CO2 and ethane isotopes obtained via online IRMS*

O11-55 cont.

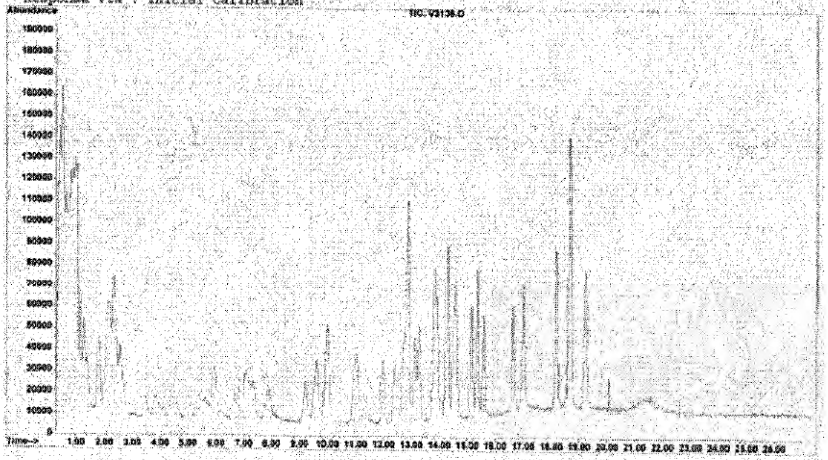
Appendix C. Texas A&M GERG BTEX Analysis

BTEX Calibration

Quantitation Report

Data File : D:\HPCHEM\1\DATA\V0154\V3136.D Vial: 1
Acq On : 15 Nov 2005 7:17 am Operator:
Sample : Cal 3 100 ng Inst : M6-HP5890
Misc : Multiplr: 1.00
MS Integration Params: rteint.p
Quant Time: Nov 15 8:05 19105 Quant Results File: VOA_DB-5.RES

Method : D:\HPCHEM\1\METHODS\VOA_DB-5.M (RTE Integrator)
Title : VOA List - CLP Analytes
Last Update : Thu Mar 20 10:18:05 2003
Response via : Initial Calibration



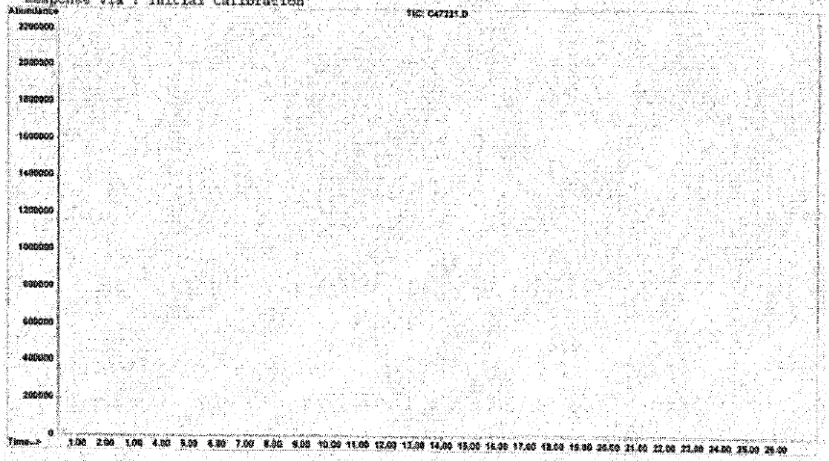
V3136.D VOA_DB-5.M Tue Nov 15 08:05:40 2005 M6-HP5890 Page 1

BTEX Sample Analysis

Quantitation Report

Data File : D:\HPCHEM\1\DATA\V0154\C4722l.D Vial: 3
Acq On : 14 Nov 2005 4:00 pm Operator:
Sample : Sample 1 Inst : M6-HP5890
Misc : Multiplr: 1.00
MS Integration Params: rteint.p
Quant Time: Nov 14 16:26 19105 Quant Results File: VOA_DB-5.RES

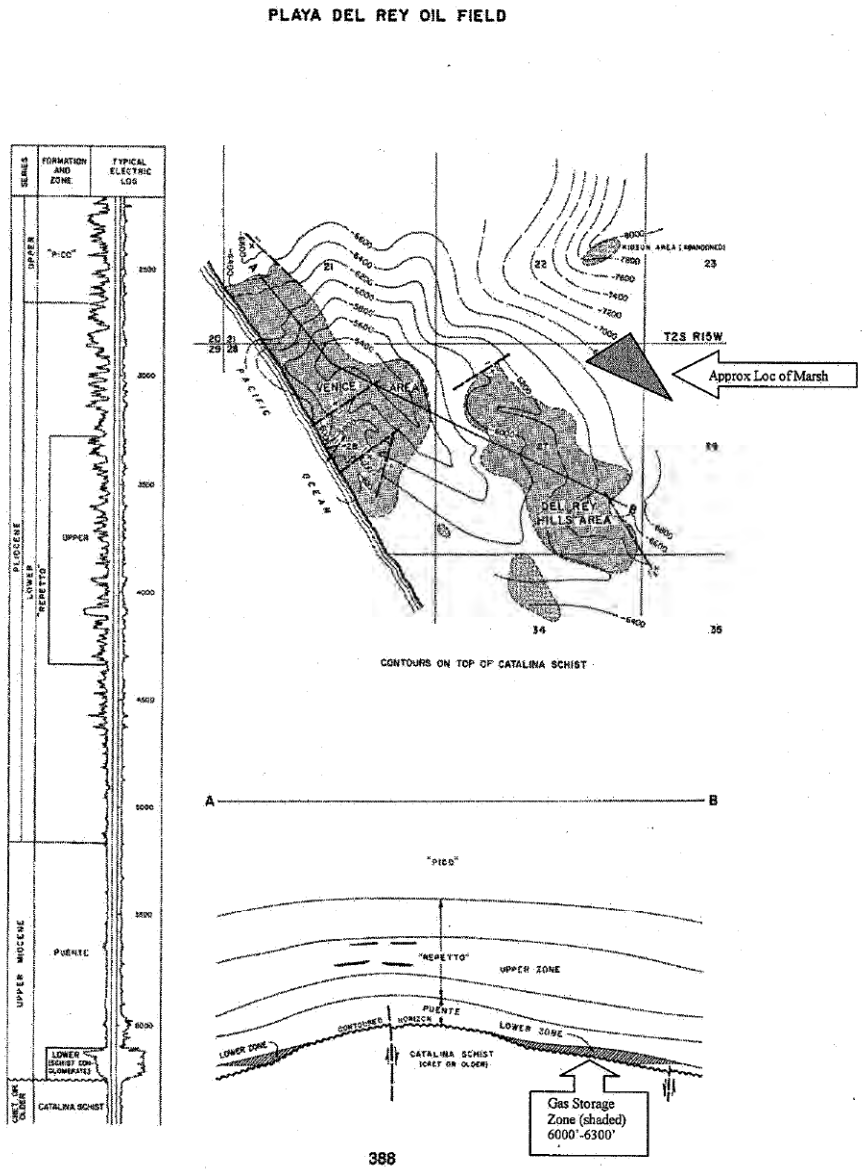
Method : D:\HPCHEM\1\METHODS\VOA_DB-5.M (RTE Integrator)
Title : VOA List - CLP Analytes
Last Update : Thu Mar 20 10:18:05 2003
Response via : Initial Calibration



C4722l.D VOA_DB-5.M Mon Nov 14 16:26:16 2005 M6-HP5890 Page 3

O11-55 cont.

Appendix D. Geologic structure of Playa del Rey Oil Field



From *California Oil & Gas Fields, Southern, Central Coastal, & Offshore California – Volume 2,* Third Edition, California Department of Conservation, Division of Oil, Gas, and Geothermal Resources.

O11-55 cont.

ATTACHMENT C

O11-55
cont.

RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES

REPORT OF WELL PLUGGING AND ABANDONMENT

Cypress, California

January 10, 2002

Bruce Harrigan, Agent
PLAYA VISTA LAND PARTNERSHIP LP
12555 W. Jefferson Blvd., Suite 300
LOS ANGELES CA 90066

Your report of the plugging and reabandonment of well University City Syndicate, Inc., Ltd./1, A.P.I. No. 037-14087, Section 27, T. 2S, R. 15W, S.B. B & M.; Playa del Rey Field, Los Angeles County, dated 11-01-01, received 12-28-01, has been examined in conjunction with operations witnessed and records filed in this office.

O11-55 cont.

We have determined that all of the requirements of this Division have been fulfilled relative to plugging and reabandonment of the well, removal of well equipment and junk, and the filing of well records.

NOTE:

1. Surface plugging completed on 6-20-01
2. Surface inspection made and approved on 7-24-01.

William F. Guerard, Jr.
State Oil and Gas Supervisor

By:
For: R. K. Baker, *Deputy Supervisor*

NO BOND REQUIRED

cc: Update
L.A. County Assessor
L.A. County Fire Prevention Bureau

DEC:hh

OG159 3-23-99

RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES

HISTORY OF OIL OR GAS WELL

Operator Playa Vista Land Partnership Field Playa Del Rey County Los Angeles
Well University City Syndicate, Inc. Ltd. / No. 1 Sec 27 T. 2s R 15w SB
API No 037-14087 Name R. R. Chalk (Person submitting report) Title CONSULTANT (President, Secretary, or Agent)
Date 11-01-01 (Month, day, year)
Signature R. R. Chalk
Address 20562 Minerva Lane, Huntington Beach, CA 92646 Telephone Number [redacted]

History must be complete in all detail. Use this form to report all operations during drilling and testing of the well or during redrilling or altering the casing, plugging, or abandonment, with the dates thereof. Include such items as hole size, formation test details, amounts of cement used, top and bottom of plugs, perforation details, sidetracked junk, casing tests, and initial production data.

Date

PRESENT CONDITION

14" Stovepipe cemented at 540'
10 3/4 32# J-55 Casing cemented thru four (4) 1/2" holes at 750', bottom of casing at 786'. Three (3) 1/2" holes at 50' and 15'. Cement retainer at 93'.
Plug 5960'-5917', 2606'-2277', 1900'-1679', 1240'-945', 815'-610' and 93'-6'.

Unplugged portions of well filled with clay based mud.

CONDITION OF WELL PRIOR TO REABONDONMENT

14" Stovepipe cemented at 540'
Plugged at 155' with 32 sacks cement
5" drill pipe stuck in hole at 5300', top at 520'
Total Depth 5960'

O11-55 cont.

OG103 (6/97/38R/6M)
Printed on recycled paper.

SUBMIT IN DUPLICATE

University City Syndicate Inc. LTD No. 1
API No. 037-14087

3-13-01 thru 3-20-01
Moved in rig and equipment and rigged up. Commenced operations at 1:30 PM. Ran 9-7/8" bit. Cleaned out junk(wood, pea gravel, old mud) to 80'. Lost circulations. Circulated and conditioned mud. Cleaned out 80'-280'(cement with sand and dehydrated mud) and 280'-570'(dehydrated mud). No indication of drill pipe fish as per well records. Conditioned hole. Displaced fluid in hole with clay base mud. Cleaned out 385'-675'(metal shavings in returns at 671'.

3-21-01 thru 4-4-01
Ran skirted mill to 671'. Circulated and conditioned hole. Ran impression block; showed nothing. Circulated and conditioned hole. Reran impression block with same results. Ran 11-3/4" bit. Reamed hole to 661'. Ran skirted mill. Milled 671'-679' with metal returns. Circulated and conditioned hole. Ran impression block. Showed pipe to be banana peeled and possibly split. Circulated and conditioned hole. Ran skirted mill. Milled 679'-720' with metal returns. Ran to 750' with no indications of running on iron. Appears that what was being milled has dropped downhole. Ran 11-3/4" bit. Reamed 680'-725'. Ran skirted mill 725'-751'. Circulated and conditioned hole. Ran impression block. Sides scraped and some gouging on bottom. Ran washover pipe to 785'. With 12-1/4" bit, reamed hole to 756'. Ran washover pipe; unable to get below 155'. Milled 155'-165'. Reamed hole to reamed 756'. Ran washover pipe to 785'. Circulated and conditioned hole.

O11-55 cont.

4-5-01
Ran 10-3/4" casing to 786'.

4-6-01
10-3/4", 32#, J-55 casing cemented thru four(4) 1/2" holes at 750' with 201 cubic feet Class G cement. Metal pedal basket at 756'; bottom of casing at 786'. No returns to surface. Made well safe.

4-17-01 thru 5-07-01
Installed and tested BOPE. Witnessed and approved by DOGGR. With 9-1/2" bit, drilled out cement 730'-756'. Displaced fluid in hole with clay base mud. Circulated and conditioned hole. With washover pipe, ran to 790'. Ran skirted mill and milled over junk 790'-793'. On inside of mill, indications of possibly pipe split. Ran flat bottom mill and milled 793'-801'. Recovered metal piece 2" x 1-1/2" x 3/16" in mill. Ran impression block; nothing showed. Ran 9-1/2" bit and cleaned out 801'-820' with fine metal returns. Acts as if junk is being pushed downhole. Cleaned out 820'-846; unable to get deeper. Ran impression block; nothing showed. Ran flat bottom mill. Milled 846'-860'(metal returns). Ran 9-1/2" bit. Cleaned out 860'-1075'(metal shavings in returns). Cleaned out

1075'-2068'(metal shavings, wire and rubber in returns. At 1370', also had metal strips that looked like jigsaw blades with no cutting teeth).

5-8-01 thru 6-2-01
Cleaned out 2068'-2480'(same junk in returns). Changed bit. Reamed hole 1751'-2510'. Ran 8-1/2" bit. Cleaned out 2510'-3430'. Hole becoming tight and sticky. Pulled 20-40,000 lbs. over string weight while pulling out of hole. Changed bit. Reamed and circulated to 3430'. Cleaned out 3430'-4160'. While pulling out of hole at 1830'+/-, well kicked. Circulated conditioned hole. Changed bit. Staged in hole circulating and conditioning hole. Cleaned out 4160'-4570'(metalin returns at 4400'). Changed bit.

6-3-01 thru 6-10-01
Circulated and conditioned mud. Cleaned out 4570'-5761'. Circulated and conditiond mud. Returns full of dehydrated drilling mud solids; no sand. Cleaned out 5761'-5960', total depth. Mud returns full of dehydrated drilling mud solids. Displaced fluid in hole with new clay base mud system. Circulated and conditioned mud. Ran logging suite(Array Induction, GR, BHC Sonic, Density Neutron and Caliper). Circulated and conditioned hole.

6-11-01 thru 6-14-01
Plug 8-1/2" hole 5960'-5917' with 100 cubic feet Class G cement. Witnessed and approved by DOGGR. Stood cemented 42 hours. Located top of cement at 5917'. Witnessed and approved by DOGGR. Plug 8-1/2" and 9-1/2" hole 2606'-2277' with 150 cubic feet Class G cement. Witnessed and approved by DOGGR. Stood cemented 16 hours. Located top of cement at 2277'. Filled hole with clay base mud. Plug 9-1/2" hole 1900'-1679' with 125 cubic feet Class G cement. Witnessed and approved by DOGGR. Stood cemented 4 hours. Located top of cement at 1679'. Witnessed and approved by DOGGR.

6-15-01 thru 6-20-01
Plug 9-1/2" hole 1240'-945' with 125 cubic feet Class G cement. Witnessed and approved by DOGGR. Stood cemented 6-1/2 hours. Located top of cement at 945'. Witnessed and approved by DOGGR. Plug 9-1/2" hole and 10-3/4" casing 816'-650' with 68 cubic feet Class G cement. Witnessed and approved by DOGGR. Stood cemented 17 hours. Located top of cement at 670'; 20' low. Plug 10-3/4" casing 670'-610' with 50 cubic feet Class G cement and two(2) sacks Cal Seal. Witnessed and approved by DOGGR. Stood cemented 4-1/2 hours. Located top of cement at 610'. Witnessed and approved by DOGGR. Set cement retainer at 93'. Perforated three(3) 1/2" at 50' and 15'. Plug 10-3/4" casing 93'-surface with 84 cubic feet Class G cement and two(2) sacks Cal Seal. Had mud returnss to surface; fluid level fell away to 10'+/- upon completion. Witnessed by DOGGR and Los Angeles Fire Department. Stood cemented 4-1/2 hours. Top of cement at 21'. Plug 10-3/4" casing 21'-surface with 40 cubic feet Class G cement an two(2) sacks Cal Seal. Haad cement returns to surface. Witnessed and approved by DOGGR and Los Angeles Fire Department.

O11-55
cont.

From: Swenson, Daniel P NAB
Sent: Monday, 5 February, 2018 12:33 PM
To: Rogers, Bonnie L CIV USARMY CESPL (US) <Bonnie.L.Rogers@usace.army.mil>
Subject: FW: [EXTERNAL] DEIR/S RESPONSE, BALLONA WETLANDS ECOLOGICAL RESERVE; Fish & Game Commission Hearing Oct. 11, Item 11--BAllona Wetlands Ecological Reserve (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

From: patricia mc pherson [mailto:patriciamcpherson1@verizon.net]
Sent: Thursday, January 25, 2018 1:10 PM
To: Swenson, Daniel P NAB <Daniel.P.Swenson@usace.army.mil>; BWERComments@wildlife.ca.gov
Subject: [EXTERNAL] DEIR/S RESPONSE, BALLONA WETLANDS ECOLOGICAL RESERVE; Fish & Game Commission Hearing Oct. 11, Item 11--BAllona Wetlands Ecological Reserve

Mr.(s) Swenson and Brody,

Please include the following comments/queries as part of RESPONSES TO THE DEIR/S BALLONA WETLANDS ECOLOGICAL RESERVE, which need address from USACE AND CDFW per the DEIR/S, from
Grassroots Coalition.

Thank you,
Patricia McPherson,

Begin forwarded message:

From: patricia mc pherson <patriciamcpherson1@verizon.net>
Subject: Fish & Game Commission Hearing Oct. 11, Item 11--BAllona Wetlands Ecological Reserve
Date: October 10, 2017 at 1:44:14 PM PDT
To: FGC <fgc@fgc.ca.gov>, "Termini, Valerie@FGC" <valerie.termini@fgc.ca.gov>
Cc: Jeanette Vosburg <Jeanette@saveballona.org>, Todd Cardiff <todd@tcardifflaw.com>, "Gibson, Thomas@CNRA" <thomas.gibson@resources.ca.gov>, sierraclub8@gmail.com

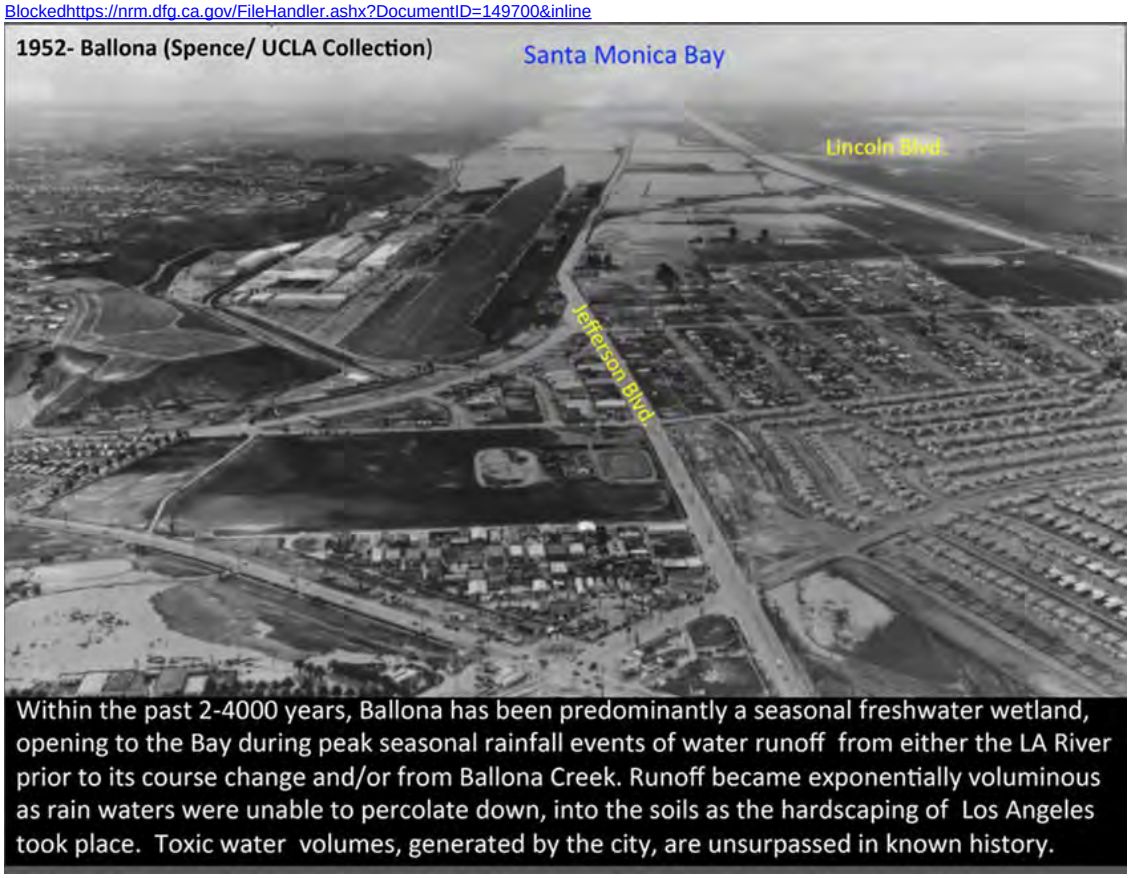
GRASSROOTS COALITION
ENVIRONMENTAL INTEGRITY & PUBLIC POLICY

To: All California Fish & Game Commissioners, Ms Termini and staff
(hard copies will also be provided on Oct. 11, 2017)

State of California, Fish and Game Commission

MEETING AGENDA Item 11 A, B October 11, 2017
SpringHill Suites by Marriott 900 El Camino Real, Atascadero, CA 93422
Blockedhttps://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=149700&inline

O11-56



Within the past 2-4000 years, Ballona has been predominantly a seasonal freshwater wetland, opening to the Bay during peak seasonal rainfall events of water runoff from either the LA River prior to its course change and/or from Ballona Creek. Runoff became exponentially voluminous as rain waters were unable to percolate down, into the soils as the hardscaping of Los Angeles took place. Toxic water volumes, generated by the city, are unsurpassed in known history.

O11-57

"Ecological reconstructions do not provide a direct template for the future, but they can help explain the types of habitats that would be found with natural precipitation and drainage patterns or identify habitats that are no longer found on the landscape," said Longcore, who is also an associate research professor at USC's Spacial Sciences Institute and an associate adjunct professor at UCLA's Institute of the Environment and Sustainability.

"In the case of the Ballona wetlands it can help decision makers to understand that the current proposals are not 'restorations' in the sense that they are not returning the system to a condition prior to disturbance," he explained. "The current proposal would create a tidal connection similar to that found found one to two thousand years ago when the wetland area was completely open to the ocean all year—when the L.A. River flowed out through Ballona—instead of the conditions in the 1800s (and which would be supported by the smaller watershed today) in which the tidal connection to the ocean was much more limited and seasonal. Whether this influences the current plans or not remains to be seen."

- Travis Longcor PhD, co-author of Historical Ecology of the Ballona Creek Watershed-- a bond funded study done to provide the historical
baseline for restoration efforts)

ITEM 11. Department update on Ballona Wetlands Ecological Reserve
(A) County parking leases ***on historic wetlands***
(B) Draft environmental impact ***statement*** ~~**report**~~/environmental impact report

-GC requests the Fish & Game Commission to help provide for a 180 day extension per the 2005-2017 EIR/S.

O11-58

-GC CALLS FOR RESCINDING OF THE 2005-17 DEIR/S UNTIL IT IS CORRECTED OF ITS FLAWS AND THEN RECIRCULATED

O11-59

-GC supports an Alternative that provides a meaningful review to restore Ballona Wetlands as a predominantly seasonal freshwater wetland which comports with the
DEIR's PURPOSE STATEMENT—namely to MAINTAIN THE FRESHWATERS OF BALLONA WETLANDS. There is currently no adequate Alternative analysis for this
historically relevant restoration, no hydrology analysis to this goal and no disclosure of the ongoing diversion and throw away of Ballona's groundwater and seasonal surface ponding water.
-GC supports restoration of Ballona's groundwaters that are currently being drained by CDFW and diverted and thrown away by CDFW AND PV. O11-60

BACKGROUND
The 2017 DEIR/S has come out after what is believed by GC to be a wholly flawed, inadequate and even fraudulent process. The consultants & writers of the DEIR/S are believed to have high conflict of interest as they are consultants and leadership of the Playa Vista development stemming from Playa Capital LLC, a consortium of Wall Street companies and Union groups. As explained, in part below, the Playa Vista development site has extensive needs for flood control, oilfield gas mitigation, and an historic Settlement Agreement with numerous agencies that, while no longer cogent, Such high conflict of interest and/or the appearance of such highly conflicted interest gave rise to the City of Los Angeles enlisting scientists from outside the state of California in order to bring in unbiased and nonconflicted scientists and consultants to review the geological setting and oilfield gas hazards of the Playa Vista development project & SoCalGas leakage concerns. (The ETI Study gave rise to the new City of LA- Methane Code & Playa's Vista's own experimental methane code known as the Playa Vista Methane Protection Detection and Monitoring Program. O11-61

In contrast,
The EIR/S has been written and performed by the very companies that the City of Los Angeles avoided in order to defray conflict of interest and biased, false and/or misleading studies and reports.
The EIR/S caters to conflicted interests including entities that are part of the Project Management Team and the leadership of a private business(Bay Foundation) that was created by and now run by a long standing consultant and leader of the Playa Vista development— a development that has much to gain by the current Alternatives which echo the Settlement Agreement language (1990) and 'embayment' creation sought by the developers ostensibly to fulfill flood control needs. (California Coastal Commission v Friends of Ballona Settlement Agreement which included state and federal agencies)
In creating an 'embayment' which is the Preferred Alternative, the Playa Vista development receives, according to leading restoration ecologists who can
now compare i.e. Bolsa Chica 'restoration' efforts to the preferred Ballona Alternative, a DRAINAGE BOWL WILL BE CREATED that will act to further drain
the freshwater groundwaters away from the Playa Vista site hence, providing both flood control and a drainage of freshwater that can and does clog methane
gas mitigation systems. O11-62

INADEQUACIES OF THE DEIS/R- INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

1. GC is reviewing the current DEIS/R and finds it totally incomplete and inadequate and will require complete technical and editorial revision/updating.
The document contains numerous inaccurate, false and misleading statements as well as omission of pertinent facts and therefore no informed decision making is possible. O11-63

We have environmental, biological, and Pleistocene geological consultants inclusive of those with more than 30-years of worldwide experience in preparation and reviews of EIRs, EISs, and EAs including coastal habitats/wetlands in California, Washington, Hawaii, Texas, Louisiana, Florida, East Coast, Marshall Islands, Africa, and Asia. O11-64

2. The EIS/EIR **fails to provide access to referenced documents and fails to be consistent in its use of acronym and definitions/glossary.** O11-65 O11-66
The EIS/EIR lacks use of USGS 1923 vertical aerial photos for mapping of historic resources, biological resources, and hazards/hazardous materials-contamination (often used by City of Los Angeles). O11-67

Example:
At 3.6.8 Exploration Technologies Inc. (ETI Report 2000) is referenced but no access to the report is provided. The ETI Report characterizes the extreme dangers of the Ballona Wetlands area due to the established fact that the Ballona area is one of the largest oilfield gas seepage areas in the world. The failure to include and utilize the information for both hazards to humans and wildlife in restoration activities is deliberate and dangerous to both the public and flora and fauna.

The ETI follow up report to the City of LA entitled, Still Workin On It contains critical oil and gas field documentation and information and Lincoln Blvd. Fault information and analysis that was excluded from the DEIR/S while DEIR/S writers draw cherry picked conclusions without data and/or information to support their conclusions. O11-68

3. DELIBERATE INADEQUACIES AND FALSE REPRESENTATION OF FACTS is evidenced by the fact that all of the state, federal, local department, agency, consultant input is from entities that have had many years to work on the DEIR/S and, are: highly paid; schooled and, have had many years to provide for a fair, reasonable and credible DEIR/S BUT HAVE FAILED TO DO SO. O11-69

The Working Groups, Public and Stakeholders have not been allowed access to meaningful discussion of Alternatives with authorities and instead have been deliberately muzzled and controlled to not be part of the process—all contrary to what is stated in the DEIR/S and included within bond requirements and promises. O11-70

DEIR/S authors utilize a mischaracterization and falsification of the history of Ballona to provide for a FALSE PREMISE of: purpose and outcome to 'restore' Ballona Wetlands.
For example:
a. The ongoing mantra of the **DEIR/S provides the false narrative** that there is an absolute need to **RESTORE the ebb and flow of the ocean** in order for Ballona's survival as a wetland. The DEIR/S fails to inform the reader of Ballona's freshwater history and fails to identify AS MANMADE, and AS HARMFUL TO THE UNDERLYING FRESHWATER AQUIFERS--- the SALTWATER INTRUSIVE DEVELOPMENTS that now provide more saltwater intrusion into Ballona than has ever existed but for thousands of years ago: Marina O11-71

del Rey; Ballona Channel, Del Rey Lagoon, Ballona Lagoon. O11-71 cont.

b. The aspects of MAINTAINING BALLONA'S FRESHWATERS are given lip service as PURPOSE in the DEIR/S narrative but, the DEIR/S inadequately fails to analyze Ballona's freshwater maintenance needs. O11-72

TO THE CONTRARY-

CDFW excludes information of its participation in the DRAINING OF BALLONA WETLANDS for the past 20 years inclusive of the timeframe of CDFW's 'wetland delineation' studies.

CDFW fails to analyze the ongoing CDFW sanctioned DRAINING of Ballona's ponding rainwaters and fails to provide analysis of how such drainage has negatively impacted Ballona Wetlands. (CDFW, Playa Vista v Grassroots Coalition. Currently, CDFW has not provided a good faith effort to adhere to the Settlement Agreement with GC and provide complete information as part of its Coastal Development Permit Application to stop drainage. Twice the application has been rejected by the California Coastal Commission who provided the investigation and findings that the drains were unpermitted, Violated the Coastal Act and were harming the wetlands due to the drainage and diversion of Ballona's freshwater.) O11-73

c. The DEIR/S states that the Exploration Technologies Inc. (ETI) Report was done for the ADJACENT Playa Vista Project OFFSITE OF THE BALLONA RESTORATION PROJECT. This statement is false, provides omission of material fact and deliberately marginalizes hazards and potential hazards and misleads the reader regarding information of extreme oil/gas/ liquefaction/corrosion hazards that ARE AND /OR WILL BE PART OF RESTORATION ACTIVITIES.

The writer fails to point out that the ETI Report, was performed for the City of Los Angeles across what was, the entire Playa Vista property which included ALL OF WHAT IS CURRENTLY THE BALLONA WETLANDS ECOLOGICAL RESERVE AND THE STATE LANDS COMMISSION PROPERTY THAT IS PLAYA VISTA'S FLOOD CONTROL SYSTEM. The writer fails to inform the reader that LA Department of Building & Safety created a 'buffer zone' surrounding the SCG reservoir area and determined that no residential building would be allowed west of Lincoln Blvd. over the underlying SCG oil/gas reservoir and its operations. The DEIR/S fails to inform that as a direct result of the ETI studies, a new City of LA Methane Code (Citywide Methane Code) was created as well as the experimental Playa Vista Methane Code known as the Playa Vista Methane Protection Detection and Monitoring Program. Furthermore, as a direct result of the ETI studies LADBS determined that no residential construction would be allowed west of Lincoln Blvd. , over the gas storage operations of SoCalGas/Playa del Rey. Additionally, buffer zones were created around the SOCALGAS operational zone for additional mitigation needs. O11-74

While the DEIR/S casually discusses that oil/gas wells and pipelines may be 'decommissioned, relocated', the DEIR/S provides no data or analysis as to the viability of doing such and does not specifically cite what 'decommissioning' is.

TO THE CONTRARY-

The DEIR/S inadequately fails to inform the reader that current ABANDONED OIL WELLS have, for years, and are leaking oilfield gases including Prop. 65 gases and H2S through the water table and throughout the Playa Vista flood Control System (including west of Lincoln Blvd) and are currentlyl acting as conduits for unchecked large volumes of oilfield gases to leak into the environment. No studies have been done to determine the negative impacts to wildlife and the public despite knowledge that levels of off gassing meet Prop 65 levels of exposure for carcinogens and birth defects in humans. (CDM Report contained in the Scoping Documents provided by GC, contains the raw testing data) O11-75

4. FAILURE TO UTILIZE AND/OR make the public aware of critical information that was provided to the EIS/EIR writers in SCOPING. Failure to utilize these documents is self evident due to false and misleading statements made to the reader of the EIS/R. Examples are provided below.

Failure to include and/or address and/or analyze the critical health and safety issues and data provided by the public to the SCOPING documents makes the EIS/R highly flawed in its lack of inclusion and assessment of critical and pertinent data including, but not limited to -- geotechnical hazards. O11-76

Examples:

SOCALGAS RESERVOIR GAS LEAKAGE INTO BALLONA WETLANDS AND SURROUNDING/ OVERLYING COMMUNITIES-deliberately excluded from DEIR/S

1. Scoping response by the public included the **2010 Division of Oil & Gas & Geothermal Order.** This Order shut down the SoCalGas oil/gas operations at Playa del Rey DUE TO DOCUMENTED AND ACKNOWLEDGED RESERVOIR GAS LEAKAGE. This leakage is documented as having been occurring for over a year. The shut down of the PDR/SCG oil/gas operations lasted approximately another year before its reopening.

The inadequate EIR/S provides only scattered bits and pieces of narrative pertaining to the oil/gas issues of Ballona, making conclusory statements without actual data support. The narratives provide misleading and false information to the reader, for example: O11-77

a. The DEIR/S alludes that no oilfield gases have been studied west of Lincoln Blvd. while citing to the Texas based Exploration Technologies Inc. STUDY done in 2000. The DEIR/S misleadingly and falsely labels the study as having been performed for the Playa Vista development project that the DEIR/S labels as ADJACENT TO the Ballona Wetlands restoration area. This is a false and misleading statement. The ETI Report 2000, was conducted over the entirety of what was, at the time Playa Vista property which is now the public's land known as the Ballona Wetlands Ecological Reserve (BWER)

b. The EIR/S misleadingly states that there are no migrating SOCALGAS RESERVOIR GASES by way of stating that the ETI Report 2000 resolved this issue to determine there was no identification of SOCALGAS RESERVOIR GAS LEAKAGE having occurred. This narrative EXCLUDES the ETI Report 2000 and excludes its follow up Report, given to the City of Los Angeles by ETI titled 'Still Workin On It', which clarifies ETI's continued concerns and beliefs regarding the existence of the Lincoln Blvd. fault as well as citations to specific failures of key experimental gas mitigation systems to perform safely and reliably.

c. a. EIR has flawed modeling for liquefaction aspects due to failure to include liquefaction aspects that are ENHANCED due to oilfield gas migration throughout the site. O11-78

d. EIR has flawed modeling for liquefaction aspects due to failure to include current hydrology study of Ballona Wetlands Ecological Reserve and the effects of current pumping and dewatering and draining of Ballona by both the Playa Vista development site and CDFW's illegal drains.

O11-78 cont.

e. Subsidence studies provided by oilfield/gas migration and mathematician Bernard Endres PhD as part of the SCOPING documents reveal ongoing subsidence in Ballona. DOGGR records of subsidence in relation to SOCALGAS' daily removal of 2500 barrels of brine fluids was also provided while the DEIR/S inexplicably provides a conclusory narrative, without
support that no fluid withdrawal is taking place therefore no subsidence is occurring.

O11-79

5. The EIS/EIR lacks adequate and complete setting, review, and assessment of one of the most significant elements for wetlands: sub-, near-, and shallow-surface freshwaters. Current and proposed diversions of freshwater from Ballona are absent in the EIS/EIR . Onsite hydrology studies and comparisons to past and future are absent.
Indexes provide piecemeal and cherrypicked information and diagrams without providing access to the report in its entirety. For example borehole diagrams lack mapping of where the boreholes exist, therefore they provide no ability for the reader to utilize the information in context with the site itself.

O11-80

a. Concerns regarding the use of WRDA funds for flood control projects that are in need of funding due to actual safety issues have not
been addressed while internal comments by LA County Flood Control personnel specifically appear to undermine transparency and need
for areawide levee review. The following email discusses the need to " provide recommendations and associated data, analyses and mitigation measures that they will construct to repair all of the existing levees."Josh Svensson
The DEIR/S fails to address this issue of WRDA use on the portion of Ballona Channel within Ballona Wetlands as opposed to needs up channel with adjacent homes and communities where priority funding may likely be better used.

O11-81

From: Morisaku, Yoshiya
Sent: Thursday, March 21, 2013 4:28 PM
To: Svensson, Joshua
Cc: Smith, Brian; De La O, George
Subject: RE: Ballona Wetlands Restoration USACE Section 408 Submittal A - revised Screen-check Draft and response to comments for County review

Categories: Ballona Wetlands

Hi Josh,

Just as you indicated, we did not receive a revised/updated memo or report from Group Delta.

The text of the from the latest submittal, "Submittal A" PDR report dated February 1, 2013 appears to be changed, however there are still areas of the text that should be revised. These areas are indicated below.

No new Appendix B - No new Geotechnical Report

Page 8 -Line 3, indicates, "preliminary geotechnical recommendations for specific levee sections are described below in Section 5.2"

There is no Section 5.2 in the report. Section 5 is a List of Acronyms.

The following sections indicate - that the existing Levees do not meet Seismic Standards…

Page 10 - Line 4 &5, still indicates, "Based on the preliminary geotechnical analyses, the existing Ballona Creek levees do not meet current levee standards for seismic stability."

Page 18 - Line 6, 7, 8, and 9.

These comments should be revised, unless they want to fix all of the existing levees. Or they should specify which levees and which areas they are specifically referring to. Otherwise they should provide recommendations and associated data, analyses, and mitigation measures that they will construct to repair all of the existing levees.

How are they determining that the levees do not meet seismic standards?

Yosh

O11-82

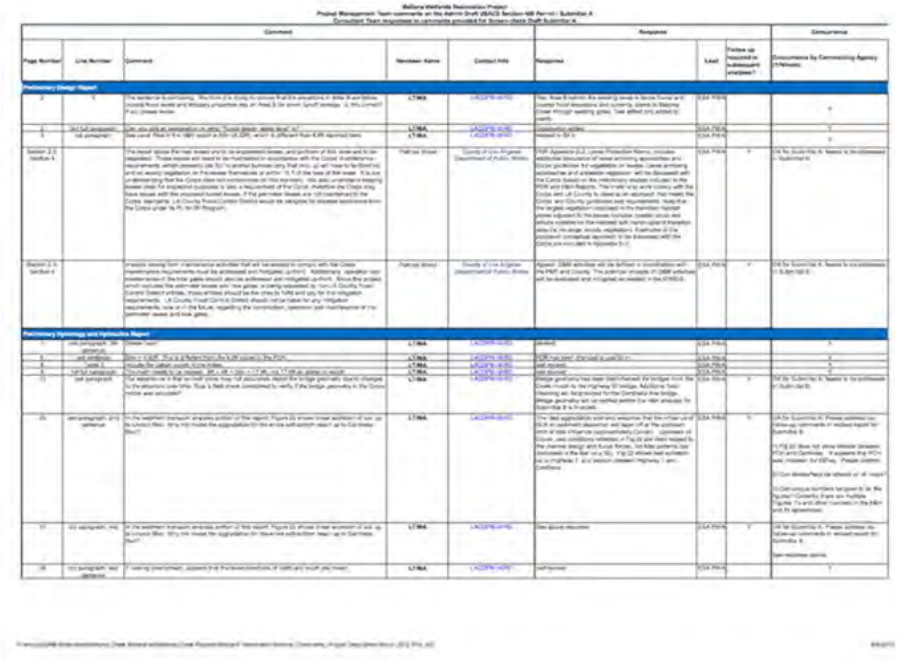
b. And, the WRDA use for levees of Ballona Wetlands that already protect Ballona sufficiently and LA County Flood Control engineer cites that the Ballona project is NOT THEIR PROJECT and further cites mitigation cost concerns.

O11-83

Patricia Wood- senior engineer--
comments that the
O & Maintenance issues and liabilities....concerns
"Since this project, which includes the perimeter levees and new gates, is being requested by non- LA County Flood Control entities, those entities should be the ones to fulfill and pay for the mitigation requirements."

this is key because it is what Pat called a 'pass through" ...she has never witnessed such before.
and it is the COUNTY that MUST BE SPONSOR to pay Corps...per wrda ...
yet as Pat notes here...it is not a flood control requested project .....

it originated from the private nonprofit with assistance from former board member...mary small (coastal conservancy)



O11-83 cont.

6. The EIS/EIR lacks adequate and complete setting, review, and assessment for hydrological modeling of historic, existing, and proposed maximum flood, high, median, low, and zero flows across the floodplain. Corps Permits and Operations Manual(s) referenced are absent from the EIS/EIR and no access is provided to the reader of the Flood Control System which is onsite and affects the Ballona Wetlands Ecological Reserve.

O11-84

7. The EIS/EIR lacks adequate and complete review of the many projects on and adjacent to the Project Site since 1972, therefore there is piece-mealing of the reserve for its related and dependent habitats.

O11-85

8. EIR lacks inclusion of the source of funding for the restoration and the requirements of that funding.

9. The DEIR/S is inadequate as it does not provide the genesis of the funding for acquisition and restoration of Ballona. Public bond funds with attendant requirements and promises both provided for acquisition and restoration of Ballona Wetlands. The DEIR/S marginalizes and attempts to deliberately delete public bond funding requirements and promises by simply stating the Coastal Conservancy is paying for the restoration.

O11-86

10. ECONOMICS- the DEIR/S is inadequate and lacks funding information; there is no specific economic or financial analysis to demonstrate the financial viability of the Alternatives. And, the DEIR/S is inadequate as it does not provide response/ accountability to the public per bond requirements (Prop.12, 50) for: restoration options budgeted in the bonds and there is a lack of accountability for bond requirements and promises of process for public and working group inclusion in the Alternatives selection—which has failed to occur. And, the DEIR/S is deficient due to its lack of

O11-87

accountability for the time frames for restoration stipulated in the bond language and; deficient due to lack of funding accountability for the WRDA

O11-88

derived process attached in 2012 -2017(who paid for this review process and were Prop. 12 funds utilized to pay the County and/or USACE in this process?
The DEIR/S is deficient as it does not providing specific funding information for a Project and/or a Program EIR/S process. Which process is even being utilized?

The DEIR/S lacks inclusion of the source of funding for the restoration and the requirements of that funding and the attendant accountability
The DEIR/S misleadingly supplies short shifted information that the Coastal Conservancy is paying for the restoration. The DEIR needs to provide a clear line
of financial payments for the public to, at least, have a legitimate outline of financial payments. Without such blueprint, the DEIR/S continues to
be without transparency and accountability.

O11-88 cont.

Grassroots Coalition, Patricia McPherson

O11-89