

**From:** [Walter Lamb](#)  
**To:** [Cooper, Megan@SCC](mailto:Cooper, Megan@SCC)  
**Cc:** [Hutzel, Amy@SCC](mailto:Hutzel, Amy@SCC); [SCC Public Comment](#)  
**Subject:** February 13th Conservancy Meeting  
**Date:** Tuesday, January 28, 2025 8:26:42 AM  
**Attachments:** [2008 Ballona MOU - SCC - CDFW - SLC.pdf](#)  
[CDFW response email to TBF re court order - May 2023.pdf](#)  
[CDFW response letter to TBF re court order - March 2024.pdf](#)

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Good morning, Megan.

Please include this message and its attachments as written comments for the February meeting. The Coastal Conservancy announced the start of the Ballona Wetlands restoration planning process in August of 2004 via letter to the Department of Fish and Wildlife (then Fish and Game) and allocated over \$10 million to that planning process between 2004 and 2021. Funding allocated in September of 2007 was intended to be sufficient to complete the planning, design and permitting process. In 2008, the Conservancy's Executive Office entered into the attached interagency memorandum of understanding (MOU) for the planning process, which described the Conservancy's role in the planning process as follows:

*The SCC will develop and manage the workplan, budget, and schedule for restoration planning. The SCC will provide funding for the planning effort. 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.*

The public has a fundamental right to understand whether the Conservancy retains a role in this stalled planning process and, if so, what that role is. We are asking that this issue be addressed in the Executive Officer's report for the February 13th meeting. The extent that the Conservancy retains a role in the planning process, we are asking for an update on the status of that process to also be included in the Executive Officer's report.

As a related but separate matter, we would like an update on the work funded by a \$90,000 Proposition 12 grant award to the Bay Foundation in March of 2019. The attached letter from CDFW to the Bay Foundation and the attached email exchange between CDFW and the Bay Foundation show that the Bay Foundation's rationale for suspending its work on the funded project was fabricated. This highlights the need for transparency and accountability for the \$90,000 Conservancy grant. It would be helpful if this information can also be provided with the Executive Officer's report.

The new federal administration has telegraphed its planned assault on science-based environmental conservation. To have any chance at countering that assault, California state agencies will have to adopt greater levels of transparency.

Thank you for your consideration of these comments and for including them in the meeting materials for February 13th. Please confirm receipt of this email and let me know if there will

be any discussion of Ballona during the upcoming meeting.

Walter Lamb  
Ballona Wetlands Land Trust

**MEMORANDUM OF UNDERSTANDING**

**among the**

**CALIFORNIA DEPARTMENT OF FISH AND GAME**

**and the**

**STATE COASTAL CONSERVANCY**

**and the**

**STATE LANDS COMMISSION**

**regarding**

**RESTORATION PLANNING FOR THE BALLONA WETLANDS**

This Memorandum of Understanding (MOU) by and between the California Department of Fish and Game, hereinafter called the "Department", the State Lands Commission, hereinafter called "SLC", and the State Coastal Conservancy, hereinafter called "SCC," is for the purpose of defining the partnership of these agencies in restoration planning for the Ballona Wetlands Ecological Reserve (BWER).

WHEREAS, the Ballona Wetland Restoration plan is being developed for all of the lands owned by the State of California as shown on the attached map, a total of approximately 607 acres, including the 547 acres, parcels "A," "B," and "C", under the jurisdiction of the Department and the approximately 60 acres under the jurisdiction of the SLC (36 acres within the Freshwater Marsh and 24 acres in the Expanded Wetlands Parcel); and

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 SLC was established in 1938 with authority detailed in Division 6 of the California Public Resources Code; and holds the Freshwater Marsh and Expanded Wetlands Parcel as real property of the legal character of tidelands and submerged lands subject to the Public Trust Doctrine; and,

WHEREAS, the SLC leased the Expanded Wetlands Parcel to the Department

effective July 1, 2005, for a period of 49 years, and the Expanded Wetlands Parcel is part of the BWER; and,

WHEREAS, the Freshwater Marsh is managed by the Ballona Wetlands Conservancy under a Conservation Easement and is subject to numerous deed restrictions that mandate its use as a freshwater marsh in perpetuity, and, although it is not part of the BWER, there may be opportunities to incorporate it into the Project; and,

WHEREAS, it is the SCC's mission to act with others to preserve, protect and restore the resources of the California coast and the San Francisco Bay Area; and,

WHEREAS, the Department, SLC and SCC have previously concurred in a planning approach for the Project embodied in the memo dated August 13, 2004, and

WHEREAS, the Department, SLC and SCC wish to now formally reaffirm this planning approach,

NOW THEREFORE, the Department, SLC and SCC agree as follows:

#### I. PURPOSE

The Ballona Wetland Restoration Project ("the Project") will develop project alternatives, conduct environmental review, obtain permits, and complete planning for the restoration of all the state-owned properties. The purpose of this comprehensive planning approach is to increase the efficiency of the planning, environmental review and permitting processes resulting in a superior restoration plan.

#### II. GOALS AND PRINCIPLES

The purpose of the restoration plan will be to implement the Project goals:

1. 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.;
2. Create opportunities for aesthetic, cultural, recreation, research and educational use of the Ballona Ecosystem that are compatible with the environmentally sensitive resources of the area.

The restoration plan will be based on the best available science, incorporate technical scientific expertise, and will be developed through a public planning process that allows stakeholders to provide input and comment on restoration planning.

### III. RESTORATION PLANNING PROJECT MANAGEMENT

The principal state agencies, the SCC and Department will work together to complete the Project. The two principal state agencies will cooperate with the SLC on planning issues related to the property under the SLC's jurisdiction.

All these 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.

All of the agencies involved in this agreement will respect the right and discretion of each agency's decision-making body and will actively cooperate to articulate and resolve any concerns with planning, funding, or other issues as they arise, so that all partners can accept and endorse the Project. The three agencies will work together to find appropriate funding to implement the Project.

An Executive Committee consisting of the chief executive officers, or designee(s), of each agency will convene regularly every six months to review overall progress of the Project. Any agency's executive officer may call a meeting of the Executive Committee as necessary to resolve significant issues as they arise.

A Project management team consisting of staff from SCC, Department, and SLC will meet regularly to coordinate activities and resolve issues related to 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. 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.

The Department, as the primary landowner, will be the applicant for any permits needed for the Project and the lead agency for purposes of the California Environmental Quality Act (CEQA) and the SCC and SLC will be responsible agencies under the CEQA. The Department and, to the extent its lands are proposed for restoration, SLC, will have final discretionary authority and approval of the Project, with respect to their respective ownerships, prepared for the restoration planning and construction.

### IV. INTERIM SITE MANAGEMENT

The SCC will assist the Department in the management of the BWER during the restoration planning period as resources, funding and other SCC priorities allow. With Department approval, the SCC may utilize other agencies, private contractors, grantees and volunteers in such management activities. These activities will be guided by the 2005

Interim Stewardship and Access Management Plan, or may involve actions needed to resolve situations not anticipated by that Plan. In all cases management activities will be carried out in close coordination with the Department including the specific authorizations and conditions specified in BWER Access Letters issued by the Department.

V. 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, the SLC and the SCC. This MOU will terminate automatically at the conclusion of the planning process, defined for the purpose of this MOU as certification of the Final Environmental Impact Report by the Department and Project approvals from the Department and the SLC. This MOU may be terminated by the Department, the SLC, or the SCC with 60 days notice, during which time the parties agree to meet in good faith to try to resolve any differences.

Donald Koch

Dated: 5/19/08

Donald Koch  
Director, Department of Fish and Game

Paul D. Thayer

Dated: 6/24/08

Paul D. Thayer  
Executive Officer, State Lands Commission

Sam Schuchat

Dated: 5/22/08

Sam Schuchat  
Executive Officer, State Coastal Conservancy

# Subject: RE: TBF Response to Ballona Order



**Takei, Kevin@Wildlife** <Kevin.Takei@wildlife.ca.gov>  
to Tom Ford, Brody, Richard@Wildlife, Burg, Richard@Wildlife, Scott Culbertson

Wed, May 31, 2023, 12:30 PM

Hi All:

Just to clarify, the only work that would be affected by the court's ruling is if a public agency relied on the EIR for CEQA compliance to authorize the work. So if a public agency did not rely on the EIR for CEQA compliance to authorize the work, that authorization is still good and the underlying work can continue.

Thanks

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**From:** Tom Ford  
**Sent:** Wednesday, May 31, 2023 11:48 AM  
**To:** Brody, Richard@Wildlife  
**Cc:** Takei, Kevin@Wildlife ; Burg, Richard@Wildlife ; Scott Culbertson  
**Subject:** RE: TBF Response to Ballona Order

**WARNING:** This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Brody,  
Thanks for getting back to me. I'm open to discussing any questions you may have.  
Best wishes to you all.  
Sincerely,  
Tom

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**From:** Brody, Richard@Wildlife <[Richard.Brody@wildlife.ca.gov](mailto:Richard.Brody@wildlife.ca.gov)>  
**Sent:** Wednesday, May 31, 2023 8:21 AM  
**To:** Tom Ford <[tford@santamonicabay.org](mailto:tford@santamonicabay.org)>  
**Cc:** Takei, Kevin@Wildlife <[Kevin.Takei@wildlife.ca.gov](mailto:Kevin.Takei@wildlife.ca.gov)>; Burg, Richard@Wildlife <[Richard.Burg@wildlife.ca.gov](mailto:Richard.Burg@wildlife.ca.gov)>; Scott Culbertson <[scott@ballonafriends.org](mailto:scott@ballonafriends.org)>  
**Subject:** FW: TBF Response to Ballona Order

Good Morning Tom,  
Thank you for the formal notice. Does this mean TBF is suspending activities related to the iceplant removal project? If so, while I respect the opinion of your attorney(s), we may want to have a discussion so I can understand how hand removal of weeds may have a negative impact on the environment. Regardless, CDFW is much appreciative of all the work and support TBF has shown the Reserve for so many years and we look forward getting things going again when TBF is ready.

Regards,  
Brody

**R.C. Brody (he/him)**

Land Manager, Ballona Wetlands Ecological Reserve  
California Department of Fish and Wildlife  
P.O. Box 1653 Topanga, CA 90290  
(o) 310-455-3243 [Chat/call in Teams](#)



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**From:** Tom Ford <[tford@santamonicabay.org](mailto:tford@santamonicabay.org)>  
**Sent:** Friday, May 26, 2023 11:42 AM



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4120  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



March 13, 2024

Tom Ford  
Chief Executive Officer  
The Bay Foundation  
[tford@santamonicabay.org](mailto:tford@santamonicabay.org)  
(310) 216-9827

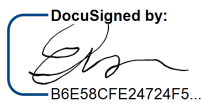
**SUBJECT: CONTINUED WORK ON BALLONA WETLANDS ICEPLANT PROJECT**

Dear Tom:

Thank you for your inquiry pertaining to the ability of the Bay foundation to continue work on the iceplant removal project located in South Area B of the Ballona Wetlands Ecological Reserve. Your letter dated May 26, 2023, requested clarification of the May 17, 2023, Superior Court decision pertaining to the Ballona wetlands Restoration Project EIR. (*Defend Ballona Wetlands et al. v. California Department of Fish and Wildlife*, Case No. 21STCP00240). On May 31, 2023, staff from the CDFW Office of General Council replied in an email stating “the only work that would be affected by the court’s ruling is if a public agency relied on the EIR for CEQA compliance to authorize the work. So, if a public agency did not rely on the EIR for CEQA compliance to authorize the work, that authorization is still good, and the underlying work can continue.

CDFW’s position remains the same as it relates to the above project and the court order; It is our understanding that this project’s CEQA compliance occurred through its acquisition of a Coastal Development Permit, so you may proceed under your existing Access Letter issued for this project. If you have any questions, please do not hesitate to contact Tim Dillingham at [Tim.Dillingham@wildlife.ca.gov](mailto:Tim.Dillingham@wildlife.ca.gov) or (858) 354-9915.

Respectfully,

DocuSigned by:  
  
B6E58CFE24724F5...

Erinn Wilson-Olgin  
Regional Manager  
South Coast Region