

From: [Cooper, Megan@SCC](mailto:Cooper,Megan@SCC)
To: [White, Anulika@SCC](mailto:White,Anulika@SCC)
Subject: FW: Bay Foundation Grant from Conservancy
Date: Tuesday, February 1, 2022 12:53:03 PM
Attachments: [image.png](#)
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From: Walter Lamb <landtrust@ballona.org>
Sent: Monday, January 31, 2022 11:04 AM
To: Cooper, Megan@SCC <Megan.Cooper@scc.ca.gov>
Cc: SCC Public Comment <publiccomments@scc.ca.gov>; Tom Ford <tford@santamonicabay.org>
Subject: Bay Foundation Grant from Conservancy

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Hi Megan,

I'm assuming you still have an oversight role with grants relating to SCWRP work, so I hope it is OK that I am sending these comments to you. Also, I know that the new deadline for getting written comments to the Board members is now the Friday before the meeting, but I'm including the public comments email address just to get this into the record with the hopes that perhaps some of our concerns can be addressed in the management of this grant. I'm also copying Tom Ford of the Bay Foundation.

In our experience, the Bay Foundation routinely allows marketing narratives to overpower objective science, resulting in adverse impacts to natural resources, especially the Ballona Wetlands. The Conservancy has granted hundreds of thousands of dollars to the Foundation related to the proposed large-scale restoration project, the smaller hand-restoration project that commenced in 2016, and related projects such as the wetland monitoring project on the agenda for Thursday. It is our view that the Foundation's institutional inability to acknowledge mistakes and its aversion to public transparency and accountability are directly responsible for the restoration planning getting so far off course, over budget and behind schedule. The Conservancy's past staff reports show how the Foundation has removed itself from the oversight of the Santa Monica Bay Restoration Commission. As part of a [2007 grant](#) to the Foundation, the focus was on the Commission, with the Foundation simply serving as the Commission's fiscal agent, and the staff reports for later Foundation grants also emphasized the Commission.

Proposed Grantee

The proposed grantee is the Santa Monica Bay Restoration Foundation, a non-profit organization that acts as fiscal agent for SMBRC. SMBRC will carry out the project. SMBRC is a non-regulatory state entity that provides stewardship of water quality and habitats within the Santa Monica Bay and its watersheds. The SMBRC governing board is comprised of a broad spectrum of federal, state, and local representatives. Voting members include the Secretary of the Resources Agency, Secretary for Environmental Protection, an appointee of the Los Angeles Regional Water Quality Control Board, Los Angeles County, cities within Los Angeles County watersheds, and Los Angeles City and County Public Works. In addition, the SBMRC has a 28 member technical advisory committee comprised of Southern California marine experts from a variety of disciplines that provide recommendations to its governing board on technical issues.

SMBRC has a history of working effectively with diverse stakeholders in the assessment, protection, and restoration of Southern California's marine resources and has participated in many regional assessments and monitoring efforts in the Southern California Bight. This makes SMRBC uniquely qualified to compile existing scientific research and then apply this knowledge toward MPA development in Southern California and the Santa Monica Bay. In addition, the technical advisory committee has a history of initiating and overseeing marine research and providing various management agencies with scientific advice.

A [2012 grant](#) to the Foundation states that:

In 2005, the Conservancy initiated conceptual planning and a feasibility study of restoration alternatives for the Ballona Wetlands. This restoration 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 conceptual plan and

However, the Foundation later convinced the Commission, the Conservancy, and CA Fish and Wildlife that it is the Foundation, not the Commission, that has a role in this project. This revision of the project's history was echoed in the project EIR and the May 2021 staff report on the project. " The Coastal Conservancy has partnered with CDFW, The Bay Foundation, the Corps and others to support planning for the proposed project for the past fifteen years".

The swapping of a private entity in place of a public entity is more than just a procedural concern. Without any meaningful public oversight, the Foundation routinely develops marketing narratives that ignore even its own scientific data.

Among other things, we are specifically concerned by past Foundation activities that reflect a lack of scientific objectivity:

- When the Foundation (still operating as the Commission at the time) conducted its baseline surveys for the ecological reserve, they failed to record illegal drains installed by a private developer, then later asserted that the drains were permitted and harmless - assertions that were refuted by the Coastal Commission. We believe the Foundation's judgement in this matter was clouded by its partnerships with entities closely affiliated with the developer.

- The Foundation has conducted a habitat restoration project that it knew had no defined success criteria relating to actual habitat development, and it knowingly veered from established best practices due to a lack of adequate planning. It took considerable effort on our part to get the Foundation to add

a disclaimer to its annual reports for the project acknowledging that lists of species purportedly seen before and after the project weren't scientifically meaningful or representative of any actual change in use by wildlife of the project site. The Foundation has refused to include in its annual reports any discussion of what could have been done differently to achieve better results with smaller expenditure of limited resources. The Foundation has also made misleading claims about the actual impact of vehicular incursions into a small section of its project site, which was already heavily degraded at the time. None of the Foundation's behavior with regard to this project instills confidence in its ability to establish objective wetlands monitoring guidelines.

- The Foundation continues to insist that the proposed large-scale restoration project provides a buffer against sea level rise when the maps of projected habitat in the project EIR clearly show sea level rise having an immediate and substantial impact on endangered and threatened species of wildlife. The Foundation and other project proponents continue to cite a net gain of marsh habitat from the project despite knowing that those figures were always ephemeral, and are now obsolete. The map of restored habitat on page 271 of the EIR depicts a snapshot in time between completion of the project and the impacts of sea level rise as of 2030. But that snapshot in time will never exist, because the project (expected to last 9 years) will be completed *after* 2030. Yet, the project team has refused to create a new table of anticipated habitat acreage reflecting the impacts of sea level rise (starting with the map on page 272). Again, this unwillingness to engage in objective discussion does not instill confidence in the Bay Foundation's ability to produce objective monitoring methods.

- The Foundation routinely emphasizes its California Rapid Assessment Method (CRAM) scores without any discussion of how those scores could be improved via basic care of the Ballona Wetlands Ecological Reserve. The CRAM scores are highlighted both in the EIR and in the Conservancy's May 2021 staff report to support the urgency of commencing large-scale excavation of the site. Yet the Bay Foundation has become silent over the last several years about the need for near-term stewardship events that would dramatically increase CRAM scores using the depressional wetlands scoring template. An unwillingness to engage in discussion of the CRAM scores heightens our concerns that the Foundation manipulates processes to support its own interests.

- At the Malibu Lagoon (a project for which our organization did not take a position), the Foundation generated considerable media attention for the citing of a steelhead trout in 2014, but has avoided any discussion of the lack of any subsequent sightings (see final report here). It cannot be that a sighting of a single steelhead trout in 2014 had scientific value but that the lack of any subsequent sighting does not. The 2014 sighting supported the Foundation's marketing efforts, and was thus promoted, whereas the lack of subsequent sightings works against those marketing efforts and is therefore not discussed. This underscores our concern that the Foundation lacks objectivity when performing work that requires objectivity to inform public policy.

- Also, it is worth noting that the Foundation vocally opposed the new access to Area A (including verbally at a meeting that you attended). This opposition, which delayed equitable access to this area by several years, was based on the desire to use public access as leverage to convince the public to support the project for which the Foundation had a lead role in planning.

I have been attending agency meetings long enough to know that public comment at the meetings rarely influences decision-makers. Our best hope is that the Conservancy recognizes some of these issues and takes special care to ensure that the Foundation stays on an objective track as it performs

the work that is being funded.

Thank you for considering these comments.

Walter

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