

From: patriciamcpherson1@verizon.net
To: Samuelson, Taylor@SCC; Hutzel, Amy@SCC
Cc: saveballona@hotmail.com; todd@tcardiffaw.com
Subject: SCC Grant per BALLONA WETLANDS RESTORATION--DEPT FINANCE COMPLAINT & attention OSAE
Date: Thursday, April 28, 2022 12:22:40 PM
Attachments: [DEPT OF FINANCE Complaint.docx](#)
[Screen Shot 2021-06-25 at 1.10.49 PM.png](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello , Mr. Samuelson and Ms. Hutzel,
Grassroots Coalition would appreciate your review of this material pertaining to the need to adhere to the Purpose for which Ballona was acquired.
Please also share with all the Coastal Conservancy Board Members.
Thank you for your interest in the protection of Ballona Wetlands Ecological Reserve.

THIS IS THE NEW COMPLAINT TO DEPT OF FINANCE.

It provides a basis for why the latest grant to CDFW from the Coastal Conservancy, Grassroots Coalition (GC) believes is improperly made per Public Resource Codes utilized by the Coastal Conservancy's Project Manager for this grant as well as earlier grants which avoided and/or simply never bothered to adhere to the Fish & Game Commission's Purpose of Acquisition and Induction of Ballona into the Ca. Ecological Reserve System. Dept. of Fish and Wildlife (1745) codes also reference that agreements and MOUs etc must all abide by the Purpose for which the Ecological Reserve was acquired. All Ecological Reserves have individualized purpose of acquisition and requirements. Ballona too, has its own (I've included the Fish & Wildlife Commission's Registered Purpose/ Goals in a link from the Office of Administrative Law (2005)). I'd only learned of this last year, while working on a Petition to the Fish and Game Commission (not the Dept of Fish & Wildlife). CDFW does not create codes and regulations---the Fish & Game Commission does,
I hope that you will review this. The first several pages give the big picture and the rest of GC's response comments simply follow the actual Staff Recommendation itself, with GC response comments in red.

Regard,
Patricia McPherson, GC

-----Original Message-----

From: patriciamcpherson1@verizon.net <patriciamcpherson1@verizon.net>
To: David.Botelho@dof.ca.gov <David.Botelho@dof.ca.gov>; osaehotline@dof.ca.gov <osaehotline@dof.ca.gov>
Sent: Tue, Apr 19, 2022 11:57 am
Subject: DEPT FINANCE COMPLAINT & attention OSAE



Patricia McPherson President
Jeanette@SaveBallona.org (310) 721-3512

Department of Finance & (OSAE) ,

NEW REQUEST FOR AUDIT/EVALUATION OF THE CALIFORNIA COASTAL CONSERVANCY per Ballona Wetlands Restoration Project .

Please include Grassroots Coalition's (GC's) original Complaints regarding the California Coastal Conservancy (Conservancy) as part of our Complaint being filed today April 19, 2022. (Some of GC's Complaint materials entitled Brandy #1,2,3..... are attached but please include all that have been filed with the DOF).

No review has yet taken place to the earlier Complaints, first sent in 2015, which now serve to demonstrate pattern and practice of the Conservancy's continued failure to act as a Responsible Agency in advising the California Department of Fish & Wildlife (CDFW), instead acting improperly as a lead agency pertaining to the restoration of Ballona Wetlands Ecological Reserve (Ballona). The Conservancy, in its latest grants to CDFW regarding Ballona were given without adhering to the Dept. of Finance (DOF) procedures of **first receiving an application** for a grant. Instead, the Conservancy, has been acting as a lead agency over Ballona issues in 'doling' out funds that have not been requested by CDFW and which CDFW's Land Manager for Ballona appears to believe that CDFW is at the mercy of what the Conservancy chooses to characterize in Staff Recommendations as CDFW needs pertaining to the environmental studies and permit payments for Ballona.

Further, the Conservancy has neither adhered to, nor provided advisory assistance to the public or CDFW regarding adherence to the legal assignment of Ballona Wetlands as a Title 14, NonMarine Section 630 Ecological Reserve having Ballona specific Purpose and Goals of Ballona's acquisition, set forth in the 2005 induction of Ballona Wetlands into the California State Ecological Reserve system via approval and registration (Office of Administrative Law) by the California Fish & Game Commission--the Codes, Rules and Regulations branch of California Natural Resources.

Instead, the Conservancy has acted as 'management' in the determination of environmental evaluations of Ballona ; and made its own funding decisions while having created its own predetermined outcome for Ballona's restoration that is inconsistent with Title 14, Terrestrial, Non Marine Section 630 purpose and goals for which Ballona was acquired (See 2005 Registry and Fish & Game Commission approvals).

The Conservancy instead of abiding by the Fish & Game Commission's 2005 approvals and induction of Ballona as a Title 14, Terrestrial, NonMarine Ecological Reserve, pursued and promoted its own preferred outcome for Ballona's restoration as 'restoring the ebb and flow of the ocean', and conversion of Ballona into a fully tidal saltwater bay. It would appear that the Conservancy vis a vis of not acting as a Responsible Agency utilizing the Fish & Game Commission's assignment of Ballona as a Terrestrial/NonMarine Section 630 Ecological Reserve, has instead promoted a Section 632 Marine Preserve which was never approved by the Fish and Game Commission and which violates the purpose and goals of Ballona's acquisition. The Conservancy, in its 'management' of the Ballona project has again, acted in a potentially illegal fashion, by not acting as an advisory agency that both informs the public and the agency to which it is granting funds, as to the Fish & Game approval and registration of Ballona with the Office of Administrative Law as a Title 14, NonMarine Section 630 Ecological Reserve including its specified purpose and goals for which it was acquired. Especially, in light of the Conservancy's promotion of an inconsistent outcome that is also inconsistent with CEQA protocol and Fish and Game Code 1745.

For these reasons and others stated in the Grassroots Coalition Complaint and Request for Audit/Evaluation of the Conservancy's May 27, 2021 Grant and its followup grant amended in another grant approval (with no application from CDFW) March 24, 2022, we request an Audit/ Evaluation of the performance Department of Finance, and inconsistent behavior of the Conservancy's-- Ballona Wetlands Ecological Reserve's financing.

Thank you for your attention to these matters of great public concern,
Patricia McPherson, Grassroots Coalition

DEPARTMENT OF FINANCE (DOF) 2022 COMPLAINT BY GRASSROOTS COALITION

RE: State Coastal Conservancy's misleading and inaccurate Staff Recommendation to approve a Proposition 12 Grant for Project No. 04-088-02. (May 27, 2021 Coastal Conservancy approval)

https://scc.ca.gov/webmaster/ftp/pdf/sccbb/2021/2105/20210527Board05_Ballona_Wetlands.pdf

This complaint is regarding California State Coastal Conservancy funding (up to 1.7 Million Dollars) for the California Department of Fish & Wildlife (CDFW) to correct errors in hydraulic calculations of Ballona Flood Control Channel studies presented in the CDFW's 2020 Final Environmental Impact Report (FEIR) for Ballona Wetlands Ecological Reserve project, certified with the preferred alternative to convert the wetlands into a full tidal saltwater estuary.

And, for use in formulating plans to promote saltwater intrusion upon a predominantly seasonal freshwater wetland—Ballona Wetlands Ecological Reserve when the hydrology of Ballona Wetlands Ecological Reserve, has not been evaluated within the FEIR. And, promoting full tidal inundation that is inconsistent with the Purpose and Goals approved by the Ca. Fish & Game Commission under Title 14, Terrestrial, NonMarine Section 630 Ecological Reserve specifics of Ballona Wetlands Ecological Reserve as Registered with the Ca. Office of Administrative Law in 2005.

This includes the current RFQ put forth by CDFW to implement planning and permitting for the inconsistent Alternative 1 of the Final Environmental Impact Report)

According to Ca. Coastal Conservancy's response to Public Record Act requests of Grassroots Coalition, no Applications were submitted by CDFW to the Conservancy for the grant funding awarded on May 27, 2021.

Grassroots Coalition believes the following comments and documentation demonstrate that the California State Coastal Conservancy's (Conservancy) Project Manager for Ballona Wetlands Project, Mary Small, has provided misleading and inaccurate information in the Staff Recommendation of May 27, 2021 for a grant from the Conservancy to CDFW (& Prevention Institute). Grassroots Coalition requests the Department of Finance (DOF) review and investigate the allegations set forth in this DOF Complaint and report their conclusions, inclusive of their basis for rendering such conclusions.

The key points at issue are the inaccuracies of the statements made, as well as Ms. Small's use of PR Codes in the Staff Recommendation, which are inconsistent with the Purpose for which Ballona was acquired as a Title 14, Section 630 Terrestrial, Non-Marine Ecological Reserve having its own specific Purpose and Goals as cited in the Office of Administrative Law (AOL) 2005 Registry with the State of California. Use of such inconsistent codes upon which the Project Plan hinges as reasoning for the project to take place, provide the reason that the grant for the Project Plan would not or should not be approved. Several of these key issues are highlighted below for sake of brevity in an already lengthy and very misleading and inaccurate Conservancy Staff Recommendation.

This complaint, as well as previous audits by the County of Los Angeles which cite to numerous years of failure to garner County Board of Supervisory approval for use of funding via the Conservancy, and DOF's own scathing audits (2010-11) of the Conservancy's improper conduct, show a pattern and practice of improper behavior by the Conservancy's Ballona Wetlands Restoration Project Manager, Mary Small. regarding the Ballona Wetlands Project. Misleading and inaccurate staff recommendations have resulted in the improper disbursement of public bond funds.

Key legal issues are:

This Staff Recommendation, as virtually all past Staff Recommendations, fails to inform Conservancy Board Members of several legal parameters of offering a grant namely:

- a. Ca. Dept. of Fish & Game Code 1745 assures that any/all agreements, with agencies and/or nonprofits, shall adhere to the Purpose for which the Ecological Reserve was acquired. The Staff recommendation fails to inform Coastal Conservancy Board Members that the funding to promote conversion of Ballona Wetlands Ecological Reserve into a fully tidal saltwater bay, is inconsistent with the Purpose for which Ballona was approved under Title 14, as a Terrestrial, NonMarine Ecological Reserve. And that the purpose is to protect its freshwater resources and salt-marsh habitat (which does not connote full tidal and which FEIR modeling of the conversion demonstrates a near term through long term destruction of salt marsh to open water and mudflats.). The Purpose of Ballona is also to protect its endangered species and the habitat upon which it relies and to protect the wildlife corridors of Ballona within the wildlife corridor setting outside the Ballona Ecological Reserve.
- b. The Staff Recommendation fails to alert Board Members that Ballona is a Title 14, Section 630 Terrestrial/ Non-Marine Ecological Reserve having its specific Purpose and Goals for acquisition. The Staff Recommendation fails to point out the need for adherence to what the Wildlife Conservation Board and the Ca. Fish and Game Commission acquired with \$140 million and then codified as Ballona's Ecological Reserve status under Title 14, Section 630 Non-Marine Ecological Reserve respectively. The Grant is inconsistent with the Title 14, Section 630 Terrestrial/ Non-Marine nature and purpose for which the Ballona Wetlands Ecological Reserve (BWER) was acquired.
- c. The grant described in the Staff Recommendation promotes a study of Ballona Channel hydraulics, with the intent to pursue the preferred alternative of the Conservancy, namely converting the terrestrial, predominantly seasonal freshwater nature of Ballona into a fully tidal saltwater bay. Such intent of conversion into an estuarine, marine outcome would require a revocation request to the Ca. Fish and Game Commission to revoke its status as a Title 14, Section 630 Terrestrial, NON- MARINE RESERVE. Into a Title 14, Section 632 Marine Preserve. The Ballona Channel is also outside the Ecological Reserve boundaries.

California Regulatory Notice Register 2005, Volume No. 20-Z, Starting on **page 663** Ballona Wetlands Ecological Reserve

<https://www.dhcs.ca.gov/services/medi-cal/Documents/AB1629/ZREG/ZREG 20-Z 5.20.05 notice.pdf>

- d. The Conservancy has failed to consult with CDFW and provide this available Prop 12 funding for the Fish & Game Commission's Section 1019, required Land Management Plan (LMP) for Ballona as an inducted Ecological Reserve as Registered in 2005 with the OFFICE OF ADMINISTRATIVE LAW. The LMP leading language per CDFW protocol IS THE TITLE 14 SECTION 630 PURPOSE AND GOALS OF BALLONA'S ACQUISITION. There is currently no LMP for the Ballona Wetlands Ecological Reserve. Any and all subsequent Environmental Impact Report done for Ballona is to lead with the Title 14, Section 630 Purpose and Goals of its acquisition, and should be based on an LMP.
- e. The Conservancy, instead of leading with (or including anywhere in the Staff Recommendation) the Title 14 Section 630 language of Purpose and Goals, as required for the lead agency's engagement, inappropriately inserts again its own preferred outcome of creating a full tidal bay. *"The proposed project will replace the concrete levees of the Ballona Creek flood control channel with setback earthen levees to re-establish the creek's floodplain and return*

the daily ebb and flow of tidal waters where feasible". P. 8 of 20 Conservancy Staff Recommendation, May 27,2021 .

- f. Further, the Conservancy Project Manager, inserted in 2005, in a letter with contractual language for a Conservancy grant to the Southern California Coastal Waters Research Program (SCCWRP), and its attendant Science Advisory Committee (SAC), an unapproved Preferred Alternative Outcome for Ballona Wetlands restoration that improperly narrowed the scope of alternatives for SCCWRP & SAC to evaluate thereby causing the removal of all reasonable alternatives and creating inconsistency with the Title 14, Section 630 NONMARINE STATUS OF BALLONA WETLANDS ECOLOGICAL RESERVE as approved and registered with the State of California. See the SCCWRP contractual letter, pertinent slides 9, 10 of 12.
<https://saveballona.org/president.presentations/ballona-wetlands.legal.review.2006.html>
- g. The California Coastal Conservancy managed the studies for the restoration of Ballona Wetlands project utilizing Prop 12 funding.
Slide 10 of 12-
"The Coastal Conservancy will fund and manage the restoration planning."

The Prop. 12 funding did not envision removal of the Ballona Channel levees and/or the conversion of Ballona Wetlands into a full tidal, saltwater estuary. As seen in slide 1 of 12, the August 13, 2004 Coastal Conservancy Memo to CDFW and State Lands Commission, gave no indication of ever contradicting the Title 14, Terrestrial/ Non Marine Ballona Ecological Reserve Purpose and Goal language. The Conservancy language-

"Restoration planning is expected to take 3 years and cost up to two million dollars."

-obviously is for a project that does not envision or entail such extraordinary, industrial-scale conversion, costing another \$100 million or more. The Ballona Channel is outside the Ecological Reserve's boundaries. The Proposition 12 funds were for the Ecological Reserve itself as stipulated in the bond approvals.

Therefore, the use of the Prop. 12 funds for studies that eliminated the advancement of the Ca. Fish & Game Commission approved and registered Title 14, Terrestrial, NonMarine Ecological Reserve with its specific Purpose and Goals stipulated for a CDFW Land Management Plan was improper at best. Conservancy use of Prop. 12 funds which excluded basic hydrology studies of Ballona itself was improper at best. Use of Prop. 12 funds to promote a Coastal Conservancy preferred alternative cited by Ms. Small to SCCWRP privately and without consultation with, and/or garnering a revocation request and a potential approval of another Preserve status from the Ca. Fish & Game Commission was improper action on the part of the Coastal Conservancy and its use of public Prop. 12 funds.

The Conservancy was not the agency to choose alternatives and certainly not to confine Ballona studies to evaluations promoting its own preferred alternative. The Conservancy action was improper at best as it was inconsistent with the Fish & Game Commission approved and state registered (Office of Administrative Law) Title 14, Terrestrial, NonMarine Section 630 Ballona Ecological Reserve. *Conservancy letter per SCCWRP & SAC-*

*"The SAC will contribute to the **development and analysis of the preferred alternative.**"* Emphasis added.

"Restore and enhance saltwater influenced wetland habitats...:

"Restoration of seasonal ponds, riparian and freshwater wetlands and upland habitats will be considered where beneficial to another project goal or biological and habitat diversity."

Summary of Key Points:

A summary of key legal points described above in relation to the Conservancy Staff Report is set forth immediately below. The type face in black is the Conservancy's Staff Recommendation language, and the red type face is Grassroots Coalition comments per the Staff Recommendation language.

'RECOMMENDED ACTION: Authorization to disburse up to \$1,692,360 to the California Department of Fish and Wildlife for design and permitting of the restoration of the Ballona Wetlands Ecological Reserve in Los Angeles County.

1. The term 'restoration' is improperly used by the Coastal Conservancy. (Ecological Restoration is defined as "...assisting the recovery of an ecosystem that has been damaged."; ...seeks to initiate or accelerate ecosystem recovery following damage, degradation, or destruction."; "return a degraded ecosystem to its historic trajectory."; "history plays an important role in restoration, but contemporary conditions must be accounted for in planning" Society for Ecological Restoration 2021).

The Conservancy seeks to promote its own non-historically oriented outcome for Ballona, namely to "restore the ebb and flow of the ocean" via industrial scale excavation to convert Ballona into a saltwater bay--something it never was. The Conservancy's promotion is inconsistent with the Ca. Fish & Game Commission's approval and registration of Ballona as a Terrestrial, NonMarine Ecological Reserve under Title 14, Section 630.

The approved language clearly addresses the protection of Ballona's freshwater resources which, the Conservancy as an advisory agency, has failed to provide the Prop.12 funding for CDFW to fulfill its Section 1019 Land Management Plan(LMP) in 2005 and since. Under CDFW protocol, the LMP leads with the Purpose and Goals of the Ca. Fish & Game Commission's approved language for Ballona's purpose of acquisition. Any/all subsequent EIR is to lead the evaluations based upon this language as well. Instead, the Conservancy has promoted its own end goals of conversion of Ballona into a fully tidal saltwater bay and excluding hydrology studies on behalf of the Ecological Reserve's natural freshwater resources, including its multiple underlying freshwater aquifers that are currently classified by the LARWQCB as Drinking Water and/or Potential Drinking Water.

Per Fish and Game Code 1745, any and all agreements between CDFW and other agencies and non-profits, shall comport with the purpose for which the Ecological Reserve was acquired. The Conservancy fails to comport with/ adhere to the purpose for which the Ballona Ecological Reserve was acquired under Title 14, Section 630 Ballona ER.

2. This grant proposal is, as we have been led to believe, in part, for a third hydraulics study of a proposed conversion/creation project, not restoration, of the Ballona Wetlands into a full tidal (saltwater) estuary. The first two hydraulics studies, costing \$4 million dollars, for the changes required to the Ballona Channel (which is outside the ER boundaries) for the proposed project were rejected by the US Army Corps of Engineers (USACE). The former Water Resource Development Act (WRDA) agreements with the USACE and the Los Angeles County Flood Control District have long since expired. No new agreements are provided in the Staff Recommendation that would signal any support from the County of LA or USACE for the Conservancy's plan of conversion of Ballona Wetlands into a

saltwater estuary. In fact, the Ballona Wetlands Land Manager has acknowledged to organizations that the County of LA is stalled in any furtherance of the Conservancy plan.

3. Neither the California Department of Fish & Wildlife nor the outreach organization in the Staff Recommendation provided an application to the Coastal Conservancy for the public's Proposition 12 funds. (2022 Public Record Act response from Ca. Coastal Conservancy).
4. The Proposition 12 bond funds at issue were not publicly approved for conversion of Ballona Wetlands into a full tidal, saltwater estuary. The Proposition 12 funds were approved for the restoration of the Ballona Wetlands Ecological Reserve itself, and did not envision the removal of the existing levees. The Ballona Flood Control Channel and its levees were not and are not a part of the Ballona Wetlands Ecological Reserve. In order for an industrial scale excavation of Ballona Wetlands to be converted it into a full tidal, saltwater estuary, hydraulics and hydrology studies would have been necessary in 2004, and the public would/ should have been made aware of the concept to create immense new perimeter levees to contain an extremely risky, industrial scale excavation of the wetlands to create a fully tidal saltwater bay & estuary.
5. In 2005, the California Fish & Game Commission approved entry of Ballona Wetlands into the Title 14, Section 630 Terrestrial Ecological Reserve system of California with its specific Purpose and Goals of acquisition as set forth in the legal Registry (Office of Administrative Law (OAL)). (August 19, 2005 Fish & Game Commission hearing videotape starting at 3:39:33). The language of the official State designation of the BWER as an Ecological Reserve is helpful to understand this specific wetlands system. Quoting from the 2005 California Code of Regulations: *"Ballona Wetlands consisting of 553 acres in Los Angeles County is proposed for designation as an ecological reserve for the protection and enhancement of coastal salt marsh and freshwater marsh habitats, and associated species, including the state listed endangered Belding's savannah sparrow. The area is also an important wildlife movement corridor to other public lands in the vicinity of the wetlands. The reasons for listing this property in Title 14 are to regulate public use and provide the best available protection for the species and habitats the property was acquired to protect."* Section 630, Title 14, California Code of Regulations, relating to Ballona Wetlands Ecological Reserve, 2005.
6. Images of the proposed embayment were displayed to the public by The Bay Foundation's Director, Shelly Luce in the 2008 timeframe during upper Ballona Creek Watershed meetings held in Culver City. (Ms. Small was also a board member of the private business, The Bay Foundation). Such a huge plan obviously would have cost a great deal more than what was written by the Conservancy in the 2004 Coastal Conservancy Memorandum of Understanding wherein the "restoration planning is expected to take three years and cost up to \$2 million dollars." (Slide 1 of 12 Bond ppt – <https://saveballona.org/president.presentations/ballona-wetlands.legal.review.2006.html>)
7. In 2006, a Bay Foundation 2004 grant from the Conservancy, was amended to include, "unanticipated hydraulics studies". The 'unanticipated hydraulics studies' were part of an inconsistent use of the Prop. 12 funds to initiate a plan of converting Ballona Wetlands into a saltwater bay. The hydraulics studies were aimed at water conveyance dynamics of the Ballona Channel which was outside the Ecological Reserve at issue of restoration. The location of the Project, as stated in the Staff Recommendation was both south of Marina del Rey and south of the Oxford Lagoon. Therefore, any nexus stated later in the Staff

Recommendation with the USACE studies of the area, was misleading at best. As we now know, the initial hydraulics study was faulty and cost \$2 million which led to a follow-up hydraulics study which was also a failure, costing \$2 million dollars which then leads to this current Staff Recommendation for another over one million dollars for the same hydraulics study. The Coastal Conservancy's Ballona Project Manager's role as a Responsible Agency appears to have been ignored as a duty. In a 2017 email exchange between Ms. Small and the US Army Corps of Engineers, the correspondence is vacant of inclusion of the lead agency, CDFW. The topic of the email, was the water conveyance of the Ballona Channel, which is outside the Ecological Reserve boundaries. (See attachment - Mary Small, 2017 email with USACE staff per Ballona Channel studies of water conveyance)

8. The May 27, 2021 Staff Recommendation is inconsistent with the CCR Title 14, Section 630 nonmarine Ecological Reserve –Ballona specific Purpose and Goals registered with the State of CA. via the Office of Administrative Law (OAL).

(See also Department of Finance (DOF) Complaints filed by Grassroots Coalition and John Davis (2012, 2015, all on file with DOF).

9. Additionally, the Conservancy 2005 contract with SSCWRP/SAC provides the Coastal Conservancy's 'preferred alternative', estuarine/ marine which is inconsistent with the 2005 (CCR) Title 14, Section 630 nonmarine Ecological Reserve—Ballona specific Purpose and Goals approved by the Fish & Commission and set forth in the Secretary of State's Registry (Office of Administrative Law, (OAL)).
10. CDFW was and is the lead agency for Ballona Wetlands restoration. CDFW's legal requirements of action affecting Ballona Wetlands Ecological Reserve are to adhere to the purposes for which the Ecological Reserve (ER) was acquired CCR Title 14, Section 630 nonmarine Ecological Reserve. This requirement extends to any/all agreements and Memorandum's of Understanding per Fish & Game Code 1745, which recites that any/all agreements shall adhere to the purpose for which the Ecological Reserve was acquired. The same legal requirements for Ballona ER, required the Coastal Conservancy's adherence. Instead, the Coastal Conservancy, without engaging in revocation proceedings via the Fish & Game Commission to change Ballona's purpose and goals of acquisition, arbitrarily and capriciously inserted their own 'preferred alternative' in 2005 contractual agreements with the Southern California Coastal Water Research Project (SCCWRP) and its Science Advisory Council (SAC) and proceeded to direct public bond funds towards their own goal thereby improperly narrowing and contradicting the lead agency and the Fish and Game Commission approved and OAL registered CCR Title 14, Section 630, Ballona specific Purpose and Goals.

(Slides 9, 10 of 12 Bond ppt) <https://saveballona.org/president.presentations/ballona-wetlands.legal.review.2006.html>

11. The Ballona California Code of Regulations, Section 630 Ecological non marine status is the jurisdiction of the California Fish & Game Commission, not the Ca. Department of Fish & Wildlife, which provides only the recommendation to the California Fish & Game Commission for a requested entry into the Ecological Reserves system in California. CDFW also has a Fish and Game Code regulation (Fish & Game Code Section 1580) that provides general code regulations for the 100 plus ecological reserves in California. Only

the California Fish & Game Commission has the authority to create and/or amend/revoke regulations.

12. The Conservancy is overstepping its authority as the Responsible Agency and is instead acting as the Lead Agency. In so doing, the Conservancy is writing up Staff Recommendations without having an application request for this grant and others. (PRA responses from Coastal Conservancy that no application was provided by CDFW; and for the Feb. 2022 Staff Recommendation, no application was provided by the Bay Foundation.)
13. In 2011, the Dept. of Finance Audit, called out the Conservancy for improperly not garnering applications. Here again, the Conservancy continues to not garner applications for grants and instead acts a lead agency to promote an outcome for Ballona Wetlands for which it does not have the jurisdiction to do so and for which it provides inaccurate and misleading information to Conservancy Board members for approval of the Staff Recommendations.

<https://saveballona.org/president.presentations/ballona-wetlands.legal.review.2006.html>
(slides: 1, 2 of 12; 9,10 of 12)

14. In 2003/4 the Wildlife Conservation Board acquired Ballona Wetlands for \$140 million to protect the natural resources of Ballona Wetlands.
15. In 2005, the Fish & Game Commission officially approved the Ballona Wetlands Ecological Reserve as a 'terrestrial' Title 14, Section 630 Ecological Reserve and registered Ballona under Title 14, Non-Marine, Section 630 (Ecological Reserve) with specific language that stated the reasons for which it was acquired via the Fish & Game Commission approved Purpose and Goals.

California Regulatory Notice Register 2005, Volume No. 20-Z, Starting on **page 663** Ballona Wetlands Ecological Reserve

https://www.dhcs.ca.gov/services/medi-cal/Documents/AB1629/ZREG/ZREG 20-Z 5.20.05_notice.pdf

2005, August 19, Fish & Game Commission hearing. Executive Director Treanor recites per Item 21, inclusion of Ballona Wetlands into Title 14, Section 630, terrestrial ecological reserve at 3:39:33.

<https://cal-span.org/unipage/?site=cal-span&owner=CFG&date=2005-08-19&mode=large>

16. This current Conservancy Recommended Action for the disbursal of up to \$1,692,360 to CDFW is inconsistent with the Purpose and Goals of the Title 14, Non Marine, Section 630 (Ecological Reserve) specific Purposes and Goals established and approved for Ballona Wetlands Ecological Reserve. The grant is inconsistent and fails to alert the reader to the state registered purpose and goals which carry the force of law.
17. The Project Plan at issue in this grant is not sequestered to the Ecological Reserve boundaries but instead requests funding for the Ballona Channel area, which is outside the Ecological Reserve's boundaries. Exhibit 1 is very misleading as it assigns the title— Ballona Wetlands Ecological Reserve to the image provided and delineates in yellow outline, not just the Reserve area but also includes the Ballona Channel as though it is part of the Reserve when it is not.

18. The LA County Board of Supervisors and the Army Corps of Engineers (USACE) have jurisdiction over the Ballona Channel. The Staff Recommendation fails to inform readers that any/all former agreements vis a vis the Water Resource Development Act (WRDA) with the LA County and the USACE have expired and/or been extinguished. No new agreements with either USACE or LA County have been documented by the Coastal Conservancy (Conservancy) or the California Department of Fish & Wildlife (CDFW) as part of this Conservancy recommended action.
19. Furthermore, the Staff Recommendation fails to inform the reader of the serious liability concerns for implementation of this Project Plan by the LA County Flood Control District and USACE. Instead, Staff provides an inaccurate appearance of close and ongoing working relationships between all parties necessary to forward this project plan, without any substantiation. Even the Santa Monica Bay Restoration Authority (Authority = Santa Monica Bay Restoration Commission & LA County Flood Control District) has been extinguished as receiver of funding for this project plan which is ostensibly why the Conservancy is extending this grant directly to CDFW. However, inconsistent with Dept. of Finance regulations and Public Resource Codes, the Conservancy provides no evidence of a CDFW Application for this grant and no non-profit application for this grant.

Currently, it appears that only the Conservancy and possibly CDFW, are continuing to promote this project plan. Any and all information to the contrary, should have been included in the Staff Report in order to provide for honest disclosure.

20. **Fill issues.** The Staff Recommendation relies upon hearsay for Public Resource Code fulfillment as a premise for approval of the grant. Grassroots Coalition and others provided documentation of the inaccuracy of Ms. Small's statements of fill being placed in Area A at up to 20' across the site.. Division 21, Chapter 6, Sect. 31251-31270, essentially discusses indiscriminate use of fill and Staff utilizes this PRC (code) as justification for targeting Area A for excavation to below sea level to remove the hypothetical fill.. SCC cannot verify with any actual documentation that any fill was placed in Area A. The Staff has also been nonresponsive to multiple documents and studies Grassroots Coalition and LA Audubon and others have provided to the Coastal Conservancy, which demonstrate no fill was placed in Area A. (USEPA Wetland Delineation report by T. Huffman 1985; 1990 Playa Vista EIR/Archaeology; HOUSE DOCUMENT 389 cites where Marina del Rey fill was placed for beach enhancement and the foundation for the marina moles and the marina's land areas; this Congressional document also provides discussion of communication with the landowner of Area A (Howard Hughes estate) that also assures that their private property will not be affected; Poland et al Report; Historical Photography). See study images on page 18.

b. 1954 Congressional House Doc 389 and 780 establish Marina del Rey

[Complete 47 pages MDR House Document No. 389 SMB - Public Law 389 5:11:1954](#) 47 page pdf
[Annotated House Document No. 780 SMB - Public Law 780 9-3-1954](#) Rivers and Harbors Act 2 page pdf

21. This issue has been pivotal as a Coastal Conservancy/Bay Foundation reason for need of excavation to remove the fill yet no data has been put forward by either to validate their inaccurate claims. Ms. Small was also a Board Member of the Bay Foundation approximately

during the 2006, 2007 timeframe, while also the Coastal Conservancy project manager for Ballona Wetlands. During this timeframe, the Coastal Conservancy Project Manager acted contrary to adherence of the Fish and Game Commission's approval and registration of Ballona as a Title 14, Terrestrial, NonMarine Section 630 with its own specific purpose and goals. Instead, of alerting the public and guiding CDFW through potential grants to pursue Ballona as a Title 14, NonMarine Section 630 Ecological Reserve and guiding grant management for studies, including hydrology studies to protect the freshwater resources of Ballona—a key purpose of acquisition, the Project Manager pursued with the Bay Foundation, often without any grant applications, grants to the Bay Foundation to promote the idea of excavating Ballona, removal of the Ballona Channel levees to convert Ballona Wetlands into a fully tidal saltwater bay. (See 2010-11 DOF Audit of the Coastal Conservancy citing failure of the Coastal Conservancy to adhere to proper application process with giving out grants. See also the earlier Complaints filed to DOF per Coastal Conservancy by John Davis and Grassroots Coalition that are on file at DOF).

22. SGMA, GDE, LMP. The grant is inconsistent with the Non-Marine, Section 630 (Ecological Reserve) Ballona specific language and also fails to alert the reader to the absence of the required (Fish & Game Code 1019) Land Management Plan that would necessitate hydrology studies of Ballona which are currently absent in the FEIR. And, the Recommendation fails to address the absence of discussion of the Sustainable Groundwater Management Act and its attendant Groundwater Dependent Ecosystem protective requirements for the natural, freshwater hydrology of Ballona. Ballona is acknowledged by the state as a Groundwater Dependent Ecosystem within the Santa Monica Subbasin. Adherence to the SGMA would necessitate cumulative hydrology studies of the Ballona site itself in order to plan for protection of its freshwater resources. Multiple underlying freshwater aquifers classified by the Los Angeles Regional Water Quality Control Board as Drinking Water and Potential Drinking Water underlie all of Ballona Wetlands and Ballona Wetlands Ecological Reserve. The SGMA studies of Ballona as a GDE have only just begun.
23. The Staff Recommendation promotes approval of the Project Plan which promotes the creation of a fully tidal saltwater bay which, according to historical documentation, will contaminate the freshwater aquifers both near surface and deeper as well as surface water. (Congressional House Document 389 & other supporting documents of the creation of Marina del Rey); Poland et al Report) .
24. This Staff Recommendation is inconsistent with adherence to the Porter-Cologne Act, the Clean Water Act, the Sustainable Groundwater Management Act and its attendant Groundwater Dependent Ecosystems. Staff fails to alert the reader to the fact that none of these issues are addressed in the FEIR and are not addressed in the Staff Recommendation.
25. The Staff Recommendation fails to alert or address to the reader(s), the force of legal standing of Title 14, Non Marine Section 630 (Ecological Reserve) specific Purpose and Goals for Ballona's acquisition.
26. The Conservancy fails to address its Public Resource Code role as the Responsible Agency whose role is to consult and advise regarding data gaps that need address including the Conservancy's apparent approval of changing the status of Ballona as a Non Marine Ecological Reserve into a Title 14, Section 632 (Marine Preserve). The Conservancy fails to inform that any change in the approved state status of Ballona would require a Fish & Game Commission Petition to revoke the current status of Ballona as a Non Marine Ecological Reserve with its registered specific Purpose and Goals and require approval of a request for new status as a Section 632 Marine Preserve which aligns with the creation of a full tidal saltwater estuary.

California Regulatory Notice Register 2005, Volume No. 20-Z, Starting on page 663
 Ballona Wetlands Ecological Reserve [https://www.dhcs.ca.gov/services/medical/Documents/AB1629/ZREG/ZREG 20-Z 5.20.05 notice.pdf](https://www.dhcs.ca.gov/services/medical/Documents/AB1629/ZREG/ZREG%20-%205.20.05_notice.pdf)

27. Access. Division 2, Chapter 9, Sect. 31400 et seq. Conservancy consultation as a Responsible Agency has been inconsistent with the code's use in providing access. The Conservancy has been supporting CDFW's withholding of public access, including upon areas already having had hundreds of thousands of dollars in Ballona specific Prop 12 funds utilized to create pathways, kiosks, benches, overlooks, artwork/gated entrances, UNTIL the project plan is allowed to be implemented. The behavior of holding hostage the educational areas that are available for access now, and in areas that have been successfully used during the Interim Management period is inconsistent with the code.

(Note: The Fish & Game Commission has supported opening these Prop 12 funded access areas now, as of Spring, 2022, after repeatedly hearing from the public)

28. Public Response. The Staff Report fails to provide accurate information as to the voluminous DEIR public response against this project plan. Staff claims it is divided, ostensibly meaning equally divided, which is inaccurate.

Staff has been made aware of the over 40 organizations and groups that stand against this project plan including numerous national organizations including the Sierra Club, local and county democratic clubs and homeowner associations. The Draft EIR, received many thousands of letters against the Project Plan. The following is a list of some of the organizations that are against the Conservancy/CDFW Project.

- | | |
|---|--|
| • Green Dream Campaign – Molly Basler | • Genesis Butler & Genesis for Animals |
| • Animal Alliance Network – Ellen Dent | • Youth Climate Save |
| • Angels for Animal Rescue – Joanna Krupa | • Del Rey Residents Association |
| • WorldAnimalNews – Katie Cleary | • California Cultural Resource Preservation Alliance, Inc. |
| • The Animal Rescue Mission – Shira Astrof | • Azul |
| • Torrance Democratic Club | • Animal PAC |
| • Progressive Democrats of the Santa Monica Mountains | • LA Fish Save/Cesar Asebedo |
| • West LA Democratic Club | • Coalition to Preserve LA |
| • LAX Area Democratic Club | • Christians Caring for Creation |
| • Pacific Palisades Democratic Club | • Sierra Club |
| • Westchester Playa Democratic Club | • Eastwood Ranch Foundation |
| • TheirTurn – Donny Moss | • Earthrace Conservation – Los Angeles |
| • Jane UnChained – Jane Velez-Mitchell | • Food & Water Watch |
| • Solartopia – Harvey Wasserman | • Indivisible 43 |
| • LadyFreethinker – Nina Jackel | • Ballona Ecosystem Education Project |
| • Ballona Institute | • Grassroots Coalition |
| • Canyon Back Alliance | • Defense of Place |
| • Climate Reality Project/Los Angeles Chapter | • Protect Playa Now |
| • In Defense of Animals | • Democrats for the Protection of Animals |
| • Alliance for Survival | • Protect Ballona Wetlands |
| • Social Compassion in Legislation | |
| • Los Angeles Audubon Society | |

The following comments on the Conservancy's Staff Recommendation provides additional detail of the 'pattern & practice' of presenting misleading and inaccurate information on the Ballona Wetlands Project by the Conservancy staff. The following provides more of the Conservancy Staff Recommendations in Black with Grassroots Coalition responses in Red. (The link to the complete May 27, 2021 Staff Recommendation is attached in the cover email of this complaint.)

BALLONA WETLANDS RESTORATION PROJECT—Staff Recommendation Page 4 of 20
Why is Ballona Important?

The Ballona Wetlands Restoration Project is a large-scale restoration project proposed by California Department of Fish and Wildlife (CDFW) to enhance native habitats and increase compatible public outdoor recreational opportunities within its Ballona Wetlands Ecological Reserve (Ballona Reserve).

1. The 'restoration project' at issue has been managed by the Conservancy's Ballona Wetlands Project Manager, Mary Small. The Conservancy and its grantee, the Santa Monica Bay Restoration Foundation (Bay Foundation) electronically handed over their completed biological studies for the EIR studies, described as legally defensible, to the County of Los Angeles and the USACE in 2012.
2. The former joint EIR/EIS was considered ended in 2012 as the Conservancy and the Bay Foundation entered into the new process of permitting the project under the Water Resource Development Act (WRDA), but still utilizing the studies from the 2005-2012 timeframe.
3. At this time the Conservancy, acting as Responsible Agency, declared publicly that CDFW was now the lead agency and that an Environmental Impact Report would be provided via the new lead, the California Department of Fish & Wildlife, as part of a 'new EIR process'. And, SCC now states that SCC did not 'manage the EIR process' of studies that are the overwhelming bulk of the studies of the CDFW Final EIR.
4. The Conservancy as the Responsible Agency failed to inform and clarify to the public that CDFW had been the lead agency since 2005, when the Title 14, Section 630 (Ecological Reserve) status with its specific Purpose and Goals as reason for Ballona's acquisition were established.
5. The Conservancy failed to inform the public and the Fish & Game Commission and the Wildlife Conservation Board that the Conservancy would continue to 'manage' the new EIR and promote an outcome for Ballona Wetlands that would be inconsistent with the established 2005 Registry approvals and instead promote the excavation and conversion of the NonMarine Ecological Reserve, into a full tidal, saltwater estuary that had no state approvals.
6. These changes occurred when the 2005-12 Joint EIR/EIS process was extinguished due to the US Army Corps of Engineers' (USACE) belief that they were asked to end the Joint EIR/EIS process by their local sponsor, the Santa Monica Bay Restoration Commission (SMBRC). The SMBRC was not informed of the Water Resource Development Act (WRDA) process while the Director of the (private) Bay Foundation (who was also the Executive Director of the SMBRC) attended the LA County Supervisors meeting in 2012 to claim that the SMBRC wanted an end to the former Joint EIR/S process and had approved entering the WRDA process with the County and the USACE. (The SMBRC, per PRAs for their vote on WRDA process, had no such documentation. And, upon queries made by Grassroots Coalition to the Commission, had no awareness of the

WRDA process.) Ms. Luce was ostensibly acting on behalf of SMBRC without SMBRC approval)

7. The Conservancy EIR studies from 2005-12 are the studies that comprise the CDFW draft and FEIR (2017 -2020).
8. The WRDA process with the Los Angeles County Board of Supervisors brought about new Memorandums of Agreements with various entities. The Santa Monica Bay Restoration Commission and LA County Flood Control jointly became the Santa Monica Bay Restoration Authority (Authority). The Authority was the financial manager for funding to the USACE and for LA County Flood Control District's work on the Ballona 'restoration project'.
9. The Authority no longer exists as it was extinguished in 2021. The WRDA agreements between USACE and the County have been extinguished, as well, according to USACE.
10. The Conservancy's Recommendation provides no evidence of any new agreements or working relationships with the County or USACE.
11. The Conservancy, today has been attempting to distance itself from any involvement in the creation of the current Final Environmental Impact Report (2020), instead portraying the California Department of Fish & Wildlife as the creators of the Project Plan and having leadership control over the environmental studies of the FEIR.
12. The Project Description and Project Alternatives as defined in the Final Environmental Impact Report demonstrates the conversion of the existing habitat for a wholly different and non- historical habitat. The Project Plan is inconsistent with the Fish & Game Commission's Registry (See #'s 4 & 5 previously citing the F&G Commission Registry).
13. The Staff Recommendation fails to address that the Prop. 12 bond monies existed due to the public's approval of taxpayer dollars to be utilized for acquisition of certain properties that are within the Ballona Ecological Reserve boundaries and to provide money for restoration studies for the parcels purchased with this funding. The funding DID NOT purchase the Ballona Flood Control Channel and its levees because these areas are not part of the Ecological Reserve but are property of the Army Corps of Engineers and managed by the Los Angeles County Flood Control District.
14. The Conservancy fails to inform the reader/public of the reasoning and legal, Purpose and Goals of the acquisition of Ballona Wetlands Ecological Reserve, as legally registered into the State of California's Registry. The Coastal Conservancy's absence of disclosure of, and use of the Title 14, NonMarine, Section 630 specific Purpose and Goals for the acquisition of Ballona Wetlands Ecological Reserve has given rise to an unprecedented change in process and procedure.
15. The Registry, Title 14 NonMarine, Section 630 Purpose and Goals provide the premise of the preparation of a Land Management Plan and any/all projects and subsequent Environmental Impact Reports. The Recommendation fails to identify the Ca. Fish & Game Commission's approved legal reason for the acquisition of Ballona and instead, improperly inserts its own inaccurate reasoning:
"to restore the ebb and flow of the ocean" and create a full tidal saltwater estuary, both of which are inconsistent with the Fish & Game Commission's Registry language. And, both

of which are contrary to the Prop. 12 fund approvals which occurred prior to any envisioning of excavating the Ballona Channel and removing the Channel levees to destroy Ballona Wetlands and create a saltwater tidal estuary.

16. No Land Management Plan has been performed for Ballona ER which would have been the initial studies of the Ecological Reserve itself. The California Department of Fish and Wildlife has protocols for hydrological studies for the natural resources of wetland ER. These studies would have provided for the cumulative hydrological conditions in the immediate region of the ER.
17. Conservancy, essentially acting as the lead agency during the 2008 timeframe, proposed to eliminate the Ballona Channel levees that are outside the Ecological Reserve, and recreate new perimeter levees for within the ER. There was a lack of follow through with Ecological Reserve studies under CDFW protocol of Fish and Game Code 1019, the Land Management Plan, and the ensuing Environmental Impact Report did not contain the legal premise within the State's Registry for Ballona Wetlands Ecological Reserve.
18. The Coastal Conservancy has failed to acknowledge and abide by the approvals of the Wildlife Conservation Board and the Fish and Game Commission. In 2005, Ballona was approved as an Ecological Reserve. During the 2005 hearing, Ballona was approved as an ER with CDFW citing that the Land Management Plan would then follow. (see 2005 Fish & Game Commission Aug. 19, 2005 starting at 3:39:33). At the hearing, CDFW explained that \$15 million was available for Ballona environmental studies.
19. The oversimplification cited by Conservancy Staff, including its historic oversimplified use of only the generic Fish and Game Code 1580 (Ecological Reserves) is part of a lengthy pattern and practice of straying from the CDFW process and protocol required by Fish and Game Code Section 1019 and California Code of Regulations Title 14 NonMarine Section 630 (Ecological Reserve) with its specific language of Purpose and Goals for the both the acquisition and-designation of Ballona as an Ecological Reserve.
20. This straying from CDFW protocol occurred as the Conservancy improperly acted as the lead agency, providing Ballona specific, public bond funds, to entities for performance of the Conservancy's Project Manager's choice of studies. The grant funds were often provided to the Project Manager's entity of choice without applications. This type of failure to garner applications is noted in the Department of Finance audit (2010) of improper Conservancy conduct. This lack of garnering applications occurred throughout the 2005-12 joint EIR/EIS process. It appears to continue today.
21. One of the Registry Goals is the protection of Ballona's freshwater resources and the habitat reliant upon that freshwater. A Land Management Plan has specific protocol for fulfillment of wetland hydrologic and ecological evaluation and reasoning as to why it is required according to CDFW regulations.
22. For Ballona, an LMP requires evaluation of the Ecological Reserve's natural resources which necessitates inclusion of its freshwater resources.
23. Instead of acting as Responsible Agency to consult and assist CDFW with its required Section 1019 Land Management Planning studies (required for all ecological reserves acquired after 2002, in a public forum within 18 months after acquisition), and provide the very available public funding for the LMP(\$15 million cited by CDFW at the 2005 ER

approval hearing), the Conservancy's focus, by 2007-08 became the hydraulics studies within the Ballona Flood Control Channel which is outside the Ecological Reserve's boundaries (noted in the 2006 grant for over 6 million dollars that would also provide funding for the 'unanticipated hydraulics studies'). These studies were noted by the Project Manager as 'unanticipated' in 2006. The Prop. 12 bond funds, designated specifically for Ballona were approved years prior to the Conservancy's use of the concept to include areas outside the Ecological Reserve. The 'unanticipated' hydraulics studies were unanticipated as they are studies for hydraulics of an area outside the Ecological Reserve boundaries, within the Ballona Flood Control Channel, only. https://scc.ca.gov/webmaster/ftp/pdf/sccbb/2006/0603/0603Board10b_Ballona_Wetlands.pdf 2006 Staff Recommendation for 'unanticipated hydraulic modeling'.

24. The Conservancy in roughly 2008 began to publicly utilize of the concept to eliminate the Ballona levees and create new perimeter levees on the Ecological Reserve itself.
25. The failure to perform a LMP to assess the Ballona Wetlands prior to determining a 'restoration' project has had numerous deleterious effects. Most significantly, for the Groundwater Sustainability Plan, an unknown quantity of fresh water is being extracted from the groundwater at the Playa Vista development to the east of the BWER. The purpose of such extraction includes pumping and treating contaminated groundwater, and the pumping for the methane mitigation system. Such extraction, which is lowering the groundwater table, is either being sent to the freshwater marsh (a lined marsh), then diverted to the Pacific Ocean (by way of the Ballona flood control Channel), or is being dumped into the sanitary sewer system, which then goes to Hyperion Wastewater Treatment Plant, then dumped into the ocean.
26. And, two unpermitted, public discoveries of CDFW/ Playa Vista surface/subsurface drains in the wetlands, not addressed in the Draft EIR have harmed the hydrology and ecosystem of Ballona according the California Coastal Commission (2014 CCC Letter to CDFW/Playa Vista). It took litigation against CDFW to stop the illegal drainage and have the drains sealed. As a result, winter rains and ponding water has restored large swaths of the endangered Belding's Savannah Sparrow's foraging and nesting habitat, namely pickleweed regrowth throughout the areas.
27. As cited in the [California Coastal Commission \(CCC\) Letter \(4/11/14\) to Playa Vista and CDFW](#) that states draining Ballona is harmful to the ecosystem.
28. The Coastal Conservancy's actions reinforced the introduction of the never before approved concept of removing the levees, to excavate Ballona, destroying hundreds of acres of diverse ecosystems having endangered and rare flora and fauna, for conversion into a fully tidal saltwater bay surrounded by fill.
29. This objective is contrary to the State Register's Title 14, NonMarine Section 630 (Ecological Reserve) specific Purpose and Goals for the acquisition of Ballona Wetlands and inconsistent with the Prop. 12 bond approvals.
30. The plan would create immense, 200 foot wide levees on the perimeter of the Reserve. The new levees would replace rare and necessary habitat to become vector-controlled miles of kill zones for widened, perimeter levees that would never be allowed to exist as wildlife habitat under USACE rules of animal abatement for levee management.

Grassroots Coalition believes the afore cited was and is still, misuse of the Prop. 12 bond funds. The Conservancy exercised inappropriate influence over the 2005-2012 EIR/EIS studies and, excluded the legally required Purpose and Goals of Ballona's acquisition –namely the LMP funding to CDFW, thereby excluding hydrology evaluation of the Reserve's natural resources of freshwater, both surface and groundwater. All of the studies and proposal have been conducted to promote the conversion of Ballona into a saltwater estuary without considering the purpose for which Ballona specifically was designated as an Ecological Reserve. There needs to be acknowledgement of and attendance to the Title 14, NonMarine Section 630 specific purpose and goals of the legal registry of Ballona Wetlands Ecological Reserve. A Title 14, Section 632 Marine Preserve was, and is not, approved by the Wildlife Conservation Board; Fish & Game Commission for the Ballona Wetlands as an Ecological Reserve.

The freshwater resources of Ballona were well known due to the Playa Vista EIR documents from 1990 and the Clean Up and Abatement Order (98-125) of the Los Angeles Regional Water Quality Control Board. In short, it was well understood that the freshwater resources of Ballona wetlands and adjacent areas existed at and near the surface, including multiple underlying freshwater aquifers that are classified as Potential Drinking Water and Drinking Water.

An LMP for the Ballona Wetlands Ecological Reserve still has not been conducted. The Conservancy did not provide for hydrology studies of the Ecological Reserve itself, and the DEIR and FEIR do not discuss the existing freshwater resources of Ballona and/or discuss the freshwater resources in context of the preferred alternative's potential to contaminate the freshwater resources with full tidal influence and toxic flow from Ballona Channel. This huge data gap still exists. The GSP for the Santa Monica Sub Basin identifies the data gap for the area and the inability of the GSP to forecast saltwater intrusion until the data gap is filled by gathering information from monitoring wells that do not yet exist (Appendix F GSP, Technical Memo).

The failure to inform the public of the Ballona Wetlands specific, Title 14, Non-Marine, Section 630 Purpose and Goals, cleared the way for a purposeful effort to narrow the scope of review and mislead Conservancy Board Members, other agencies, and the public as to why Ballona is important and the truthful reasons for its acquisition via public bond dollars. This behavior has led to a non-approved Purpose and Goals for Ballona's conversion into what is essentially a Title 14, Section 632 Marine Preserve which was never approved by the Wildlife Conservation Board or the California Fish and Game Commission who are the parties of authority for acquisition and entry into the Ecological Reserve system of California. They are also responsible for approving Section 632 Marine Preserves, as which Ballona was has never been designated.

The 600-acre Ballona Reserve is one of the largest open spaces in the City of Los Angeles and it is one of the largest remaining opportunities for coastal habitat restoration in Los Angeles County (Exhibit 1). The state of California spent \$140 million to acquire the Ballona Reserve in 2003. The property was considered significant because of its potential for habitat enhancement and the opportunity to create a nature reserve in urban Los Angeles

The fact that Ballona is uniquely a predominantly seasonal freshwater coastal wetland, underlain by multiple freshwater aquifers classified as Potential Drinking Water and Drinking Water, and currently continues to have exceedingly rare habitat, including salt pans with numerous species of rare and endangered wildlife is cause for proceeding with great caution and due diligence led by truthful science and transparency. The site is also a Registered Sacred

Site by John Tommy Rosas (TATTN- Tongva Ancestral Territorial Tribal Nation) Scrutiny of all the factors included in this Complaint can hardly be considered frivolous when there is so much at stake and protection of wildlife and habitat is paramount.

The mechanisms that created the freshwater nature of the Ballona Wetlands was discussed in a scientific paper prepared pursuant to the National Sea Grant Program (Grant #NA 060AR4170012). (Jacobs, Stein and Longcore “*Classification of California Estuaries Based on Natural Closure Patterns: Templates for Restoration and Management*” Southern California Coastal Water Research Project, Technical Report 619 a.(August 2011 revised)). In the paper, Jacobs et. Al. opine that:

[T]he longshore drift of sand rapidly closed the berm connecting Ballona to the sea after major storms and a large freshwater lake was the rule, rather than the exception for the wetlands, even reaching inland up to five miles presumably as a consequence of perching of water behind a berm during modest stream flow episodes. These data are consistent with core data which show intermittent freshwater conditions in Ballona over the last 4,000 [sic] years (Palacios-Fest et al. 2006).

(*Classification of California Estuaries*. at 34.)

Jacobs et. Al., conclude that the Ballona Wetlands is not historically a saltwater marsh subject to tidal influence on a daily basis, but a freshwater wetlands (often a lake) that is intermittently open to the ocean after large storm events. (id. At 25.) In fact, based on narrative histories, it appears that after a flood event in 1825, where the Los Angeles River shifted away from Ballona Creek, the estuary mouth was increasingly closed. In fact, evidence suggests that a double berm would form, with one berm at the mouth of Ballona Creek (or Los Angeles River), separating the Ballona Wetlands from the elongated freshwater lake, along what is now Marina del Rey, and another between the lake and the ocean, further insulating the Ballona Wetlands from salt water intrusion. (id. At 28)

“The Ballona Reserve is a heavily impacted remnant of a much larger historical wetland complex. A once-meandering Ballona Creek was cemented into a straight, concrete channel in the 1920s.

The Ballona Creek did not exit to the Santa Monica Bay, except during exceptional storm years when the water flow broke through the double dune system on the beach area. Thereafter, siltation restored Ballona to a predominantly closed system. When the City of Los Angeles began experiencing flooding due to hardscaping that disallowed percolation of rainwater, the Ballona Channel was created as a meandering channel. However, the meandering nature of the channel caused a slowing of water flow which overtopped the banks of the channel causing flooding. USACE and the County were sued which gave rise to further studies that determined the need to straighten the channel for a fast flow and ultimately the channel was extended into the Santa Monica Bay for delivery of the high volumes of freshwater.

[Ballona Wetlands Preservation and Restoration: California Coastal Commission Hearing June 2013](#) See slide 3 of 48 Ballona Channel



USACE LEVEES <https://saveballona.org/presidents-presentations/ballona-lower-wetlands-levees.information.html>

Approximately 3 million cubic yards of dirt was dumped on top of the wetlands during the construction of Marina del Rey in the 1950s, transforming what had been wetlands abundant with fish and waterfowl into upland and degraded wetlands.

Marina del Rey was not constructed in the 1950s. Marina del Rey was constructed in the 1960s.

Approximately 3 million cubic yards of dirt was dumped on top of the wetlands during the construction of Marina del Rey

Staff does not cite where, or provide evidence of where any ‘dirt was dumped’ that transformed a specific area. This unsubstantiated claim is also key to the reasoning for which the Coastal Conservancy has promoted the removal of the current levees in favor of excavating Ballona to create a fully tidal, saltwater bay with new levees located on the perimeter of the Ballona Ecological Reserve. To the contrary, there are multiple data sources that establish this comment to be erroneous. Neither, the Ca. Coastal Conservancy Staff nor CDFW has refuted the data that demonstrates this comment to be in error.

(LA City Beach Enhancement Program; Congressional House Document 389; Playa Vista EIR, Archaeology Report; photographic evidence; Area A , SoCalGas oil/gaswells & previous ownership-DOGGR records)

Below are images from the Groundwater Sustainability Agency Meeting of Santa Monica Subbasin, August 2021. Presentation starts at 1:04:54. [Meeting Video](#)

Inconsistency of the Record of Fill Placement from Marina Del Rey

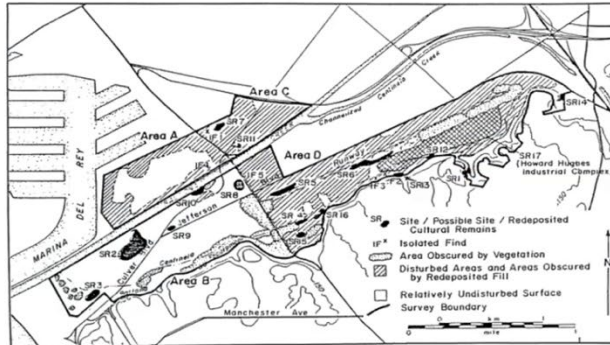
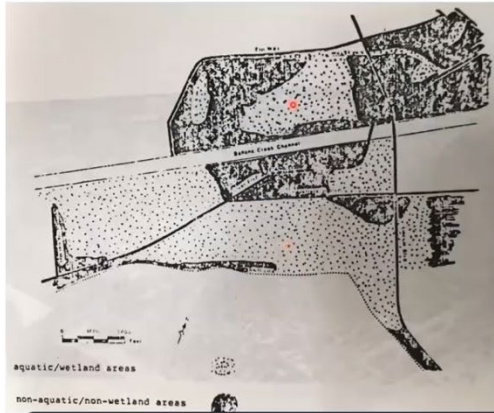


Figure 50. Map Showing the Locations of Previously Unrecorded Cultural Loci and Isolated Finds Identified during the August-September 1990 Cultural Resources Survey in Relation to Existing Surface Conditions.

Above is from the USEPA 1986 HUFFMAN Report which also aligns with the Playa Vista Archaeology Study above



Los Angeles created a beach enhancement and expansion program.

Miles of beaches Both to the north and south of Ballona Channel were enhanced and broadened with sands, dredged out during the creation of Marina del Rey.

Los Angeles Beach Enhancement Program resulting in wide beach creation both north and south of the Ballona Channel.

The Staff statement, “transforming what had been wetlands abundant with fish and waterfowl into upland and degraded wetlands.” provides no substantive support for this claim. Ballona Wetlands is historically established as being a predominantly seasonal freshwater wetland area with multiple ecosystem types, inclusive of uplands that contained then and still do, rare upland grasses (USEPA, T. Huffman Report 1986, 2011 Historical Ecology of Ballona Floodplain). Rare and sensitive habitat areas remain at Ballona that have numerous rare and endangered and other native species reliant upon that habitat. Degradation is nonspecifically discussed which leads to vague and unreliable narrative provided in this area of the Staff Report.

1. Staff provides no supportive data to suggest where and how many fish were ‘abundant’ in any portion of the Ecological Reserve boundaries. To the contrary, historic data and photos demonstrates that the current Area A was not an area of ‘abundant fish’, as it was, in the main, a

higher elevation with seasonal freshwater ponding. Other areas of Ballona ie. Area C was also of higher elevation having seasonal ponding. Records do demonstrate manmade saltwater channels into these areas that currently still provide for saltwater fish entry and use.

In some places the deposited dirt layer is up to 20 feet thick.

Deposited dirt layers do exist at Ballona Wetlands that are part of the current levees and roadways to oil platforms however, the Staff Report does not cite specifics but improperly provides a vague narrative of hearsay.

What once were more than 2, 100-acres of marshes, mud flats, salt pans, and sand dunes currently provides approximately 153 acres of wetland habitat.

Staff again provides a vague narrative ostensibly arguing out-of-existence, the native and now rare native grasslands on the uplands that exist and existed in Ballona Wetlands. Sand dunes are also not ‘wetlands’ by definition. Staff appears to be mixing apples and oranges as the acre figures provided would not correlate to a loss of ‘wetland’ habitat, if that is what is ostensibly being opined.

All aquatic resources within the Reserve are degraded.

Any and all saltwater entry channels into Ballona are impaired waterways as they originate in Los Angeles Regional Water Quality Control Board and Cal EPA noted impaired waterways—namely the Santa Monica Bay, Marina del Rey and the Ballona Channel.

However, and to the contrary of Staff’s statement that ‘all aquatic resources within the Reserve are degraded’, aquatic resources that are derived from seasonal rainwater ponding are not degraded. And, also not classified as impaired, are fresh groundwater resources of Ballona that are either already clean freshwater or it is cleansed freshwater (via the Clean Up and Abatement Order / Playa Vista) that is pumped into the Ballona Reserve via the freshwater marsh system. Staff also does not acknowledge and/or allow the reader to know that the multiple underlying freshwater aquifers of Ballona are both Drinking Water and/or Potential Drinking Water classification by the Los Angeles Regional Water Quality Control Board and that all of the Ecological Reserve’s land areas have been given NO FURTHER ACTION classification by LARWQCB which connotes that no further clean up action needs to occur in the soils/ water of the parcels of the Ecological Reserve.

Any impaired status is also protected from further degradation under Porter-Cologne Act and SGMA. The Conservancy led Project is inconsistent with the Ca. State Registry and the Prop.12 funds were not approved for the Conservancy’s recommended use herein.

Non-native, invasive plants now crowd out native plants and provide less support for native wildlife, including some listed species that continue to occupy the Reserve.

Contrary to the Staff statement above, the Wildlife Conservation Board states:

Property 2, Ballona Wetlands ER (BWER): lies within the city and county of Los Angeles, near the communities of Marina del Rey and Culver City. It is a historic wetland formally owned by private parties until WCB began acquisitions in 2003. BWER is surrounded by and subjected to urban influences; however, listed species and wetland habitats have persisted over the centuries. (Nov. 21, 2019 Wildlife Conservation Board Meeting. 3.3 CDFW So.Coast Region)

And, from a previous Conservancy Staff Recommendation that garnered approval for its funding for Ballona:

"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." File No. 04-088

As can be seen in the attached imagery and write-up by restoration ecologist, Dr. Margot Griswold, native plants are making a strong come-back in areas where the natural seasonal ponding is not drained, diverted, and sent into either the sanitary sewer system and/ or the ocean. CDFW and Playa Vista were noticed by the California Coastal Commission that their unpermitted drains were a violation of the Coastal Act and were harming the hydrology and ecosystems of Ballona Wetlands. (2014 CCC Letter). After repeated letters of request to both CDFW and Playa Vista to seal the unpermitted groundwater and surface water drains, CDFW and Playa Vista were nonresponsive. Grassroots Coalition litigated, over the illegal drains, against both CDFW and Playa Vista and prevailed. Our Settlement Agreement brought the issue back to the California Coastal Commission for enforcement and the drains were finally sealed. The unpermitted drains had been draining the freshwater of Ballona for approximately 20 years, unbeknownst to the public and were not disclosed in the Draft Environmental Impact Report. Since the sealing of the illegal drains, freshwater ponding has been restored, resulting in the wide expanse of pickleweed growth which is the type of habitat used by the endangered Belding's Savannah Sparrow for nesting and foraging.



The Coastal Conservancy's management of the restoration studies of Ballona fail(ed) to disclose and adhere to the specific reasons for Ballona's acquisition, the Title 14 Section 630 (NonMarine Ecological Reserve) Purpose and Goals as approved and registered by the Fish & Game Commission. (2005 Register) Instead, the Coastal Conservancy inserted an outcome of their own design, 'estuarine' and 'full tidal' by 2008. (2004 MOU/ 2008 MOU) Neither the Prop. 12 bonds nor the Title 14, Section 630 specific reasons for the acquisition of Ballona were included in their management of studies or the Memorandum of Agreement language. Acting as a lead agency, rather than a responsible agency, the Coastal Conservancy improperly focused and narrowed the environmental studies of Ballona to exclude hydrology studies of the Ecological Reserve itself thereby excluding freshwater hydrology evaluation. The Conservancy either contracted directly for and/or provided grants (Prop. 12) to The Bay Foundation for studies directed by the Conservancy—often with no application from the Bay Foundation. (Audit DOF 2011 and DOF Complaints-Grassroots Coalition; John Davis) This Staff Recommendation continues the problematical path of lack of disclosure and promotes nonconformance with Ballona's acquisition purpose and goals.

<https://saveballona.org/president.presentations/ballona-wetlands.legal.review.2006.html> Pgs 1 & 2 of 12 and p.5 of 12 - 2004/2008 MOUs

The Conservancy and CDFW have evaded hydrology studies of Ballona's own freshwater natural resources and have instead been performing actions that preclude the disclosure of the unpermitted and permitted dewatering of Ballona Wetlands. The Conservancy's failure to perform as a Responsible Agency, to help guide CDFW and provide available Prop. 12 money for required CDFW studies of its Reserve, has precluded fulfillment of the Fish & Game Code Section 1019 (Land Management Plan/ LMP) which, by design protocol, would have provided for evaluation of the freshwater natural resources of Ballona Wetlands and the Ecological Reserve itself. To date, there continues to be a failure to perform hydrology studies of the freshwater natural resources of Ballona either within the FEIR, within a required (Fish & Game Code Section 1019) Land Management Plan evaluation or, as a Groundwater Dependent Ecosystem (GDE) for which Ballona is acknowledged as a GDE.

Numerous Playa Vista groundwater extraction systems having disposal to either the sanitary sewer system and/or the ocean have been diverting Ballona's natural freshwater away from Ballona. Grassroots Coalition recently challenged, as a wasteful use of freshwater, a Playa Vista requested National Pollutant Discharge Elimination System (NPDES) permit, for disposal of clean, pumped freshwater, into the sanitary sewer system. The LARWQCB did not approve the Playa Vista request. The NPDES permit now stipulates sending the pumped, clean, fresh groundwater to a riparian corridor. The riparian corridor is part of a freshwater marsh system that, in part, allows for the freshwater to overflow into Ballona Wetlands Ecological Reserve. This freshwater provides for clean freshwater year-round. The watershed to Ballona, after the creation of the Ballona Channel, persists, leaving the water table at or near the surface, providing freshwater for vegetation's root systems year-round. (Playa Vista EIR). Neither the DEIR nor the FEIR discuss the available fresh watershed of Ballona Wetlands or the CDFW and Playa Vista unpermitted and permitted drainage of this natural resource away from Ballona. There is no discussion of the ongoing pumping and throwaway of clean freshwater from under the Playa Vista development project and its wasteful discharge into the sanitary sewer system or the ocean via the Playa Vista catch-basin's (aka freshwater marsh system) Main Drain to the Ballona Channel.

The Coastal Conservancy has failed to adhere to the specific State Registry's protection of Ballona's natural resources including freshwater and the habitat (pickleweed) and endangered species (Belding's Savannah Sparrow) historically reliant upon it.

Other areas of Ballona, such as the west end of Area D have had many years of hand weeding to protect native species growth which has resulted in riparian and dune acreage that has been a successfully

accomplished restoration. The riparian areas, including trees are also reliant upon the fresh groundwater. <https://www.ballonafriends.org/restoration>

The United States Environmental Protection Agency (EPA) has determined that all wetland habitats within the Ballona Reserve are impaired.

USEPA's use of the language 'wetland habitats... impaired' is applied loosely pertaining to everything from water sources to habitat vegetation per 'wetlands'. 2012 USEPA/ TMDL. <https://archive.epa.gov/region09/water/archive/tmdl/ballona/BallonaCreekWetlandsTMDL-final.pdf>

The Ballona Reserve consists of multiple habitat types inclusive of dunes, uplands/riparian, salt pans and wetlands with transition habitat that provides for a varied ecosystem within relatively small acreage. The habitat of BWER is predominantly land habitat parcels that have been evaluated by the Los Angeles Regional Water Quality Control Board (LARWQCB) and given the status of No Further Action (NFA), necessary for decontamination. The aquifers underlying the ER are classified by the LARWQCB as Potential Drinking Water & Drinking Water sources. Careful planning to protect, restore and enhance these natural resources per the Governor's Orders pertaining to natural restoration, biodiversity protection and the Sustainable Groundwater Management Act including Ballona as a Groundwater Dependent Ecosystem, are either not adequately evaluated or not evaluated within the FEIR.

(See the EPA Impaired Waterway list which does not include the habitat areas of the Reserve)
EPA has determined that the waterways OUTSIDE the Reserve and/or the entering saltwater and Ballona Channel waters that enter the Reserve through manmade entry channels are impaired. Therefore, any of the manmade channels in the Reserve, that contain this water would be classified as impaired. The Ballona Wetlands Ecological Reserve boundaries exclude the Ballona Channel area. The impaired waters within the Ballona Channel are under the jurisdiction of the Army Corps of Engineers and the LA County Flood Control District and relative agencies handling these impaired waters.

Today, much of the habitat onsite is severely degraded and the Bay Foundation identified a portion of the Ballona Reserve as "among the most degraded wetlands in California" using standardized wetland condition protocols."

Public Record Act responses from the Coastal Conservancy provided Grassroots Coalition with the following internal discussions between the Coastal Conservancy Project Manager and leadership of the Bay Foundation and biological staff of the Bay Foundation pertaining to how to portray the habitat at Ballona. The less than scientific sentiment attached to the email discussion is alarming.

From: [Shelley Luce](#)
To: [Mary Small](#)
Subject: RE: board presentation
Date: Wednesday, January 11, 2012 6:55:23 PM

Hi Mary,

I think the presentation looks good. I think we should include some comparative data to show the need for restoration – e.g. the seed bank data, the exotic veg data and some of the animal data (birds and herps). I saw what karina sent you and it doesn't help us – we need numbers like "99% invasive plants" and "lowest seed bank of any so cal wetland". we also need her graphs that show huge percent exotic veg. versus tiny percent native veg, etc. along with those photos of invasive plants that you already included.

I also think we should mention the TMDL –or not the TMDL itself, but we can list the impairments listed on the 303d list, note that TMDL implementation would be consistent with the restoration and that we can work with partners on my governing board and other agencies and leverage resources that would go into implementing the TMDL.

I can help with slides – why don't you send me one or two in your formatting and I will make some with the graphs imentioned and see if you like them. Or rather, since you have to finish by tomorrow and I am out of the office all day, we will ask karina to insert some graphs. Okay with you?

Shelley

*Shelley Luce, D.Env.
Executive Director
Santa Monica Bay Restoration Commission
Pereira Annex MS:8160
1 LMU Drive, Loyola Marymount University
Los Angeles, CA 90045
310-961-4444*

www.santamonibay.org

From: [Shelley Luce](#)
To: [Karina Johnston](#)
Cc: rsmall@scc.ca.gov
Subject: graphs needed for SCC board presentation
Date: Thursday, January 12, 2012 7:57:56 AM

Hi Karina,

Thank you for the bullets you prepped for Mary, they are helpful. The photos are also perfect. What we still need for the presentation are graphics or numbers that will really make our case. Mary needs to complete the presentation today so can you and your team help us prep the following ASAP?

- one map of existing conditions that shows the site today: an aerial photo with transparent overlay of BASIC habitat types - how much is wetland, how much is upland/vacant lot style. goal is to illustrate how little of the site can be said to be functioning habitat.
- one simple graph showing predominance of invasive species - the one in the BWER draft TMDL is fine, can you please send that to Mary? we need to say "x percent of the site is covered with 99% invasive vegetation" or whatever the actual numbers are. rather than "dominate by invasives" which could mean only 55% covered.
- some species diversity numbers/charts that show how extremely depauperate poor Ballona is. not just "reduced relative to other wetlands" but "lowest seed bank abundance and diversity of any wetland in southern California" - but I need you to give me the right language so I am not mis-stating anything. please give me those #'s or charts or language for seed bank, veg, mammals, birds, fish and herps separately and we'll decide which ones to mention in our presentation.
- any other features of the site or results from your surveys that really illustrate to non-scientists how desperate is the need to restore ecological function and habitat at the site.

I am sorry to ask you for all this today, I hope you or one of your team has time. I think you have all this info readily accessible - if there is something I've requested that is a big pain check with me and we'll decide if it's really needed. please call my cell or email, I will be out of the office all day but checking my phone compulsively. also please suggest other stuff if you think of it - you know these data better than we do! thank you KJ talk to you later today.
shelley

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A recent (April 2022) Public Record Act response from the Ocean Protection Council (California Natural Resources) demonstrates the leadership of the Bay Foundation, during its tenure of creation of the EIR studies with the Coastal Conservancy for Ballona, was ostensibly unaware of the Fish & Game Commission's ruling and induction of Ballona into the California Ecological Reserve System as a Title 14, NonMarine Section 630 Ecological Reserve having Ballona specific Purpose and Goals. Ms. Luce, in an email (2022) requests information from others as to awareness of what McPherson addressed in a Santa Monica Bay Restoration Commission meeting (2022) of Ballona's Ecological Reserve approved status. (Below is the email portion of the PRA. The full PRA response is available and has been sent to the Conservancy Board members and staff, among others)

From: Shelley Luce <sluce@healthebay.org>
Sent: Wednesday, March 2, 2022 1:37 PM
To: Lo-Pickney, Stephanie@Wildlife <Stephanie.Lo-Pickney@Wildlife.ca.gov>; Termini, Valerie@Wildlife <Valerie.Termini@Wildlife.ca.gov>; Scott Culbertson <scott@ballonafriends.org>; Katherine Pease <kpease@healthebay.org>; Gold, Mark@CNRA <Mark.Gold@resources.ca.gov>
Cc: Johnson, Jennifer@CNRA <Jennifer.Johnson@resources.ca.gov>; Aurora Nunez <anunez@healthebay.org>
Subject: RE: Monthly Southern CA Wetland Discussion

Hi all,

Can we make this a 30-minute meeting this week? Katherine is out and I have an 11:30. I am interested in hearing about how the opening of area A to the public is going, and if you all have any knowledge about statements made by McPherson in the last SMBRC Governing Board meeting. She said she met with Fish & Game Commission about "reaffirming" the status of Ballona as non-marine, and some other related things about protecting its status as a groundwater dependent ecosystem.

Thank you,
Shelley

Furthermore, the Bay Foundation's analysis of the Reserve is contradicted by onsite video and photographs which area by area provide actual native vegetation growth not documented by the Bay Foundation. <https://www.flickr.com/photos/stonebird/2389712523> Naturalist Jonathan Coffin photography of Ballona.

Why is Ballona Important?

The Ballona Wetlands Restoration Project is a large-scale restoration project proposed by California Department of Fish and Wildlife (CDFW) to enhance native habitats and increase compatible public outdoor recreational opportunities within its Ballona Wetlands Ecological Reserve (Ballona Reserve). The 600-acre Ballona Reserve is one of the largest open spaces in the City of Los Angeles and it is one of the largest remaining opportunities for coastal habitat restoration in Los Angeles County (Exhibit 1). The state of California spent \$140 million to acquire the Ballona Reserve in 2003. The property was considered significant because of its potential for habitat enhancement and the opportunity to create a nature reserve in urban Los Angeles.

The current FEIR Project, is an enormous industrial scale conversion project not a restoration project.

The current Project will not enhance native habitat but instead destroy the existing habitat, to convert the area into a fully tidal saltwater bay surrounded by miles of vector controlled, non-habitable roadway levees. The FEIR Project is challenged by multiple CEQA lawsuits for inadequacy under CEQA and failure to adhere to the state approved Title 14, NonMarine Ecological Reserve (Section 630) specified Purpose and Goals for which the site was acquired for \$140 million.

The proposed project seeks to NOT enhance the natural resources of the Ballona Reserve which would necessitate protection of the year-round freshwater resources of Ballona as dictated by the 2005 Fish & Game Commission state approvals. The Coastal Conservancy promotes the conversion of the natural habitat into something it never was, namely a fully tidal saltwater bay. The Staff Recommendation supports a conversion of the Section 630 NonMarine Ecological Reserve into a fully tidal saltwater bay. A conversion into a Title 14, Section 632 Marine Preserve has not been approved by the Fish & Game

Commissioners. Such change would require a Fish & Game Commission Petition for revocation proceedings to change the currently approved status into a Section 632 Marine Preserve.

The failure of the Coastal Conservancy to provide funding for a complete Land Management Plan precludes a reasonable evaluation of the freshwater natural resources that are already available to Ballona but are being diverted, wasted as the freshwater is either discharged into the sanitary sewer system and/or the ocean. This Staff Recommendation cannot claim that its use of the remaining Prop 12 funds will be used to enhance the natural resources of the Ballona Reserve as there isn't evaluation of the freshwater natural resources of Ballona contained in the FEIR. **In other words, Staff cannot assert such without knowing what already exists and what will be lost.**

The failure of the Coastal Conservancy's management services to provide funding for a complete Land Management Plan demonstrates the failure of the Conservancy to act as a Responsible Agency and provide consultation to CDFW for adherence to CDFW policies and code (Section 1019 LMP) and adherence to the Title 14 NonMarine, Section 630 Purpose and Goals. (PRC duties of responsible agency, MOU 2004)

“The proposed project is a long-term, science-based plan to restore wetland and their ecological functions by re-establishing connections among the land, the creek and the ocean (Exhibit 4). The project is consistent with the Southern Ca Wetland Recovery Project's 2018 Regional Strategy recommended best practices for the restoration of today's coastal wetlands and enhancement of wetland-upland transition zones to accommodate sea level rise.

Staff fails to inform the Coastal Conservancy Board members and the public of the actual Purpose and Goals for which Ballona was acquired. <https://saveballona.org/president.presentations/ballona-wetlands.legal.review.2006.html> (slide 1, 4; Section 630 Register link) CDFW protocol utilizes the Registry language of purpose and goals as the guiding language for implementation of the required (Section 1019) Land Management Plan and any/all subsequent EIR. The Conservancy in its management of the Ballona environmental studies and overall project management failed to utilize or alert the public to the Title 14, Section 630 Purpose and Goals as the basis of a science-based plan to restore Ballona. Instead, Staff utilizes known inaccuracies, inserting goals that are not approved by the state, namely, ‘re-establishing connections among the land, the creek and the ocean.’ And, “...to reestablish the creek's flood plain and return the daily ebb and flow of tidal waters where feasible.” This is language asserting a goal to convert the Ballona Wetlands into a fully tidal, saltwater bay, a goal not approved under Ballona's registry Title 14, NonMarine Section 630 specific Purpose and Goals. Ballona Wetlands is a predominantly seasonal freshwater wetland closed to the ocean, but for extreme storm events that temporarily opened the ocean to Ballona.

[Historical ecology of the Ballona Creek watershed - The Bay ...](#)

<https://www.santamonicabay.org › 2015/11 › Ball...>

PDF

ballona creek watershed historical ecology project | ... Stein, E.D., S. Dark, T. Longcore, R. Grossinger, N. Hall, and M. Beland. 2010. *Historical ecology*.

The Conservancy improperly ‘manages’ Ballona by restricting potential alternatives, inclusive of restoration of its current freshwater resources, by contracting the Southern California Coastal Water Research Project (SCCWRP) in 2005 to focus upon a goal that is not the approved and 2005 state registered Title 14 NonMarine Section 630 (Ecological Reserve) goal to protect Ballona's freshwater and salt marsh and endangered Belding's Savannah Sparrow and its habitat. Inconsistently, the Conservancy

contracts SCCWRP to focus efforts to convert Ballona into an estuarine environment. (2008 MOU Switch; Bond ppt slides 9,10 of 12) <https://saveballona.org/president.presentations/ballona-wetlands.legal.review.2006.html>

The Coastal Conservancy contracted for an outcome that precluded full environmental review of Ballona's natural resources that would allow for all reasonable alternatives to be considered. Thereby, disallowing for consideration of enhancement of Ballona's natural resources.

The relationship between the Conservancy's Project Manager, simultaneously as a board member of the Bay Foundation during the timeframe of the contracts negotiating the switch to an 'estuarine' outcome for Ballona precluded reasonable evaluation of the Reserve's own natural resources. While, claiming that Ballona was 'drying out' the Project Manager and the Bay Foundation were actively engaged in nondisclosure of the ongoing drainage of Ballona's surface and groundwater via unpermitted Drains. (Legal ppt pgs 9,10) <https://saveballona.org/president.presentations/ballona-wetlands.legal.review.2006.html>

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.

Mike

PSOMAS
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The illegal drains were not disclosed in the Draft EIR. The California Coastal Commission made multiple requests for cooperation to seal the unpermitted drains that the CCC cited as a Coastal Act Violation and harming the hydrology and habitat of Ballona Wetlands. No attempt was made by the Coastal Conservancy, The Bay Foundation or CDFW to disclose the unpermitted drainage of the previous 20 plus years. The so-called 'baseline' studies performed via Conservancy grants, via the Bay Foundation, for vegetation did not disclose the dewatering or the overall negative effects upon the habitat of Ballona. Only after prevailing litigation by Grassroots Coalition against CDFW were the illegal drains sealed via compliance ordered by the Coastal Commission. (CCC 2014 Letter to CDFW; Stop Drying Out Ballona link) <https://saveballona.org/jvstop-drying-out-ballona-wetlands-ecological-reserve-stop-playa-vistas-confiscation-and-throw-away-ballonas-freshwater-resources.html>

As cited in the [California Coastal Commission \(CCC\) Letter \(4/11/14\) to Playa Vista and CDFW](#) ... draining Ballona is harmful to the ecosystem:

This failure to disclose, the lack of science in having no hydrological evaluations performed of Ballona's own natural resources, provides evidence to the undermining of true scientific evaluation of Ballona Wetlands Ecological Reserve.

Absent any project, the Ballona Reserve will lose existing habitat function when sea levels rise because the tide gates that support the existing wetlands and salt pans will have to be permanently closed to prevent flooding of adjacent roadways. At that time, the site will no longer drain and those existing habitat areas are expected to convert to stagnant, flooded ponds. The proposed project is designed to accommodate sea level rise by creating broad areas with gradual slopes that will allow wetlands to migrate across transition areas, “.

The statement above is without merit as demonstrated by the lack of a Land Management Plan which would have provided a baseline for hydrological information of the Reserve itself. The statement does not understand the function and formation of the salt pans are the result of freshwater from surface and groundwater that evaporates, leaving a saline soil. This process will continue without the tide gates as the tidal channels do not contribute tidal flow to the salt pans under current conditions.

Ballona Ecological Reserve is now acknowledged as a Groundwater Dependent Ecosystem under the Sustainable Groundwater Management Act. (Santa Monica Subbasin, Groundwater Sustainability Plan (GSP). However, as yet no hydrological studies have occurred that would evaluate the natural freshwater resources of Ballona inclusive of surface and groundwater, and the current/past and ongoing pumping, diversion and throwaway of Ballona's clean, fresh groundwater into both the sanitary sewer system and the ocean by Playa Vista. CDFW claims itself to be an active board member of Playa Vista's private Ballona Conservancy which also manages the dewatering occurring at Playa Vista. The Conservancy Staff Recommendation does not address Ballona as a Groundwater Dependent Ecosystem and does not address the Sustainable Groundwater Management Act and the environmental harm that will occur to the aquifers and habitat from the CDFW approved contaminated saltwater intrusion, and toxic Ballona Channel waters into the Reserve.

In approving this funding to CDFW, the Conservancy provides public funding to perform studies for property not a part of the Ecological Reserve boundaries, mainly the Ballona Flood Control Channel, and for which there are no current agreements with authority of ownership of the property, namely the LA County Flood Control District and the US Army Corps of Engineers (USACE). The Coastal Conservancy's approval of this funding is contrary to the purpose and goals for which the Ecological Reserve was acquired.

Further, none are opining that no project should occur. Numerous other plan pathways exist. The Reserve is not at risk of sea level rise. Salt pan destruction in Area B will occur as cited in the Plan as it requires much of the levee construction over the salt pan. The salt pan in Area A, per the Plan is intended to be destroyed as part of the area to be excavated for the conversion into a fully tidal saltwater bay.

Should there be a need or desire to raise the levees that currently exist, no exploration of the cost and the smaller construction process has been evaluated. And, no evaluation has been considered for the Ballona Reserve, as has occurred and been implemented on other Ecological Reserves, for active systems to move the tide waters or freshwater. Should there come a time to restrict saltwater intrusion through the current tide gates (which have yet to have a 408 evaluation by the USACE), the FEIR does not provide evaluation of this scenario.

TIDE GATES-

The so-called ‘supporting tide gates’ were created without 408 studies that would have provided important hydrologic evaluation of Ballona Wetlands. (Hanlon letter). The effects upon Ballona’s hydrology from these tide gates is still a part of study that was required but has yet to be performed. (TATTN)

Since there have not been hydrology studies of the Ecological Reserve itself in the FEIR, and no Land Management Plan performed that necessarily would have included hydrology evaluation of Ballona’s freshwater natural resources, such a claim as cited above is hearsay. No studies have been performed that would demonstrate that, if the natural watershed and seasonal rain ponding were allowed to naturally occur and not be hindered by the ongoing and past 20 years of pumping, dewatering and diversion of Ballona’s freshwater to the ocean and the sanitary sewer system—that Ballona would not be able to sustain itself as a flourishing combination of historically accurate, predominantly freshwater ecosystems. The Governor’s Order for natural restoration should be contemplated under scientifically performed scrutiny.

What is known, is that the Staff statement above pertaining to habitat migration is inconsistent with CDFW’s modeling. According to CDFW’s own modeling, the rare salt pans and endangered species’ nesting/ foraging habitat of the Belding’s Savannah Sparrow (pickleweed) will be destroyed. The CDFW modeled destruction of the pickleweed habitat of the Belding’s Savannah Sparrow directly contradicts the Title 14, NonMarine, Section 630 Purpose and Goals of protecting the endangered Beldings and their year- round foraging and nesting habitat. The project is inconsistent with the very Purpose and Goals for which Ballona was acquired. (Register Notice; Presentation map)

There is nothing in the FEIR that discusses raising the levees that currently exist, in order to maintain the utilization of the 2 current culverts. Hydrology studies are lacking in the FEIR. The hydrology of Ballona and its existing freshwater resources, including its multiple underlying freshwater aquifers will, undoubtably be contaminated with saltwater intrusion should a fully tidal bay be created and allow the toxic Ballona Channel runoff to invade the Reserve. These aquifers, the Ballona, Bellflower and Silverado have no studies in the FEIR that would demonstrate that the Plan’s creation of a fully tidal saltwater bay, would not contaminate these aquifers, classified by LARWQCB as drinking water and /or potential drinking water.

Issues not addressed by Conservancy Staff:

Should the water quality change in the area of SoCalGas underground gas storage operations, which would happen if the area is converted into a fully tidal saltwater bay, the Settlement Agreement of SoCalGas in a Proposition 65 litigation, states that SoCalGas will no longer have to remediate the groundwater that it has contaminated, to a Drinking Water Standard which is the standard the court has ordered. There are very likely, other areas of contamination that are acknowledged by SoCalGas in its internal Demolition Studies. Should SoCalGas be allowed to not remediate its contamination in the near surface aquifers to a Drinking Water quality when the Conservancy’s promotion of a full tidal saltwater bay becomes a reality? Where is the evaluation or disclosure of this by the Conservancy to the public and its Board? The Coastal Conservancy does not provide consideration of this issue. (Prop. 65 lawsuit..court case)

California Regulatory Notice Register 2005, Volume No. 20-Z, Starting on page 663 Ballona Wetlands Ecological Reserve

<https://www.dhcs.ca.gov/services/medi-cal/Documents/AB1629/ZREG/ZREG 20-Z 5.20.05 notice.pdf>

Terminology differences are not addressed by the Coastal Conservancy for converting Ballona into a fully tidal saltwater bay, a Marine Preserve (Title 14, Section 632 Marine Preserve) The Coastal Conservancy has not addressed these different meanings of significant impact while utilizing the terms.

Terminology for Marine Reserves have intrinsically different definitions of meaning that do not apply to Section 630 Non Marine Ecological Reserves—which is Ballona Wetlands Ecological Reserve.

Terms such as:

- a. Fish & Game Code 90.1, 'adaptive management' has distinctive meaning that is different for Marine Preserves than for Ecological Reserves. Therefore, any and all use of the term 'adaptive management' use in the EIR becomes confusing and even inappropriate for use within the discussion of restoration of an Ecological Reserve.
- b. Fish & Game Code 99.5, address sustainability of the habitat. "Sustainability" of a Marine Preserve has different connotations than sustainability of an Ecological Reserve.

RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution: The State Coastal Conservancy hereby authorizes disbursement of up to one million six hundred ninety two thousand three hundred and sixty dollars (\$1,692,360) to the California Department of Fish & Wildlife (CDFW) for design and permitting for the restoration of the Ballona Wetlands Ecological Reserve.

This project does not meet the definition of 'restoration' but is instead a conversion project not authorized by the public's Prop. 12 funding agreements and is inconsistent with Title 14, NonMarine Section 630 (Ecological Reserve) Purpose and Goals set forth in the Registry Notice 2005.

Grassroots Coalition has Public Record Act requested the Application(s), if any, provided to the Coastal Conservancy from CDFW for this funding. No application was provided by CDFW for the Staff Recommended funding. The Coastal Conservancy, has on multiple occasions in the past, improperly provided funding without first receiving an application for the funding. (DOF Audit 2011)

The State Coastal Conservancy further authorizes an amount not to exceed five hundred thousand dollars (\$500,000) to Prevention Institute for community engagement in planning the restoration of the Ballona Wetlands Ecological Reserve in Los Angeles County.

The Prevention Institute has since dropped out of its participation in this venture. Hence, the funding is moot. However, Public Record Act responses from the Coastal Conservancy to Grassroots Coalition, witness the lack of application to the Coastal Conservancy by the Prevention Institute for the funding.

Prior to commencement of the community engagement project, Prevention Institute shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 9 of Division 21 of Public Resources Code, regarding a system of public accessways; and with Chapter 6 of Division 21 of the Public Resources Code, regarding the enhancement of natural resources.

PRC 31251- The Coastal Conservancy improperly invokes this code as neither CDFW nor the Conservancy have provided data support for the claim used in the approved grant/Staff Recommendation. Namely, the fill purported by the Conservancy.

There are numerous evidential documents that contradict the hearsay claim of the Conservancy regarding fill placement in Ballona Reserve from the construction of Marina del Rey.

PRC 31400.1 discusses the need to serve more than local access needs. The area is an Ecological Reserve (ER) which has the highest level of protection the state offers. Access ways must be compatible with the ER. Creation of miles of new levees (the access roads) is inconsistent with protection of the ER habitat as the miles of new levees will be under USACE rules of Vector Control, which essentially removes the levees from a habitat function to instead become a 'kill zone' area for any burrowing creatures including via vector control's commonly utilized poison control methods the proposed accessways (levee roadways) may include secondary kill effects inconsistent with protection of wildlife in an Ecological Reserve. None of this is addressed by the Coastal Conservancy.

USACE LEVEES <https://saveballona.org/presidents-presentations/ballona-lower-wetlands-levees.information.html>

The Coastal Conservancy ignores the Sustainable Groundwater Management Act and the Groundwater Dependent Ecosystem –BWER ; and ignores its role in utilizing the Prop 12 funds publicly dedicated for Ballona studies—for both GDE studies that CDFW has protocol and for the missing Land Management Plan of Ballona Wetlands Ecological Reserve that would fill the huge hydrologic data gap of Ballona's own freshwater natural resources and protection to these resources.

Instead, the Coastal Conservancy reaches to give CDFW the remaining Prop. 12 funds for a project that is inconsistent with the protection of water quality and is inconsistent with protection from wasting freshwater into both the sanitary sewer system and the ocean.

Thus, ignoring PRC 31251.2 (a) which is available as a strategic planning tool available to the Coastal Conservancy and Ballona Wetlands Ecological Reserve.

31257. ; the Conservancy may fund up to \$300,000 of the cost of preparing coastal resource enhancement plans. This appears to be more funding, outside of the Prop.12 funds which have always been available for Ballona studies but never discussed by the Conservancy as Responsible Agency to CDFW.

31251.2 (a) In order to enhance the natural or scenic character of coastal resources within the coastal zone, the conservancy may undertake a project or award a grant, consistent with subdivision (a) of Section 30200 and pursuant to this chapter, to enhance a watershed resource that is partly outside of the coastal zone. Any of these projects or grants which involve the management of fish shall be approved by the Department of Fish and Game.

Neither the conservancy nor any other state agency shall undertake a project affecting an area partly inside and partly outside the coastal zone under this chapter, except at the request of the local public agency or agencies having jurisdiction over the entire project area.

31263. If a local public agency or state agency is unable or unwilling to undertake improvement of a deteriorating area, the conservancy may undertake the coastal resource enhancement or authorize a nonprofit organization to do so after notification to the local public agency, if a coastal resource enhancement plan for the area has been prepared by the conservancy and approved as provided in Section 31258.

2. *The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.*

For reasons cited earlier, Grassroots Coalition believes that this proposed project is inconsistent with current Conservancy Project Selection Criteria and Guidelines.

And, it is unknown if the SCC selection criteria was fulfilled per the need of first having had an application provided. If no applications for the funding were given to the SCC, then the comment by Staff above, is inaccurate.

'The Conservancy has adopted Project Selection Criteria, which set forth the evaluation criteria that the Conservancy uses for all of its grant programs. To be eligible for Conservancy funding, a project must address the Solicitation Priorities, above, and the Conservancy's required project selection criteria:

- *Promotion of the Conservancy's statutory programs and purposes (Division 21 of the Public Resources Code).*

The grant is inconsistent with Division 21 of the Public Resource Code for reasons cited herein.

- *Consistency with purposes of the funding source*

Ballona Ecological Reserve must be consistent with the Title 14, NonMarine Ecological Reserve(Section 630) Purposes and Goals as set forth in the state Registry-2005. The approval of the CDFW project and the grant here at issue, is inconsistent with the Purpose and Goals for which Ballona was acquired and is inconsistent with the Prop. 12 funding parameters of approval.

- *Promotion and implementation of state plans and policies (specific plans and policies and the specific goals or objectives within those plans and polices that would be furthered by the project).*

The grant is inconsistent with the purposes for which the ER was acquired. And is inconsistent with Prop. 12 parameters of approval.

- *Support from the public.*

The public organizations are overwhelmingly against this proposed project and grant funding for another Ballona Channel hydraulics study. \$4million of public bond dollars have already been wasted on the incompetent studies done thus far. The studies are inclusive of an area outside the boundaries of the Ecological Reserve, the Ballona Channel. The Ballona Channel is owned and operated by the USACE and Los Angeles Flood Control. Neither of these entities have current agreements in place to forward the proposed CDFW project as the former agreements have expired. The County Board of Supervisors control decision making for the Channel and there are no current agreements or data to demonstrate any District support for removing and replacing the current levees.

- *Location must benefit coastal area, ocean resources.*

The proposed Project cannot demonstrate it provides benefit to the coastal area, or ocean resources. To the contrary, the potential and expected negative environmental consequences of implementation of the Project are provided in the FEIR. (sea level rise harm). No address is provided within the FEIR to demonstrate that the approved Project will not negatively impact the natural watershed and the underlying freshwater aquifers and habitat. The proposed Project is risky, at best, with no ability to restore what is destroyed, once started.

- *Need (desired project or result will not occur without Conservancy participation).*

- *Greater-than-local interest'*

Ballona Wetlands Ecological Reserve is a critically endangered type of wetland habitat that has been lost along the southern California coastline. The predominantly seasonal freshwater nature of Ballona with its attendant underlying freshwater aquifers have become critically rare along the coast of California due to the homogenization of coastal wetlands into full tidal saltwater wetlands, as exemplified by the 2014 study of northern San Diego County wetlands conducted by the San Francisco Estuary Institute.

Historic and Contemporary Acres of Coastal Wetland Habitats

| | Historical (acres) | Contemporary (acres) | % Change |
|--------------------------------|--------------------|----------------------|----------|
| Salt marsh | 1,330 | 1,170 | -12% |
| Salt flat (seasonally flooded) | 1,230 | 120 | -90% |
| Open Water/mud flat | 140 | 980 | 615% |
| Freshwater/brackish wetland | 1,650 | 760 | -54% |
| Developed | | 1,440 | |

From: Northern San Diego County Lagoons Historical Ecology Investigation: Regional Patterns, Local Diversity, And Landscape Trajectories. San Francisco Estuary Institute, 2014.

3. Prevention Institute is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.

The Prevention Institute is no longer a part of this project.

4. The Conservancy has independently reviewed and considered the Ballona Wetlands Restoration Project Environmental Impact Report (EIR) adopted by the California Department of Fish and Wildlife (CDFW) on December 30, 2020 pursuant to the California Environmental Quality Act ("CEQA") and attached to the accompanying staff recommendation as Exhibit 2.

The Conservancy is currently being litigated against by Grassroots Coalition for its approval of the FEIR as a CEQA competent document. And, numerous organizations have ongoing CEQA lawsuits against CDFW for the FEIR failures and inadequacies per fulfillment of proper CEQA review.

5. The Conservancy has reviewed CDFW's CEQA Findings, attached to the accompanying staff recommendation as Exhibit 3, and the Conservancy hereby determines and concludes all of the following:

a. CDFW has identified, disclosed, and adopted the mitigation measures recommended in the EIR by means of a Mitigation Monitoring and Reporting Program, which mitigation measures are not within the Conservancy's jurisdiction;

(See comment above this paragraph)

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Los Angeles County Department of Public Works-Flood Control District (LACFCD) owns and operates the Ballona Creek channel and levee system, which are features of the Federally-authorized flood control project. CDFW will work with LACFCD to obtain a permit from the Army Corps of Engineers (Corps) to modify the Ballona Creek channel. The Corps typically charges project applicants for its staff time to review and process these kinds of permits. CDFW may use some of these funds to pay for the Corps' review.

The earlier County Board of Supervisors approval of an agreement to 'work together' to obtain a permit from the Army Corps of Engineers, has expired and no new agreement for such 'working together' has since been created or approved by the County Board of Supervisors.

New Supervisors have since been elected and have had oversight for Ballona issues. The Supervisors having direct jurisdiction over the Ballona area have provided public positions that are negative towards the CDFW Plan for conversion of Ballona into a full tidal bay. (video(now LA County Supervisor) Holly Mitchell <https://www.youtube.com/watch?v=ymMeSFLKNC> at 1:57seconds)

There is no indication from the County that there will be any approval for the County to work with CDFW towards obtaining the permits for the proposed embayment plan.

Additionally, USACE no longer has any priority emphasis agreements (including the expired Water Resource Development Act (WRDA) agreement for the flood control project as promoted by CDFW.

Tribal Engagement-

The Staff Recommendation fails to provide key Tribal response that is directly adverse to the CDFW Plan to create a fully tidal saltwater bay. The Conservancy and CDFW are fully aware of the contradictory position taken by the Tongva Ancestral Territorial Tribal Nation (TATTN) and its representative, John Tommy Rosas. Ms. Small and CDFW worked directly with Mr. Rosas as a key Tribal representative and yet fail to notify the public of his strong stance against the CDFW Plan. <https://saveballona.org/water/johntommy-rosas-tattn-videos-ballona-wetlands-ecological-reserve-draft-environmental-impact-report.html>

Currently, Mr. Rosas' work has been taken up by Chief Anthony Morales who had attended numerous meetings regarding Ballona and is working to further Mr. Rosas' work and his own kindred beliefs as Chief of the Mission Band of Gabrieleno Tongva.

• **8.6.2020 CCC ANTHONY MORALES (I have standing as Chief of the Gabrieleno - Tongva San Gabriel Band of Mission Indians)**

... McPherson Subject: Power Point submitted for **ANTHONY MORALES** (I have standing as Chief of the Gabrieleno - Tongva San Gabriel ...



TATTN, John Tommy Rosas (Most Likely Descendent (MLD)) website

<https://sites.google.com/view/tongvanation-org/tattn-graphics>

(click on the mast headlines at left)

Outreach-

An extensive planning and public process for the restoration of the Ballona Reserve began in 2004. CDFW, the Conservancy, The Bay Foundation, the Corps, and many others have spent years working with the public, scientists, and other agencies to develop this proposed project to revitalize Ballona Reserve. The Conservancy, CDFW and The Bay Foundation held or attended more than 40 public meetings between 2004 and 2012. In 2006, the Conservancy established a Science Advisory Committee composed of nationally recognized experts. Seven Science Advisory Committee meetings were held between 2006 and 2012, all of them open to the public. In 2006, the project team held a Saturday design charrette with more than 100 members of the public in facilitated discussion with the Science Advisory Committee to develop project alternative concepts.

The Bay Foundation and CDFW staff have made presentations or responded to questions at approximately 75 meetings of various groups since 2006. Four on-site open house days occurred between 2010-2013 that allowed the public access to the Reserve and provided information about the proposed project. Between 2010 –2015, The Bay Foundation held five public one day conferences presenting scientific information about Ballona. Two EIR-specific meetings occurred consisting of a scoping meeting in 2012 and a public comment meeting in 2017. In conjunction with these public process opportunities, CDFW has continued interaction with neighbors, stakeholders, and other public and private entities

The characterization provided above is grossly misleading and inaccurate. Meetings that occurred in the first few years that included the working groups and the 'Interim Stewardship Program' was a good start of inclusion of the stakeholders and public; however, this was short lived and during this timeframe comments from stakeholders and the public were also ignored.

Finding the itinerary of the meetings would demonstrate that most meetings were not specific to Ballona (the 'Symposiums') instead discussing sites in CA and in eastern reaches of the Ballona Channel and areas not specific to BWER. The stakeholders were shut out of significant meetings including the 'Science Advisory Meetings' most of which were telephonic and the public was excluded. The meetings that the public was allowed expression in writing and verbally were provided with no meaningful response to issues of concern and requests for ie. Hydrology studies being performed for the Ecological Reserve itself.

The Watershed Committee meetings that were also supposed to allow subcommittees to deal with specific issues of concern was nonexistent until stakeholders utilizing PRAs demonstrated what was supposed to be occurring but was not. Afterward the state refused to maintain regular meetings and instead allowed for only 1 meeting a year while still refusing to allow the subcommittees and refused to be responsive to comments and queries.

Such a lineup of false narrative speaks to the deliberate obfuscation that has been ongoing to manipulate a process of exclusion and a process to have an end goal that is contrary to the Title 14 Section 630 Purpose and Goals as stated in the Registry of Ballona Wetlands Ecological Reserve. The SCC has been nonresponsive to the public and hostile in response to Public Record Act requests which have been the main source of any truthful information within this closed-door process. The DOF has yet to process earlier Complaints that include documents that support what is stated above. The previously supplied Complaint regarding the SCC and other entities working with the SCC include supportive documents demonstrating extensive use of quid pro quo as well as intimidation to secure support for the conversion plan.

(DOF Complaints; Request for Review and Investigation of Grassroots Coalition and John Davis, on file with the Dept. of Finance)

Also during this period, The Bay Foundation conducted extensive baseline data collection about the existing conditions on site.

A Land Management Plan (LMP) was required to be performed, which has specific protocol and requirements from CDFW. The LMP, per CDFW protocol requires adherence to and use of the language of the Purpose and Goals of the Ecological Reserve's acquisition as established in the state registry. The LMP was never performed and its requirement for hydrology evaluation for wetland resources was never performed. No baseline evaluation could be properly assessed without such data of resources of the Ecological Reserve. Any and all subsequent EIRs or EISs are to lead with the Registry language of the Purpose and Goals for the Ballona ER's acquisition. (Title 14, Section 630 non marine Purpose and Goals) This language was not used or made known to the public by SCC or the Bay Foundation and/or CDFW which has given rise to an unapproved conversion plan of switching a Section 630 non marine ecological reserve into a Section 632 Marine Preserve.

Proof of such deliberate refusal to evaluate the freshwater resources of Ballona by CDFW, Conservancy and the Bay Foundation is obvious. The unpermitted drains, for the past 20 years on Ballona, have harmed the hydrology of Ballona and its habitat as cited by the California Coastal Commission. (CCC 2014 Letter). Had a baseline evaluation actually been done it would have included the presence of the environmentally harmful and illegal drains in the Draft EIR. The Draft EIR fails to mention Ballona's hydrology and fails to mention the illegal drains and their harmful effects to the hydrology and habitat of Ballona. No cumulative studies exist of the ongoing pumping, dewatering and diversion of Ballona's freshwater resources into either the Santa Monica Bay and/or the sanitary sewer system. All of which is also contrary to the Sustainable Groundwater Management Act and multiple anti-wasting of freshwater laws.

The Annenberg skewed narrative is further obfuscation of truth in this Staff Report. The Annenberg desire of having a dog and cat rescue center on Ballona was at issue which is not mentioned in this Staff Report. The later concession of creation of a 'visitor center' as a bargaining chip to allow for the rescue center on an ecological reserve and utilize Annenberg funding for the CDFW fill plans was inappropriate and ultimately stopped due to public outcry. (Annenberg ppt;)

Proposed Restoration Project: (page 8 of 20)

Habitat Enhancement. - The Ballona Wetlands Restoration Project is a long-term, science-based plan to enhance habitat at the Ballona Reserve.

Stakeholders and the public that gave rise to the sale and acquisition of Ballona wish that Ballona would be an honest, best available science, stakeholder inclusive process. We continue to work for this to occur, including having to defend Ballona via litigation in order to bring CDFW and the Conservancy to the table to discuss the pertinent issues of true restoration for Ballona. This can still be achieved.

However, Staff Reports, such as this must be scrutinized and evaluated based upon evidence that is readily available and not simply approved without substantiating evidence of accuracy. *The project's habitat objectives focus on restoring wetland and other ecological functions within the reserve.*

The Conservancy/ CDFW objective of creating a full tidal embayment via exclusion of any other alternative planning or evaluation for sustainability is an inconsistent goal with the Fish & Game Commission registered Title 14, NonMarine, Section 630 specific Purpose and Goals for Ballona Wetlands Ecological Reserve. The Conservancy acting as lead on the Project, managing the production of EIR documents, failed to utilize the State Registry Title 14,

NonMarine Section 630 (Ecological Reserve) Purposes and Goals as the leading language for the Environmental Impact Report's responsibilities of fulfillment as is done under CDFW Ecological Reserve protocol.

The changed objective was not Petitioned for Revocation to the Fish & Game Commission and there is currently no approval for a Title 14, Section 632 Marine Preserve designation with the changed purpose and goal of conversion into a fully tidal saltwater bay. This is inconsistent with the approved status of Ballona as a NonMarine Ecological Reserve (Title 14, Section 630) Purpose and Goals approved and Registered with the State of California.

The loss of the wetlands' historic connections to the creek and the ocean means that many native species no longer thrive there.

Ballona Wetlands continues to have historic watershed connections as its freshwater resources are documented via the Playa Vista Environmental Impact Reports as at or near the surface. There is year-round accessibility to fresh groundwater that the Coastal Conservancy in its use of Prop 12 grants for studies has failed to include address via hydrology studies of Ballona's own natural freshwater resources. CDFW inherited the EIR studies contracted by the Coastal Conservancy. The Coastal Conservancy and the Bay Foundation, the recipient of Conservancy approved funding for EIR studies, have failed to include hydrology studies of Ballona's freshwater resources and failed to adhere to the Sustainable Groundwater Management Act and its attendant requirements of evaluation of Groundwater Dependent Ecosystems, namely Ballona Wetlands Ecological Reserve. The Bay Foundation and the Conservancy failed to alert the California Coastal Commission and the public to the roughly 20 years of unpermitted dewatering of Ballona via unpermitted drains in the wetlands.

This also provides evidence that there has been a deliberate obfuscation of the natural resources of Ballona Wetlands Ecological Reserve.

Repairing the basic structure and function of Ballona Reserve will bring back and provide additional habitat for native plants, birds, and other wildlife, some of which are imperiled and clinging to existence in the region due to loss of habitat.

Agreed however,

The SCC/CDFW Plan will not provide for restoration of Ballona but will instead provide for destruction of currently functioning habitat that has multiple rare and endangered species. Staff fails to acknowledge the inherent risks associated with such industrial scale destruction and recreation that has not been performed elsewhere. Staff fails to discuss the contamination of Ballona's freshwater aquifers that will most certainly happen with toxic saltwater and LA City runoff from the contaminated Ballona Channel. Terms used by Staff such as 'sustainable' and 'adaptive management' as covering for the safety of their Plan's success—have entirely different definitions for marine preserves and nonmarine ecological reserves. However, Staff explains none of this to the reader as to which they are actually using for Ballona. The DEIR and FEIR do not explain which is which or which is being applied to Ballona.

The project will reconnect the land and the sea, so freshwater stream flows and tidal waters can both support a healthy ecosystem.

SCC and CDFW have done no LMP and no hydrology evaluations of Ballona Reserve itself within EIR studies in order to make such a statement. And, this land was not connected to the sea in a regular fashion. There has been no discussion of the freshwater resources of Ballona. In fact, only further obfuscation has occurred via SCC, CDFW and the Bay Foundation as they failed to include any mention of the 20 plus years of drainage via unpermitted drains in the wetlands that have harmed the hydrology and habitat of Ballona. (CCC Letter) Additional pumping, draining and wasting of Ballona's freshwater resources is still ongoing and is not

addressed in either the DEIR or FEIR and Staff here also ignores the Sustainable Groundwater Management Act, and Ballona as a Groundwater Dependent Ecosystem.

Rejuvenating these habitats will allow wetland plants to flourish and attract the insects, reptiles, amphibians, fishes, birds, and mammals.

SCC, CDFW and Playa Vista ignored the requests by the California Coastal Commission to stop the unpermitted drainage that was harming Ballona's hydrology, habitat and wildlife (CCC letters). Grassroots Coalition (GC) was compelled to litigate against CDFW to end this portion of the wasting and throwaway of Ballona's freshwater. GC prevailed in the litigation which gave rise to the CCC implementing orders to CDFW to seal the unpermitted drains. CDFW, utilizing Playa Vista consultants, argued that if the drains were sealed, no ponding would occur in these areas of drainage—both surface and subsurface. Physical evidence documents the great ponding throughout the area once the drains were sealed. Playa Vista/CDFW consultants were once again proven wrong. The area now ponds again with fresh rainwater and allows for percolation downward to the underlying aquifers. The area has also become rife with renewed pickleweed growth. Pickleweed is the nesting/ foraging habitat for the endangered Belding's Savannah Sparrow—a key purpose and goal for acquisition and protection of Ballona as an Ecological Reserve, as is written into the State Registry for Ballona as a NonMarine, Section 630 Ecological Reserve. This language carries the force of law for its enforcement to which the SCC and CDFW have not adhered. It is arguable that the Grassroots Coalition's lawsuit against CDFW and its victory in replenishing Ballona with ponding rainwater has been the most restorative action on Ballona. It follows also that ending other wasteful practices of diversion of Ballona's ground and surface freshwaters will restore Ballona without implementing the risky, harmful, destructive processes SCC and CDFW have contemplated in their 'Plan'. The SCC and CDFW attempt to implement this 'Plan' without ever evaluating Ballona's own restorative capacities, without ever allowing Ballona's freshwater to remain in and on Ballona. Instead CDFW/ Playa Vista and SCC continue in their unscientific waste and throw away of Ballona's freshwater into the ocean and sanitary sewer systems.

*A restored Ballona Reserve will be a refuge for millions of migratory birds and an important nursery area for coastal fish. The proposed project will replace the concrete levees of the Ballona Creek flood control channel with set back earthen levees **to re-establish the creek's floodplain and return the daily ebb and flow of tidal waters** where feasible.*

Ballona as an historic floodplain never had to eliminate all of the waters flowing from inland rainfall prior to all the buildout of Los Angeles which gave rise to vast amounts of rainwater shedding off its hardscaped landscape to flow into the manmade Ballona Channel.

There was not an 'ebb and flow of tidal waters' to restore. This line is fantasy and was used before any historic studies of Ballona were included or performed by Dark et al. 2010. The line stems from the Ca. Coastal Commission litigation with the Friends of Ballona over the Land Use Plans in the late 1980's. During this timeframe, leadership of the CCC (Peter Douglas) set aside environmental investigation in order to fast forward a Settlement Agreement. Slides 2 (Peter Douglas) and ...

<http://saveballona.org/media/California.Coastal.Commission.CCC.Meeting.May.8.2019.Ballona.Wetlands.Restoration.History.Presentation.pdf>

The proposed project will re-arrange about 2 million cubic yards of the soil dumped on the Ballona Reserve when Marina Del Rey was dredged in the 1950s

The CDFW/ SCC PLAN hinges upon this false and undocumented narrative as an excuse to both dig out Ballona and to dump this dirt as fill upon other current wetland habitat, and upland habitat with rare flora (Lewis' Evening Primrose) on Ballona. Even the US Fish and Wildlife Service has stated in the DEIR response comments, that such use, constitutes 'fill' and does not 'create uplands'. Filling of wetlands is illegal.

and use that dirt to construct levees and broad transition habitats on either side of Ballona Creek. Habitats in the area north of the creek and east of Lincoln Blvd. will be enhanced uplands.

Ms Small continues use of this narrative despite US Fish & Wildlife's direct contradiction of the improper use of soils from Area A as 'fill' only and that it is a flimsy excuse of pretense for use as 'enhanced uplands'. (USFWS DEIR) It is likely correct, that no SCC board member will read the DEIR for comments contrary to SCC Staff. Hence, Ms. Small is free to continue writeups that do not provide an accurate narrative.

Habitats in the most southern area of the Ballona Reserve will be enhanced by installing culverts with tide gates to return tidal flow to an isolated salt marsh to create a dynamic tidal habitat supporting a greater diversity of native salt marsh plants and animals over time, see Exhibit 4.

SCC Staff again creates its own convenient version of history of Ballona and does not provide accurate history.

BALLONA WETLANDS RESTORATION PROJECT

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The area south of the Ballona Creek levee in the western portion of the Ballona Reserve currently has wetlands and salt pan habitats where ecological functions are supported through muted tidal exchange via two tide gates.

The two tide gates were never evaluated under a USACE 408 permit study. John Tommy Rosas -TATTN expressly stressed the need for a 408 permit, citing study still needed to be performed as the culverts were not legitimately installed. (TATTN; Hanlon USFWS Letter to USACE re: failure to consult)

The proposed project envisions that this area of the Ballona Reserve will be the final portion to be restored once habitat is established elsewhere.

The tide gates in this area close when tides reach the height of 3.4 feet, to prevent flooding of adjacent roadways. If the Reserve remains in its current condition when sea levels rise these tidegates will need to be kept closed to prevent flooding and the habitat in this area will convert to ponds.

Restoration of Ballona's freshwater resources may alleviate any need for the saltwater intrusive channels. And/or elevation of the levee and repositioning of the tide gates would also readily alleviate this concern should the tide gates be decided to be helpful to Ballona.

The proposed project will enhance habitat immediately and has been designed to increase the Reserve's resilience to sea level rise. Consistent with the Southern CA Wetland Recovery Project's 2018 Regional Strategy, the proposed restoration seeks to restore large contiguous areas with gentle sloping topography to allow for wetland habitat when constructed and wetland migration as sea level rises.

It would appear that Ms Small has not reviewed the sea level modeling contained in the FEIR. Grassroots Coalition does believe the modeling was difficult to find. However, the modeling directly contradicts what Staff recites here. The proposed Plan will not enhance habitat but will cause the loss of extensive areas of rare salt pans and cause the loss of pickleweed growth, hence driving out the very species, the endangered Belding's Savannah Sparrow, that the

Ecological Reserve was acquired to protect. Hence, the 'Plan' works against the Registry Goals and even the goals cited by the Conservancy and CDFW. (Presentation and CDFW/FEIR modeling graph on saltwater intrusion/ Belding's Savannah Sparrow habitat loss and salt pan destruction, Walter Lamb, Ballona Wetlands Landtrust starting at 1:30:26-1:31:22)

<https://www.youtube.com/watch?v=hJAxvdEdV1c>

The following comments are from expert, **Margot Griswold, PhD, Restoration Ecologist** with over 27 years of experience in habitat restoration. Soils, landscape position, and hydrology, coupled with existing and historic vegetation guide her work in restoration. She participated in consensus planning for plant and wildlife habitat within the Habitat Work Group of the Owens Lake Dust Control Project, Inyo County, California. She is past president of the Society for Ecological Restoration California and the Los Angeles Audubon Society. Her integrity and work speaks for itself. **Here are her conclusions pertaining to the Conservancy's and CDFW's approach to climate change at Ballona:**

- The current proposed Plan results in outcomes that are inconsistent with Governor Newsom's goals for the state.
- The proposed (CDFW) Plan will:
 - Make the wetlands less resilient to sea-level rise, losing existing rare coastal habitats almost from the outset. It is the only project on the Pacific coast that proposes to lower a coastal wetland and open it to full tidal influence and existing sea level, to protect the wetland from future sea level rise.
- There will be a loss of existing species diversity both in terms of the soil ecosystem and the above ground ecosystem, from the start of the project, including the loss of increasingly rare regional coastal wetland habitats.
- The removal of 3.2 million cubic yards of soil will result in the loss of carbon currently sequestered in the soil (which was not considered in the Final EIR) as well as loss through the massive operations to move that much soil which is acknowledged as an impact in the Final EIR. It is unlikely that the project, as described, can replace the carbon loss through sequestration.

Regarding the contractual agreements between the Southern California Coastal Water Research Projects (SCCWRP) the Conservancy in 2005, the same year as the Fish & Game Commission's approval and registry of the Title 14, Section 630 (NonMarine Ecological Reserve) specific Purpose and Goals for Ballona Wetlands Ecological Reserve, the Conservancy contracted with SCCWRP to *'contribute to the development and analysis of the preferred restoration alternative.'* The contractual letter states the, "Project Goal- To restore and enhance saltwater influenced wetland habitats." This 'preferred restoration alternative' was inconsistent with the Title 14, Section 630 NonMarine Ecological Reserve reasons for acquisition. The contract continues and states, *"Restoration of seasonal ponds, riparian and freshwater wetlands and upland habitats will be considered where beneficial to another project goal or biological and habitat diversity."* (Slides 9,10 Bond PPT) In short, *the Goal was independently changed by the Conservancy to result in its marine, estuarine 'preferred alternative' which is inconsistent with the Title 14, Section 630 Purpose and Goals as approved and registered by the Fish & Game Commission in 2005.*

During the Fish & Game Commission meeting which approved Ballona as an Ecological Reserve as Title 14, Section 630 NonMarine Ecological Reserve (ER), CDFW stated that once the ER was approved, the Land Management Plan would then follow and also recited that there was \$15 million available for Ballona studies. (video-Fish & Game Commission Aug. 19, 2005)

The proposed project was designed to increase the acreage of transition and upland habitats to allow a broad area for wetland habitat transgression over time. As with all coastal wetlands, extreme sea level rise will convert habitats and other adaptive management strategies may be needed. Further development of sea level rise adaptation strategies will be part of the next phase of design refinement.

The proposed project fails to provide supportive data to assume the comment about increasing acreage above can be achieved. Contradictory data has already been provided by the CDFW sea level modeling. FEIR, APPENDIX Pages 271-275, which demonstrates the destruction of saltmarsh acreage to the undesired mudflats and open water (image below). The Coastal Conservancy is also aware of the Dec. 2021 Bolsa Chica Sustainability report which opines the need TO CLOSE the engineered tidal opening to the sea as the 15 year experiment of full tidal inundation has proven to have destroyed the targeted, endangered salt marsh habitat to open water and mudflats. Hence, the targeted species -Belding's Savannah Sparrow has dangerously declined due to habitat (pickleweed) loss that has been destroyed by the full tidal inundation. This report serves as an additional RED FLAG warning as the recommendation for the Bolsa Chica salt marsh survival now entails the closure of the engineered opening (which also gave rise to unsustainable and yearly dredging events) and reliance upon freshwater.



Ballona Wetlands
Restoration Project

Figure 2-40
Habitat Evolution with Sea Level Rise: 2100 Projection (59 in of Sea Level Rise)

Despite years of requests by stakeholders for hydrology evaluation of the Ballona Reserve itself, the Coastal Conservancy failed to advise and work with the CDFW to create Grant Applications for garnering the available Prop.12 funding for performance of its required Section 1019, Land Management Plan (since 2005 to the present) and failed to advise CDFW regarding an

Application for CDFW funding for a Groundwater Dependent Ecosystem Study under the Groundwater Sustainability Act (SGMA 2014). Hence, contrary to common sense and SGMA, the Conservancy has failed to act as a responsible agency and has instead squandered Prop. 12 funding in performance of unacceptable to USACE, Ballona Channel water conveyance studies wasting \$ 4 million dollars (each study costing \$2million).

The very far western portion of the Ballona Reserve has about four acres of southern dunes that have been restored and maintained by the Friends of the Ballona Wetlands over several decades. The proposed project does not impact these dunes.

The restoration of the western portion of the Ballona Reserve which includes dune and riparian habitat on the flats of Ballona, serves to demonstrate the resiliency of Ballona to natural and here, hand-hewn restoration that abides by the same principles as Governor Newsom has promoted, namely natural restoration working with the available natural resources. This same approach is not considered in the Final EIR for the rest of the Ballona Reserve and needs to be considered as a more beneficial approach. There is no information in the Final EIR that considers the effects of introducing full tidal inundation for the creation of a saltwater bay, that supports this action will not negatively impact this area of restoration. The underlying freshwater aquifers that currently support this area of restoration may well be negatively impacted by saltwater intrusion that negatively affects the vegetation of this area reliant upon freshwater resources. And, according to the imagery of FEIR pages 271-275, the 'dune area' appears to be replaced with BERM/LEVEE construction, which also destroys habitat per what is allowed to grow upon the Berms/Levees- namely nothing with a deeper root system than grasses as is cited by USACE LEVEE MANAGEMENT which includes VECTOR CONTROL. <https://saveballona.org/presidents-presentations/ballona-lower-wetlands-levees.information.html>

Public Access Improvements

A core goal of the proposed project is to create equitable access and allow visitors the chance to experience healthy wetlands and wildlife in a way that provides both educational experiences and maximizes the opportunities for wildlife to thrive. The project will realign the existing bike trails and construct a new bike path atop the project's levees around much of the Ballona Reserve perimeter. The proposed project will also result in approximately 5.5 miles of new pedestrian-only trails and a half-mile elevated boardwalk to allow visitors to walk adjacent to the wetlands. The proposed project will construct two bike and pedestrian bridges to better, and more safely, provide access to the Reserve. Conceptual designs of the proposed access improvements are provided in Exhibit 5.

The proposed new miles of levees will serve to extinguish available habitat and become areas of vector- controlled kill zones to fulfill USACE levee regulations.

The current public access areas are already plentiful and can be maintained without the intrusive and destructive plans cited above.

<https://saveballona.org/presidents-presentations/ballona-lower-wetlands-levees.information.html>

USFWS in DEIR comments their concerns of added fragmentation due to the 'Plan' and the added exposure to wildlife as not adhering to the goals of an Ecological Reserve (F&G Code 1580).

Nearly 10,000 school children (approximately half from Title 1 schools) come to the Ballona Reserve annually through environmental education programs. The Ballona Creek multi-use trail also runs along the north levee of Ballona Creek and is open to the public. However, most of Ballona Reserve is currently closed to the public because of its degraded state.

The comment above pertaining to closure due to degradation is an uncorroborated conclusion. Hundreds of thousands of dollars in public bond funds have been utilized for artistic gates, signage, park benches and kiosk areas in Ballona that are kept off limits to the public even in controlled – educational programs that have a proven track record of safety. Stakeholder continued demonstration of the fallacy of this argument has garnered support from the Fish & Game Commissioners at recent hearings and very **recently CDFW has capitulated finally and opened ie Area A to the public on a weekly basis with protective rules of visitation.** LA Audubon, and other groups have maintained educational tour permits with CDFW for many years and will be continuing with their programs for school children (including Title 1) and adults per Covid allowances. The red herring of ‘closure to the public because of its degraded state’ is false. The Conservancy, staff leadership, here perpetuates its own intent of fulfillment of its ‘management of the EIR’, ‘preferred goal’ of full tidal construction start, in an apparent attempt to hold hostage the access to Ballona vis a vis use of such language and promotion to CDFW. Such behavior has recently been averted through public outcry during Conservancy meetings vis a vis the Coastal Conservancy Board Members’ written request to CDFW for resuming opening areas for access to the public. CDFW has capitulated.

While some members of the public enjoy walking the existing trails in Ballona, the enhanced habitats and wildlife viewing resulting from the proposed project are expected to attract more visitors from around the County.

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This authorization will provide funding for Prevention Institute to conduct robust community engagement to ensure that access improvements are designed with a focus on equity; to refine the public access concepts into more detailed design; and to plan for the management issues associated with increased public access.

The Prevention Institute is no longer a part of this grant proposal.

Neither the Conservancy nor CDFW have provided any supportive documentation for the conclusion offered above. Conservancy grants have already given hundreds of thousands of dollars for trail improvements at Ballona that have gone largely unused, especially in Area A, which until very recently, CDFW had held hostage to its use from organizations providing educational tours per CDFW permit protocol, pending actual restoration go ahead for CDFW. This approach has been found to be inappropriate at best.

South of Ballona Channel, LA Audubon has yearly serviced thousands of people and children to managed, educational tours on trails that exist at Ballona. Friends of Ballona have similarly been allowed by CDFW to perform the same function. Numerous other organizations, including the Ballona Wetlands Landtrust and Ballona Ecosystem Education Project, have also provided educational touring of Ballona and provided their own management work to align with CDFW permits for their educational work. The Conservancy has failed to include these groups who have worked to protect Ballona for over 20 years in this latest consideration of grants for outreach purposes.

Flood Protection & Infrastructure Relocation

The proposed project will maintain existing flood protection and alleviate some existing local flooding. The proposed project includes flood risk management components such as: constructing new engineered levees set back from the existing Ballona Creek channel thereby reestablishing a functioning floodplain for flood attenuation and sea level rise, installing new hydraulic structures to allow for controlled tidal exchange from the Ballona Creek channel to the southern areas of the Reserve, and constructing a retention basin to alleviate neighborhood flooding in Playa del Rey.

The Conservancy provides no data or information of the alleged 'neighborhood flooding' in Playa del Rey.

The Conservancy mischaracterizes the Ballona Wetlands in its inconsistent goal statement, "reestablishing a functioning floodplain..."

The floodplain of the Ballona region was a predominantly closed system to the ocean but for during years of extreme storm events which allowed for inland freshwater flow to break through the double dune system and then silted back in. (Historical Ecology of Ballona Creek , Dark, Longcore et al)

The floodplain/watershed area of Ballona Wetlands persists with multiple underlying freshwater aquifers and interconnected surface freshwater areas. (Playa Vista EIR, Poland Report, USEPA USEPA, 1986 Terri Huffman Ballona Wetland Delineation Report). **The state has also acknowledged Ballona Wetlands/ Ballona Wetlands Ecological Reserve, as a Groundwater Dependent Ecosystem.** Ballona is included in the SGMA, Groundwater Sustainability Plan, which has acknowledged data gaps and need for hydrology data for Ballona. The Final EIR does not provide evaluation of the hydrology of Ballona Wetlands.

*As discussed above, the recommended grant **will support a watershed study** to determine the appropriated design capacity for the proposed project. It is likely that the final design criteria will increase the capacity of the Ballona Creek channel above its existing as-built dimensions.* **(emphasis added)**

This comment is highly misleading as it appears to refer to waterflow within the proposed new LEVEES and does not refer to a true watershed study of the Reserve itself.

This comment should not be ambiguous and should define its meaning. This comment also fails to acknowledge the two REJECTED Ballona Channel water conveyance studies which utilized inaccurate data. The two USACE REJECTED studies cost approximately \$4 million dollars. The Coastal Conservancy has already APPROVED the CERTIFICATION of the FEIR, hence acknowledgement of the absence of freshwater hydrology data for Ballona should require decertification of the FEIR in order to acknowledge this data gap, which, has been verbally acknowledged by the CDFW Land Manager for Ballona. Piecemealing of watershed information now should not be allowed. CDFW has protocol for its Land Management Plan (Section 1019) and Groundwater Dependent Ecosystem study of habitats. **Funding that is acknowledged by both the Conservancy and CDFW for these specific purposes under Title 14, Section 630 Terrestrial/ NonMarine Ballona Ecological Reserve, should occur.**

The EIR also considered the Southern California Gas Company's (SoCalGas') relocation of surface wells and associated infrastructure that currently exist on the Ballona Reserve to allow for restoration of those areas. SoCalGas owns the mineral rights and operates a natural gas storage facility far beneath the surface of the wetlands. SoCalGas also owns easements for surface wells associated with that facility and access roads to service those wells. Operation of the natural gas storage facility predates CDFW's acquisition of the Ballona Reserve. SoCalGas is interested in relocating surface wells and associated infrastructure to their own property, immediately south of the Reserve. The state will not pay to remove any of this infrastructure. Relocating wells and associated infrastructure off the Ballona Reserve will reduce habitat fragmentation and eliminate ongoing disturbances related to operation and maintenance of those wells.

The comment above does not address the infrastructure of SoCalGas that will be exposed to enhanced corrosion damage due to the abandoned wells' exposure to the Conservancy approved creation of a fully tidal saltwater bay's inundation. Such saltwater contamination harm will only add to disturbances related to operation and maintenance of SoCalGas operations and those abandoned wells' potential for leakage due to saltwater corrosion effects upon the metal infrastructures.

The comment does not address the relocation of replacement wells for the wells abandoned in Ballona Wetlands. The relocation is planned to place approximately 7 new wells within 100- to



several hundred feet from existing homes. **The Conservancy's approval of such occurrence is inconsistent with the Governor's work to require new operational wells to have over 3,000 feet of buffer zone to protect residents from harmful oil/gas contamination. The City of Los Angeles and the County of Los Angeles similarly are attempting to secure a buffer zone of over 3,000 feet. (Map of well relocation in FEIR)**

Public Engagement

An extensive planning and public process for the restoration of the Ballona Reserve began in 2004. CDFW, the Conservancy, The Bay Foundation, the Corps, and many others have spent years working with the public, scientists, and other agencies to develop this proposed project to revitalize Ballona Reserve. The Conservancy, CDFW and The Bay Foundation held or attended more than 40 public meetings between 2004 and 2012. In 2006, the Conservancy established a Science Advisory Committee composed of nationally recognized experts. Seven Science Advisory Committee meetings were held between 2006 and 2012, all of them open to the public. In 2006, the project team held a Saturday design charrette with more than 100...

In the beginning, the meetings were a hopeful start with actual communication. The interim management program allowed for public participation. However, as of 2005 when CDFW was actually the lead agency of its Title 14, Section 630 (NonMarine Ecological Reserve) specific Purpose and Goals, the Conservancy stepped in to manage the Ballona dialogue and 'restoration studies', without adherence to Title 14 Section 630 and did not fulfill its actual legal role as a Responsible Agency per Public Resource Code specifics. See the following PPT per failure of the Conservancy, CDFW and Bay Foundation to have transparent, open, meaningful communications.

<https://saveballona.org/president.presentations/ballona-wetlands.legal.review.2006.html>

The litany of 'meetings' above needs to have the agenda of each, scrutinized for anything that actually was related to Ballona as many, if not most became meetings off topic from Ballona itself, and without responsiveness to the public. The Science Advisory Meetings, while stated as 'open to the public', became mainly telephonic meetings that were not open to the public and even meeting minutes were not available to the public online or via Public Record Act requests. (See redacted meeting minutes of the latest Public Record Act requests and apparent privatized meetings with only certain stakeholder groups- email April 2022 from Grassroots Coalition to the Coastal Conservancy)

In the main, most of what the public was able to track and be a participant in was, writing numerous Public Record Act requests. The PRAs with queries included, in the main, responses that stated the queries were not PRA documents therefore there was no need of response. Litigation also was often necessary to even retrieve PRA responses.

As for the Bay Foundation, it has been and continues to be a nonresponsive private business that also has incurred multiple lawsuits for its less than transparent behavior. The Conservancy's Ballona Project Manager was also a board member of this private business. Conflict of interest and improper conduct has been the history of the Conservancy and the Bay Foundation as is also noted for the Conservancy in the Dept. of Finance Audit of 2011.

<https://saveballona.org/president.presentations/ballona-wetlands.legal.review.2006.html>

3. Promotion and implementation of state plans and policies:

Support of the public: There is significant support for the proposed project. The project is supported by Friends of Ballona Wetlands, Heal the Bay, Los Angeles Waterkeeper, California Audubon, Trust for Public Land, and Surfrider Foundation. There is also opposition to the project from several local organizations including: The Ballona Wetlands Land Trust, Ballona Ecosystem Education Project, Defend Ballona Wetlands, and Grassroots Coalition. The extensive public comments on the EIR (Exhibit 2) were divided between comments supporting and opposing the proposed project.

The Conservancy language above is misleading. In Defense of Animals alone as an organization provided approximately 7,000 letters of opposition. The letters against the project overwhelmingly are against the Project. Additionally, Los Angeles Audubon Society opposes the project, an organization with the oldest education program at the Ballona Wetlands Ecological Reserve. See a list of opposing organizations that the Conservancy excluded in the grant recommendation are below:

- Green Dream Campaign – Molly Basler
- Animal Alliance Network – Ellen Dent
- Angels for Animal Rescue – Joanna Krupa
- WorldAnimalNews – Katie Cleary
- The Animal Rescue Mission – Shira Astrof
- Torrance Democratic Club
- Progressive Democrats of the Santa Monica Mountains
- West LA Democratic Club
- LAX Area Democratic Club
- Pacific Palisades Democratic Club
- Westchester Playa Democratic Club
- TheirTurn – Donny Moss
- Jane UnChained – Jane Velez-Mitchell
- Solartopia – Harvey Wasserman
- LadyFreethinker – Nina Jackel
- Ballona Institute
- Canyon Back Alliance
- Climate Reality Project/Los Angeles Chapter
- In Defense of Animals
- Alliance for Survival
- Social Compassion in Legislation
- Genesis Butler & Genesis for Animals
- Youth Climate Save
- Del Rey Residents Association
- California Cultural Resource Preservation Alliance, Inc.
- Azul
- Animal PAC
- LA Fish Save/Cesar Asebedo
- Coalition to Preserve LA
- Christians Caring for Creation
- Sierra Club
- Eastwood Ranch Foundation
- Earthrace Conservation – Los Angeles
- Food & Water Watch
- Indivisible 43
- Ballona Ecosystem Education Project
- Grassroots Coalition
- Defense of Place
- Protect Playa Now
- Democrats for the Protection of Animals
- Protect Ballona Wetlands
- Los Angeles Audubon Society

California's General Obligation Bond Law, Government Code Section 16727(a). All of the work to be funded under this authorization is directly related to the Ballona Wetlands Restoration Project and therefore qualifies for funding under Proposition 12.

Proposition 12 funding had numerous purpose and goal attachments to its language, inconsistent with the current proposal to destroy Ballona Wetlands with an industrial scale excavation, to convert Ballona Wetlands into a fully tidal saltwater bay with the creation of enormous new levee structures on the perimeter of the Ecological Reserve. The levees are not habitat as they are flood control, roadway structures and under USACE levee regulations of Vector Control to kill any burrowing creatures and keep the area as mowed grass. The levees may become secondary kill zones via indirect killing of wildlife that feed upon poisoned moles, voles, rabbits etc.

The Prop 12 funding should be consistent with Ballona as a Title 14, Terrestrial, NonMarine Section 630 Ecological Reserve as Registered with the Office of Administrative Law.

The Prop. 12 funding should not be, as has here occurred, be public funds that are doled out by the Conservancy to CDFW without CDFW having provided an application for this grant. And its Land Manager not being apprised of the need for a grant application, and for the Land Manager to not be advised of the Conservancy's grant procedures and process. Recent telephonic communications with the CDFW Land Manager demonstrate that the Land Manager is unable to discuss the grant process of the Conservancy and was unaware of any need for CDFW to place a grant application for funding.

The Conservancy again appears to be running this process to comport with its 'preferred goal' of 'restoring the ebb and flow of the ocean' which is inconsistent with the Fish and Game Commission's approval and registration of Ballona as a Title 14, Terrestrial, NonMarine Ecological Reserve with its own specific Purpose and Goals.

The Conservancy violates and continues to avoid the premise for which Ballona was acquired.

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CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is consistent with Division 21, Chapter 6, Sections 31251-31270 of the Public Resources Code, which states that the Conservancy may provide grants to public agencies and nonprofit organizations for the purpose of "enhancement of coastal resources that, because of indiscriminate dredging or filling ... have suffered loss of natural and scenic values." The Ballona Reserve has lost many of its natural values through the deposit of approximately 3 million cubic yards of dredge material. The proposed project seeks to advance the restoration of ecological function at the Ballona Reserve. Consistent with Section 31253, the Conservancy may provide up to the total cost of any coastal resource enhancement project and as the project funding is reserved specifically for Ballona Reserve, the proposed project is consistent with this section.

The proposed project is inconsistent with the Purpose and Goals for which Ballona Ecological Reserve was acquired under Title 14, Terrestrial, NonMarine Ecological Reserve Section 630 approved by the Fish and Game Commission and registered with the Office of Administrative Law in 2005. As noteworthy in this grant, the Conservancy, once again fails to alert the Board Members and the public to the Title 14, NonMarine Section 630 Ballona Ecological Reserve's approved status of induction into the Ecological Reserve system of California.

(See also, earlier response to this matter)

"The proposed project is consistent with Division 21, Chapter 6, Sections 31251-31270 of the Public Resources Code, which states that the Conservancy may provide grants to public agencies and nonprofit organizations for the purpose of "enhancement of coastal resources..."

The proposed project is inconsistent with Division 21, Chapter 6, Sections 31251-31270 of the Public Resource Code because the Fish & Game Code 1745 also states that such grants to public agencies and nonprofit organizations shall adhere to the reasons for which the land was acquired. Title 14, Section 630 (Terrestrial, NonMarine Ecological Reserve) specific Purpose and Goals of Ballona Wetlands Ecological Reserve carry the force of law and yet the Conservancy does not adhere to this Registered language of the Ballona ER. Instead, the Conservancy has inserted a purpose and goal not approved, namely 'to restore the ebb and flow of the ocean'. This non approved goal is at the heart of this grant to fund another hydraulics study of contaminated water flow within the proposed saltwater bay to be contained by new perimeter levees at the edge of the Ecological Reserve.

The Ballona Channel is not part of the Ecological Reserve boundary area and there are no new agreements provided by either the Conservancy or CDFW to demonstrate there is any support for this proposed embayment from either USACE or the County of Los Angeles. If such agreements existed, then the request could/should alert the public and the County Supervisors and USACE.

The proposed project is 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 coastal resources. Consistent with Section 31400.1, the Conservancy may award grants to public agencies to develop lands for public access purposes to and along the coast.

The proposed project is consistent with Section 31113 of the Public Resources Code, which directs the Conservancy to undertake projects that address the impacts of climate change, including "using natural ecological systems or processes to reduce vulnerability to climate change related hazards, or other related climate change effects, while increasing the long-term

adaptive capacity of coastal and inland areas by perpetuating or restoring ecosystem services". This project reduces existing vulnerability of the Ballona Reserve to the impacts of sea level rise and restores ecological process and ecosystem services. Finally, the proposed project is consistent with Section 31111 of the Public Resources Code, which authorizes the Conservancy to implement Division 21 by awarding grants to public agencies and nonprofit organizations to prepare plans and feasibility studies and provide technical assistance. Section 31017 of the Public Resources Code defines the term "public agency" to include state agencies

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

A Local Coastal Program was never completed for the Ballona Reserve area. 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 Public Resources Code Section 30001.5, as the proposed project will protect, enhance, and restore the natural resources of the site and expand public recreational opportunities consistent with conservation of those resources

The Project is inconsistent with the Coastal Act as the actions of the Conservancy as a Responsible Agency having managed the studies of Ballona, have not provided for transparency and fulfillment of a project plan that would provide protection and enhancement to Ballona's freshwater resources, its saltmarsh and its Belding's Savannah Sparrow and attendant habitat (Section 630 Ballona Purpose and Goals). The Conservancy was party to all of the studies and work via the Bay Foundation and failed to advise CDFW of its irresponsible activities that have harmed the hydrology and ecosystems of Ballona. The Draft Environmental document failed to alert the public and agencies to the Coastal Act violation of harming the hydrology and ecosystems of Ballona via the unpermitted drainage of freshwater away from Ballona via unpermitted Drains. Instead of restoring the natural resources of Ballona, the Conservancy and CDFW under the Conservancy's consult, harmed the hydrology and ecosystems of Ballona during the project studies to the present because of continued dewatering that CDFW and the Conservancy have management oversight. Neither have provided any attempt to fulfill the required Land Management Plan and/or a Groundwater Dependent Ecosystem evaluation under the Sustainable Groundwater Management Act. There has only been a pattern and practice of ignoring the natural resources of Ballona in order to further an agenda and goal not approved by the Fish & Game Commission and that was not a part of the Wildlife Conservation Board's approvals for Ballona's acquisition.

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CONSISTENCY WITH CONSERVANCY'S 2018-2022 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with Goal 2, Objective E of the Conservancy's 2018-2022 Strategic Plan, the proposed project will design trails that will connect to the coast. Consistent with Goal 6, Objective A of the Conservancy's 2018-2022 Strategic Plan, the proposed project will develop a restoration plan for a coastal habitat.

The Conservancy is inconsistent with its role as Responsible Agency wherein it advises the lead agency which is CDFW.

The Conservancy is inconsistent in its "proposed project...develop(ing) a restoration plan for a coastal habitat." The Conservancy is not the lead agency. The Conservancy's goals are inconsistent with the approved and registered Fish & Game Commission's Title 14, Section 630 (Non Marine Ecological Reserve) specific Purpose and Goals for Ballona Ecological Reserve.

CEQA COMPLIANCE:

The Ballona Wetlands Restoration Project Draft Environmental Impact Statement/Draft Environmental Impact Report (September 2017) (State Clearinghouse No. 2012071090; "Draft EIR") was released for public review on September 25, 2017. The public comment period on the Draft EIR was extended once and closed on February 5, 2018. On December 18, 2019, CDFW released the Final Ballona Wetlands Restoration Project EIR ("Final EIR"). As described in section

1.2 of the Final EIR, it is made up of the Draft EIR, CDFW's responses to comments on the Draft EIR, and CDFW's revisions to the Draft EIR.

CD

The Conservancy's role with respect to funding the restoration project is that of a CEQA responsible agency. A responsible agency follows the process laid out in 14 Cal. Code of Regulations Section 15096 (CEQA Guidelines). Generally, a responsible agency is a government agency that issues permits to or partially funds another agency's project. Accordingly, in order to proceed with the funding of the Ballona Wetlands Restoration project, the Conservancy must comply with section 15096. That section requires the responsible agency to consider the environmental effects disclosed in the lead agency's EIR then to reach its own conclusions on whether and how to approve the project involved. That section also requires the responsible agency to make findings (under CEQA Guidelines Section 15091) for each significant effect of the project. Staff's recommended set of actions below with respect to the Conservancy's responsible agency role in this project are consistent with actions taken by other public agencies in a CEQA responsible agency role.

The Conservancy has acted as the lead agency rather than acting as Responsible Agency. Contrary to Ca. Code Section 15096, the Conservancy, in its management of the studies and insertion of its own purpose and goals for Ballona has acted outside its role as a Responsible Agency and instead improperly acted as lead agency and has not adhered to the Fish & Game Commission's approval and registration of Ballona Wetlands under Title 14, Section 630 (Non-Marine Ecological Reserve) with specific Purpose and Goals.

Staff has reviewed CDFW's EIR for the Ballona Wetlands Restoration project and has further reviewed CDFW's CEQA Findings and Mitigation

*'Section 15096 - **Process for a Responsible Agency** (a) General. ... A responsible agency shall respond to consultation by the lead agency in order to assist the lead agency in preparing adequate environmental documents for the project.' Cal code section 15096*

SCC failed to utilize and embrace and consult per the title 14, section 630

And instead has worked throughout its involvement with Ballona Wetlands to promote its own agenda, inserting its own purpose and goals which align with section 632 (Marine Preserve) without naming it. The Conservancy, without providing a Petition for Revocation to change the status of Ballona via the Fish & Game Commission and without garnering an approval for such change has inserted its own purpose and goals, namely 'to restore the ebb and flow of the ocean'.

(g) Adoption of Alternatives or Mitigation Measures.

(1) When considering alternatives and mitigation measures, a responsible agency is more limited than a lead agency. A responsible agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.

(2) When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures

within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. With respect to a project which includes housing development, the responsible agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

(h) Findings. The responsible agency shall make the findings required by Section 15091 for each significant effect of the project and shall make the findings in Section 15093 if necessary.

Please review this inappropriate and ill-advised grant recommendation and provide response to the public.

Thank you for your attention to these matters of grave environmental concern and widespread public outcry and concern,

Patricia McPherson, Grassroots Coalition

Ballona Wetlands Restoration Project

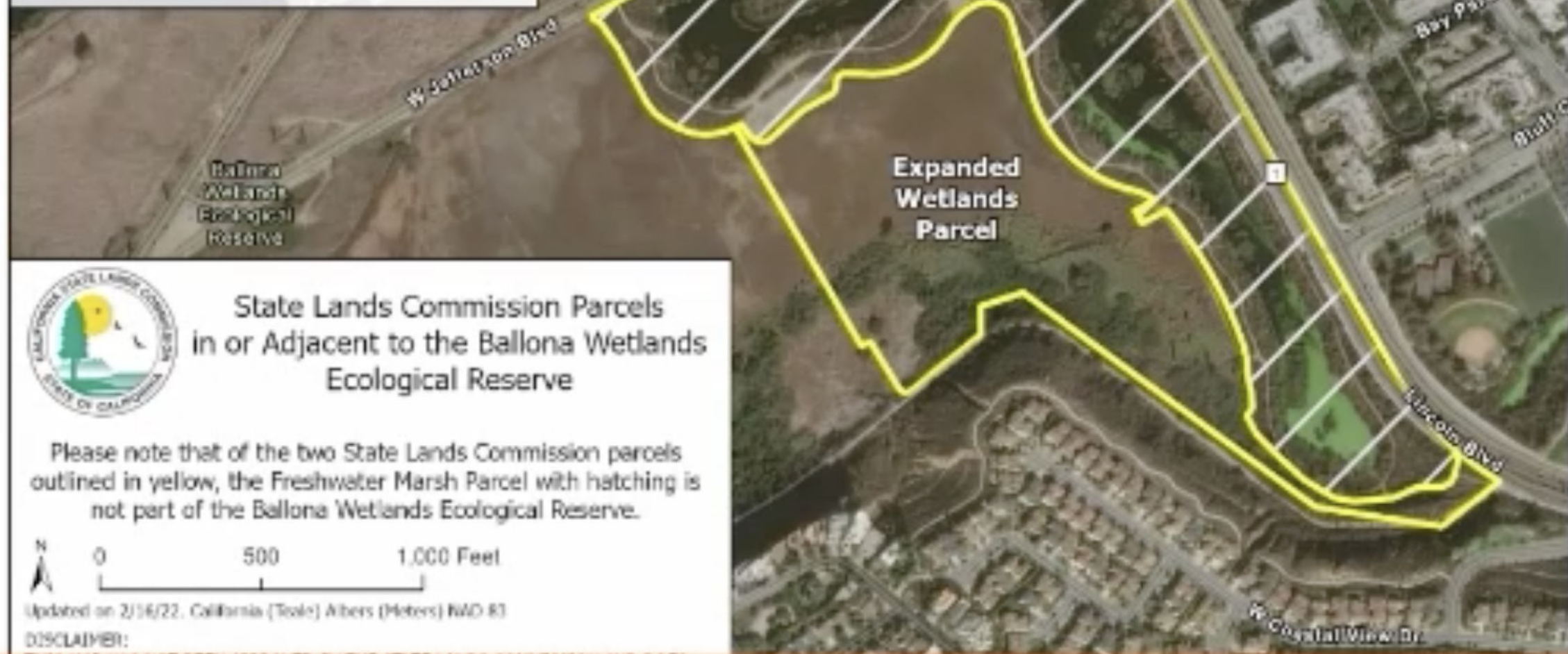
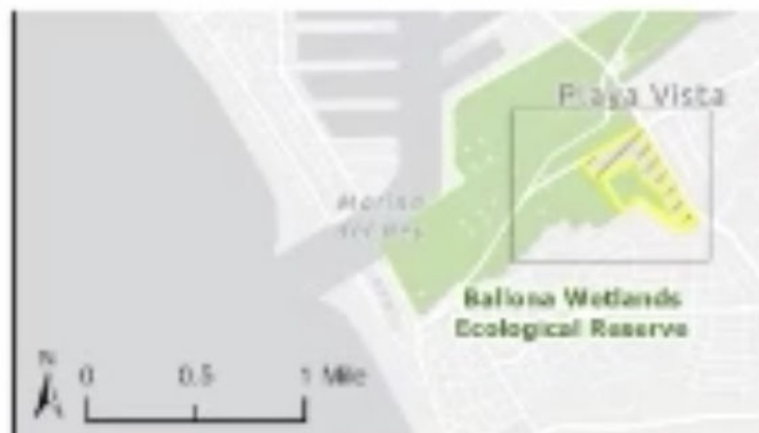
Sequence 1 and 2 Design and Permitting Solicitation Announcement

CDFW is pleased to announce that, as of April 1, 2022, we are requesting proposals from qualified firms to complete necessary designs and acquire necessary permits for Sequences 1 and 2 for the Ballona Wetlands Restoration Project.

More information can be found in the complete [Request for Qualifications](#) (RFQ).

CDFW is excited to take this step in order to begin the initial two sequences of the restoration project. These two sequences involve removing and relocating an existing gas line and restoring and enhancing an approximate 60-acre degraded tidal, brackish, and freshwater wetland area in South and Southeast Area B of the ecological reserve (as analyzed in the [Ballona Restoration Environmental Impact Report](#)).

- These initial improvements will benefit endangered species. They will functionally lift and expand approximately 60 acres of habitat for the Belding's savannah sparrow and improve and expand freshwater and brackish habitat for least Bell's vireo and potentially light-footed Ridgway's rail.
- With minimal ground disturbance and a focus on improving hydrology, these initial sequences will increase tidal circulation and freshwater inputs (receiving flows from the Ballona Freshwater Marsh) to an area of the ecological reserve that has been hydrologically starved from its water source for many decades and, subsequently, where steady habitat decline is documented.



State Lands Commission Parcels in or Adjacent to the Ballona Wetlands Ecological Reserve

Please note that of the two State Lands Commission parcels outlined in yellow, the Freshwater Marsh Parcel with hatching is not part of the Ballona Wetlands Ecological Reserve.

Updated on 2/16/22. California (Toole) Aibers (Meters) NAD 83

DISCLAIMER:



Bolsa Chica Sustainability Report raises Red Flag on Ballona Wetlands Ecological Reserve Final Environmental Impact Report's Preferred Alternative



There are five Ballona Wetlands Ecological Reserve (BWER) Lawsuits against a highly deficient Final Environmental Impact Report. The Preferred Alternative is to convert Ballona into a Saltwater Bay which is inconsistent with the State's registered purpose for acquisition of Ballona as a Terrestrial, NonMarine Ecological Reserve.

These lawsuits could go on for many years at great expense. Instead let's learn from the Owens Lake Collaborative's highly successful habitat restoration, after hiring a professional, impartial facilitator to guide about forty stakeholders through a fair, unbiased, science driven process. <https://saveballona.org/opposition-ballona-wetland-ecological-reserve-fi...>

Is there the will for a collaborative Ballona approach, among CDFW, State Lands, LA County, NGO's, private businesses?

An impartial Facilitator is key to the process.

Funding for a Facilitator and for public agency personnel to attend meetings will be necessary, and possibly science and engineering specialists.

In 1908 William Mullholland, a civil engineer began construction of the Los Angeles Department of Water and Power (LADWP) 233 Mile Aqueduct. In 1913 the Aqueduct began bringing freshwater to LA.

Owens Valley farms began to fail due to over-pumping of freshwater. In 1928 the St. Francis Dam Disaster collapsed killing over 450 people. The Lake became a dust bowl, creating huge, life threatening dust storms. Wildlife suffered. Finally, about ten year ago stakeholders, agencies and the LADWP agreed something drastic needed to be done to correct the Dust Bowl which was created by the Aqueduct Project.

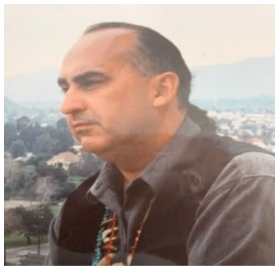
Restoration Ecologist Dr. Margot Griswold was part of the successful habitat restoration at Owens Valley. She shares her experience in the collaborative planning of the mitigation for the Dust Storms in the Valley. She wants the process used for Ballona. <https://youtu.be/e2F15wYL6co> 26 minutes

See Huell Howser of CALIFORNIA GOLD explore LA Department of Water & Power Habitat Restoration of Owens Lake from 2002 to 2008 <https://blogs.chapman.edu/huell-howser-archives/2008/08/12/owens-river-h...> 56 min

Bolsa Chica's 2021 Sustainability Report raises **Red Flag** after a 15 year experiment of engineered, full-tidal opening– Urgent Closure Remediation is recommended to restore the destroyed Salt Marsh Habitat and Endangered Species Loss. <https://saveballona.org/lessons-applicable-ballona-wetlands-rehabilitation-bolsa-chica-2022-report-proposed-remediation-2006-full-tidal-restoration.html>



The Bolsa Chica Report provides an immediate **Red Flag** warning for conversion of Ballona Wetlands Ecological Reserve into a Saltwater Bay, below sea level. Like Bolsa Chica, at Ballona an engineered, full tidal opening will destroy Salt Marsh Habitat, and its reliant Endangered Species, to become mudflats and open water. **Bolsa Chica Wetlands in need of significant restoration to maintain sensitive ecology study finds.** <https://www.latimes.com/socal/daily-pilot/news/story/2022-03-06/bolsa-ch...>



Ballona Wetlands Ecological Reserve is a SACRED NATIVE AMERICAN SITE -

The lands and waters of Ballona are part of the Tongva Village of Saangna. *"This is a SACRED SITE registered by the Tongva Ancestral Territorial Tribal Nation..."*, states TATTN spokesperson and tribal leader John Tommy Rosas.

TATTN statements to the California Coastal Commission:

..."Playa Vista ruined and illegally diverted the fresh water pre-existing for millennia by their illegal freshwater marsh and its illegal water discharges in the *Ballona* Creek Channel --at approximately 500,000 gallons per day... Playa Vista math-- my math has it way higher." *John Tommy Rosas, TATTN.*

Both John Tommy Rosas and Anthony Morales Standing Chief of the Gabrieleno Tongva San Gabriel Band of Mission Indians oppose the "Big Dig" and acknowledge Ballona is a predominantly seasonal freshwater wetland and should remain one. <https://saveballona.org/862020-ccc-anthony-morales-i-have-standing-chief-gabrieleno-tongva-san-gabriel-band-mission-indians.html>

Ballona Wetlands Ecological Reserve Must be protected by its Legal Designations!

FACT: BWER is a CCR Title 14, Section 630 Terrestrial / NonMarine Ecological Reserve
BWER is not a CCR Title 14, Section 632 Marine Preserve



Ballona Native Americans call Ballona Wetlands Pwinikipar – Tongva word for "Full of Water"

Ballona Wetlands Ecological Reserve is protected by the

1. SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SIGMA)

<https://saveballona.org/sustainable-groundwater-management-act-sigma-plan...>

2. GROUNDWATER DEPENDENT ECOSYSTEM (GDE) Ballona Wetlands Ecological Reserve is classified as a GDE.

<https://saveballona.org/groundwater-dependent-ecosystems-hidden-dangers...>

3. CALIFORNIA REGULATORY NOTICE REGISTER 2005, Volume No. 20-Z, starting on pages 663-4 Ballona Wetlands Ecological Reserve, CCR Title 14, Section 630, Fish & Game Commission

https://www.dhcs.ca.gov/services/m edi- cal/Documents/AB1629/ZREG/ZREG%2020-Z_5.20.05_notice.pdf

CHANGE IN LAGOON HABITAT TYPES NORTH SAN DIEGO COUNTY

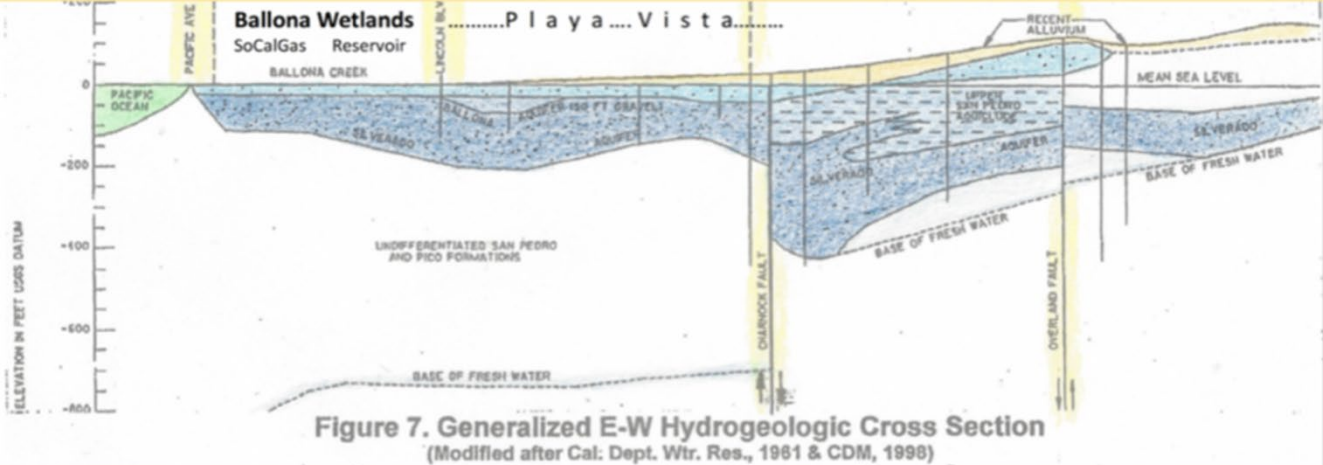
| | Historical (acres) | Contemporary (acres) | % Change |
|------------------------------------|--------------------|----------------------|----------|
| SALT MARSH | 1,330 | 1,170 | -12% |
| SALT FLAT (SEASONALLY FLOODED) | 1,230 | 120 | -90% |
| OPEN WATER MUD FLAT | 140 | 980 | 615% |
| FRESHWATER/ BRACKISH WETLAND | 1,650 | 760 | -54% |
| DEVELOPED | | 1,440 | |

NORTHERN SAN DIEGO COUNTY LAGOONS Historical Ecology Investigation REGIONAL PATTERNS,
LOCAL DIVERSITY, AND LANDSCAPE TRAJECTORIES
San Francisco Estuary Institute



Ballona's Aquifers Are Classified As Potential Drinking Water by LARWQCB;

Court classifies as DRINKING WATER in Proposition 65 lawsuit to which SoCalGas/Playa del Rey is ordered to remediate



1. Porter-Cologne Water Quality Act disallows harming the freshwater aquifers including-

- a. Groundwater protection program under the Safe Drinking Water Act, Section 300 and Title 42 of U. S. Code per Safe Drinking Water Act
- b. Water quality control standards per Federal Water Pollution Control Act

2. Groundwater Protection Act & Sustainable Groundwater Management Act disallow harm to the groundwater volumes and quality.

- a. To promote groundwater conservation and protect groundwater resources and recharge zones. 10727.4 (a) Control of saline water intrusion.

3. Department of Water Resources Resolution 88-88 disallows wasting of freshwater.

- a. Disallows groundwater from being discharged without use to the ocean. State Board intends to use its authority under the Water Codes to assure that both misuse of water supply does not occur and that reasonable protection of beneficial uses of water continues.



2021 Flooded Ballona Wetland Area B looking southeast across Culver Blvd.



2021 Flooded Ballona Wetland Area B looking east down Culver Blvd.

Original 2,000 acres of Ballona Wetlands were divided into five basic parts:

950 acres

Marina del Rey, (ocean & dockside commercial and residential development)

527 acres

Ballona Wetlands Ecological Reserve

67 acres

Freshwater marsh at Lincoln and Jefferson

56 acres

County / USACE Owned Flood Control Channel and Levees (not part of the Ecological Reserve)

400 acres

Playa Vista (commercial & residential development)



Environmental Integrity & Public Policy

Patricia McPherson President

Jeanette@SaveBallona.org (310) 721-3512



TO VIEW MORE BALLONA ECOLOGICAL RESERVE PHOTOS
CLICK <https://www.flickr.com/gp/stonebird/2B49Dz>

GET THE eBook "WATER SECURITY IN THE AGE OF SGMA" <https://info.aquaoso.com/sgma-ebook-lp?hsCtaTracking=d6be7738-5c40-4b02-80b4-9976e403c4be%7Cf670c736-35a5-4224-b39c-4bfea3dcd862>

<https://saveballona.org/governor-newsom-expands-drought-emergency-statew...>

<https://saveballona.org/jvstop-drying-out-ballona-wetlands-ecological-re...>

State Coastal Conservancy Commission Meeting March 24, 2022 PUBLIC
COMMENTS: BWER ITEM 10 - spending \$535,000. While voting yes, four commissioners expressed on-going concerns. <https://youtu.be/s6OwGEyGUKM> 1 hour 17 minutes

**ITS TIME TO RESCIND THE FEIR AND WORK COLLABORATIVELY WITH
STAKEHOLDERS USING THE POSITIVE MODEL OF OWENS VALLEY.**

From: [Walter Lamb](#)
To: [Hutzel, Amy@SCC](#); [SCC Public Comment](#)
Cc: [Cooper, Megan@SCC](#)
Subject: Written comments for 9/22 conservancy meeting
Date: Friday, September 16, 2022 12:25:24 PM
Attachments: [jimage.png](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To: Amy Hutzel, Executive Officer
CC: Douglas Bosco, Chair and Governing Board Members

Dear Ms. Hutzel:

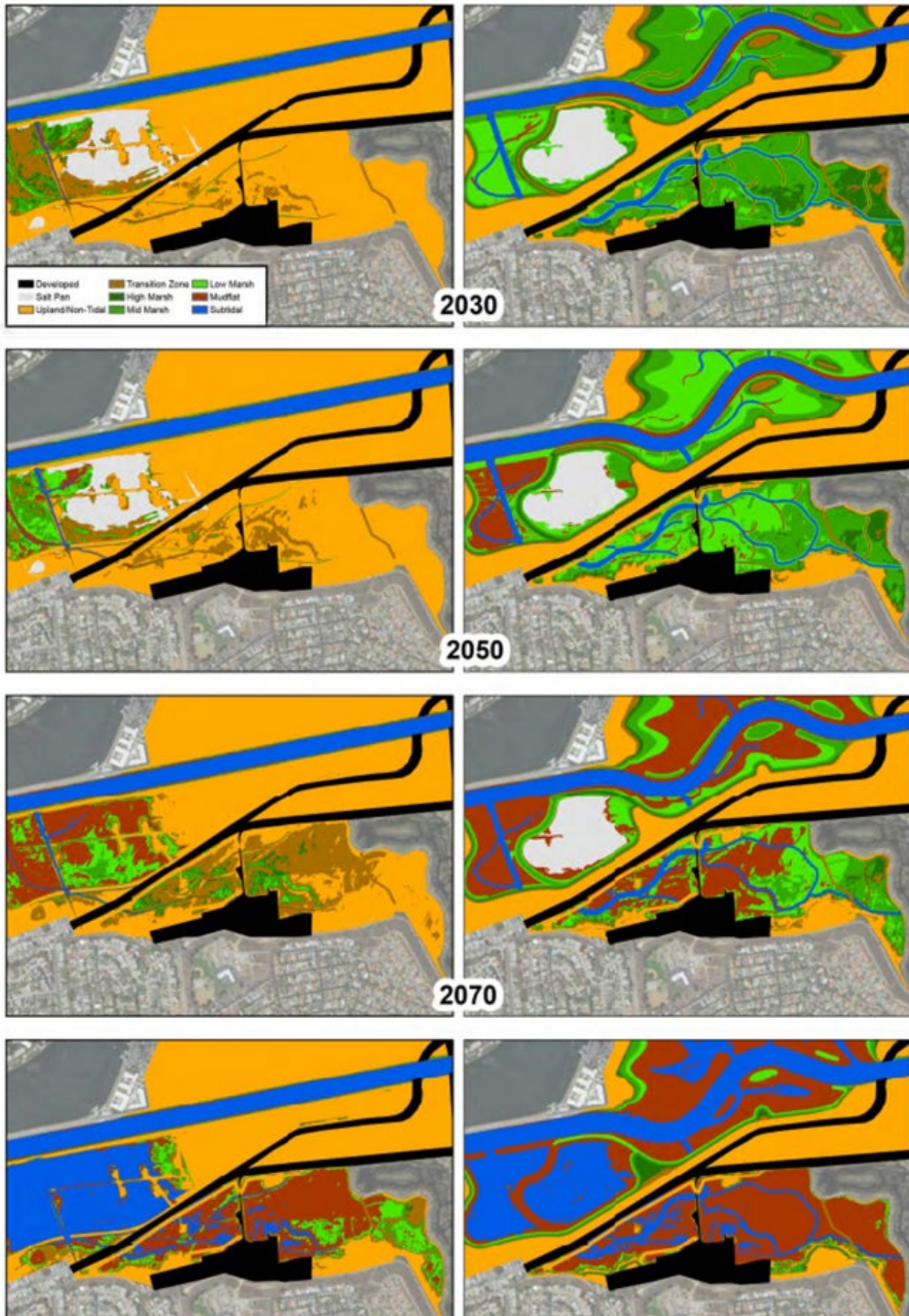
At the Conservancy's meeting on March 24th of this year, Board member Notthoff requested regular updates as to how the public engagement process at Ballona was proceeding. In response, you assured her and the other Board members that you would keep them updated ([video](#)). Given that Ms. Notthoff referenced the need for transparency in her request, it is unlikely that she was asking for the Board to be updated privately, yet there have been no public updates of any substance since that meeting, despite the CA Department of Fish and Wildlife's announcement just eight days later that it planned to spend the roughly \$1.7 million dollars awarded to it in May of 2021 to fund an entirely different set of tasks and deliverables than the tasks and deliverables expressly described in the May 2021 staff recommendation (under the heading "Work to be Funded with this Authorization").

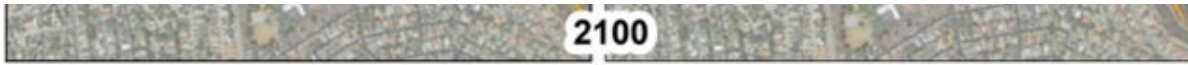
You were either unaware of CDFW's planned switch at the March meeting, which would indicate a troubling lack of communication and oversight, or you were aware and chose not to bring it to the attention of the Board, which would be even more troubling. You also chose not to inform the Board about this switch at the May meeting, over a month after CDFW's announcement. In June and July, Conservancy staff posted highly misleading "updates" that omitted important information and which provided no explanation as to why CDFW had chose to abandon the "Work to be Funded with [the May 2021] Authorization". The June 17 update claimed that the new set of tasks and deliverables "is consistent with the Conservancy's May 27, 2021 approval, which authorized 'design and permitting for the restoration of the Ballona Wetlands Ecological Reserve.'" This selectively filtered language was intended to suggest that the Board approved *any* design and permitting work related to Ballona Restoration, despite the staff recommendation unambiguously defining "the additional design and permitting work to be accomplished with the recommended grant" as consisting of specific tasks to achieve specific goals that were said to be urgent at the time.

At the meeting scheduled for September 22, it is imperative that you provide a candid update to the Board that acknowledges the discrepancy between the work they approved to be funded and the work that is actually being funded. It is also important that you explain how that switch has indefinitely put on hold the very policy objectives that were the focus of the May 2021 authorization, such as finalizing the design of the levees based on accurate flood conveyance standards, rethinking marsh elevations to better protect against sea level rise, and obtaining the federal approvals required to proceed with the full restoration project, including the public access features described in the EIR. The public and the Board also deserve to know the Conservancy's current estimate of how much more time and money Conservancy staff believe is needed to complete the tasks and deliverables that were supposed to be funded with the May 2021 authorization. Your update to the Board on the 22nd should also include a list of any public meetings held to get stakeholder feedback on the fast-tracking of the first two project sequences. I am not aware of any such meetings, which is truly astonishing given the assurances from multiple Board members, staff and the Director CDFW that public engagement would be a focus. Finally, it is important that you explain clearly to the Board that the Conservancy did in fact approve a detailed *project*, not merely a public process, when it adopted CDFW's CEQA findings for the final EIR at the May 2021 meeting. It is deeply concerning that Conservancy staff have allowed Board members to remain confused on this point. Certification of the final EIR started a 30 day clock in which stakeholders were required by law to challenge the certified project in court, at great expense of time and money, or forever lose the right to mount a challenge. Yet, Board member Notthoff actually suggested that in March that "I don't think this is a preconceived project" ([video](#)) and that the project was subject to substantial change. Chair Bosco called the certified project a "moving target". Board member Alioto rejected the notion a certified Final EIR indicated that "the ship has sailed". ([video](#))

With regard to sea level rise, Board members Notthoff, Alioto, and Bosco have all spoken directly about the sea level rise ramifications for the Ballona Wetlands in response to Conservancy staff claiming that critical marsh habitat would become "stagnant, flooded ponds" without implementation of the full restoration project. Because the state's certified EIR shows that the marsh habitat currently used for breeding by the endangered Belding's Savannah Sparrow and other species would disappear even more rapidly with implementation of the project (see Figure 10, EIR appendix F9, included below), the May 2021 staff recommendation indicated that "[a]s CDFW refines the project design, there are opportunities to consider alterations of the proposed project to accommodate higher sea level projections." However, because CDFW is now using the funding only two analyze work in South and Southeast Area B, resolution of this issue is on hold. The fact that every Board member saw the maps of disappearing coastal marsh during the May 2021 staff presentation, and not a single member raised any concern, is deeply concerning. The 44 public stakeholders who took time to attend the

May 2021 meeting deserve to hear an explanation from Conservancy staff and Board members as to the status of the sea level rise analysis that was to be funded with the grant in question.





This Figure in EIR appendix F9 uses the same color code for upland habitat as non-tidal marsh habitat. Yet, even with that confusing imagery, it shows the loss of current breeding habitat for Belding's Savannah Sparrow will occur more rapidly under project conditions than no project conditions. Fortunately, there are other recognized alternatives that provide greater resilience to sea level rise than either of these unsatisfactory options.

Board member Alioto has expressed skepticism about concerns raised by stakeholders, suggesting that we may have been confused about what was on the agenda at the March meeting and expressing disappointment that stakeholders opposed the funding of a stakeholder engagement process when we had previously complained about the lack of such a process. With respect, Mr. Alioto lacks familiarity with the subject matter and fundamentally misunderstands the ongoing issue of stakeholder engagement at Ballona. Our previous complaints in 2021 about the lack of adequate public engagement have been validated by the Conservancy's acknowledgement more engagement is necessary. At the March 2022 meeting, we argued that engaging in a sham process would only exacerbate the deficiency in public engagement rather than address it. It is entirely unreasonable to ask stakeholders to pretend they have input when a final EIR has already been certified for the project. Comments by Conservancy Board members and staff to the effect that the project is only at 30% design, and that the public therefore has input, are egregiously off the mark and reflect a dangerous lack of understanding of CEQA by decision makers.

Board member Alioto also expressed support at the March meeting for the work being done in the wetlands by youth from disadvantaged communities. Yet the current policy of limiting such work to the small areas within the ecological reserve that are outside the area to be impacted by the *certified* project is preventing more of that work while also causing substantial harm to the wetlands. Invasive weeds that are allowed to expand unchecked in Area A have been cited as a likely contributing factor to the decline of delineated wetlands in Area A. Mr. Alioto encouraged other stakeholder groups to seek grants for additional projects. Again, with all respect, Mr. Alioto is simply unfamiliar with the current stewardship policies at Ballona and how grants are actually awarded for work there. If Mr. Alioto is sincerely interested in the health of the ecological reserve as a whole, he could help to ensure a merit-based grant process that ensures that more organizations are invited to submit grant requests and that allow for community stewardship in areas north of the creek, where conditions are the most in need of quick action.

Board member Miller praised Mr. Alioto at the May 2021 meeting for ensuring accountability in the Conservancy's funding authorizations, words that ring especially hollow given the brazen bait and switch that has ensued. The \$1.5 million that the Conservancy approved in 2007 was supposed to be to "complete environmental impact analysis and permit applications" for the project. Instead, the Conservancy approved another \$6.25 million in 2012 for the same work, without any effort to ensure that these funds would be better accounted for. We tried to raise these flags at the May 2021 meeting so that the Board would take steps to ensure that a third round of funding would not be squandered. It is notable that the funds approved for disbursement in May just happened to be for the same amount that was remaining in the Prop 12 account for Ballona, and that the contract for final design and permitting of just two project sequences is for the same amount, to the dollar, as was approved for final design and permitting of the full, 35 sequence project. It is highly problematic that the Department of Finance's representative on the Conservancy's Board has so little interest in accounting for what is well over \$10 million in planning funds for the project.

Our organization is beginning to compile the most eye opening video clips from the hundreds of hours or recorded video relating to the Ballona Wetlands over many years in order to prepare a documentary to mark the 20th anniversary of the public acquisition of the Ballona Wetlands in 2003. The egregious lack of oversight by the Conservancy Board will be a central theme of that work.

Thank you for your consideration of these comments. Please share with the Conservancy Chair and Board.

Walter Lamb
Ballona Wetlands Land Trust
310-384-1042

From: [Kathy Knight](#)
To: [SCC Public Comment](#)
Subject: Public Comment at Calif. Coastal Conservancy mtg 9/22/2022
Date: Friday, September 16, 2022 3:18:02 PM

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September 16, 2022

California State Coastal Conservancy Executive Committee
1515 Clay St.
Oakland, CA 94612-1401

FOR: WRITTEN PUBLIC COMMENTS FOR 9-22-2022 Executive Committee Meeting

TO: Executive Officer Amy Hutzal, Douglas Bosco, Chair, and Governing Board Members

From: Ballona Ecosystem Education Project

Please ask Executive Officer Amy Hutzal to provide a full update to the Governing Board as to how grant funds approved in May of 2021 and March of 2022 are being spent on the Ballona Wetlands Ecological Reserve restoration project. At the March 2022 meeting, Board member Anne Nottoff asked for updates on this issue.

Also we ask that you as Board members demand an opportunity to consider the new work that CA Fish and Wildlife has substituted in place of the approved work so that you can either approve or deny that new work.

There is a real need for an update on this project to be included during the upcoming meeting on September 22, 2022.

Sincerely,
Kathy Knight, Board Member
Ballona Ecosystem Education Project
(310) 613-1175

From: [patricia.mcpherson](#)
To: [SCC Public Comment](#)
Subject: SCC MEETING SEPT. 2022 PUBLIC COMMENT Ballona Sequence 1,2 Response to CDFW/ SCC July 20th 2022 Meeting Notes and Materials
Date: Friday, September 16, 2022 4:08:51 PM
Attachments: [Screen Shot 2022-07-26 at 9.34.05 AM.png](#)
[Contradiction to CDFW Sequence 1^J2.pdf](#)
[Screen Shot 2022-09-08 at 11.31.29 AM.png](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.



To Resource Agency personnel in attendance at the CDFW/SCC Sequence 1,2 of Alt. 1 ,
Grassroots Coalition's response to the July 20th, 2022 S 1,2 Meeting Notes & Materials.

The notes [\[link\]](#), meeting handout [\[link\]](#), and presentation [\[link\]](#) from the CDFW/SCC July 20th meeting for Sequences 1 and 2 ("S1/2") of the Ballona Wetlands Restoration Project overwhelmingly illuminates the need for legitimate background information about this project. The information provided to attendees demonstrates the misleading use of a skewed deck of unsupported informational cards designed to propitiate a bias toward supporting permits for fulfillment of the FEIR's preferred Alt. 1, initiated by Sequence 1, 2. The data gaps and exorcism of cogent data and relevant information from CDFW and the State Coastal Conservancy (SCC) at this meeting jumpstarts a new high for misinformation spread.

Grassroots Coalition, Ballona Ecosystem Education Project and several more organizations are in the midst of a CEQA challenge to the December 2020, CDFW certified Final Environmental Impact Report (FEIR). After multiple attempts requesting the FEIR be rescinded and redone due to its numerous flaws and inadequacies, the public is now faced with this end run attempt by CDFW and the State Coastal Conservancy (managers of the FEIR) to jump start Alt. 1's excavation and creation of a fully tidal saltwater wetland and bay.

The attached powerpoint presentation provides a partial response to CDFW's & SCC's Sequence 1,2 and their joint obfuscation of Ballona's legitimate legal status as a Title 14, Section 630 Terrestrial, NonMarine Ecological Reserve, approved and registered by the regulatory branch of natural resources—the Ca. Fish & Game Commission in 2005.



Grassroots Coalition also supports the comments made by Restoration Ecologist Margot Griswold PhD. that are expressed in the following Videotape. <https://youtu.be/5FOcAWRYvhY>

What happened to CDFW's Willow Restoration Plan of 2020 under CDP 5-17-0253? CDFW also leaves out information regarding this 2020 CDFW PROJECT.

From the photographs in the PPT above, it appears that the area planned by CDFW for willow restoration was never done. The area in the PPT showing bare ground appears to be where CDFW had removed pampas grasses and left them heaped in a pile next to the bare area—both south of the burn area. The map for CDP 5-17-0253 also correlates with the barren area and pile. CDFW's land manager, Mr. Brody also notes in the Willow Restoration Plan, that sufficient natural hydrology will avert need for artificial watering on the plants to be placed in this area. Coincidentally, this is the same area Mr. Brody states in Sequence 1,2 that has been 'hydrologically starved for decades' and requires the saltwater channels promoted in S 1,2

language. These contradictory statements, along with Mr. Brody's acknowledgement in phone conversation, that he has no knowledge of the hydrology in this area demonstrate the need for a Land Management Plan and a Groundwater Dependent Ecosystem evaluation (PER SGMA) need to be done. Without such hydrologic studies that necessitate surface and groundwater interface studies, the FEIR remains without hydrology studies to guide Ballona's restoration.

Oversight:

SCC management of Ballona's restoration fails to alert, advise and adhere to the protection of Ballona as a Title 14, Section 630 Terrestrial, NonMarine Ecological Reserve.

Because there was only **one goal targeted by SCC contracts**, namely the **creation of a fully tidal saltwater bay**, this outcome was the sole target function of any/all contractors to fulfill. **This meant that any/all information gathering and evaluation for restoration of Ballona's historic ecosystems via its own natural freshwater hydrological resources was excluded from the EIR process.** This resulted in the exclusion of any/all information gathering and/or evaluation of ongoing freshwater diversions by drainage channels, unpermitted drains and upstream freshwater pumping, dewatering and diversion would also be excluded from the EIR process. This meant that current surface and groundwater protective laws governing CDFW, (state and federal laws) were not addressed in the EIR process. An out-of-sight; out-of-mind approach was utilized by the Coastal Conservancy management of Ballona's EIR process that continues to be seen in the Sequence 1,2 meeting.

For example, CDFW fails to mention its own regulation 1019 which requires a Land Management Plan be performed for its Ecological Reserves. CDFW & SCC neither inform the public nor discuss fulfillment of obtaining funding to perform this required CDFW function. Neither CDFW nor SCC inform the public that the 2005, Title 14, Section 630 terrestrial, NonMarine Ecological Reserve status approved and registered by the Ca. Fish & Game Commission via the Office of Administrative Law, for Ballona Ecological Reserve ~~—exists.~~ Not only do they not address that this legal status exists, but **neither CDFW nor SCC inform the public or other agencies that this status and the Ballona specific PURPOSE AND GOAL OF ACQUISITION becomes the leading language for the Land Management Plan and any/all subsequent EIR.**

Instead, SCC, with CDFW apparently asleep at the wheel, disregards its assigned role as an advisory agency and instead takes over management of Ballona's EIR process. In doing so, SCC improperly, if not illegally, violates Fish and Game Code 1745, as SCC inserts its own, unapproved Purpose and Goal to RESTORE THE EBB AND FLOW OF THE OCEAN.

Without disclosing this contradictory and unapproved Purpose/Goal, SCC effectively illegally alters the Ecological Reserve status of Ballona into a Section 632 Marine Preserve. This action violates Fish & Game Code 1745 which allows for agreements between agencies and nonprofits but those agreements/ actions shall abide by the Purpose for which the Ecological Reserve was acquired. Clearly, with SCC managing the EIR process for Ballona, the unapproved switch was never disclosed. SCC, in its advisory role, did not adhere to advising CDFW in alignment with the 2005, Fish & Game Commission approved legal status of Ballona as a Title 14, Section 630 Terrestrial, NonMarine Ecological Reserve. The Fish & Game Commission approval included the Ballona specific Purpose of Acquisition-- to protect and preserve Ballona's freshwater resources, its salt marsh (which connotes vegetation species, not saltwater inundation) and the endangered species reliant upon that habitat; and to preserve the wildlife corridors.

Public Trust

Ballona Wetlands became a Public Trust resource after decades of work by a few organizations to win its release from the private megadevelopers of Playa Vista. The public, agencies and the City of LA in their good faith reliance upon the Coastal

Conservancy's management of the EIR process have been egregiously violated in that trust.

The Department of Water Resources acknowledges Ballona as a Groundwater Dependent Ecosystem

While CDFW leads the state in protocol guidance for performing Groundwater Dependent Ecosystem (GDE) evaluations, under the Sustainable Groundwater Management Act, no such GDE evaluation has been performed for Ballona Wetlands.

The failures of both CDFW and SCC to provide a competent EIR is now exacerbated by their attempts to further promote false information, pock-marked with an utter lack of connecting scientific dots of reality. The FEIR fails to provide hydrology evaluations of Ballona and its environs therefore CDFW comments in S 1,2 that state the freshwater condition of the State Lands Commission property are without any substance and without evidence for such commentary. In phone conversations with Mr. Brody, he acknowledge the data gap of freshwater hydrology information for Ballona.

Tribal Consultation

While ignoring, and dismissing into oblivion, decades of work product input by native Americans, the pretense of now asking for new Native American input is disgustingly disingenuous, pretentiously sarcastic as any new input is already in arrears of SCC and CDFW money and permit seeking decisions have already been made.

The FEIR preferred Alt.1, inclusive of Sequences 1,2 are inconsistent with the Fish & Game Commission's approval in 2005 of Ballona Wetlands Ecological Reserve under Title 14, Section 630 Terrestrial Non Marine Ecological Reserve, as registered with the Office of Administrative Law in 2005.

The State Coastal Conservancy's inconsistent management goals are tracked, in part, in the following powerpoint. Ballona, as seen in the PPT at top, is regenerating on its own as the illegal and harmful freshwater diversions by CDFW with SCC oversight are stopped. There is time to allow for a true restoration of Ballona Wetlands to occur. Protocol, akin to the Owens Valley restoration, exists and can help to lay a genuinely honest and cooperative process for working together for Ballona's successful restoration.

 [Controller Yee PPT Slides.pptx](#)

Seeking genuine communication and integrity of process,
Patricia McPherson, Grassroots Coalition

A State Coastal Conservancy Grant authorized in May, 2021, to CDFW, authorized a scope of work outside the Ecological Reserve, to correct flood control errors. Instead, CDFW now pursues a blind construction effort to excavate habitat & create saltwater channels of intrusion into areas that do not warrant such disruption because: 1) the area is passively regenerating native habitat; 2) the area already maintains lush saltmarsh habitat; 3) saltwater intrusion into fresh groundwater dependent habitat can harm the habitat, wildlife and the fresh groundwater, violating SGMA & Porter-Cologne Act. While multiple lawsuits challenge the FEIR, the CDFW Sequence 1,2 plans are an end-run to start the creation of a full tidal saltwater bay.

Ballona Wetlands Restoration Project

Sequence 1 and 2 Design and Permitting Solicitation Announcement

CDFW is pleased to announce that, as of April 1, 2022, we are requesting proposals from qualified firms to complete necessary designs and acquire necessary permits for Sequences 1 and 2 for the Ballona Wetlands Restoration Project.

More information can be found in the complete [Request for Qualifications](#) (RFQ).

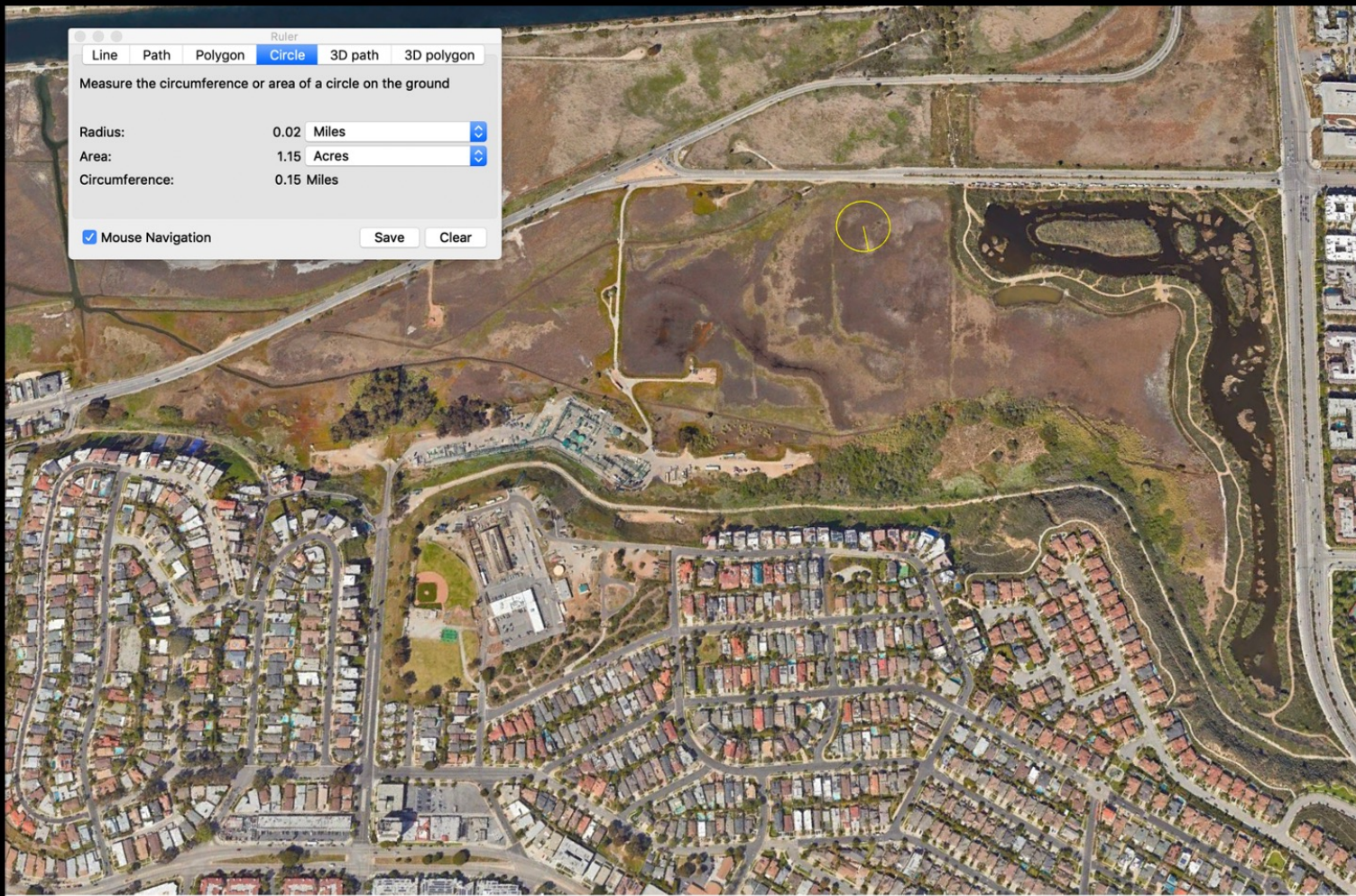
CDFW is excited to take this step in order to begin the initial two sequences of the restoration project. These two sequences involve removing and relocating an existing gas line and restoring and enhancing an approximate 60-acre degraded tidal, brackish, and freshwater wetland area in South and Southeast Area B of the ecological reserve (as analyzed in the [Ballona Restoration Environmental Impact Report](#)).

- These initial improvements will benefit endangered species. They will functionally lift and expand approximately 60 acres of habitat for the Belding's savannah sparrow and improve and expand freshwater and brackish habitat for least Bell's vireo and potentially light-footed Ridgway's rail.
- With minimal ground disturbance and a focus on improving hydrology, these initial sequences will increase tidal circulation and freshwater inputs (receiving flows from the Ballona Freshwater Marsh) to an area of the ecological reserve that has been hydrologically starved from its water source for many decades and, subsequently, where steady habitat decline is documented.

Public Trust lands and waters of the State Lands Commission are the first on the controversial conversion chopping block.

Sequence 1 & 2 Areas





Note the yellow circle on the left, which demonstrates roughly the size of 1 acre. The underlying fresh groundwater & aquifers of Ballona, are not evaluated for protection in the FEIR or Sequence 1,2. The seasonal, roughly 60 + acres of ponding freshwater throughout this area, are not discussed for protective consideration.



Language from CDFW's – ESA consulting group per Sequence 1 & 2 Presumably, **ONLY ADDRESSING** acreage of **SALTWATER INNUNDATION** via the manmade & TMDL (toxic) compromised trenches from Ballona Channel. There is no discussion of Ballona as a Groundwater Dependent Ecosystem per the Sustainable Groundwater Management Act. No evaluation of the natural surface/groundwater/habitat connection.

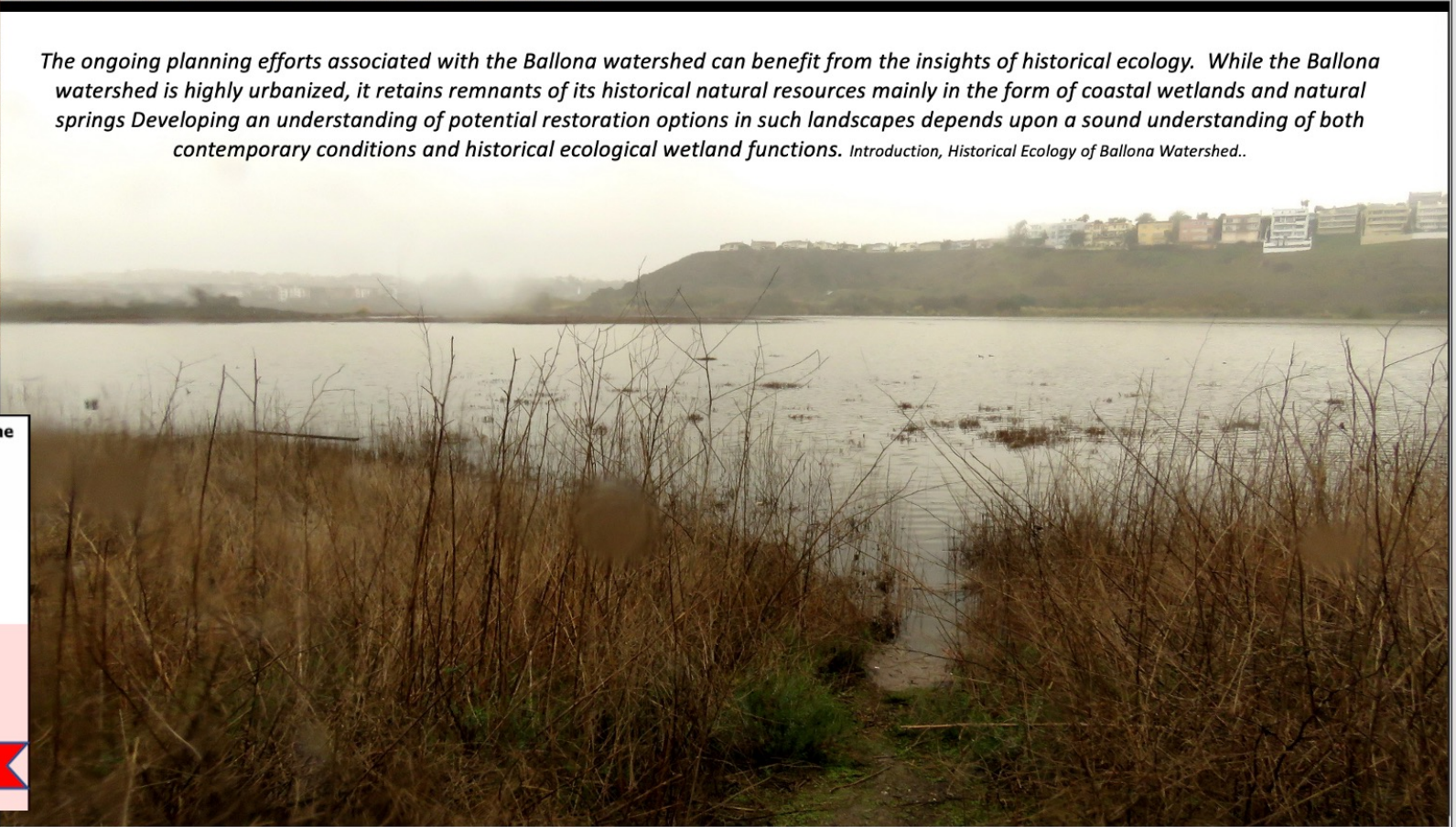
Existing Topography

- West Area B is lower in elevation than South and Southeast Area B
- ~3.9 acres in West Area B are inundated with high water
- Only ~1.1 are inundated by high water level in South and Southeast Area B



The value of wetland ecosystems that remain intact...

CDFW’s Sequence 1, 2 continue to fail to address the natural freshwater systems of Ballona Wetlands and fail to address the natural regeneration of Ballona that is taking place.



The ongoing planning efforts associated with the Ballona watershed can benefit from the insights of historical ecology. While the Ballona watershed is highly urbanized, it retains remnants of its historical natural resources mainly in the form of coastal wetlands and natural springs. Developing an understanding of potential restoration options in such landscapes depends upon a sound understanding of both contemporary conditions and historical ecological wetland functions. Introduction, Historical Ecology of Ballona Watershed..

December 30, 2021 Ballona. Jonathan Coffin

No hydrology studies of Ballona Wetlands itself have been done to determine the negative impacts of the cumulative freshwater dewatering to Ballona Wetlands as can be noted in the following document portion produced by a member of the Project Management Team in the current EIR/S; Water Resource Development Act (WRDA) process. (Public Record Act response document)

| | | | | |
|---------|--------------|--------------------------------------|-----|-----|
| 5670662 | Geotechnical | Appendix B – Geotechnical Memorandum | n/a | n/a |
|---------|--------------|--------------------------------------|-----|-----|

Comment Classification: **For Official Use Only (FOUO)**

What is the groundwater condition at the project site?

Submitted By: [David Tran](#) (213-452-3563). Submitted On: Jun 05 2014
Evaluation not conducted



CDFW's Coastal Act violation of unpermitted drainage of Ballona's freshwater, which harmed the hydrology and targeted habitat—Pickleweed, has been stopped. With restored seasonal ponding, passive regeneration has occurred. On the north side of Sequence 1, 2 areas, the habitat for the endangered Belding's Savannah Sparrow has been restored as seen below.



October 2012 Pre-capping Photo J. Coffin

Photos to East
of South Drain
Area B



August 2020 Three years post capping Photo M. Griswold



Unpermitted drains in Area B
in currently preserved areas that support
wetland vegetation once drains were capped.

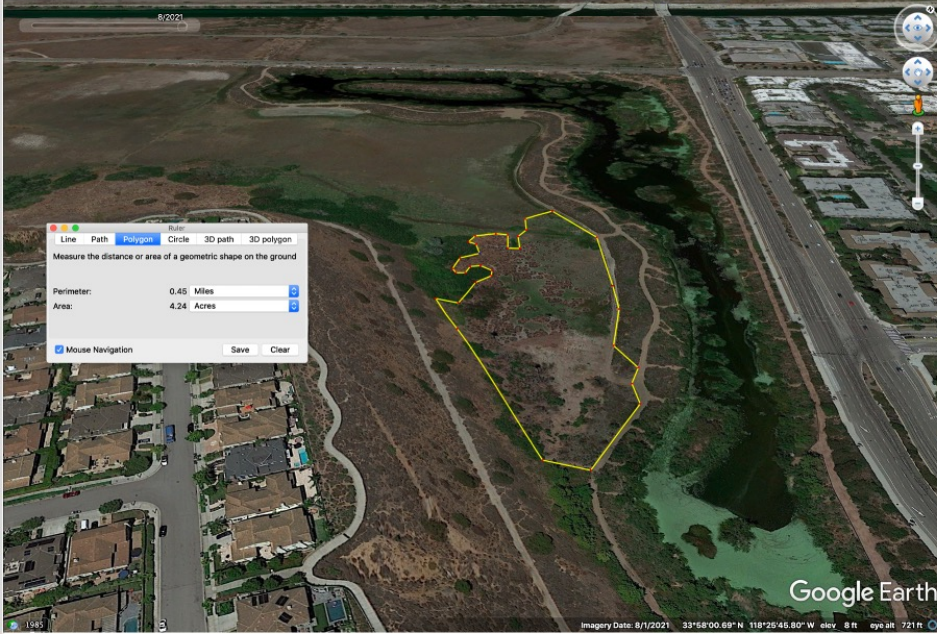
FEIR has inconsistencies of existing
Hydrology and Vegetation: Capping the
unpermitted drains in B north resulted
in native pickleweed wetland habitat.

*Endangered
Belding's
Savannah
Sparrow*






March 24, 2021 post fire (left side) May 29, 2021 post fire regrowth (right side)



Ongoing, passive regeneration of native plant species can be seen in these photos by Jonathan Coffin.


The Google Earth aerial view to the left, is outlined for the post-March 23, 2021 BWER 4.25 acre burn area as it appears on August 1, 2021



Salicornia pacific (Pickleweed) post burn regrowth along the back roadside with a row of burned Pampas Grass stumps May 29, 2021



Bolboschoenus (Sedges) post burn regrowth May 29, 2021



Google Earth August 1, 2021;
Jonathan's photos showing post fire, passive
regeneration of native plants.

Flowering Alkali Mallow (Malvella leprosa) and Pickleweed (Salicornia pacifica) with some Atriplex in the mix of post burn regrowth on wetland soils May 29, 2021



Alkali Mallow (Malvella leprosa) in the foreground and Bolboschoenus (Alkali Bulrush) in the background post burn regrowth and some burned Pampas Grass stumps May 29, 2021



“The plants which are all native are all identified in my photos. You have to be specific which plants you are referring to. The "grasses" ... Bolboschoenus are Alkali Bulrushes which are sedges (sedges have edges).” Photographer & Naturalist, Jonathan Coffin.

A photograph showing a field of green Salicornia pacific (Pickleweed) growing in dark, wet soil. In the background, there are dark, charred tree stumps and some taller vegetation on a hillside.

Salicornia pacific (Pickleweed) post burn
regrowth May 29, 2021



“These photos of the burn area show that tidal channels are not needed. There never were tidal channels in this area ... there were never tidal channels where they put the tide gates in for the 1135 project, for that matter. “ Margot Griswold Ph.D. Restoration Ecologist



The Sequence 1,2 area west of the expanded wetland portion is an area that has maintained Ballona's saltmarsh habitat, Pickleweed, which is the foraging and nesting habitat for the endangered Belding's Savannah Sparrow .



“Because this area is seasonally saturated with freshwater & has a historic high groundwater table, there likely is no need to create potentially harmful saltwater channels. A Land Management Plan, which would necessitate evaluation of the site's natural hydrology has not been performed as required (F&G Code 1019).” Margot Griswold PhD.

Anthony Morales-Chief Red Blood- The Gabrieleno/Tongva of San Gabriel Mission Band of Indians



<https://saveballona.org/862020-ccc-anthony-morales-i-have-standing-chief-gabrieleno-tongva-san-gabriel-band-mission-indians.html>



<https://www.youtube.com/watch?v=XEoDN-SJido>

Anthony Morales-Chief Red Blood- The Gabrieleno/Tongva of San G

Sacred Site Registry

Site name: SA'ANQA
County: Los Angeles
Tribe: GABRIELINO/TONGVA INDIANS OF CA. TRIBAL COUNCIL

LOCATION
USGS Quad Meridian Township Range Section NW NE SW SE

CA-LAN
64,63,203,204 65
206, etc.

OWNERSHIP SA'ANQA a Tongva Village(s)
Owner name: ABORIGINAL TITLE due to preemptive and
Owner address: PROTECTING ABORIGINAL TONGVA CLAIM to land water, cultural resources.
5450 S. AUSTIN AVE, Suite 151 Culver City, CA 90230-6000

SITE TYPE
Burial Site ☒ Reburial Site ☐ Rock Shelter/Cave ☒
Lithic Scatter ☒ Cache ☒ Worship/Ritual Site ☒
Ceramic Scatter ☒ Village Site ☒ Sacred/Power Area ☒
Bedrock Mortar ☐ House Pits ☒ Collection Area ☒
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Other (specify): LAST COASTAL SITE NOT BUILT OVER. Sacred AREA.

DOCUMENTATION Village
Books, periodicals, knowledgeable person, other references well documented - CA-LAN

RECORDER
Name: John Tommy Rosas
Address: MLD
TRIBAL COUNCIL WGN
Phone: 707-961-0229 PRIVATE!
Title/Affiliation: GABRIELINO / TONGVA INDIANS OF CALIFORNIA TRIBAL COUNCIL
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1:07 / 5:40

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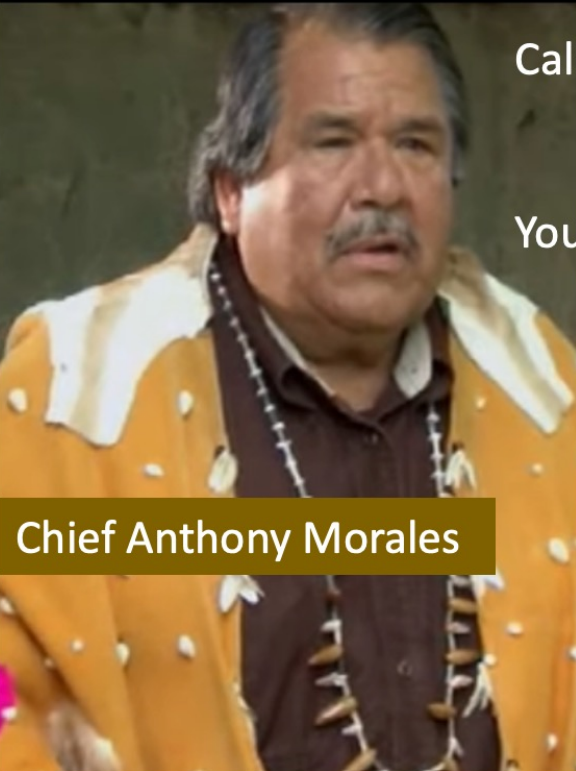
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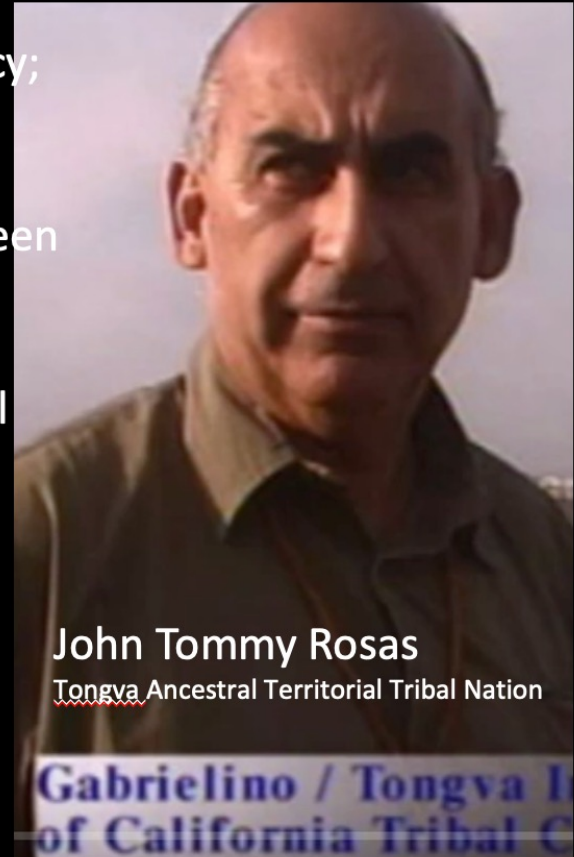


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<https://saveballona.org/862020-ccc-anthony-morales-i-have-standing-chief-gabrieleno-tongva-san-gabriel-band-mission-indians.html>

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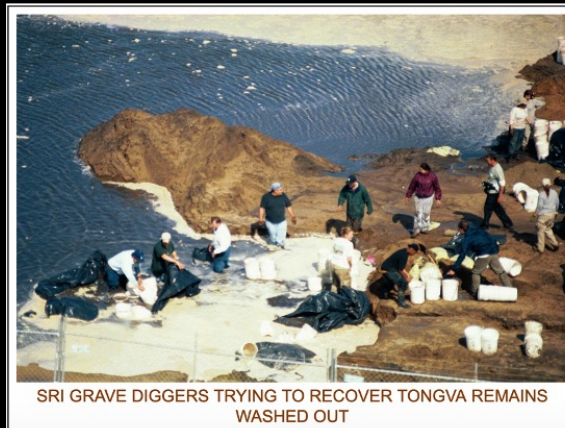
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SRI GRAVE DIGGERS TRYING TO RECOVER TONGVA REMAINS WASHED OUT



Chief Anthony Morales

<https://saveballona.org/2004-new-york-times-playa-vista-digs-tongva-native-american-burial-grounds-and-more.html>

From: [patriia.mcpherson](#)
To: [SCC Public Comment: director@dfg.ca.gov](#)
Cc: [Todd T. Cardiff Esq.; jeanette.vosburg](#)
Subject: SCC Meeting September Public Comments for Record
Date: Friday, September 16, 2022 4:14:45 PM
Attachments: [Contradiction to CDFW Sequence 1-12.pdf](#)
[Screen Shot 2022-09-16 at 4.10.15 PM.png](#)
[Screen Shot 2022-09-16 at 4.10.28 PM.png](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To: Amy Hutzel, Executive Officer; and all Governing Board Members

Grassroots Coalition supports and agrees with the comments sent for Sept 2022 SCC Meeting by the Ballona Wetlands Land Trust.

Further Grassroots Coalition submits for the Sept. 2022 SCC Meeting record the following powerpoint which:

1) address the Sequence 1,2 Project by CDFW & SCC and;

2) address the history of engagement of SCC in its misrepresentations to the public since SCC initiated its MANAGEMENT of the Ballona Wetlands Ecological Reserve per its own unapproved version, and preconceived outcome for Ballona Wetlands. SCC MANAGEMENT of the EIR process has contradicted and is inconsistent with the Fish & Game Commission's approved and registered Ecological Reserve status of Ballona Wetlands Ecological Reserve (BWER). The BWER was approved and registered with the Office of Administrative Law as a Title 14, Section 630 Terrestrial NonMarine Ecological Reserve having its own specific Purpose of Acquisition.

1). Sequence 1,2 by CDFW and SCC violates the use of the Prop. 12 funds and further fails to provide as required, early alert and inclusion of federal agencies that CDFW/SCC purport to seek their overall goal of CONVERSION OF BALLONA WETLANDS ECOLOGICAL RESERVE INTO A FULLY TIDAL SALTWATER BAY utilizing SCC's unapproved premise of RESTORING THE EBB AND FLOW OF THE OCEAN. This contradicts the approved status of Ballona as a Terrestrial NonMarine Ecological Reserve and instead, without regulatory approval from the Fish and Game Commission, attempts conversion of the Ecological Reserve into a Section 632 Marine Preserve. Such improper use also violates Fish and Game Code 1745, wherein any/ all agreements between CDFW and agencies shall adhere to the Purpose for which the Ecological Reserve was acquired.—namely the registered approval with AOL in 2005. The history of SCC and this latest action further distance CDFW and SCC from adherence to the Sustainable Groundwater Management Act and protection to Ballona as a Groundwater Dependent Ecosystem as acknowledged by the Department of Water Resources. CDFW with SCC's assistance continues to violate Fish and Game Code 1019 via their deliberate nonadherence to the performance of a Land Management Plan for Ballona. CDFW/SCC fail to perform hydrology evaluation of Ballona as both avoid SGMA and other Water Code laws of California and place blinders over eyes and mufflers over ears to be non responsive to the protection of Ballona's natural freshwater resources and the ecosystems dependent upon these native resources. CDFW/SCC fail to be responsive to Native American concerns and merely provide lip service to a false narrative of inclusion.

CDFW/SCC appear to be in violation of PRC 21083.7 and CEQA guideline 15223.

CDFW/SCC fail to be responsive to the public in any meaningful discussion of issues raised and instead continue to dodge with nonsensical, unsupported conclusory language.

2. PPT of the History of SCC both creating a predetermined outcome for Ballona that is inconsistent with Title 14, Section 630 Terrestrial NonMarine status approved and registered by the Fish and Game Commission in 2005. Documents are self explanatory throughout this PPT.

 [Controller Yee PPT Slides.pptx](#)

Per early collaboration and alert to agencies the Dept. of Interior letter by John Hanlon, reinforces the lengthy process of inappropriate process regarding Ballona and its need for legitimate protective restoration.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Field Office
2730 Loker Avenue West
Carlsbad, California 92008



AUG 4 1998

Colonel Robert L. Davis
District Engineer, Los Angeles District
U.S. Army Corps of Engineers
P.O. Box 532711
Los Angeles, California 90053-2325

Attn: Ruth Villalobos

Re: Ballona Wetland Section 1135 Project, Los Angeles County, California

Dear Colonel Davis:

The U.S. Fish and Wildlife Service (Service) has reviewed the May 28, 1998, draft report describing the referenced project. This letter responds formally on the draft report.

Reportedly, the landowner and resources agencies support the referenced project provided that it does not interfere with the future restoration of adjacent wetlands nor require the landowner to mitigate for any improvement to the on-site baseline of species listed under the Endangered Species Act (Act). Local environmental groups, Heal the Bay and Friends of Ballona, also support the project because any long-term restoration plan is too far off to provide any immediate help for the degraded wetlands. Though we support the former concern, the baseline issue likely would need to be dealt with pursuant to the joint draft policy on "Safe Harbor" with the National Marine Fisheries Service and Fish and Wildlife Service (62 FR 32178). Regardless, impacts to any federally listed species, enhanced or not, would still need to comply with the Act.

The Corps and Service are currently involved in litigation regarding the land where the proposed project is located. A recent court decision rescinded the Corps permit for development and wetland mitigation on a portion of this same property, indicating a completed Environmental Impact Statement (EIS) for the entire property was warranted before development on any portion could proceed. In addition, a regulatory EIS is now being prepared for the project area. The Service strongly supports long-term habitat restoration projects. Because of the extensive comprehensive planning for wetland restoration that has occurred and is ongoing, any proposed project would have to be compatible with any larger or long-term plan. Moreover, the Service maintains that the Ballona wetlands need to be addressed in a comprehensive manner to realize maximum restoration benefits. In this regard, Russ Kaiser of your staff indicated that the project had been scaled back to 5-10 acres to ensure that it would be compatible with and not preclude any long-term planning.

G-25

Chellau Luna

Col. Robert L. Davis

-2-

AUG 4 1998

In conclusion, based on the information provided in the draft report, and clarifying conversations with your staff, the Service generally supports this proposed 1135 project. We note that because section 1135 funds are scarce, we assume the Corps has determined that other restoration opportunities do not exist that could provide greater benefits for fish and wildlife resources.

We hope that the Corps will improve upon future efforts to coordinate with the Service on section 1135 projects. The Corps indicated in the draft project report that they would only fund the Service to prepare a Fish and Wildlife Coordination Act (Coordination Act) report addressing existing conditions, alternatives analyses, and final recommendations. This report would be prepared after the project alternative is selected. The existing conditions and alternatives analyses are typically presented in planning aid reports during the development of the project alternative. According to the Coordination Act, the Corps should coordinate with the Service early on and during the entire planning process of a water resources development project. Pursuant to the National Transfer Funding Agreement, which implements the requirements of the Coordination Act, we believe this process has been severely truncated for this 1135 project. We believe any water resource development project, including a comprehensive plan for Ballona wetlands, warrants early Service involvement as set forth in the Transfer Funding Agreement, including preparation of the appropriate planning documents, alternatives analysis, and finally a Coordination Act Report for a comprehensive plan.

If you have any questions, please feel free to contact John Hanlon, Chief, Branch of Federal Projects, at (760) 431-9440.

Sincerely,


for Ken S. Berg
Field Supervisor

cc: COE, Los Angeles, CA (Attn: Mssrs. Copeland, Kaiser, and Young)

G-26

Still seeking integrity of process and honest mindfulness from SCC and CDFW,

Patricia McPherson, Grassroots Coalition

A State Coastal Conservancy Grant authorized in May, 2021, to CDFW, authorized a scope of work outside the Ecological Reserve, to correct flood control errors. Instead, CDFW now pursues a blind construction effort to excavate habitat & create saltwater channels of intrusion into areas that do not warrant such disruption because: 1) the area is passively regenerating native habitat; 2) the area already maintains lush saltmarsh habitat; 3) saltwater intrusion into fresh groundwater dependent habitat can harm the habitat, wildlife and the fresh groundwater, violating SGMA & Porter-Cologne Act. While multiple lawsuits challenge the FEIR, the CDFW Sequence 1,2 plans are an end-run to start the creation of a full tidal saltwater bay.

Ballona Wetlands Restoration Project

Sequence 1 and 2 Design and Permitting Solicitation Announcement

CDFW is pleased to announce that, as of April 1, 2022, we are requesting proposals from qualified firms to complete necessary designs and acquire necessary permits for Sequences 1 and 2 for the Ballona Wetlands Restoration Project.

More information can be found in the complete [Request for Qualifications](#) (RFQ).

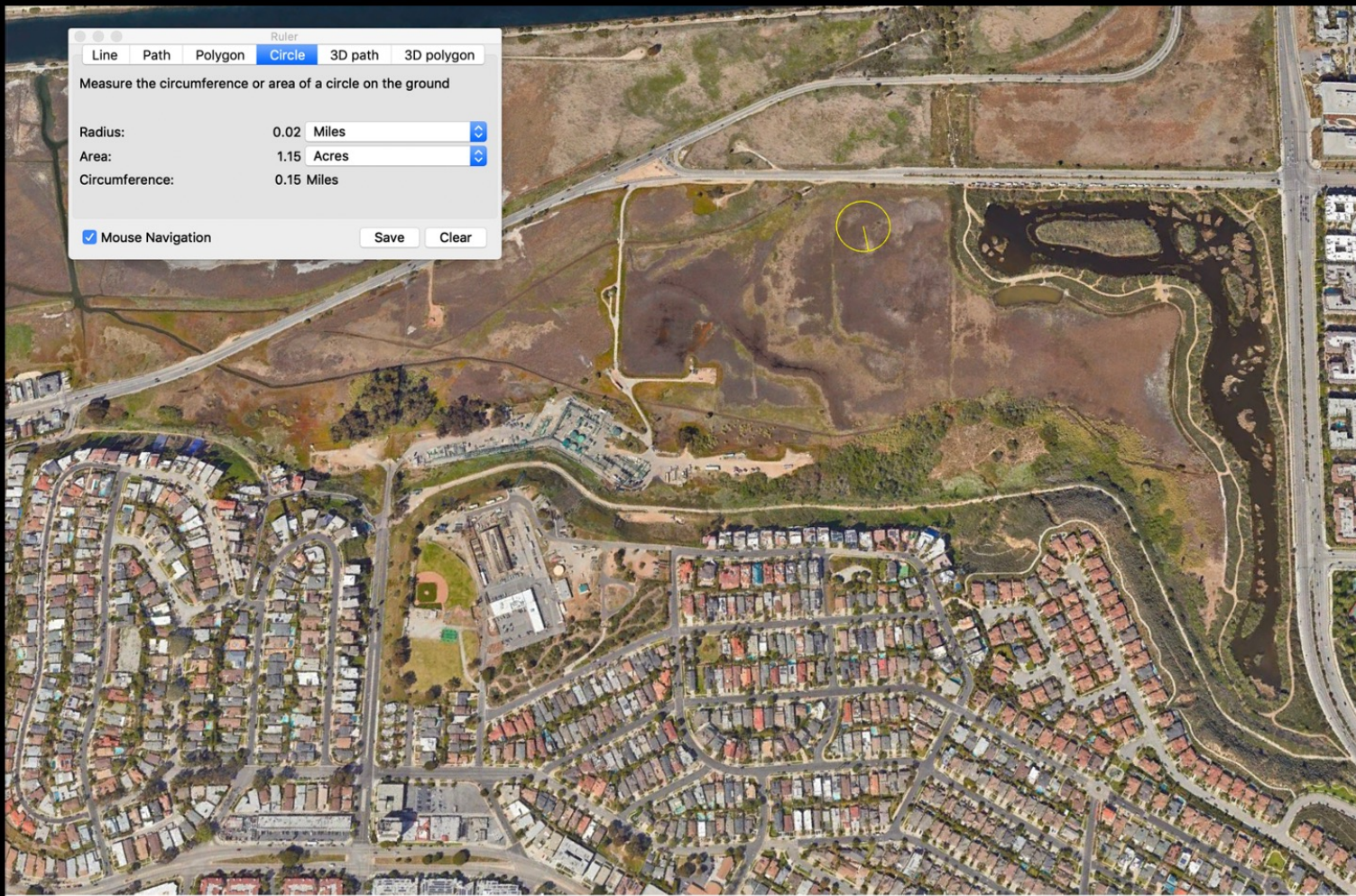
CDFW is excited to take this step in order to begin the initial two sequences of the restoration project. These two sequences involve removing and relocating an existing gas line and restoring and enhancing an approximate 60-acre degraded tidal, brackish, and freshwater wetland area in South and Southeast Area B of the ecological reserve (as analyzed in the [Ballona Restoration Environmental Impact Report](#)).

- These initial improvements will benefit endangered species. They will functionally lift and expand approximately 60 acres of habitat for the Belding's savannah sparrow and improve and expand freshwater and brackish habitat for least Bell's vireo and potentially light-footed Ridgway's rail.
- With minimal ground disturbance and a focus on improving hydrology, these initial sequences will increase tidal circulation and freshwater inputs (receiving flows from the Ballona Freshwater Marsh) to an area of the ecological reserve that has been hydrologically starved from its water source for many decades and, subsequently, where steady habitat decline is documented.

Public Trust lands and waters of the State Lands Commission are the first on the controversial conversion chopping block.

Sequence 1 & 2 Areas





Note the yellow circle on the left, which demonstrates roughly the size of 1 acre. The underlying fresh groundwater & aquifers of Ballona, are not evaluated for protection in the FEIR or Sequence 1,2. The seasonal, roughly 60 + acres of ponding freshwater throughout this area, are not discussed for protective consideration.



Language from CDFW's – ESA consulting group per Sequence 1 & 2 Presumably, **ONLY ADDRESSING** acreage of **SALTWATER INNUNDATION** via the manmade & TMDL (toxic) compromised trenches from Ballona Channel. There is no discussion of Ballona as a Groundwater Dependent Ecosystem per the Sustainable Groundwater Management Act. No evaluation of the natural surface/groundwater/habitat connection.

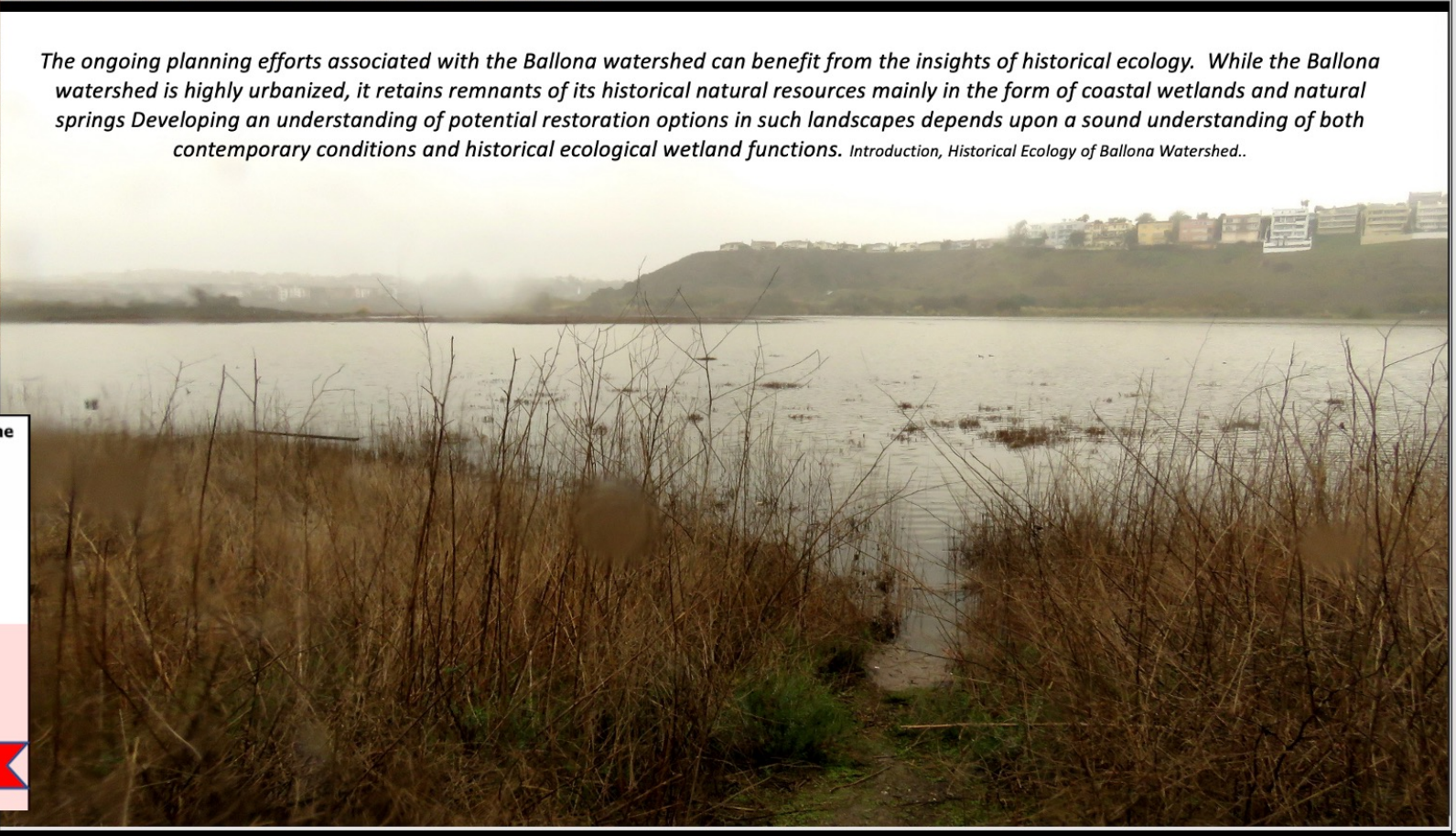
Existing Topography

- West Area B is lower in elevation than South and Southeast Area B
- ~3.9 acres in West Area B are inundated with high water
- Only ~1.1 are inundated by high water level in South and Southeast Area B



*The value of wetland ecosystems
that remain intact...*

CDFW’s Sequence 1, 2 continue to fail to address the natural freshwater systems of Ballona Wetlands and fail to address the natural regeneration of Ballona that is taking place.



The ongoing planning efforts associated with the Ballona watershed can benefit from the insights of historical ecology. While the Ballona watershed is highly urbanized, it retains remnants of its historical natural resources mainly in the form of coastal wetlands and natural springs. Developing an understanding of potential restoration options in such landscapes depends upon a sound understanding of both contemporary conditions and historical ecological wetland functions. Introduction, Historical Ecology of Ballona Watershed..

December 30, 2021 Ballona. Jonathan Coffin

No hydrology studies of Ballona Wetlands itself have been done to determine the negative impacts of the cumulative freshwater dewatering to Ballona Wetlands as can be noted in the following document portion produced by a member of the Project Management Team in the current EIR/S; Water Resource Development Act (WRDA) process. (Public Record Act response document)

| | | | | |
|---------|--------------|--------------------------------------|-----|-----|
| 5670662 | Geotechnical | Appendix B – Geotechnical Memorandum | n/a | n/a |
|---------|--------------|--------------------------------------|-----|-----|

Comment Classification: **For Official Use Only (FOUO)**

What is the groundwater condition at the project site?

Submitted By: [David Tran](#) (213-452-3563). Submitted On: Jun 05 2014
Evaluation not conducted



CDFW's Coastal Act violation of unpermitted drainage of Ballona's freshwater, which harmed the hydrology and targeted habitat—Pickleweed, has been stopped. With restored seasonal ponding, passive regeneration has occurred. On the north side of Sequence 1, 2 areas, the habitat for the endangered Belding's Savannah Sparrow has been restored as seen below.



October 2012 Pre-capping Photo J. Coffin

Photos to East
of South Drain
Area B



August 2020 Three years post capping Photo M. Griswold



Unpermitted drains in Area B
in currently preserved areas that support
wetland vegetation once drains were capped.

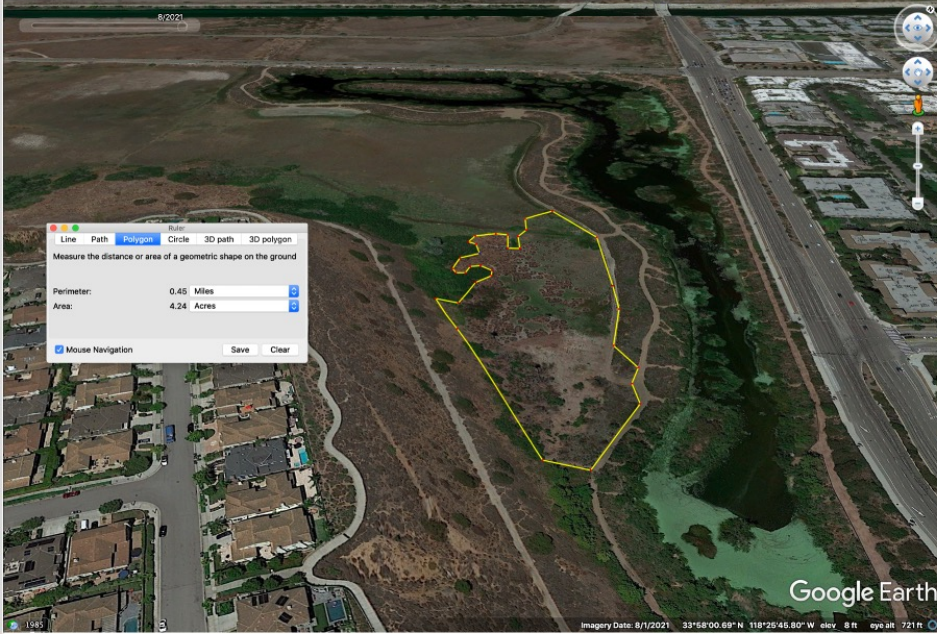
FEIR has inconsistencies of existing
Hydrology and Vegetation: Capping the
unpermitted drains in B north resulted
in native pickleweed wetland habitat.

*Endangered
Belding's
Savannah
Sparrow*






March 24, 2021 post fire (left side) May 29, 2021 post fire regrowth (right side)



Ongoing, passive regeneration of native plant species can be seen in these photos by Jonathan Coffin.


The Google Earth aerial view to the left, is outlined for the post-March 23, 2021 BWER 4.25 acre burn area as it appears on August 1, 2021



Salicornia pacific (Pickleweed) post burn regrowth along the back roadside with a row of burned Pampas Grass stumps May 29, 2021

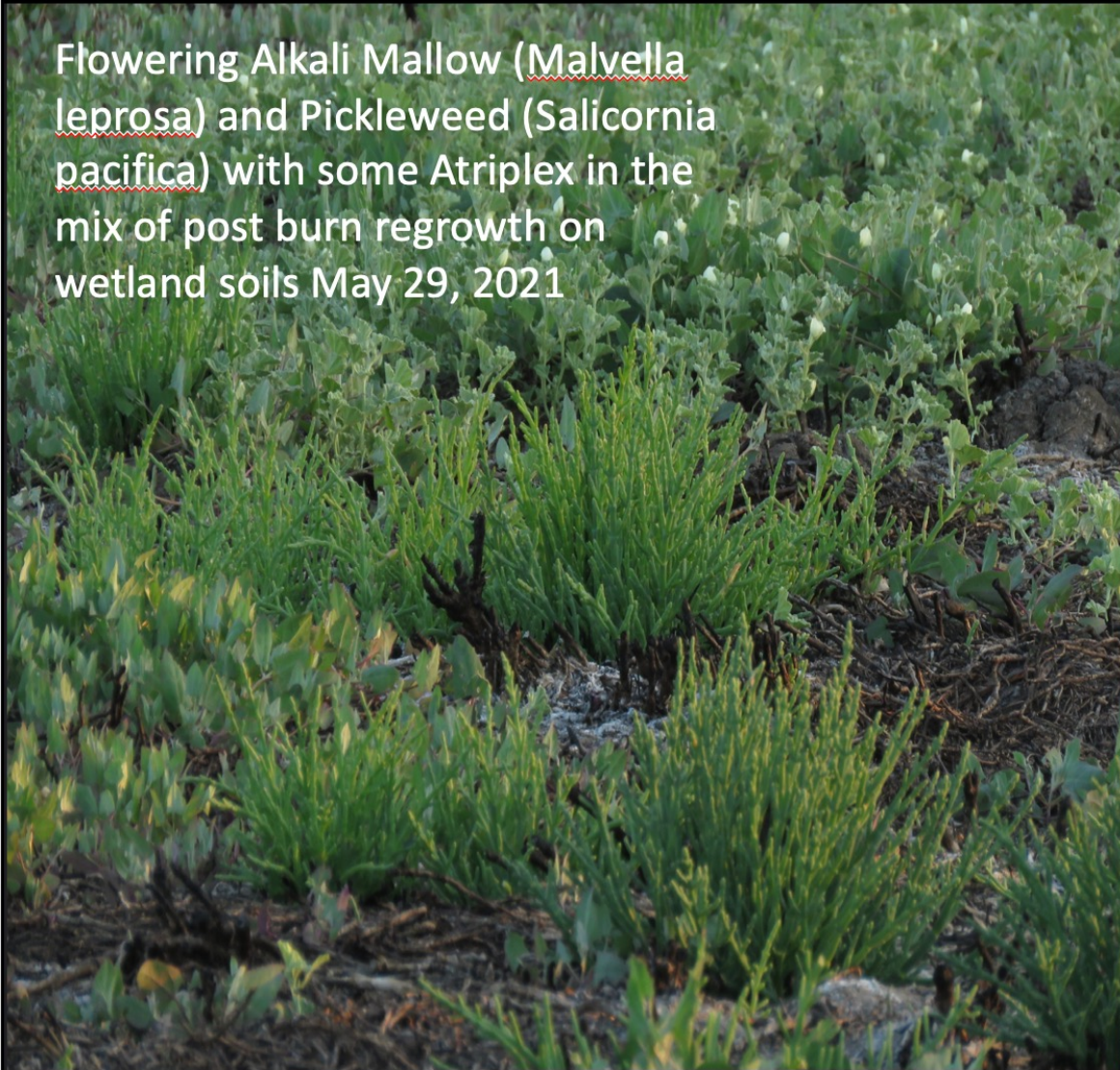


Bolboschoenus (Sedges) post burn regrowth May 29, 2021



Google Earth August 1, 2021;
Jonathan's photos showing post fire, passive
regeneration of native plants.

Flowering Alkali Mallow (Malvella leprosa) and Pickleweed (Salicornia pacifica) with some Atriplex in the mix of post burn regrowth on wetland soils May 29, 2021



Alkali Mallow (Malvella leprosa) in the foreground and Bolboschoenus (Alkali Bulrush) in the background post burn regrowth and some burned Pampas Grass stumps May 29, 2021



“The plants which are all native are all identified in my photos. You have to be specific which plants you are referring to. The “grasses” ... Bolboschoenus are Alkali Bulrushes which are sedges (sedges have edges).” Photographer & Naturalist, Jonathan Coffin.

A photograph showing a field of green Salicornia pacific (Pickleweed) growing in dark, wet soil. In the background, there are dark, charred stumps of vegetation and some taller, dry plants. The text "Salicornia pacific (Pickleweed) post burn regrowth May 29, 2021" is overlaid in white.

Salicornia pacific (Pickleweed) post burn
regrowth May 29, 2021



“These photos of the burn area show that tidal channels are not needed. There never were tidal channels in this area ... there were never tidal channels where they put the tide gates in for the 1135 project, for that matter. “ Margot Griswold Ph.D. Restoration Ecologist



The Sequence 1,2 area west of the expanded wetland portion is an area that has maintained Ballona's saltmarsh habitat, Pickleweed, which is the foraging and nesting habitat for the endangered Belding's Savannah Sparrow .



“Because this area is seasonally saturated with freshwater & also relies on the historic high groundwater table, there is no need to create potentially harmful saltwater channels. A Land Management Plan, which would necessitate evaluation of the site's natural hydrology has not been performed as required (F&G Code 1019).” Margot Griswold PhD.

Anthony Morales-Chief Red Blood- The Gabrieleno/Tongva of San Gabriel Mission Band of Indians



<https://saveballona.org/862020-ccc-anthony-morales-i-have-standing-chief-gabrieleno-tongva-san-gabriel-band-mission-indians.html>



<https://www.youtube.com/watch?v=XEoDN-SJido>

Anthony Morales-Chief Red Blood- The Gabrieleno/Tongva of San G

Sacred Site Registry

Site name: SA'ANQA
County: Los Angeles
Tribe: GABRIELINO/TONGVA INDIANS OF CA. TRIBAL COUNCIL

LOCATION
USGS Quad Meridian Township Range Section NW NE SW SE

CA-LAN
64,63,203,204 65
206A, etc.

OWNERSHIP SA'ANQA a Tongva Village (S)

Owner name: ABORIGINAL TITLE due to preemptive and
Owner address: PROTECTING ABORIGINAL TONGVA CLAIM to land water, cultural resources.
5450 S. AUSTIN AVE, Suite 151 Culver City, CA 90230-6000

SITE TYPE

| | | |
|---|--|---|
| Burial Site <input checked="" type="checkbox"/> | Reburial Site <input type="checkbox"/> | Rock Shelter/Cave <input checked="" type="checkbox"/> |
| Lithic Scatter <input checked="" type="checkbox"/> | Cachoe <input checked="" type="checkbox"/> | Worship/Ritual Site <input checked="" type="checkbox"/> |
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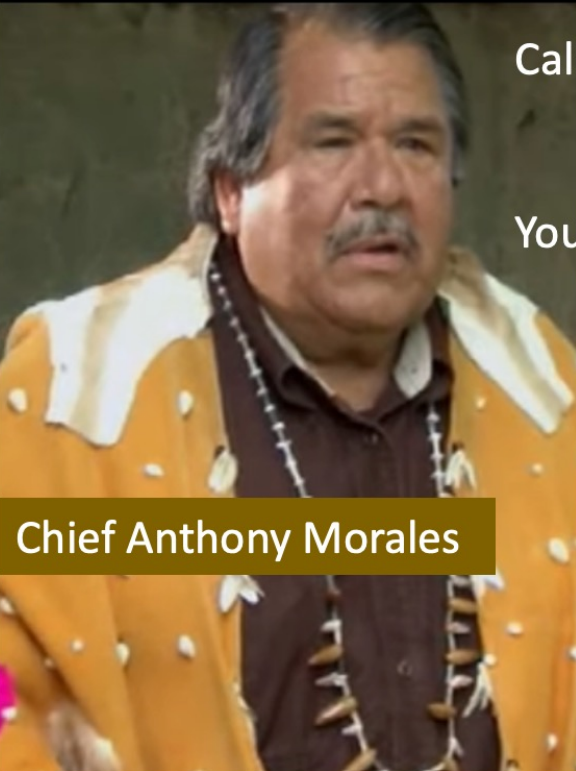
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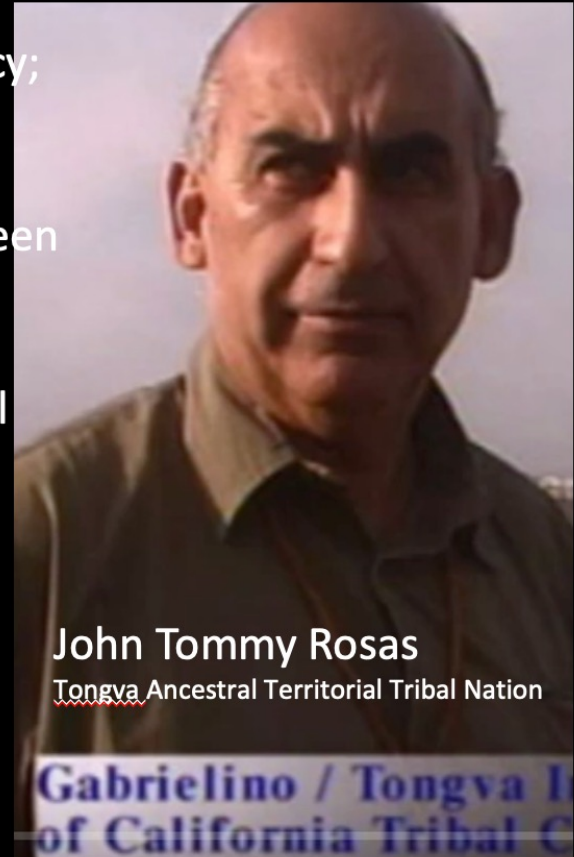


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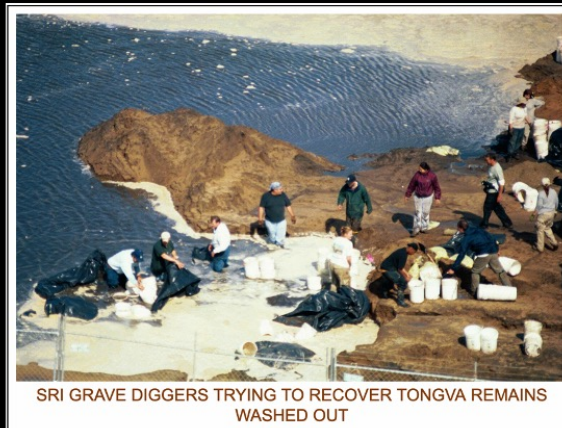
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