

**COASTAL COMMISSION
INFLUENCE UPON
BALLONA WETLAND'S
RESTORATION OUTCOME IN
1990....&.....NOW**



APPLICATION FOR FRESHWATER MARSH SYSTEM

Playa Vista's Flood Control System

To: Ballona Wetlands Committee; Maguire Thomas Partners-Playa Vista; State Lands Commission- R. Hight Esq. J. Powe Esq.- Friends of Ballona Wetland Council District 6 (now II) R. Galanter

DANIEL E. LUNGREN Attorney General

State of California DEPARTMENT OF JUSTICE



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May 23, 1991

John T. McAlister Maguire Thomas Partners-Playa Vista 13250 Jefferson Blvd. Los-Angeles, CA 90066

Robert Hight, Esq. State Lands Commission 1807 13th Street Sacramento, CA 95814

Josephine E. Powe, Esq. Hall & Phillips 10951 West Pico Blvd. 3rd Fl. Los Angeles, CA 90064

Ruth Galanter Councilperson Sixth District 200 N. Spring Street Room 239 Los Angeles, CA 90012

Re: Friends of Ballona Wetlands v. California Coastal Commission/ Application for Proposed Freshwater Marsh and Freshwater Marsh System

Dear Members of the Ballona Wetlands Committee:

As a follow-up to the April 25, 1991 meeting, Peter Douglas has met with his staff to address some of the questions raised concerning the application for coastal permit the Ballona Wetlands Committee proposes to file concerning the development of a Freshwater Marsh and Freshwater Marsh System at Ballona. Peter has asked me to give you the benefit of his further thoughts on the proposed application.

First and foremost, at a staff level Peter is in full support of doing whatever he can to accomplish the attainment of a full tidal salt marsh at Ballona. His intent is to try to accommodate the mutual objectives of the Friends, Councilperson and Maguire Thomas Partners while ensuring that the Commission fully meets its responsibilities under the Coastal Act.

Concerning filing of the application, Peter has discussed with his legal and planning staffs the question of whether the Commission would indeed be acting as a "lead" agency on this proposed project and whether an EIR would be required prior to filing. As to the former, there has been some confusion whether there is any local discretionary approval required to construct the Freshwater Marsh in Area B. John Bowers, staff counsel for the Commission in San Francisco, is currently checking with the City Attorney's Office

John T. McAlister, et al. May 23, 1991 Page 2

specifically to determine whether a City coastal permit would be required. If so, at some point the City would have to entertain separately an application for a local coastal permit and to comply with CEQA accordingly.

In any event, with respect to the freshwater marsh application, the Commission's role under CEQA remains the same whether it functions as a lead agency or not. No EIR or negative declaration would be required either to file the application or to process it. This is so because the Commission's regulatory program as to coastal development permits has been certified by the Secretary of Resources, thus exempting it from the preparation of such documents. Resources, thus exempting it from the preparation of such documents. Resources, thus exempting it from the preparation of such documents. Resources, thus exempting it from the preparation of such documents. Resources, thus exempting it from the preparation of such documents.

In the case of the freshwater marsh application, Peter is willing to waive applicable local approvals and any CEQA documentation which would be generated thereby once the nature of those approvals is clarified. That should be taken up directly with the Chuck Damm in the Commission's Long Beach office and the Commission's staff counsel, John Bowers, in San Francisco. In the event local approvals are waived, an application will be accepted for filing only if it is accompanied by, at a minimum, environmental documentation which includes: (1) a full evaluation of all alternatives and mitigation measures, and (2) written comments from the state and federal fish and wildlife agencies which are specifically directed to this particular application and which address the salt marsh issues raised by it.

Beyond the filing issue, the Commission staff is prepared to agree that the proposed Freshwater Marsh, including the 25-acre riparian corridor outside the coastal zone, can be accepted as adequate mitigation for the loss of salt marsh habitat in Area A and freshwater marsh located in Area B. However, staff wants the Committee to understand that it views this project as an integral part of full wetland restoration at Ballona, whether restoration be mid-tidal or full-tidal in nature. Therefore, if for some reason the overall restoration project does not go forward, the mitigation credit provided by an approval of this application would be rendered null and void.

John T. McAlister, et al. May 23, 1991 Page 3

As to the remaining issues, the staff is not prepared to agree to application of a HEP analysis at Ballona which involves establishing some level of biological value to be achieved in one location while setting some type of habitat value elsewhere for purposes of determining future mitigation credits. The staff believes the issue is more appropriately dealt with on an acreage basis. Staff is also not ready to discuss what kind of mitigation ratio might apply in the circumstances presented. That would remain a post-filing issue.

Finally, the staff is willing to request that Fish and Game undertake an updated delineation of wetlands in Area A. Staff is likely to rely upon that determination in addressing the mitigation credit issue.

Obviously, this letter is a summary of the various issues Peter discussed with Commission staff. Therefore, it should not be construed as a definitive statement concerning the staff's ultimate recommendation on these points. Nonetheless, we hope it will serve to assist the Ballona Wetlands Committee in moving forward with its proposed application for permit.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

DANIEL E. LUNGREN Attorney General

STEVEN H. KAUFMANN Deputy Attorney General

- cc: E. Clement Shute, Jr., Esq. David Vena, Esq. Daniel E. Corey, Esq. Richard E. Hammond, Esq. Patty Turbert, Esq. Rubell Helgeson Darlene Fischer Phillips, Esq. Dean E. Dennis, Esq. Joyce Padleschat, Esq. Carlyle W. Hall, Esq. James Tucker, Esq. Owen Olpin, Esq. Dean Willis, Esq. Peter M. Douglas - CCC/SF Chuck Damm - CCC/SD John Bowers - CCC/SF Chris Perry - CCC/SF Donald Lollock - F&G/SAC

Questions still exist regarding fulfillment of the CDP and its mitigation credits.

Peter Douglas fully supports attainment of a full tidal salt marsh at Ballona. Scientific studies determining that Ballona was a rare seasonal freshwater wetland had not yet been done. The erroneous saltwater 'embayment' mindset was featured in the SA and Permits of CCC, USACE & continue to thwart any meaningful freshwater ALTERNATIVE for Ballona's Restoration.

The Ballona Committee is the Applicant. The Coastal Development Permit Application was filed by MTPartners-Playa Vista, on behalf of the Ballona Committee.



LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

DEPARTMENT OF THE ARMY PERMIT

Permittee:

Maguire Thomas Partners-Playa Vista
13250 Jefferson Boulevard
Los Angeles, CA 90094

Permit Number:

90-426-EV

90-426-EV

Issuing Office:

Los Angeles District

Note: The term "you" and its derivative shall refer to the permittee or any future transferee of the permit. The appropriate district or division shall be the one having jurisdiction over the permit. The official acting under the authority of the Commission shall be the official acting under the authority of the Commission.

You are authorized to perform work under the conditions specified below.

Project Description:

1. To place fill material in a total of 8.1 acres of delineated wetlands for the purpose of constructing a mixed use development known as Playa Vista. 3.5 acres of these wetlands are located in Area D, 1.8 acres in Area C, and 2.8 acres in Area B (see attached drawings).
2. To construct a retention basin/freshwater marsh on the east end of Area B that will result in the loss of 4.0 acres of jurisdictional wetlands for the construction of a berm which will border and confine the freshwater marsh area and allow it to serve as a water cleansing basin. An additional 4.0 acres of existing wetlands in this area will be impacted by construction in this area, but will be restored and incorporated into the freshwater wetland system.



5-91-463 Application

2. Describe the proposed development. Include secondary improvements such as septic tanks, water wells, roads, etc.

To create and restore a 27-acre freshwater marsh that is part of a 52-acre freshwater wetland system (the 25-acre riparian corridor is immediately east of the coastal zone boundary). See attached

U.S. Army Corps of Engineers permit application for description, as well as Section 7.

SPECIAL CONDITIONS FOR
Permit Number 90-326-EV

ing mitigation for this permit and future planned at Playa Vista, the permittee shall construct 51.1 freshwater wetlands as set forth in the permit on dated August 15, 1990, as amended August 1, 1991. the permittee shall establish 5.3 acres of salt marsh.

water wetlands will incorporate a riparian corridor of

IV. Project Purposes: the Ballona Wetlands Committee Asks the Commission to Take Three Actions.

In this application, three actions are requested of the Commission:

Waive prior agency approvals.

The Executive Director is asked to exercise his authority under the Commission's administrative regulations to waive the standard requirement for preliminary approvals from certain local, state, and federal agencies prior to Commission acceptance of a coastal permit application. The permit seeks restoration of wildlife habitats; as such it proposes a use of larger-than-local importance, and it is a project for which the requested waiver is authorized by the Commission's regulations. [Title 14, California Code of Regulations, §§ 13053, 13513(a)(6)]. This issue is discussed more fully in the June 13, 1991 letter from the applicant to Peter Douglas transmitting this Application to the Commission, at pages 46-50.

Peter Douglas asked to waive the Standard requirement for preliminary approvals from local, state, federal agencies prior to Commission acceptance of a coastal permit application.

The permittee shall designate a site for the 5.3 acres of salt marsh mitigation within the area proposed to be restored as salt marsh pursuant to a future permit application. The 5.3 acres of restored salt marsh shall mitigate on an acre for acre basis the loss of 1.4 acres of salt marsh under this permit and the loss of up to 3.9 acres as a result of future permits.

Ballona Wetlands Restoration of the Salt Marsh

Introduction

This document describes alternatives for the restoration of the Ballona Wetlands. The alternatives were prepared using the *Restoration Goals and Objectives* adopted by the Ballona Wetlands Committee. The preferred alternative is described in detail and illustrations of this alternative are provided. Other alternatives are compared to it. It is expected that additional alternatives could be developed during the environmental review of this project.

Goals and Objectives

The design for the restoration of the Ballona Wetlands is based on a set of goals and objectives developed by the Ballona Wetlands Committee. These goals and objectives are provided in Table 1.

Table 1:

BALLONA WETLANDS RESTORATION GOALS AND OBJECTIVES

Adopted by Representatives of the Friends of Ballona Wetlands,
League of Coastal Protection, City of Los Angeles acting through the 6th Council District,
Maguire Thomas Partners-Playa Vista, and
State Lands Commission representing the Controller of the State of California.

Final - August 10, 1990, as amended

Overall Goal:

To restore a dynamic, self-sustaining tidal wetland ecosystem that results in a net gain in wetland functions and a net gain in wetland acreage south of Jefferson Boulevard and west of Lincoln Boulevard and that serves as an estuarine link between Santa Monica Bay and the freshwater tributaries to the Ballona Wetlands.

The restoration program should consider both full-tidal or mid-tidal options. The creation of a mixed-tidal system (i.e., a system having a mid-tidal range in the North and South Wetlands and a full-tidal range in the North-East and East Wetlands) is the preferred alternative.

Definitions:

Full Tidal: Tidal range and/or elevations will be comparable to those in the Ballona Flood Control Channel.

Mid Tidal: Tidal range will be approximately half the mean range (or approximately 3 feet) of a full-tidal system.

Estuarine: A coastal embayment where tidal salt water is measurably diluted by freshwater, at least seasonally.

Habitat: An area that provides appropriate shelter, food, and other factors necessary for the survival of a specific organism.

Settlement Agreement's "Ballona Wetlands Goals and Objectives" states...'The restoration program would either be a full-tidal or a mid-tidal system. The creation of a full-tidal is the preferred alternative.'

The Settlement Agreement's "Ballona Wetlands Goals and Objectives" states, in its "Overall Goals": "The restoration program should either be a full-tidal or a mid-tidal system. The creation of a full-tidal system is the preferred alternative. Should, however, full-tidal restoration not be achievable, a mid-tidal system will then be constructed."

In its Wetlands Guidelines and Policies, the Settlement Agreement recites that MTP-PV "has configured the Project in a manner intended to provide full compliance for mitigation required under federal and state law for the Project's proposed dredging/filling of isolated, degraded wetlands within the Project site A primary purpose of the foregoing program is to eliminate the need to utilize any saltwater wetlands for Project mitigation. This

PAGE 12
5-91-463

"Should, however, full-tidal restoration not be achievable, a mid-Tidal system will then be constructed."

"Estuarine: A coastal embayment"

PLAYA VISTA PERMIT APPLICATION = ALL LANGUAGE RELATES TO FULFILLMENT OF THE SETTLEMENT AGREEMENT
IN THE COASTAL DEVELOPMENT PERMIT 5-91-463 AND ARMY CORPS OF ENGINEERS PERMIT EV 90-463

Project Overview

INTRODUCTION

- I. Description of the Project: A Freshwater Marsh in Area B As A Component of A Freshwater Wetland System That Also Includes A Riparian Corridor in Area D.

III. Background: Relationship of Proposed Freshwater Marsh to Certified Ballona LUP, 1984 Action, and Settlement Agreement.

The Freshwater Marsh permit is being sought in order to help implement the Settlement Agreement between MTP-PV and the Friends of Ballona Wetlands et al. ("the Friends") arising out of the 1984 Action against the Commission and other parties. The Friends' Action challenged as inconsistent with CEQA and the Coastal Act the

I-2

Who Manages the
Freshwater Wetland
System?
Ballona Committee &
Establish Ballona
Foundation =
Committee Members

Under the Settlement Agreement, the Committee is responsible for obtaining the necessary authorizations to implement the Freshwater Wetland System, overseeing its implementation, and assuring the management of the wetlands once they are restored. In addition, the Committee is responsible for establishing the Ballona Wetlands Foundation, which would provide permanent management oversight for the wetlands. The Foundation's membership would consist of representatives of the entities that now comprise the Committee.

is accounted for by the footprint of the berm. Maguire Thomas Partners-Playa Vista ("MTP-PV"), acting on behalf of the Ballona Wetlands Committee ("the Committee"), is the permit applicant. The permit is consistent with, and, if issued, would help implement the Settlement Agreement in the 1984 case of Friends of Ballona Wetlands, et al. v. California Coastal Commission, et al. (Superior Court of the State of California, County of Los Angeles, Case No. C525-826) ("the 1984 Action").

Friends of Ballona's flyer cites that:

30 years ago we saved Ballona from development,

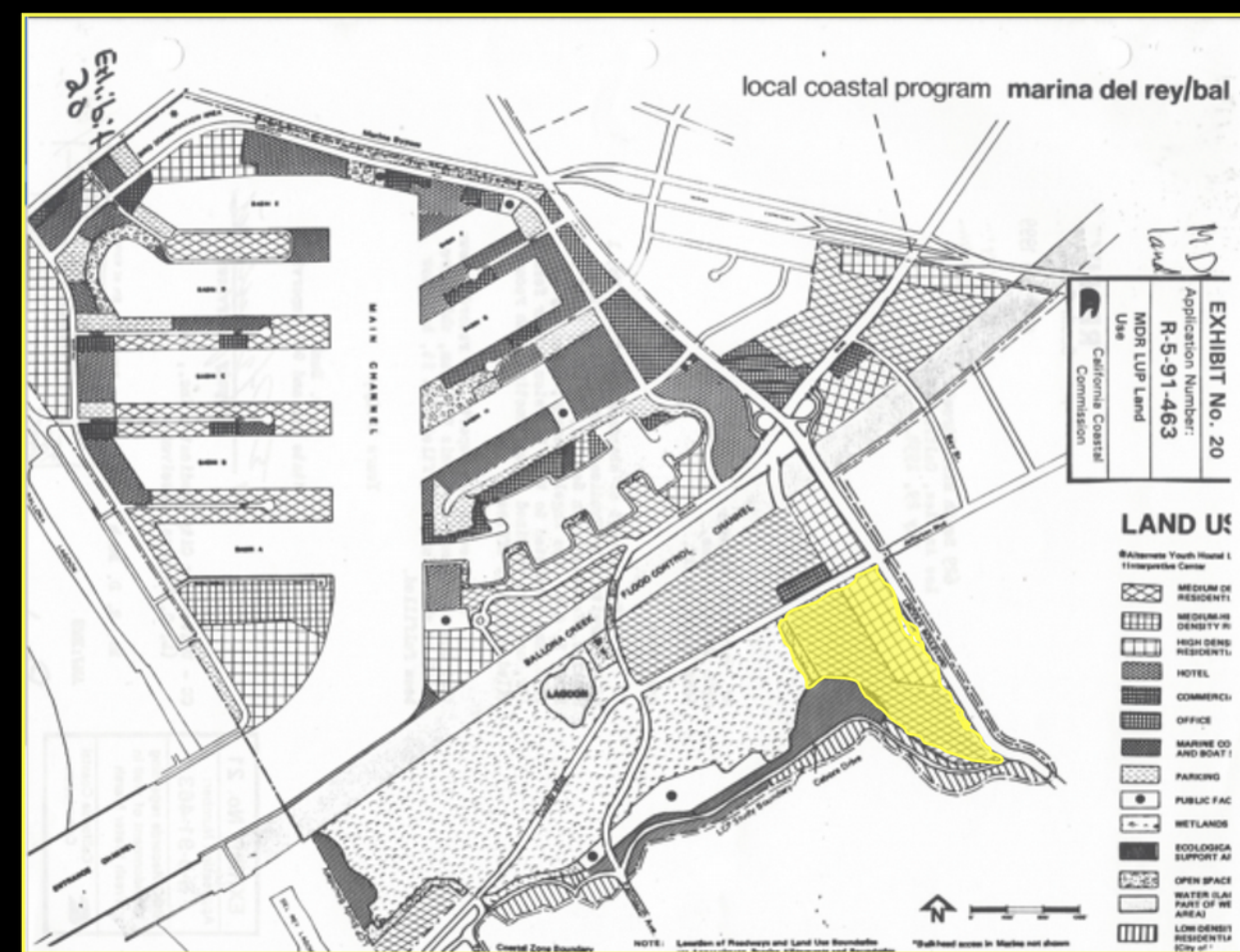
Really? The FBW v California Coastal Commission Settlement Agreement (SA-1990)--- which was a challenge to the CCC's approval of the Land Use Plan----reads differently.

Actually, a coalition of groups DID work to compel Playa Capital IIc into becoming a willing seller. The groups, after working with the City of LA Building & Safety Department to unveil the tremendously dangerous oilfield gases discovered surfacing throughout the area; LADBS declared that all the Ballona lands west of Lincoln Blvd. were not allowed to be built with residential construction due to the land's location over the underground gas storage operations of SoCalGas. Playa Capital LLC meanwhile, had become a willing seller and the land was publicly owned by 2004.

What the Settlement Agreement garnered was the area marked in yellow. That area is FBW's legacy-- a portion of Playa Vista's flood control system, aka the freshwater marsh—which uses freshwater pumped from under Playa Vista that is ultimately sent into the Bay via a large drain that connects into the south levee of Ballona Flood Control Channel. & FBW cites that:

There are groups that oppose any restoration that could Bring Back Ballona.

Grassroots Coalition is aware of no organization that opposes restoration.



Above, is the Land Use Plan that Friends of Ballona challenged and came to a Settlement Agreement in 1990. As you can see, most of the land below Ballona Channel & west of Lincoln Blvd. was assigned as wetlands in the LUP. The FBW did 'win' the land adjacent to Lincoln Blvd. & south of Jefferson Blvd., now known as the freshwater marsh—which is part of Playa Vista's flood control system. Playa Capital LLC argued it out of the Ballona Wetlands Ecological Reserve because it is their flood control system (Tyrrell/Playa Capital LLC Letter to State Lands Commission.)

The CALIFORNIA COASTAL COMMISSION relied on this language to approve CDP 5-91-463

Playa Vista knew: it needed to remove groundwater; needed to create flood control systems; knew of Ballona's freshwater Ponding and Centinela Creek flow in Ballona.

7. The Freshwater Wetland Mitigation Habitat Would Offer Greater Productivity. The proposed Freshwater Marsh and Riparian Corridor would offer an integrated, biologically productive freshwater wetland system. The System would increase species diversity at Ballona and provide 52 acres of scarce coastal riparian and freshwater marsh habitat critical to declining species.

'Freshwater Wetland.. Habitat Would Offer Greater Productivity'!

"The System would increase species diversity at Ballona and provide 52 acres of SCARCE COASTAL RIPARIAN and FRESHWATER MARSH HABITAT TO DECLINING SPECIES"



-Rainwater ponding on Ballona Wetlands-Jan. 1952 (Spence/ ucla)
Historically, the Ballona Wetlands/ Upland Complex was a seasonal wetland closed to the Santa Monica Bay until the saltwater entrances now known as Ballona Lagoon, Del Rey Lagoon and Marina del Rey were man-made.

Here,
Is Some of the
Freshwater that
Playa Vista Knew
it Needed to
Remove from
under Playa Vista



And...as
Ballona was
eliminated.

Nature
provided
water --
developers
have taken
it away.

This was Ballona Wetlands –
before Playa Vista --Area D.





The wetlands on the north side of Jefferson Blvd. are seen above ponded with water; this is the same area that the Playa Vista drainage devices continue to drain away fresh water today. At the SE corner of the Lincoln/ Jefferson intersection— sits Playa Vista's staging building.

III. Background: Relationship of Proposed Freshwater Marsh to Certified Ballona LUP, 1984 Action, and Settlement Agreement.

The Freshwater Marsh permit is being sought in order to help implement the Settlement Agreement between MTP-PV and the Friends of Ballona Wetlands et al. ("the Friends") arising out of the 1984 Action against the Commission and other parties. The Friends' Action challenged as inconsistent with CEQA and the Coastal Act the

Under the Settlement Agreement, the Committee is responsible for obtaining the necessary authorizations to implement the Freshwater Wetland System, overseeing its implementation, and assuring the management of the wetlands once they are restored. In addition, the Committee is responsible for establishing the Ballona Wetlands Foundation, which would provide permanent management oversight for the wetlands. The Foundation's membership would consist of representatives of the entities that now comprise the Committee.

PERMIT APPLICATION
for a
FRESHWATER WETLAND SYSTEM
at Ballona

--
a 27-Acre Freshwater Marsh
and
a 25-Acre Riparian Corridor

APPLICANT

Maguire Thomas Partners-Playa Vista, a limited partnership
13250 Jefferson Avenue
Los Angeles, California 90094
(213) 822-0074

AUTHORIZED AGENT

Mr. Richard E. Hammond, Esq.
Heller, Ehrman, White and McAuliffe
333 Bush Street
San Francisco, California
(415) 772-6619
fax (415) 772-6268

June 1991

USACE Description of Freshwater
Marsh System Is the Coastal
Development Permit 5-91-463
Description of the System.

Maguire Thomas Partners-Playa Vista
Application on behalf of the **Ballona
Committee** (PV; FOB; State Lands Commission; CD 6
now CD 11)

Appendix A, the declaration of campaign contributions.

SECTION II. PROPOSED DEVELOPMENT

Please answer ALL questions. Where questions do not apply to your project (for instance, project height for a land division), indicate "Not Applicable" or "N.A."

1. Project Location. Include street address, city, and/or county. If there is no street address, include other description such as nearest cross streets.

Southwest of Jefferson Boulevard/Lincoln Boulevard intersection
number (8) street (9)

Los Angeles, County of Los Angeles
city (10) county (11)

Assessor's Parcel Number 000 4211 014 013 & 014

2. Describe the proposed development. Include secondary improvements such as septic tanks, water wells, roads, etc.

To create and restore a 27-acre freshwater marsh that is part of a 52-acre freshwater wetland system (the 25-acre riparian corridor is immediately east of the coastal zone boundary). See attached U.S. Army Corps of Engineers permit application for description.

as well as Section 7.

a) If residential, state:

1) Number of units n/a (28)

2) Number of bedrooms per unit n/a (28)

3) Type of ownership proposed:

rental

condominium

stock cooperative

time share

other n/a

b) Number of boat slips, if applicable n/a (29)

c) If land division, number of lots to be created and size n/a

1990 Settlement Agreement

All lands west of
Lincoln Blvd. and
south of
Jefferson Blvd,
and restoration
of the Ballona
Wetlands...

Goals and
Objectives by
the Ballona
Wetlands
Committee

CCC carrying out
the provisions of
the Settlement
Agreement

The Settlement Agreement memorializing this accord was executed on October 18, 1990 ("Settlement Agreement"; Appendix 1). The Hon. R. William Schoettler, Jr., Judge of the Superior Court, will administer the Settlement Agreement. Judge Schoettler has appointed E. Clement Shute, Jr., Esq., as a Referee to facilitate the implementation of the Settlement Agreement and the resolution of issues affecting the parties to the litigation. Mr. Shute has been actively engaged with the parties now for more than six months.

The Settlement Agreement contemplated the development of a Wetlands Restoration Plan, to include, among other features, expansion of the Ballona Wetlands by approximately 60 acres. The expanded restoration plan would include all lands located west of Lincoln Boulevard and south of Jefferson Boulevard, and restoration of the

This SA was was judicially updated in 2006. The CCC maintained its original agreements as Stipulated in 1994.

Ballona Wetlands, including freshwater, brackish, and saltwater wetlands, sand dunes, and upland transition habitats. The Settlement Agreement set forth Wetlands Guidelines and Policies and Ballona Wetlands Restoration Goals and Objectives ("Guidelines and Policies" and "Goals and Objectives", respectively; see Appendix 1, Settlement Agreement, and the appendices thereto).

The Goals and Objectives were formulated and adopted by the Ballona Wetlands Committee (the "Committee"), an entity created to implement the portions of the Settlement Agreement relating to the restoration and maintenance of the Ballona Wetlands. The Committee is comprised of representatives of the following four entities: Petitioners, who are represented by the Friends of Ballona Wetlands; the City of Los Angeles, acting through the 6th Council District; the State Lands Commission, acting through the Controller of the State of California; and MTP-PV.

The Goals and Objectives call for the creation of a freshwater marsh, among numerous other biological objectives. The Wetlands Guidelines and Policies state that the Freshwater Wetland System

Under the Settlement Agreement, the Committee is responsible for obtaining the necessary authorizations to implement the Freshwater Wetland System, overseeing its implementation, and assuring the management of the wetlands once they are restored. In addition, the Committee is responsible for establishing the Ballona Wetlands Foundation, which would provide permanent management oversight for the wetlands. The Foundation's membership would consist of representatives of the entities that now comprise the Committee.

Ballona Committee to establish Ballona Foundation consisting of the 4 entities comprising the Committee

In the Settlement Agreement, MTP-PV committed itself to provide the land for the Freshwater Marsh and to pay for its development. MTP-PV also agreed to secure, on behalf of the Committee where appropriate, all public agency authorizations necessary to implement the Settlement Agreement, including coastal development permits necessary to implement the Freshwater Marsh component of the Freshwater Wetland System.

As a principal defendant in the 1984 Action, the Commission has participated, through its legal representative, in the negotiation of a draft Final Stipulation related to the Settlement Agreement.

The Commission has voted to enter into a Final Stipulation, subject to certain conditions, carrying out the provisions of the Settlement Agreement. The Final Stipulation will address the Commission's schedule for processing and reviewing applications implementing the Settlement Agreement.

'RELATIONSHIP TO SALTMARSH RESTORATION'

The designers of the system have proposed that these structures be originally set to allow freshwater overflows from 1-year or greater storm events to enter the proposed salt marsh restoration area. Overflows from the 1-year or greater event will spill over the spillway or wier in the central portion of the berm. Should this be insufficient freshwater, the spillway can be reset to allow freshwater to spill into the salt marsh area on smaller storm events.

Seasonal inflows of freshwater are important in maintaining the integrity and viability of a salt marsh, however, the exact amount of freshwater inflows that a salt marsh requires is unknown. Therefore, the sluicigated management structure can also be used to provide for managed freshwater inflows into the salt marsh. The management structure is located at

Playa Vista Freshwater Marsh System Permit Application

marsh habitat, and (ii) creation of a means of supplying freshwater to the salt marsh located to the west of the Freshwater Marsh on a managed basis, while also protecting salinity values in the salt marsh. The System also would help reduce, through its natural water cleansing function, pollutant loadings to the salt marsh and Santa Monica Bay.

'SALT MARSH LOCATED TO THE WEST OF THE FreshWater Marsh'

C. WETLAND MITIGATION RESULTING FROM THE PROJECT: The use of the freshwater wetland as mitigation for wetland fill in other areas of Playa Vista shall not be allowed until specifically authorized by the Commission. The authorization to use that area as mitigation shall be made on the following criteria:

1. RELATIONSHIP TO SALTMARSH RESTORATION: The use of the Freshwater Wetland System as mitigation for wetland fill in other areas of Playa Vista shall not be available until substantial progress has been made towards completing the saltwater marsh restoration project on Area B in either its mid- or full-tidal form as described in the settlement agreement between the Friends of Ballona Wetlands and the applicant, among others, dated October 18, 1990 (the "Settlement Agreement").

The phrase "substantial progress" shall include preparation of a restoration plan, Commission approval of that plan, and assurances in a form acceptable to the Commission of the implementation, monitoring, and maintenance of the saltmarsh restoration efforts. This condition includes three different definitions for "substantial progress" that reflect possible options for implementation of that restoration plan. The three different definitions are as follows:

Corps SALTMARSH RESTORATION ALTERNATIVES

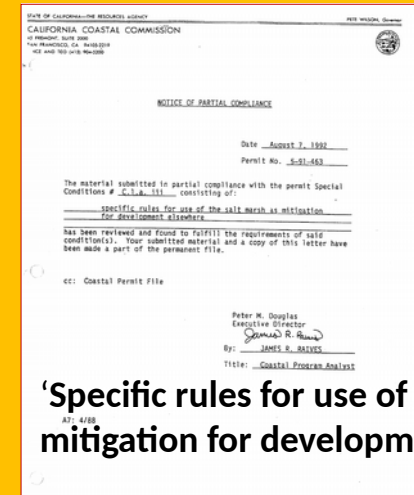
7. If over the course of permit review for the salt marsh restoration, the Corps determines that another salt marsh restoration alternative exists which is feasible to pursue based on the best science available, and which would require modification of the freshwater marsh to assure the optimal performance of the salt marsh, such modification shall be implemented and remain the obligation of the permittee.

CCC Settlement Agreement between Friends of Ballona et al (USACE, CDFW, STATE LANDS COMMISSION, PLAYA VISTA)



PREDETERMINES BALLONA'S RESTORATION AS A SALT MARSH, without any scientific basis and prior to Playa Vista's EIR.

THE CCC, USACE PERMIT APPROVALS 5-91-463; EV 90-426 CONTAIN NO HYDROLOGY ANALYSIS PRIOR TO THE PERMIT APPROVALS



'Specific rules for use of the salt marsh as mitigation for development elsewhere'



The CCC Settlement Agreement contains the USACE/ Friends of Ballona breeches in the Ballona Channel WITHOUT ANY 408 ANALYSIS to determine what harm would occur to Ballona & its underlying freshwater aquifers due to saltwater intrusion. There is simply no discussion or inclusion of the Hydrology studies performed and determinations made by Poland/ USGS (1959) and others, documenting Ballona's freshwater. No inclusion of House Doc 389 which warns of saltwater damage.

The current DEIR PREDETERMINES BALLONA'S RESTORATION AS A SALT MARSH & contains NO HYDROLOGY ANALYSIS for evaluation of a freshwater seasonal wetland that, had evaluation been done, as legally required, would have revealed the impacts of:

- 1) PLAYA VISTA/ CDFW Coastal Act violations-illegal drains in Ballona;
- 2) the throw away of the freshwaters sent into the sea from the Freshwater Marsh System;
- 3) the Playa Vista offsite pumping and throw-away into the Sanitary Sewer System of BALLONA'S GROUNDWATER that would ordinarily flow from under Playa Vista into the Ballona Wetland Ecological Reserve;





ksan.dio.enr.ect.coastal_conservancy/058_09_ballona_watertable/medias/05809_010607-10

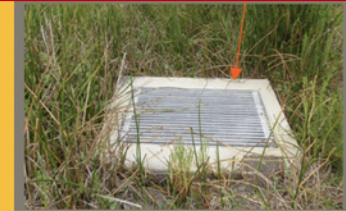
Source: Digital Globe Imagery, 2008

ICF
INTERNATIONAL

Figure 2
Project Site

- Playa Vista's groundwater dewatering has lowered the water-table by 15 feet— according to the Los Angeles Regional Water Quality Control Board (LARWQCB).
- Why is Playa Vista allowed to throw away Ballona's groundwater into the sewer?
- Why has the state done no groundwater hydrology studies for a freshwater alternative?

4) Playa Vista's insertion of the Square DRAIN in 2008/9, which, in response to Public Record Act requests, CDFW/State Lands Reply- don't know what it is/does- Tells public to ask Playa Vista.;



5) the Playa Vista-BALLONA CONSERVANCY/CDFW illegal roadway, 1602 Violation of Streambed Agreement;



6) the RELEASE from LIABILITIES to SoCalGas for its contamination of DRINKING WATER (current Prop. 65 classification) under Ballona Wetlands, (Prop. 65 ELF V SoCalGas p.11 Stip. Judgement BC364555) if and when saltwater intrusion occurs per CDFW's (Bay Foundation/ Coastal Conservancy) Alternatives ;



7. Change in Designation of Source of Drinking Water – The soil gas investigation, testing, monitoring and remediation plans called for herein shall no longer be required if the designation of the groundwater beneath the Facility is not considered a source of drinking water under Proposition 65 by the applicable California regulatory authorities, including without limitation, the Los Angeles Regional Water Quality Control Board.

7) Freshwater Marsh System failures:

Vector Control Citations; new management conditions; Main Drain-illegal drains allow unpermitted saltwater intrusion into Ballona Wetlands (Crehan/Psomas email to CDFW.Bay Foundation...)



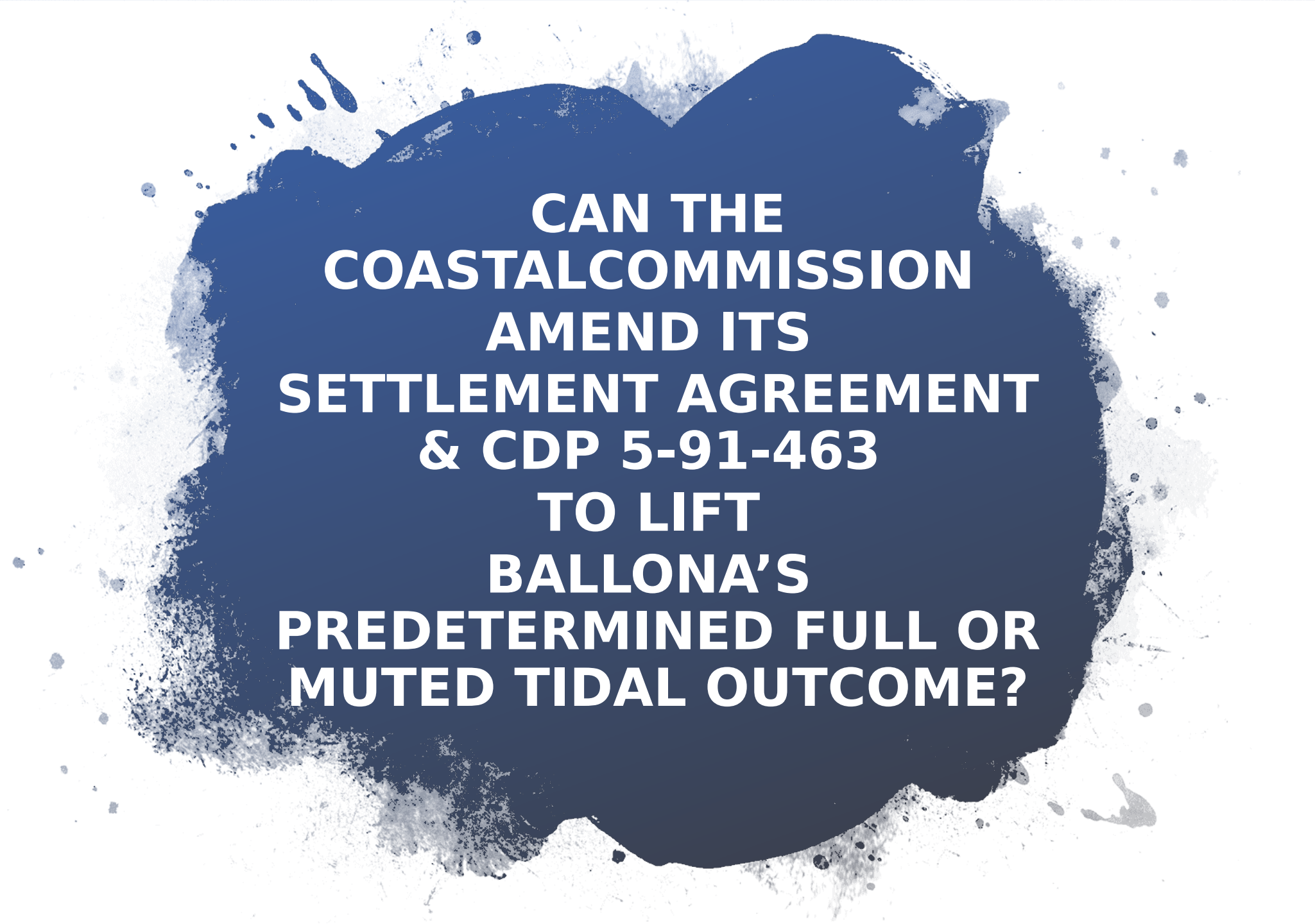
CDFW Streambed Violation Includes New Road/ Habitat Destruction in CCC jurisdiction area of Riparian Corridor of FWM System

Endangered Species habitat destruction

mystery

On August 21, 2018, Department of Fish and Wildlife (CDFW) received a report from the California Coastal Conservancy (CCC) regarding a potential violation of the Streambed Agreement (SBA) in the CCC jurisdiction area of the Riparian Corridor of the Freshwater Marsh System (FWM System) in the Ballona Wetlands. The report states that a new road was constructed through the CCC jurisdiction area, which is a violation of the SBA. The CCC is requesting that CDFW investigate the violation and take appropriate action. CDFW is currently reviewing the report and will provide a response to the CCC in the near future.

All of these issues were timely pre-DEIR release and should have been included and addressed in the Environmental Impact Report. Instead, none of these issues are addressed.



**CAN THE
COASTAL COMMISSION
AMEND ITS
SETTLEMENT AGREEMENT
& CDP 5-91-463
TO LIFT
BALLONA'S
PREDETERMINED FULL OR
MUTED TIDAL OUTCOME?**

Geology, Hydrology, and Chemical Character of Ground Waters in the Torrance-Santa Monica Area, California

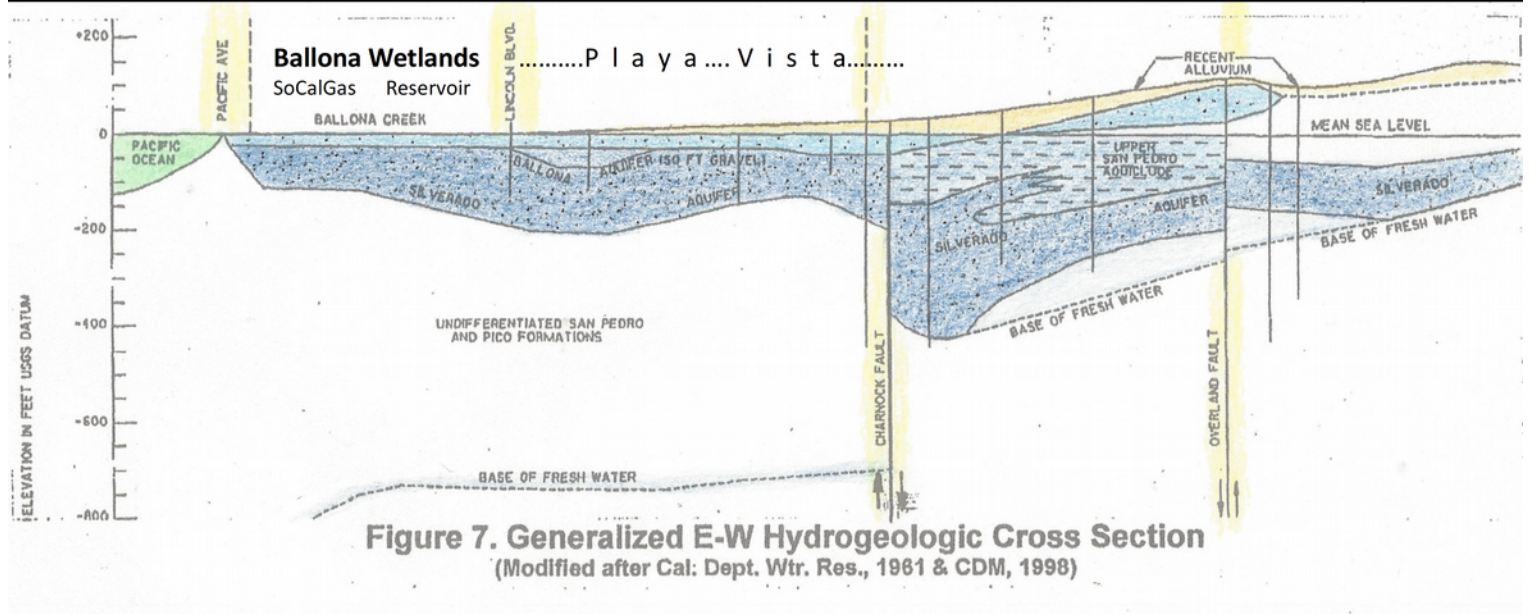
By J. F. POLAND, A. A. GARRETT, and ALLEN SINNOTT

GEOLOGICAL SURVEY WATER-SUPPLY PAPER 1461

Prepared in cooperation with the Los Angeles County Flood Control District, in collaboration with the cities of Inglewood, Redondo Beach, Manhattan Beach, El Segundo, Hawthorne, Culver City, Gardena, Hermosa Beach, and Palos Verdes Estates, and with the West Basin Water Association



Ballona's Aquifers
 No Aquitard is known to exist between the Bellflower/Ballona Gravel and the Silverado sands. Therefore, there is Hydraulic continuity between the Bellflower/Ballona Aquifer and the Silverado Aquifer, and **they form one aquifer zone** under most of the Plant Site. Source-pg. III-8 DEIR- Technical Appendices Volume VI; Appendix E: (Earth) 1992; Playa Vista EIR No. 90-0200-SUB C CUZ CUB.
 (*The Silverado Aquifer is the major drinking water source for the Los Angeles Basin. Ballona's aquifers are classified as potential drinking water. Grassroots Coalition)



All Historical Evidence Reveals that Ballona Wetlands Is a Unique, and Now Very Rare, Seasonal Freshwater Wetland

We now know that the CCC litigation Settlement Agreements mischaracterized the nature of Ballona Wetlands as a saltmarsh which led to further saltwater intrusion, without analysis of harm to the underlying freshwater aquifers- the breeches in the Ballona Channel by USACE and the County of LA. This led to the current **false premise of restoration**—namely ‘restoring the ebb and flow of the ocean’ to Ballona, which can be attributed to the Army Corps Permits and the Coastal Development Permit 5-91-463.

The CLASSIFICATION OF GROUNDWATER OF BALLONA WETLANDS REMAINS AS DRINKING WATER per Proposition 65.

LA WATER QUALITY CONTROL BOARD CLASSIFIES BALLONA'S GROUNDWATER AS POTENTIAL DRINKING WATER

CONTAMINATION OF THE NATIVE FRESH WATERS

GENERAL EXTENT OF WATER-QUALITY DEPRECIATION

As stated earlier, a few wells near the coast began to yield salty water in the late twenties. Subsequently, many of these wells were abandoned because contamination became so intense that the water could no longer be used. On plate 16 are shown the districts in the Torrance-Santa Monica area in which one or more of the groundwater bodies contained more than about 100 ppm of chloride in 1945-46. In certain of the districts, inferior waters existed under native conditions. In the Ballona and Dominguez Gaps, and along the coast from Playa del Rey to the Palos Verdes Hills, however, the extent of waters containing more than 100 ppm of chloride has resulted largely from saline contamination in the last 20 years, primarily from exterior sources. The inland advance of contamination along the coast since 1931-32 is indicated on plate 16 by the change in the position of the line showing 100 ppm of chloride.

and is shown on plate 3C.

The Palisades del Rey Water Co. pumps water from two fields. The field in 2/15-34K is about 0.4 mile from the ocean; there two wells have been drilled, of which one (2/15-34K1) is now active. The other field, in 2/15-34A and 2/15-27R, is about 0.9 mile from the ocean and about 0.5 mile from the escarpment; there four wells have been drilled, and one (2/15-34A1) is now active. Of the two fields, that in 2/15-34K is the older; well 2/15-34K1 (Palisades del Rey Water Co. well 1) was drilled in 1924. The first well in field 2/15-34A (2/15-34A1) was drilled about in 1930.

Waters yielded from the two fields were chemically alike and ranged from sodium, calcium bicarbonate to sodium bicarbonate waters, although in the available analyses sodium always made up at least 44 percent of all the bases. In these waters under native conditions, the sulfate content was usually less than 40 ppm. Good series of chloride determinations are available for wells 2/15-34A1 and 34K1 and are plotted on figure 15. As shown in these chloride analyses, both wells became definitely contaminated by 1945, and well 2/15-34A1 was incipiently contaminated in the early thirties. Contamination now is much more serious at well 2/15-34K1, not only because the chloride content is nearly twice that at well 2/15-34A1, but also because the rate of contamination increase is many times greater, as indicated by the slope of the chloride graph.

A striking difference in character change of the two waters is shown by the graph of bicarbonate in water from the two wells (fig. 15). In 1929, both wells yielded water containing over 300 ppm of bicarbonate.

5/13/54

PLAYA DEL REY INLET AND BASIN, VENICE, CALIF.

LETTER

FROM

THE SECRETARY OF THE ARMY

The proposed harbor overlies an important aquifer known as the "50-foot gravel," so named because the average depth of its base is about 50 feet below ground surface. In the vicinity of the site of the harbor the top of this aquifer is 40 to 45 feet below land surface. A study of the logs of 14 wells located within one-half mile of the perimeter of the harbor site indicates the aggregate thickness of relatively impervious material contained in the sediments overlying the aquifer to vary from 0 to 16 feet. Average aggregate thickness of clay above the aquifer is about 9 feet. In general, a large percentage of the impermeable material above the 50-foot gravel occurs near the land surface.

The General Plan of Improvement (enclosure 1 of the report) indicates dredgings to a depth of 20 feet below sea level, representing excavation to a total depth of roughly 25 feet below the present land

Division of Water Resources

The following is quoted from the district engineer's report concern-

PLAYA DEL REY INLET AND BASIN, VENICE, CALIF.

9

surface. Such dredging will obviously decrease the thickness of impermeable material lying between the floor of the harbor and the top of the water-bearing zone, thereby decreasing the resistance offered to the percolation of sea water into the aquifer.

1. Three active irrigation wells are situated within the perimeter of the proposed site. An additional 7 active irrigation wells are situated within 3,000 feet of the perimeter of the harbor. A total of 26 active irrigation wells are located within the area investigated, the most distant well being situated about 9,000 feet from the harbor perimeter.

From the foregoing observations, it is believed that the quoted conclusion No. 3 of the district engineer is contrary to what may be expected if the harbor is constructed, and that construction of the harbor would aggravate the present conditions of sea-water intrusion and endanger the water quality of wells located near its perimeter in the following ways:

2. Partial analyses of water samples obtained in April 1952 from 2 active water wells located within the perimeter of the proposed harbor show 640 and 486 parts per million chloride, respectively. The chloride content of ocean water is about 18,000 parts per million.

1. By reducing (through dredging) the thickness of relatively impermeable materials which lie between the surface and the top of the 50-foot gravel aquifer.

Water samples from 2 other active wells located within 2,000 feet of the perimeter contained 213 and 355 parts per million chloride, respectively. Samples from 2 more wells located 3,700 and 8,400 feet east of the eastern perimeter contained 216 and 284 parts per million chloride, respectively.

3. A rapid crop survey covering the area in the vicinity of the proposed Playa del Rey Harbor project indicates approximately 1,200 acres of truck crops are presently irrigated from wells. Based on an assumed consumptive-use factor of 1.7 acre-feet per acre and an assumed irrigation efficiency of 50 percent, annual consumption is about 2,000 acre-feet and well water production about 4,000 acre-feet per annum.

Cites multiple irrigation wells in Ballona area & warns of further saltwater contamination; dredging may also remove impermeable materials that lie between the surface and top of important 50' Gravel aquifer.

Ballona Wetlands Area A



Ballona ponding with the freshwaters of seasonal rainfall—Area A looking north. Pickleweed and grasses dominate the foreground.

‘Under native conditions...waters of good or fair quality existed to the coast along essentially all of the reach from Playa del Rey to Redondo Beach.’

‘...Standard Oil contamination ...’21’

214 GEOLOGY, HYDROLOGY, TORRANCE-SANTA MONICA AREA

Under the native conditions of coastward ground-water movement it is believed that waters of good or fair quality existed to the coast along essentially all of the reach from Playa del Rey to Redondo Beach. As of 1904, Mendenhall (1905b) canvassed 13 wells from Manhattan Beach to Redondo Beach that were less than 0.7 mile from the coast. Of these, all except three yielded water containing less than 600 ppm of dissolved solids. Only one well, in 3/15-36H (Mendenhall 273, Redondo), yielded water containing more than 1,000 ppm of dissolved solids. North of Manhattan Beach no wells had been drilled near the coast as of 1904—except near Playa del Rey in 2/15-34E (Mendenhall 80 and 81, Redondo), 0.4 mile inland from the coast. There, the main water-bearing zone yielded water containing 710 ppm of dissolved solids as of 1904.

So far as known, contamination within this coastal reach was first noted between 1912 and 1918—in well 4/14-6F1, at Hermosa Beach and 0.6 mile inland from the coast (p. 244). In the reach of greatest current inland advance at El Segundo, contamination was first reported in 1921 in wells of the Standard Oil Co.—in 3/15-13D and 14A (pl. 16). Well 3/15-14A2, about 0.6 mile inland from the coast, yielded water containing 90 ppm of chloride in 1920; this water was considered essentially native to the range tapped. Beginning in 1921, its quality deteriorated rapidly, however (fig. 20).

From 1920 to the early thirties, withdrawal from the Torrance-Inglewood subarea of the west basin increased substantially, largely because of the construction of a number of well fields supplying new industrial plants. As has been shown, water levels were lowered to and below sea level throughout most of the subarea. As a result of this lowering of water level, contamination of wells had occurred along most of the coastal reach from El Segundo to Redondo Beach by 1932.

The inland front of contaminated waters containing more than 100 ppm of chloride as of 1930-32 is shown on plate 16. At that time the greatest inland extent of the contaminated waters was about 1.3 miles at El Segundo; the least extent was not more than half a mile near Century Boulevard and at Hermosa Beach. Along the full 11-mile

Poland et. al

As of 1946, the front of waters containing more than 100 ppm of chloride, as shown on plate 16, ranged from half a mile inland near Century Boulevard to 1.7 miles at El Segundo. At Redondo Beach, the front then was 1.1 miles inland from the coast. From 1932 into 1946, the greatest advance of the saline front occurred between El Segundo and Manhattan Beach and was as much as 0.5 mile. However, the average advance of encroachment between Playa del Rey and Redondo Beach in the 14 years was about 0.3 mile, and the in-

CHEMICAL CHARACTER OF WATERS

215

crease in the area underlain by contaminated water was about 1,700 acres.

The withdrawal of water along the coastal reach is largely concentrated at five well fields or local centers of pumping. Analytical data relating to the active wells in these fields have been taken more or less continuously for many years. Thus, the rate of contamination, the chemical character of the contaminated waters, and the source or sources of contamination can be appraised best by analysis of conditions at these several well fields.

WELL FIELD AT PLAYA DEL REY

Just south of the Ballona escarpment in the vicinity of Playa del Rey, water is yielded only from the main water-bearing zone of the San Pedro formation, which here immediately underlies the dune-sand deposits and which, at least locally, is in hydraulic contact with them. At well 2/15-34A2 (Palisades del Rey Water Co. well 4) the main water-bearing zone is about 130 feet thick, and its top is about 30 feet above sea level. The log for this well is considered to be representative and is shown on plate 3C.

...’water levels were lowered to and below sea level...As a result of this lowering of water level, contamination of wells had occurred along most of the coastal reach’....

Today, groundwater protection laws exist that can be used to protect our groundwater from overdrafting and wasteful throw-away of freshwater; allowing for our aquifers to recharge and heal themselves and the surface they nurture.

RECEIVED

FEB - 8 2012

Dem-318

Proposition 65 Lawsuit Against SOCALGAS/ PDR for Contamination of Groundwater

ORIGINAL
FILED
LOS ANGELES SUPERIOR COURT
FEB 16 2012
JOHN A. CLARK, EXECUTIVE OFFICER
BY CAROL WRIGHT, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ENVIRONMENTAL LAW
FOUNDATION, Individually and in the
public interest,

Plaintiff,

v.

SOUTHERN CALIFORNIA GAS CO., and
DOES 1-100, inclusive,

Defendant.

CASE NO. BC364555

~~PROPOSED~~ STIPULATED JUDGMENT

Action Filed: January 11, 2007

Honorable Jane L. Johnson

CIT/CASE: BC364555 LEA/DEF#:
RECEIPT #: CCW224961014
DATE PAID: 02/08/12 02:55:09 PM
PAYMENT: \$20.00/ 0310
RECEIVED:
CHECK: 20.00
CASH:
CHANGE:
CARD:

RECITALS

WHEREAS,

(a) Defendant Southern California Gas Company ("SCG") owns and operates a natural gas storage facility at Playa del Rey, California;

(b) Plaintiff Environmental Law Foundation ("ELF") brought this action, in the public interest, against SCG seeking preliminary and permanent injunctive relief and penalties under California's Proposition 65, The Safe Drinking Water and Toxic Enforcement Act, California Health and Safety Code §25249.6, et seq.

continuation of the Executive Period of this stipulated judgment.

7. **Change in Designation of Source of Drinking Water** – The soil gas investigation, testing, monitoring and remediation plans called for herein shall no longer be required if the designation of the groundwater beneath the Facility is not considered a source of drinking water under Proposition 65 by the applicable California regulatory authorities, including without limitation, the Los Angeles Regional Water Quality Control Board.

11
STIPULATED JUDGMENT: CASE NO. BC364555

SUPPORTING THE BIG DIG OUT OF BALLONA TO BRING IN FULL OR MUTED TIDAL WILL

7. CHANGE THE DESIGNATION OF THE GROUNDWATER OF BALLONA WETLANDS FROM DRINKING WATER STATUS....

...SOIL GAS INVESTIGATION, TESTING, MONITORING & REMEDIATION WILL NOT BE REQUIRED RE: CONTAMINATION OF BALLONA'S GROUNDWATER

1 AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
2 Carlyle W. Hall, Jr. (Bar No. 045287)
3 2029 Century Park East, Suite 2400
4 Los Angeles, California 90069
5 Telephone: (310) 229-2000
6 Facsimile: (310) 229-1001

7 Attorneys for Petitioners
8 FRIENDS OF BALLONA WETLANDS and
9 LEAGUE FOR COASTAL PROTECTION

10 Additional Counsel on Next Page

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF LOS ANGELES

13 FRIENDS OF BALLONA WETLANDS,
14 a non-profit corporation, et al.,

15 Petitioners/Plaintiffs,

16 v.

17 THE CALIFORNIA COASTAL
18 COMMISSION,

19 Respondent/Defendant.

20 COUNTY OF LOS ANGELES, et al.,

21 Real Parties in Interest.

CONFIRMED COPY
OF COURT REPORT
Los Angeles Superior Court

OCT 13 2006

John A. Clarke, Executive Officer/Clerk

By A. Frassen, Deputy

22 TRANSFERRED TO WEST DISTRICT

23 Case No. C525 826

24 SUPPLEMENTAL STIPULATION FOR
25 ENTRY OF JUDGMENT

26 DATE: October 13, 2006

27 TIME: 9:00 a.m.

28 DEPT: M

In 2006, the Coastal Commission reaffirmed its 1994 Stipulation to the 1990 Settlement Agreement. The 1990 Agreement committed the CCC to a saltmarsh outcome of full tidal or muted tidal. **Affects to CDP 5-91-463?**

Is there a newer Stipulation Agreement?

Unbeknownst to the public at large, the 1990 Settlement Agreement between Friends of Ballona et al (Playa Vista, USACE, State Lands Commission) & the California Coastal Commission, which defined Ballona as a saltmarsh without scientific basis, continues to affect Ballona and its restoration outcome despite the public's perceived-clean slate- acquisition of Ballona in 2003/4. A clean slate would have allowed for all reasonable alternatives inclusive of freshwater, analysis in the Environmental Impact Report. **How can the Coastal Commission resolve the bias?**

How can the Coastal Commission now ensure a freshwater analysis is provided and, a freshwater seasonal wetland alternative be included in the DEIR?

22 under the name Ballona Wetlands Foundation, a California nonprofit public benefit corporation.

23 (3) PCC, Petitioners and the City have agreed that the Coastal
24 Commission will not be signatory to this Stipulation as it covers issues unrelated to the Coastal
25 Commission. The Coastal Commission, however, acting through its Executive Director
26 previously advised the Referee by written communication (a copy of which is attached hereto as
27 Exhibit A that it “stands by the 1994 Stipulation in this case, to which it remains a signatory.”



WHO HAS AUTHORITY OVER WHAT?

**THE CCC LITIGATION AND SETTLEMENT
AGREEMENT DETERMINED THAT THE
BALLONA COMMITTEE AND BALLONA
WETLANDS FOUNDATION WOULD HAVE
AUTHORITY TO FULFILL THE
RESTORATION OF BALLONA &**

5-91-463:

**STATE LANDS COMMISSION; CD 11;
FRIENDS OF BALLONA; PLAYA VISTA**

IS THIS CHANGED? HOW?



BYLAWS
OF
BALLONA WETLANDS CONSERVANCY
A California Nonprofit Public Benefit Corporation

3.4. ELECTION, DESIGNATION, AND TERM OF OFFICE.

3.4.1. Selection of Directors. Subject to the assignment of such powers as set forth in this Section, the following entities shall have the power to designate one (1) Director to serve, and each shall be an "Appointing Entity" for purposes of these Bylaws.

- (a) Playa Capital.
- (b) The Friends.
- (c) The Secretary of Resources of the State of California.
- (d) The Council District Office for the City of Los Angeles representing the district in which the Ballona Wetlands are located.

Ballona Wetlands Conservancy---ByLaws

Who is this? Why is the CCC accepting Freshwater Marsh reports?

Formed 12/4/2000:

- a. Prior to the sale of Ballona Wetlands to the state of California in 2003/4 and;
- b. WHILE the CCC's – 1990 Settlement Agreement cites that the Ballona Wetlands Foundation-- will have oversight, monitoring of the CD conditions of Playa Vista's Flood Control System/ Freshwater Marsh System.

Dept of Resources cites it is not Director.

PRA=
No OMM Manual;
Resource agency
personnel met?

The CCC needs to clarify and address who and what can fulfill the CDP requirements. This Conservancy's authority needs to be addressed and resolved by the CCC.

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify that:

1. I am the duly elected and acting secretary of BALLONA WETLANDS CONSERVANCY, a California nonprofit public benefit corporation; and

2. The foregoing Bylaws, consisting of 21 pages including this page, constitute the Bylaws of the BWC duly adopted on Dec. 4, 2000.

IN WITNESS THEREOF, I have subscribed my hand and affixed the seal of the BWC on Dec. 4, 2000.

Alan J. Boeker
Alan J. Boeker, Secretary

CD I I –Adi Lieberman signs for By Laws of the B.W. Foundation in 1998 so when and how does B.W. Conservancy fit in?
Debbie Harris of CD I I votes to approve dissolution of Ballona Wetlands Foundation in December, 2016, long after reporting is due.

2016

Why was the Ballona Foundation Dissolved?

Created in 2000--
see 2006 Stipulated

{SEAL}

SA



PLAYA VISTA
Pam Emerson
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802
December 19, 2002
Dear Ms. Emerson:

RECEIVED
South Coast Region
DEC 24 2002
CALIFORNIA
COASTAL COMMISSION

2002

I am writing to provide a status report on the freshwater marsh. We are pleased with the progress we have seen during the construction phase and look forward to completion of the construction and decades of successful operations and maintenance of the freshwater marsh. As you can see from the attached photos, the marsh has thrived this last year. Many birds have been attracted to the marsh and we are pleased to report the first sighting of a burrowing owl. Additionally, the freshwater marsh has functioned successfully for the first time as a stormwater detention basin in the rains of the 2002 fall season.

As background, you will recall a meeting of resource agency personnel was held in July 2001 to review the draft Operations, Maintenance and Monitoring Manual (OMM Manual) for the freshwater marsh system. This manual was designed to provide a complete guide to meeting all operations, monitoring and maintenance permit requirements in the Army Corps of Engineers 404 Permit, the State Water Resources Control Board 401 Certification, the Fish and Game Streambed Alterations Agreement, and the Coastal Commission Permit. The manual was completed and sent out in October 2001.

In January 2002, city and resource agency personnel were informed that the OMM Manual would become operative as soon as construction of the first significant portion of the marsh was complete. Construction includes all of the elements included in our construction contracts which, for our first 18 acres of marsh, concludes in February 2003. We are in the process of initiating new O and M contract(s) for the first completed segment of the freshwater marsh system to be in place by March 2003. As a result, we expect to begin sending reports to you in the coming year. We also anticipate an onsite meeting some next summer.

Thank you for your ongoing interest in the marsh. Please call me should you have any questions at (310) 448-4670.

Sincerely,
Catherine Tyrrell
Catherine Tyrrell
Director, Coastal and Environmental Affairs

PLAYA VISTA
Catherine Tyrrell



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
 CHARLTON H. BONHAM, Director



Rich Burg
 Environmental Program Manager at California
 Department Fish and Wildlife

From: Burg, Richard@Wildlife <Richard.Burg@wildlife.ca.gov>
 Date: Thu, May 2, 2019 at 12:57 PM
 Subject: RE: Four quick questions/comments
 To: Walter Lamb <landtrust@ballona.org>, Brody, Richard@Wildlife <Richard.Brody@wildlife.ca.gov>

Good afternoon Mr. Lamb. I hope you are having a pleasant and productive week. Please see below in red answers to your questions. Have a great afternoon!

Rich

Richard Burg
 Environmental Program Manager
 California Department of Fish and Wildlife
 South Coast Region 5
 3883 Ruffin Road
 San Diego, CA 92123
 T: (858) 467-4209
 F: (858) 467-4239

September 7, 2016

Ballona Wetlands Conservancy
 Attn: Mr. Marc Huffman
 Executive Director
 12045 E. Waterfront Drive, Suite 400
 Playa Vista, CA 900094
 Marc.Huffman@brookfieldrp.com

Subject: Notice of Violation of Fish and Game Code Section 1602

Dear Mr. Huffman:

On August 22, 2016, Department of Fish and Wildlife (Department) Environmental Scientist Victoria Chau, Taylor Van Berkum, and Wildlife Officer Warden James Nguyen visited the property at Ballona Freshwater Marsh located southwest of West Jefferson Boulevard and Lincoln Boulevard, Playa Del Rey, County of Los Angeles (Figure 1). This site can be located at Latitude 33° 58' 14" North, Longitude -118° 25' 51" West. During the visit, Ms. Chau and Mr. Van Berkum entered the property from West Jefferson Boulevard and immediately observed an

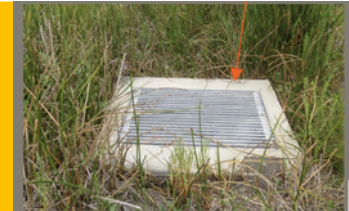
3) Does CDFW still have a membership on the Ballona Wetlands Conservancy board? There has been some stakeholder confusion on that point and it would help everyone to have an official answer. **The Department is an active participant on the Ballona Wetlands Conservancy Board.**



BALLONA WETLANDS CONSERVANCY
 Created by Playa Vista in 2000.



4) Playa Vista's insertion of the Square DRAIN in 2008/9, which, in response to Public Record Act requests, CDFW/State Lands Reply- don't know what it is/does- Tells public to ask Playa Vista.;



5) the Playa Vista-BALLONA CONSERVANCY/CDFW illegal roadway, 1602 Violation of Streambed Agreement;



6) the RELEASE from LIABILITIES to SoCalGas for its contamination of DRINKING WATER (current Prop. 65 classification) under Ballona Wetlands, (Prop. 65 ELF V SoCalGas p.11 Stip. Judgement BC364555) if and when saltwater intrusion occurs per CDFW's (Bay Foundation/ Coastal Conservancy) Alternatives ;



7. Change in Designation of Source of Drinking Water – The soil gas investigation, testing, monitoring and remediation plans called for herein shall no longer be required if the designation of the groundwater beneath the Facility is not considered a source of drinking water under Proposition 65 by the applicable California regulatory authorities, including without limitation, the Los Angeles Regional Water Quality Control Board.

7) Freshwater Marsh System failures:

Vector Control Citations; new management conditions; Main Drain-illegal drains allow unpermitted saltwater intrusion into Ballona Wetlands (Crehan/Psomas email to CDFW, Bay Foundation...)

CDFW Streambed Violation Includes New Road/ Habitat Destruction in CCC jurisdiction area of Riparian Corridor of FWM System

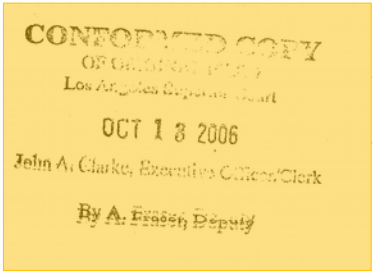
Endangered Species habitat destruction



1 AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
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9 LEAGUE FOR COASTAL PROTECTION

10 Additional Counsel on Next Page



11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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18 COMMISSION,

19 Respondent/Defendant.

20 COUNTY OF LOS ANGELES, et al.,

21 Real Parties in Interest.

22 TRANSFERRED TO WEST DISTRICT
23 Case No. C525 826

24 SUPPLEMENTAL STIPULATION FOR
25 ENTRY OF JUDGMENT

26 DATE: October 13, 2006
27 TIME: 9:00 a.m.
28 DEPT: M

1990
SETTLEMENT
AGREEMENT
2006 UPDATE
WITH NEW
STIPULATIONS
UNKNOWN TO
THE PUBLIC
PLAYA VISTA'S
BALLONA
CONSERVANCY



13 The Conservancy is a Section 501(c)(3) tax-exempt charitable organization
14 formed for the purpose of operating and maintaining the Freshwater Wetland System. The
15 Conservancy has entered into Mutual Benefit Agreements dated December 14, 2000 with The
16 Campus and with PVCS pursuant to which the Conservancy is obligated to operate and maintain
17 the Freshwater Wetland System and The Campus and PVCS are each obligated to pay to the
18 Conservancy a share of the costs incurred by the Conservancy in carrying out such obligation.
19 Copies of the Mutual Benefit Agreements are attached hereto as Exhibit H and Exhibit I. As
20 noted above, the Conservancy has also entered into a Guaranty of Payment under Mutual Benefit
21 Agreement (the "Guaranty of Payment") with PVPAL, a copy of which is attached hereto as
22 Exhibit J, pursuant to which PVPAL has guaranteed payment by PVCS of PVCS' monetary
23 obligations under its Mutual Benefit Agreement with the Conservancy. The Conservancy has
24 also entered into a Wetlands Maintenance Cost Sharing Agreement dated December 18, 2000
25 with Water's Edge, a copy of which is attached hereto as Exhibit K-1. This agreement has been
26 recorded against Lots 6, 7 and 8 of Tract No. 49104-03 as Document No. 00 1961845 and
27 obligates Water's Edge to pay to the Conservancy a portion of The Campus' share of the costs
28 incurred by the Conservancy in operating and maintaining the Freshwater Wetland System. The

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15
16 Attorneys for Real Parties in Interest
17 PLAYA CAPITAL COMPANY, LLC and
18 PLAYA PHASE 1 COMMERCIAL LAND
19 COMPANY, LLC
20 (successors in interest to Maguire Thomas
21 Partners-Playa Vista)
22
23 Rockard J. Delgadillo (Bar No. 125465)
24 CITY ATTORNEY
25 Susan D. Pfann (Bar No. 90217)
26 SENIOR ASSISTANT CITY ATTORNEY
27 200 North Main Street
28 1800 City Hall East
Los Angeles, CA 90012
Telephone: (213) 978-8199
Facsimile: (213) 978-8217
Attorneys for Real Party in Interest the
CITY OF LOS ANGELES

23 What effects upon Ballona?

24 What effects of Ballona
25 Conservancy?
26
27
28

1 Conservancy has also entered into a Wetlands Maintenance Cost Sharing Agreement dated
2 March 28, 2006 with Sterling, a copy of which is attached hereto as Exhibit K-2. This agreement
3 has been recorded against a portion of Lot 33 of Tract No. 49104-04 as Document No. 06-
4 0653492 and obligates Sterling to pay to the Conservancy a portion of The Campus' share of the
5 costs incurred by the Conservancy in operating and maintaining the Freshwater Wetland System.

6 The CC&Rs for the two master associations, contain certain provisions that are

The STATE COASTAL CONSERVANCY contracts The SOUTHERN CALIFORNIA COASTAL WATER RESEARCH PROJECT (SCCWRP) to subcontract a Science Advisory Committee (SAC) -for both to adhere to a Preferred Goal of Saltwater influenced wetland.



SOUTHERN CALIFORNIA COASTAL WATER RESEARCH PROJECT
7171 FENWICK LANE WESTMINSTER, CA 92683-5218
714-894-2222 FAX 714-894-9699

April 29, 2005

“Estuarine: A coastal embayment”.....

Dear Dr. :

Thank you for agreeing to participate on the Science Advisory Committee (SAC) for the Ballona Wetlands Restoration Project. This project is one of the most important restoration projects in Southern California and we appreciate your assistance in developing the long-term plan for the property. We have assembled a very impressive group of scientists to serve of this committee, and the process promises to be challenging and exciting. The SAC will be co-chaired by Eric Stein of the Southern California Coastal Water Research Project (SCCWRP) and Richard Ambrose of UCLA. A full list of the committee members is provided in the attached materials.

The Conservancy and its project partners are committed to developing a restoration plan for the Ballona Wetlands based on the best available science. The SAC will help achieve this objective by reviewing scientific issues related to restoration approach, design and monitoring. The SAC will contribute to the development and analysis of the preferred restoration alternative. We anticipate that the SAC will meet seven to ten times over the next three years, until the restoration and monitoring plan is complete.

The Ballona Wetlands SAC will act as a sub-committee of the Southern California Wetlands Recovery Project Science Advisory Panel (SAP). In this capacity activities of the Ballona Wetlands SAC will be distinct from the overall SAP activities, but will be closely coordinated with the SAP's ongoing efforts to develop a regional wetlands monitoring and assessment program. This coordination will occur via the numerous individuals who serve on both the SAC and the SAP.

Schedule and Time Commitment

We realize that you are all very busy and that some members are located far away from the Ballona Wetlands. However, we want to encourage all of you to participate in this process in a meaningful way. If individuals can not attend in person, there will be opportunities to join meetings via conference phone or provide written comments. In addition to the meetings of the full SAC, we may ask individual members to provide input on specific issues depending on their expertise. The SAC may also elect to recruit individuals for technical input on specific elements of the project.

Thus, the GOAL of ESTAURINE restoration is pre-ordained and no meaningful alternative analysis is performed.

The proposed schedule for the first year of the project is outlined below.

Meeting #1: Initial Meeting with Tech Consultants and Working Group (may including site tour) Review of proposed consultant scope of work	May-June
Meeting #2: Data Needs Analysis and Data Collection Recommendations Review data report and recommendations	September '05
Meeting #3: Restoration Approach Comment on proposed approach to restoration design	October '05
Meeting #4: Preliminary Alternatives Review conceptual alternatives	January '06

Compensation

The Conservancy has approved a grant to the SCCWRP to pay for costs associated with the SAC. These funds will be used to fund administration and support of the SAC, and to reimburse SAC members for their time and travel costs. In addition, some funding will be available to bring additional expertise to the SAC if needed. SCCWRP will manage the SAC sub-contracting and administration elements of this effort, including reimbursement for you time and expenses.

We expect Committee members to allocate 6 hrs to attend each meeting plus an additional 4 hours per meeting to review material. We propose to reimburse scientists for their participation based on their current billing rate, up to a maximum of \$125/hr. For those scientists who do not have a current billing rate, we propose either a flat fee of \$1,000per meeting (include prep time) or \$100/hr. We may also request and compensate individuals on a hourly basis for additional review time on specific issues that may be identified by the Project Management Team or the SAC.

In addition to compensation for your time, SCCWRP will compensate members for the actual cost of their travel. Rates for travel reimbursement must comply with the state's grant guidelines, which are included as an attachment to this letter.

Next Steps

Individual members will need to enter into working agreements with SCCWRP in order to be compensated for their participation. A draft agreement is included for your review, if this is acceptable please sign it and return it to SCCWRP. Again, thank you for agreeing to serve on the Ballona Wetlands SAC and we look forward to working with you on this project.

Sincerely,

Eric D. Stein, D.Env.
Co-chair

Richard F. Ambrose, Ph.D.
Co-chair

In 2004, an SCC grant is awarded to the BAY FOUNDATION for studies on Ballona. In early 2006, this grant is amended to include an “unanticipated” study– HydraulicsModeling of the watershed flowing into the Channel and the preferred alternative, the end of pipe catch basin project.

Commission. The property was acquired for the purposes of enhancing wetland resources, preserving open space and creating managed public access compatible with the natural resources of the site. A third agency, the State Coastal Conservancy, has a specific appropriation to fund planning and implementation of enhancements to the property.

The three agencies have agreed to work together to develop a restoration plan for the state owned lands. The Coastal Conservancy will fund and manage the restoration planning. Planning was initiated last fall with a public meeting that outlined the approach to restoration planning. The state agencies have committed to developing a plan that is based on the best available science and that is developed with a transparent planning process that allows stakeholders to provide input and comment throughout the process.

The following project goals:

- Restore and enhance salt water influenced wetland habitats to benefit Endangered and Threatened species, migratory shorebirds, waterfowl, seabirds, and coastal fish and aquatic species. 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.
- Provide for wildlife-oriented public access and recreation opportunities compatible with the habitats, fish and wildlife conservation.
- Identify and implement a cost-effective, ecologically beneficial, and sustainable (low maintenance) habitat restoration alternative.

Project Organization and Public Participation

The Conservancy and its project partners have also committed to developing a restoration plan for the Ballona Wetlands in a transparent process. Consistent with this approach to restoration planning, the public will be welcome to observe SAC meetings and there will be a specific period at the end of each meeting devoted to public comments. SAC meeting summaries will also be made available to interested stakeholders. In addition to the SAC meetings, we will continue to hold quarterly public meetings to provide an update on the restoration plan for all interested stakeholders. The Working Group meetings will remain the primary venue for public comment on the restoration plan.

Project Management Team includes staff from the Coastal Conservancy, the Department of Fish and Game and the State Lands Commission.

Agency Advisors are staff from other agencies, such as US Fish and Wildlife Service and National Marine Fisheries Service that will advise the Project Management Team. The agency advisors include representatives from the regulatory agencies that will be involved in project permitting.

Ballona Wetlands Restoration Working Group is a stakeholder group comprised of interested parties, agencies and members of the public. The Working Group meets quarterly to obtain project status updates, to provide input, and to support the restoration planning process. These meetings will be open to the public. Subcommittees may be established to address specific issues that may arise during planning. One subcommittee, the **Interim Management and Stewardship Subcommittee**, has already been formed to discuss issues related to site management during the period before the restoration plan is implemented.

Does not occur and most SAC meetings are telephonic. The state fails to embrace and work with the public.

As seen in the SAC meeting minutes (obtained via Public Record Act Requests) the contracted participants are told to discuss an Estuarine Goal; any other wetland habitat and/or discussion regarding species must be subservient to the Estuarine Goal.

“Restore and enhance salt water 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.”

No meaningful historically relevant alternative has been analyzed. No hydrology studies have been performed that would analyze the restoration of Ballona as a seasonal freshwater wetlands. Currently,

Army Corps of Engineers Permit Language EV 90 463

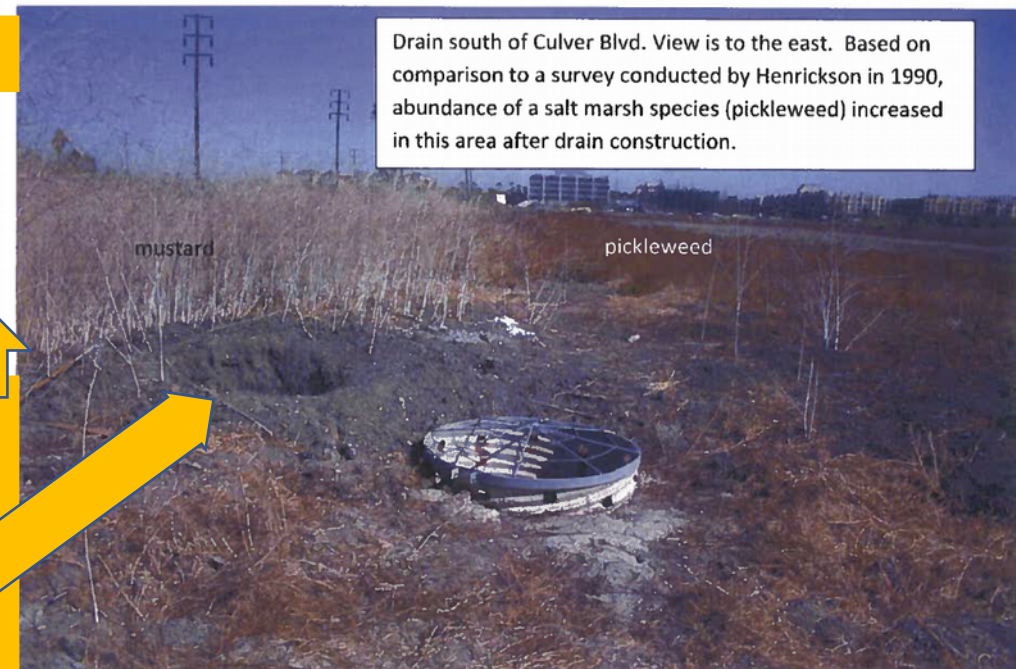
8. The permittee shall provide all studies and information necessary to implement the Programmatic Agreement executed by the Advisory Council on Historical Preservation on October 22, 1991 (see attachment).

If you discover any previously unknown historic or archeological remains...

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

The Main Drain excavation site has already undergone rigorous monitoring and identification of any/all artifacts per language above.

What is the hole excavation shown here by Edith Read's photo from her response to the CCC INQUIRY per the Drains?



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See more of Ballona Wetlands Ecological Reserve
- Google Jonathan Coffins' photos at Flickr, Stonebird