



Dear Jennifer Wong (Dept of Water Resources/SGMA/GDE) and LA Regional Water Quality Control Board leadership & CDFW's SGMA Division-Angela Murvine

The following information is additional response for the Santa Monica Basin Groundwater Sustainability Plan and is sent requesting your support to protect Ballona Wetlands biodiversity via protection of its natural freshwater resources that are in imminent peril of contamination with TMDL impaired sediment and saltwater via the California Department of Fish & Wildlife's (CDFW) intent to start excavation and construction for conversion of Ballona Wetlands, a predominantly freshwater driven ecosystem, into a fully tidal saltwater bay beginning with Sequence 1,2. This [link](#) goes right to CDFW's Land Manager-Brody's presentation at the start of the Coastal Commission 11/18/2022 Meeting and ends approximately six minutes later.

Your help and support in garnering the surface and groundwater interface data of the Playa Vista/ Ballona area per Best Management Practices under the Sustainable Groundwater Management Act will help your efforts with ours to properly evaluate Ballona under SGMA as a Groundwater Dependent Ecosystem.

Please review the following Grassroots Coalition Link that contains 2 PPTS and a Letter to CDFW's SGMA division. The first PPT: provides slides of Ballona's plentiful, clean freshwater resources that are available, but that are being needlessly diverted to both the LA Sanitary Sewer System and the ocean by the adjacent development-Playa Vista and by the California Department of Fish & Wildlife. The second PPT: includes CDFW's Sequence 1 & 2, which proposes to initiate CDFW's conversion of Ballona Wetlands. CDFW intends to be on the Coastal Commission agenda this December 2022 to garner a Coastal Development Permit to start on Sequence 1,2.

The link thirdly includes Grassroots Coalition's letter: to CDFW's Sustainable Groundwater Management Act Division and pertains to Ballona Wetlands and the need for a full Groundwater Dependent Ecosystem evaluation of Ballona.

<https://saveballona.org/cdfws-nefarious-scheme-destroy-ballona-rare-coastal-wetlands.html>

Background

While the Wildlife Conservation Board's September 30, 2003 minutes of meeting, cite to the California Department of Fish & Wildlife and the Coastal Conservancy and others as

having temporary oversight of Ballona Wetlands during the acquisition period of Ballona, a clear path emerged via the determination of having the regulatory branch of the Department of Natural Resources--namely the California Fish & Game Commission induct Ballona Wetlands into the Ecological Reserve system of California. Accordingly, in 2005, the California Fish & Game Commission (FGC) approved Ballona Wetlands specifically as a Title 14, Section 630 Terrestrial, Non-Marine Ecological Reserve, vetting and registering the specific Purpose and Goal for Ballona's acquisition and induction into the Reserve system via the Office of Administrative Law (OAL) as follows:

1. 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%2020-Z_5.20.05_notice.pdf

“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.*

<https://www.laaudubon.org/blog/2021/10/30/inconsistencies-and-missed-opportunities->

The FGC induction of Ballona Wetlands into the California Ecological Reserve System, specific to Title 14, Section 630, having attendant specific Purpose and Goals set forth in the Office of Administrative Law (OAL) Registry, provided for the California Department of Fish & Wildlife (CDFW) to become the lead agency with oversight for Ballona Wetlands Ecological Reserve. The Fish & Game Commission already has codes and regulations in place that are Ecological Reserve protocols for management, evaluation and administration to which its Department of Fish & Wildlife is required to adhere.

Therefore, upon designation of Ballona Wetlands into the California Ecological Reserve System, the California Coastal Conservancy was no longer a lead agency but instead, an advisory agency whose role was to advise the CDFW on how to secure and utilize the legislatively appropriated, Ballona dedicated Proposition 12, 50 Funds. The millions of dollars of Proposition 12 & 50 funds have been available to fulfill the regulations and codes FGC requires to be performed for a newly inducted terrestrial, nonmarine ecological reserve (Title 14, Section 630).

It was incumbent upon the Coastal Conservancy to advise CDFW to utilize the funds held by the Coastal Conservancy for Ballona's restoration evaluations, which start with fulfillment of a Land Management Plan (LMP) under Section 1019 of the Fish & Game Code. A Land Management Plan for the Ecological Reserve itself, would have included

evaluation of Ballona's Reserve's own natural water resources, including groundwater and surface water (fresh and salt) as set within the entire watershed of its location.

This comprehensive Land Management Plan (LMP) has never occurred for the Ballona Wetlands Ecological Reserve. The lack of an LMP for the Ballona Wetlands is an anomaly within the Ecological Reserve system of California.

Rather than advising CDFW to utilize the legislatively available funds for evaluation of Ballona Reserve's own freshwater resources via the required Land Management Plan, the lead person for the Coastal Conservancy's advisory role, instead steered the funds into a switched and unapproved Purpose and Goal for Ballona. The Coastal Conservancy narrowed the scope of evaluation, by among other means, contracting and funding a 'Science Advisory Panel'* for their advice on how to achieve the Coastal Conservancy's preferred outcome, namely--'to restore the ebb and flow of the ocean'. The Coastal Conservancy's project choice was to radically remove the levee structures located outside of the Ballona Ecological Reserve boundaries and create new levees on Ballona Reserve's perimeter thereby creating a saltwater bay by introducing tidal saltwater into an historically closed to the ocean, and predominantly freshwater wetland ecosystem (Historical Ecology of the Ballona Creek Watershed- Dark, Stein, Bram, Osuna, Monteferrante, Longcore, Grossinger, Beller).

This Coastal Conservancy preferred outcome was a non-vetted and unapproved Purpose of Acquisition that was unknown to the public and contradicted the Fish & Game Commission's and Office of Administrative Law's approval and registration of Ballona as a Title 14, Section 630 Terrestrial, Non-Marine Ecological Reserve whose Purpose of Acquisition required protecting the existing salt marsh (a vegetation indicator, not a term of saltwater inundation) and freshwater marsh habitats. * See slides 9,10 of 12: <https://saveballona.org/president.presentations/ballona-wetlands.legal.review.2006.html>

(This PPT also contains early agreements/ MOUs and the unanticipated switch to estuarine focus by the Coastal Conservancy.)

Significantly, the actions of the Coastal Conservancy narrowed the scope of review for Ballona's restoration and precluded all reasonable alternatives from being evaluated--including the most reasonable alternative, namely, an alternative that would evaluate and protect the abundant natural freshwater resources of Ballona in pursuit of a natural, highly sustainable approach to protecting the historic and current biodiversity of Ballona as a predominantly freshwater, seasonal and now very rare coastal wetland.

This alternative is still achievable and is the purpose of this letter requesting conformance with the Sustainable Groundwater Management Act; Porter-Cologne; 88-88; Clean Water Act; and conformance with numerous Fish & Game Codes.

The current situation of CDFW's drive for Coastal Develop Permits to start its conversion of Ballona Wetlands into a fully tidal saltwater wetland is imminent (Sequence 1,2 Coastal Commission 11/18/ 2022 Meeting). The Coastal Conservancy

is financially driving this conversion while claiming that if Ballona is not excavated below sea level, then the saltwater will not drain away from Ballona. We ask what does this matter to Ballona? Tidal saltwater regularly draining in and out of Ballona was not Ballona's historical nature, therefore tide gates to bring in and drain out impaired, toxic saltwater into Ballona neither protects the salt pan (which becomes active with seasonal freshwater ponding) nor protects salt tolerant pickleweed as can be observed in the nontidal Sequence 1,2 areas that are healthy pickleweed vegetated areas due to Ballona's freshwater. Neither the Coastal Conservancy nor CDFW can provide a response without understanding the freshwater natural resources that exist at Ballona. <https://www.youtube.com/watch?v=w7S4A177FKs> May 27, 2021 Coastal Conservancy Meeting at 56:20 SCC's Mary Small:

'Coastal wetlands are vulnerable to sea level rise, absent any project the Ballona Reserve will lose existing habitat as sea levels rise, the tide gates that support the existing wetlands and salt pan will have to be permanently closed to prevent flooding of adjacent roadways, the site will no longer drain and existing habitat in the southwestern corner of the site would continue to convert to stagnant, flooded ponds.'

This comment is made without ever funding an LMP or GDE evaluation of Ballona itself. **And, with the tide gates permanently closed, she recites there is no risk of seawater flooding the roadways. So, ostensibly there would be no stagnant saltwater ponds. And there would not be a Flood Risk from saltwater intrusion. The CDFW modeling does demonstrate, as Ms. Small also cites, that the southwestern area's current saltmarsh habitat will be destroyed, turning into mud flats and open water when Ballona is excavated per the CDFW Preferred Plan.**

It would appear that the Coastal Conservancy, and CDFW (a board member of Playa Vista's flood control Ballona Conservancy (the catch basin system)) are focused upon keeping drainage availability for the Playa Vista project needs rather than protection of Ballona Wetlands Ecological Reserve's needs. The Main Drain of the Playa Vista Catch Basin is questionable as to its ability to act as a drain without excavating Ballona per CDFW's Preferred Plan.

Need for a Groundwater Dependent Ecosystem Study of Ballona-

The target habitat cited by the Fish & Game Commissioners for Ballona in their approval of Ballona as a Title 14, Section 630 terrestrial, non-marine ecological reserve, is pickleweed, a foraging and nesting favorite of the endangered Belding's Savannah Sparrow. As can be seen in the PPT Contractions to Sequence 1,2, pickleweed growth is both healthy and regenerating on its own in the Sequence 1,2 areas but has also regenerated to the north of Jefferson Blvd, on the north side of Sequence 1,2 due to sealing off the CDFW/Playa Vista unpermitted drains that for 20 plus years had been draining away the natural fresh surface and fresh groundwater in this area. This occurred as the result of Grassroots Coalition's prevailing lawsuit against both CDFW and Playa Vista, with the assistance of the Coastal Commission's investigation and

follow through in ending what the Coastal Commission stated was a Coastal Act Violation that had harmed the hydrology of Ballona Wetlands.

The comment by Ms. Small, presupposes that saltwater is necessary for Ballona's sustaining itself while never providing funding for an evaluation of Ballona's natural freshwater resources as a sustaining factor. **Numerous trees that are supported by freshwater are now proposed by CDFW to be cut down in the southwest corner of Ballona Wetlands**—an area that also is spring-water fed but, has not been evaluated for these natural resources in the CDFW Environmental Impact Report or a GDE/LMP.

As noted in the Waters of Ballona PPT, **US Fish & Wildlife writes to the Army Corps of Engineers citing the failure of the Corps to fulfill the scientific and legal review for the creation of the tide gates and advises the Corps not to proceed in such fashion again as there may be serious, negative restoration impacts for Ballona including a loss of sustainable restoration alternatives.** The USFWS letter refers to the same area Ms. Small addresses in her comment. In the Coastal Conservancy Meeting, Ms. Small goes on to say that the wetlands are vulnerable to sea level rise because of the existing tide gates and the Final Environmental Impact Report reveals that with the excavation of Ballona to below sea level, the current pickleweed habitat and rare salt pan will start to immediately become mud flats to open water, thus destroying the targeted habitat if Ballona is excavated below sea level. Similarly, we now know that the artificial opening allowing seawater intrusion into the Bolsa Chica Ecological Reserve has destroyed targeted pickleweed growth (salt marsh habitat) and turned the area into mud flats and open water. A Sustainability Report (2021) advises the immediate closure of the opening to the sea in order to attempt to utilize the site's freshwater to restore the salt marsh vegetation. [https://bclandtrust.org/preservation/Sustainable Alternatives Study for the lowland wetland system at the Bolsa Chica Ecological Reserve](https://bclandtrust.org/preservation/Sustainable%20Alternatives%20Study%20for%20the%20lowland%20wetland%20system%20at%20the%20Bolsa%20Chica%20Ecological%20Reserve).

CDFW, if allowed to proceed will be destroying the historic biodiversity of Ballona and potentially contaminating its multiple underlying freshwater aquifers with impaired, toxic saltwater and sediment. The manmade waterways in Ballona Wetlands are the only TMDL/toxic impaired waterways in Ballona Wetlands Ecological Reserve. The remaining land mass, seasonal surface water and groundwater, including spring water is healthy, clean water which has not been considered by CDFW in its environmental studies of Ballona. CDFW has not included Ballona Wetlands in their adherence to the Sustainable Groundwater Management Act and has not adhered to performance of a Groundwater Dependent Ecosystem evaluation of Ballona despite the Department of Water Resource's acknowledgement of Ballona Wetlands as a Groundwater Dependent Ecosystem. Instead, CDFW defies the California laws for disallowing the wasting of freshwater 88-88, Porter-Cologne, Clean Water Act and SGMA and GDE evaluation of Ballona. Further, we believe that CDFW has failed to adhere to Fish & Game Code 1745 which requires any/all agreements pertaining to Ballona must adhere to the Purpose for which it was acquired, namely-

Title 14, Section 630 Terrestrial, Non-Marine Ecological Reserve having a Purpose to protect Ballona's freshwater resources, its saltmarsh vegetation and the endangered species reliant upon that habitat. It is also incumbent to protect the existing wildlife corridors which--**as stated by the Wildlife Conservation Board in the meeting minutes of 2003 --the Ballona Channel is one of the wildlife corridors that leads to the Baldwin Hills and the coastal dunes.**

"Wildlife Conservation Board Meeting Minutes, September 30, 2003
pg. 4

The subject property is a composition of upland scrub, open salt/mud flat, riparian, coastal dune and grasslands providing habitat for a number of special animal species. A few of the species found on site include Lange's El Segundo dune weevil, Dorothy's El Segundo dune weevil, wandering skipper (federal species of concern), silvery legless lizard, Stevens' California vole (federal and State species of concern), California brown pelican (federally and State-listed endangered), California least tern (federally and State-listed endangered) and Belding's Savannah sparrow (a federal species of concern and State-listed endangered). Several of the species listed above rely on wetland habitat, which is quickly disappearing. The Ballona Wetlands once consisting of approximately 1,500 acres, has been reduced over time to less than 150 acres. However, **several narrow corridors, such as the Ballona Creek Channel connect the subject property with other open areas nearby, including Baldwin Hills to the northeast and a restored dune system at the western end of the Los Angeles International Airport located to the south.**" (emphasis added)

And,

should CDFW choose to continue to not adhere to the Title 14, Section 630 status of Ballona Wetlands Ecological Reserve then, CDFW has the obligation to Petition the California Fish & Game Commission for a Regulation Change and request that Ballona Wetlands Ecological Reserve have a status change to become what CDFW is attempting to convert Ballona into, namely a Section 632 Marine Preserve. Unless and until such a status change occurs, Grassroots Coalition believes CDFW is performing outside the laws the Fish & Game Commission has created for its Department to adhere.

Sustainable Groundwater Management Act and need of a Groundwater Dependent Ecosystem study for protection to Ballona Wetlands.

Ballona Wetlands is acknowledged by the Department of Water Resources as a Groundwater Dependent Ecosystem (GDE) per the Sustainable Groundwater Management Act.

Acknowledged freshwater diversion/drainage harm to Ballona Wetlands establishing need of protection and Groundwater Dependent Ecosystem evaluation for sustaining Ballona's natural freshwater supported ecosystem:

CDFW has acknowledged problems with freshwater diversion by Playa Vista's ongoing dewatering and diversion away from Ballona, that has harmed the hydrology and ecosystem(s) of Ballona.

saveballona.org/2017-california-department-fish-wildlife-cdfw-betty-courtney-cites-harm-

ballona-due-reduced-water-flow-playa-vista.html (CDFW Betty Courtney letter to Playa Vista).

Ms. Courtney of CDFW, has since retired but the letter clearly announces the harm to Ballona Wetlands due to Playa Vista's failure to allow freshwater flow to Ballona.

"The **reduced volume of water has compromised the success** of the mitigation project, limited the habitat function and value, and decreased fish and wildlife diversity."
Betty Courtney CDFW

And, the **California Coastal Commission has confirmed that CDFW violated the Coastal Act via unpermitted drainage of Ballona Wetlands since CDFW's acquisition** of Ballona Wetlands in the 2003/4 timeframe.

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

"... a water supply of a reliable quantity and quality is needed thus contributing to the habitat function of the larger Ballona Wetland project instead of directing it away from habitat regs within the Ballona Wetlands Ecological Reserve." (p. 3 of 9 4/11/14 CCC Letter to Playa Capital LLC and to CDFW re: unpermitted drains)

"... a **continuous detriment to wetland** hydrology and habitat that relies on water to function."

"... **degradation of wetland** function through alteration of hydrology means that the same plants may not grow and habitat value and wildlife use of the wetland are reduced." (p. 8 of 9 4/11/14 CCC Letter to Playa Capital LLC and CDFW)

As discussed by **Lisa Haage lead of CCC enforcement**, referencing that taking away water from a wetland is the exact opposite of what one would allow in a wetland:

"We think that draining a wetland is about the **most amazing violation** that you could have."

"I mean, putting a drain in a wetland is **exactly the opposite** of anything that you'd do in a wetland."

(December 14, 2017 Dana Point CCC Meeting Item 10 C)

This CDFW/ Playa Vista unpermitted drainage has since been stopped via Grassroots Coalition litigation against CDFW & Playa Vista, leaving the Ca. Coastal Commission to order the capping of the illegal drainage. The area now ponds again and the Title 14, Section 630 Purpose and Goal--targeted vegetation, pickleweed, has passively regenerated throughout this previously drained area. The Endangered Belding's Savannah Sparrow, a targeted species, now has this habitat again to forage and nest. **CDFW has not addressed any of the ongoing passive regeneration on Ballona Wetlands Ecological Reserve.**

ADDITIONAL NEW INFORMATION TO DEPARTMENT OF WATER RESOURCES

The following freshwater resource information of Ballona Wetlands, is provided to establish that there is freshwater data available. We request support from the Department of Water Resources, the Los Angeles Regional Water Quality Control Board, the CDFW Sustainable Groundwater Management Division in being responsive to the Sustainable Groundwater Management Act and to protect Ballona's natural freshwater resources via performance of a GDE evaluation.

-Recap of PPTs provided herein.

Please review the following Link that contains 2 ppts and letter to CDFW's SGMA division. The first PPT provides slides of Ballona's plentiful, clean freshwater resources that are available, but that are being needlessly diverted to both the LA Sanitary Sewer System and the ocean by the adjacent development-Playa Vista and by the California Department of Fish & Wildlife. The second PPT is specific to CDFW's current intent to secure a Coastal Development Permit as soon as possible upon Sequence 1,2 to cut new saltwater channels into Ballona's clean freshwater habitat area.

CDFW intends to be on the Coastal Commission agenda this December 2022. The third is a letter to CDFW's SGMA Division requesting a Groundwater Dependent Ecosystem study of Ballona.

<https://saveballona.org/cdfws-nefarious-scheme-destroy-ballona-rare-coastal-wetlands.html>

-Ballona Ecosystem Education Project (BEEP. Website) includes the Playa Vista, Phase 1 EIR : hydrology information in Volume 16 below.

The Playa Vista hydrology information is not included in the Ballona Environmental Impact Report(s) of the California Department of Fish and Wildlife. **Evaluation of Ballona Wetlands Ecological Reserve's natural freshwater resources is absent in the CDFW restoration planning for Ballona and is absent in the Groundwater Sustainability Plan for the Santa Monica Basin area in which Ballona Wetlands resides.** The following information needs to be included as part of a Groundwater Dependent Ecosystem study for Ballona Wetlands Ecological Reserve.

WATER BALANCE FOR THE PROPOSED FRESHWATER WETLAND SYSTEM PLAYA VISTA by Camp Dresser & McKee starts on page 010271.

<https://drive.google.com/drive/folders/0B5SGRAMv8RXuSzdqcXpmSjFFtms?resourcekey=0-AhPmx3n8TcNSb9jzLXi0Cw>

Excerpts from the Water Balance Report:

WATER BALANCE FOR THE PROPOSED FRESHWATER WETLAND SYSTEM PLAYA VISTA —CDM
June 13, 1991

A comparison of average seasonal water demands with water supplies over the next 30 years shows the excess of water supply over demand will always exist in the system.

After 30 years, the groundwater beneath the project site is project to be cleansed of the existing contaminants. At that point, groundwater could be continued to be pumped into the system to maintain its wetland habitat. No legal restrictions exist on the long -term use of groundwater and technical analyses have concluded that sufficient quantities of quality groundwater will continue to exist after 30 years to meet the needs of the system.

Groundwater could provide the 50 million gallons of freshwater required during the dry summer growing season, and such quantities as may be needed during the rainy season, to assure adequacy of water on an ongoing basis.

Following cessation of groundwater remediation plant discharge, continued pumping of groundwater is proposed as a source.

One of the assumptions used in the report was that rainfall over the next 30 years would be similar to flows from the driest years over the last. 43 years. Even under this condition, adequate water for the needs of the proposed system would be available.

The freshwater marsh is designed to allow natural cleansing processes to rather reduce concentrations of suspended and dissolved substances as water flows through the marsh. An additional 45 percent removal of total suspended solids would be achieved by these processes. This would provide freshwater of even higher quality for the restored saltwater marsh, as such freshwater may be needed, or for release into the Ballona Flood Control Channel.

Average supply from the NPDES treated groundwater will be more than 1 1/2 XS average demand. Stormwater runoff source 20-30 rainy season days after pass pretreatment areas.

EX 3

The amount of stored water is projected to range from 4 million gallons in the winter to 14.4 million gallons in the summer.

The annual average of the water sources is 17.2 million gallons per month, or more than 2.5 times greater than the total annual average demand. During the summer, an average of 11.4 million gallons would be available each month. A monthly average of 22.9 million gallons would be available during the winter months, however, because of the increased frequency of rainfall. Stormflow represents an average of approximately 9 % of the total water supply during summer and 55% of the supply during winter months.

EX5

A comparison of average seasonal water demands with water supplies over the next 30 years shows that an excess of water supplied over demand will always exist in the system.

After 30 years, the groundwater beneath the project site is projected to be cleansed of the existing contaminants. At that point groundwater could be continue to be pumped into the system to maintain its wetland habitat. ...

The freshwater wetland system is designed to create and restore freshwater wetland habitats and to enhance their associated uplands. It would also allow control of freshwater discharges into the adjacent saltwater marsh, thereby contributing to the restoration of that system. (CAO is tertiary treated discharge)

2.1.3 Water Storage.

In order to provide open water areas in the freshwater wetland system for waterfowl and wildlife, water flowing into the system must be stored. This is to be accomplished by controlling the discharge elevation from the freshwater marsh into Ballona Channel. All flows in excess of the desired level would flow into Ballona Channel, or into the salt marsh during storm events, while flows resulting in water elevations below the discharge elevation would be retained.

- **Additional background** information includes Playa Vista issues as they relate to Ballona Wetlands and Playa Vista's partnering with CDFW.

<https://saveballona.org/jvstop-drying-out-ballona-wetlands-ecological-reserve-stop-playa-vistas-confiscation-and-throw-away-ballonas-freshwater-resources.html>

Thank you for your consideration of this newly gathered information. Grassroots Coalition is a volunteer organization that continues to outreach to LARWQCB and LA City Sanitation for further information of diversion of Ballona's freshwater away from Ballona. Neither CDFW nor the Coastal Conservancy have made themselves available for discussion of SGMA /GDE or Land Management Plan issues despite repeated stakeholder requests.

Patricia McPherson, Grassroots Coalition



