



United States Department of the Interior

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February 2, 2018

Subject: Department of the Interior comments on the U.S. Army Corps of Engineers Draft Ballona Wetland Restoration Project, Environmental Impact Statement, Los Angeles County, California

Dear Mr. Swenson;

The Department of the Interior (Department), through the U.S. Fish and Wildlife Service (Service or USFWS), has reviewed the above referenced *Draft Ballona Wetland Restoration Project, Environmental Impact Statement* (DEIS), dated September 2017. The Service's primary concern and mandate is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. These comments are provided pursuant to DOI responsibilities under the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) and the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). The Department anticipates that potential effects to federally listed species in association with the project will be addressed in the Service's consultation with the U.S. Army Corps of Engineers (Corps), in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

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The purposes of the project, pursuant to the National Environmental Policy Act, are to: 1) restore ecological functions and services, in part, by increasing tidal influence to the project area, and 2) reduce flood risk to the surrounding communities/infrastructure for up to the 100-year flood event (not to exceed 68,000 cubic feet per second). The California Department of Fish and Wildlife (CDFW) and Los Angeles County Department of Public Works-Los Angeles County Flood Control District (LACFCD) have submitted applications to the Corps, as required to modify lands and infrastructure within the project area to construct the proposed project. The DEIS considers two alternatives to the proposed project and a no action alternative; however, the least damaging practicable alternative (LEDPA) has not been determined. Nine additional

AF1-2

alternatives (Alternatives 5 through 12) were considered but not carried forward for detailed review.

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cont.

The Service provided comments on the notice of intent (NOI) to prepare a DEIS on October 23, 2012 (FWS-LA-02B0010-13TA0023), and participated in the development of the DEIS as a cooperating agency between January 5, 2015 and February 1, 2017 (FWS-LA-02B0010-17CPA0070). Although other program commitments precluded our continued involvement as a cooperating agency, we appreciate your consideration of preliminary comments submitted prior to the release of the DEIS to the public.

AF1-3

General Comments

As a cooperating agency, The Service initiated discussions with the Corps and CDFW about alternatives that would further minimize disturbances to biological resources within the project site over the long term. The Service provided comments on the alternatives that were considered but not carried forward and provided an alternative that is not considered in the DEIS (attached). The alternative the Service provided focused on limiting/removing roadway infrastructure from within the wetland, regardless of the extent of restoration proposed. The proposed alternative would provide: 1) an increased benefit to wildlife within the Ballona Reserve by significantly reducing mortality from vehicles and disturbance; 2) more flexible options for habitat improvement (e.g., allowing water from the Freshwater Marsh to enter the project area as opposed to piping the water underground to Ballona Creek); and 3) a greater potential distance between recreational activities and restored habitats. The Service is available to continue to work with the Corps and CDFW to develop alternatives to the proposed project.

AF1-4

Our comments in this letter focus on the proposed project. Our primary concerns with the proposed project are: 1) the lack of clear objectives for the restoration; 2) the large extent of temporal impacts to vegetated areas (about 336 acres for about 10 years) relative to the gain in aquatic/wetland habitats (about 61 acres); 3) the increase in habitat fragmentation associated with placement of new flood control levees/berms; 4) the increase in disturbance to wildlife associated with increased recreation; and 5) uncertainty regarding the extent of maintenance required for flood control and recreation infrastructure.

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In its previous comment letters, the Service stated its concerns regarding increased habitat fragmentation associated with the proposed project. In general, coastal estuaries consist of a large expanse of low gradient open space that allows waterfowl and other wildlife to traverse unimpeded across the landscape and between habitats. Currently, Area A is separated from Area B by the Ballona Creek levee. The proposed project will relocate the existing levee to form a meander-shaped channel and introduce a new series of levees and berms to control water flows, provide flood protection, and protect existing habitats. We remain concerned that the increased fragmentation will limit wildlife movement and subject a greater proportion of the remaining wildlife within Ballona Wetlands to noise and disruption associated with recreation and maintenance activities along the new berms, lowering the overall quality of remaining habitat from its current condition.

AF1-10

Specific Comments

Page 2-31 and 2-81. Levee armoring identified in Figure 2-17A appears inconsistent with the “upland contours” included in Figure 2-1. Please clarify if the levee armoring is a separate structure from the “upland contours.” If the armoring will extend along the entire length of the realigned Ballona Creek channel, as presented in Figure 2-17A, please clarify how the armoring will affect tidal flows to areas north and south of the channel.

AF1-11

Pages 2-31 and 2-101. The location of boardwalks and pedestrian paths identified in Figure 2-23 do not correspond with the developed areas identified on Figure 2-1 and will result a greater extent of permanent impacts. The Service previously recommended that pedestrian boardwalks consist of spur trails off the Major Pedestrian and Bike Path, instead of a loop. Spur trails encourage passive recreation such as birding, wildlife observation, and photography and reduce disturbance to wildlife. Figure 2-1 appears to include spur trails, as recommended.

AF1-12

Page 2-31 and 2-154. The location of specific operations and maintenance areas identified on Figure 2-42 do not correspond with the developed areas identified on Figure 2-1. We request that areas requiring frequent vegetation maintenance (at least annual) are mapped as developed or invasive monoculture (consistent with existing habitat categories) because the regular disturbance will create conditions conducive to supporting invasive plant species and will retain a lower value as habitat for wildlife than areas that are not regularly maintained.

AF1-13

Page 2-43. The term “seasonal wetland” (first used on page 2-43) is used throughout the document to refer to depressions within restored areas that will seasonally pond. Because seasonal wetland is not included as a proposed habitat (e.g., Figure 2-1, Table 2-3), please clarify if it is included in another habitat category.

AF1-14

Page 2-45. The source of information for Table 2-3 (final impact and restoration acreages) is identified as ESA (2016). Please clarify if the restoration acreages presented in Table 2-3 are generated from Figures 2-1 and 2-4. In addition, we recommend that the Final EIS include a figure that identifies the limits of disturbance that were used to calculate the impacts presented in Table 2-3. Finally, Table 2-3 does not specify the acres of restored coastal sage scrub because the extent of post-construction maintenance is unknown. Given the project is anticipated to restore at least 39 acres of coastal sage scrub (i.e., a minimum of 75 percent of the existing coastal sage scrub within the site according to pages 3.4-102 and 103), we recommend Table 2-3 include this information. The figures should also identify a minimum of 39 acres that are appropriate for restoration of coastal sage scrub.

AF1-15

Page 2-54 and 2-70. Salt pan in West Area B is currently maintained with rainfall and occasional tidal inundation (once or twice per year). It appears the proposed berm around the salt pan in West Area B will cut off tidal flows, except during spring tides. Please clarify the change in frequency and extent of tidal flows to the salt pan and whether this change will alter the value of the salt pan habitat for wildlife. For example, in its existing condition, the salt pan periodically provides habitat for shorebirds, including the federally endangered California least tern [*Sternula antillarum browni* (*Sterna a. b.*); least tern].

AF1-16

Page 2-57. A berm (Structure 7) will be constructed west of the Freshwater Marsh to retain freshwater flows within a specific part of the project area. Please clarify the purpose of retaining the freshwater flows behind the berm. We are concerned that water trapped behind the berm will form a still pond and may encourage mosquito breeding. If feasible, we recommend removing this structure and allowing passive mixing of freshwater and tidal flows, as would occur in a natural estuary.

AF1-17

Page 2-61. Currently the Fiji Ditch supports saltbrush scrub; however, grading associated with the project will divert all water flow in North Area C to Fiji Ditch. The additional water is expected to support a riparian corridor with an average width of about 90 feet. Please clarify the change in watershed area and associated increase in water delivery to Fiji Ditch that is anticipated to support the riparian corridor. The proposed project will impact 5.3 acres of riparian vegetation, including a minimum of 0.3 acre of habitat for the federally endangered least Bell's vireo (*Vireo bellii pusillus*, vireo).¹ We are concerned that the net loss of riparian vegetation will be greater than anticipated if North Area C cannot provide sufficient water to support the proposed riparian corridor.

AF1-18

Page 2-137. The project includes a 10-year monitoring program to "document trends in habitat development and to assess progress toward meeting restoration objectives." We were not able to locate specific restoration objectives related to the project purpose of restoring ecological functions and services in the project area. Without clear restoration objectives, the overall intended benefits of the project for wildlife are difficult to evaluate. We recommend an adaptive management program be designed with specific restoration objectives tied to specific performance criteria (discussed further below) so that the monitoring program can be used to evaluate the success of the restoration efforts towards meeting its objectives.

AF1-19

Pages 2-139-145. Performance criteria are provided for specific habitat types over the 10-year period of the monitoring program (Tables 12-20). Although the proposed project will restore about 154 acres of fully tidal salt marsh, the performance criteria set low expectations for wildlife within restored habitats. By the end of 10 years, the abundance and diversity of wildlife (fish, birds, macroinvertebrates) is expected to meet pre-project levels. In addition, tidal marsh will support at least one breeding bird species. These criteria seem inconsistent with the purpose of the project to restore ecological functions and services within the project area. In addition, given the anticipated habitat evolution with sea level rise (Figures 2-36 through 2-40), we are concerned that by the time wildlife are re-established at pre-project levels, they may again lose their preferred habitats due to increased tidal inundation. Therefore, we recommend including additional discussion about the long-term expectations for wildlife diversity and abundance in the project area as it relates to the project purpose and restoration objectives. To accompany the discussion of long-term expectations for wildlife in the project area, we recommend including a table that lists the predicted habitat acreages based on the climate change models for sea level rise.

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Page 2-154. Figure 2-42 identifies anticipated operations and maintenance areas. Please also include access routes to maintenance areas, if maintenance will require encroachment into

AF1-21

¹ Protocol surveys for the vireo have not been completed within all potentially suitable riparian vegetation within the project area.

restored habitat (e.g., 35-foot temporary access routes are anticipated on page 2-156), and any pedestrian trails/boardwalks that require maintenance. Please also include the location of the anticipated settling basin proposed in Fiji Ditch, before the culvert under Lincoln Boulevard (page 2-88). We are concerned that the extent of disturbance to wildlife from proposed operations and maintenance will be much greater than is currently represented in Figure 2-42.

AF1-21
cont.

Page 2-156. According to the DEIS, if armoring installed adjacent to Ballona Creek becomes unburied then it will be allowed to naturally revegetate within remaining soils. Given the extent of development in the upper watershed, the channelization of Ballona Creek upstream from the project site, and the proposed storm-water treatment basins within the project site (discussed further below), it appears unlikely that sufficient sediment will be available to allow the armoring to become re-buried naturally.

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Page 2-157. Several storm-water treatment basins are proposed to capture runoff, sediment, and debris before they enter the project site. We are concerned that the basins will preclude the great majority of sediment supply from reaching restored habitats. Given the anticipated sea level rise, a continued sediment supply will be important for maintaining proposed habitats over time. Because wetlands function to naturally treat runoff, please clarify the specific contaminants of concern that require the construction of each pre-treatment basin.

AF1-23

Page 2-194. The description of Alternative 4 (No Federal Action) does not include a discussion of the existing level of flood protection for comparison with the stated project purpose: to reduce flood risk to the surrounding communities/infrastructure. Please clarify if additional flood protection will be required if the proposed restoration project does not move forward.

AF1-24

Page 3.4-7 and 3.4-59. The project area includes about 200 acres of vegetation mapped as invasive monoculture in Figure 3.4-2. This vegetation category is included as uplands on Table 2-3; however, it appears that some of the invasive monoculture occurs in areas mapped as jurisdictional wetlands (Figure 3.4-17). Because of the potential differences in existing function of wetlands and uplands for wildlife, we recommend that the areas of invasive monoculture overlying wetlands are separated out from invasive monoculture overlying uplands in Table 2-3.

AF1-25

Page 3.4-21. Table 3.4-3 contains special-status plant species known to occur or potentially occurring within the project site. According to Appendix D11, southern tarplant (*Centromadia parryi* subsp. *australis*) and western dichondra (*Dichondra occidentalis*) were located on the site within the last 30 years and are presumed present but are not included in Table 3.4-3. Please include these additional species or clarify why they are excluded.

AF1-26

Pages 3.4-26-29. Table 3.4-4 contains special status wildlife species known to occur or potentially occurring within the project site. According to Appendix D12, there are several additional special status birds and mammals that were observed on the site, including the federally threatened western snowy plover (*Charadrius alexandrinus nivosus*). Please include these additional species in Table 3.4-4 or clarify why they are excluded.

AF1-27

Page 3.4-52. Please clarify if suitable habitat for pacific pocket mouse still occurs within the project site and if any of the prior trapping efforts were conducted specifically within suitable

AF1-28

habitat for Pacific pocket mouse. The survey protocol for Pacific pocket mouse has recently been updated to address detection-related inadequacies associated with the prior protocol. Please contact Stacey Love, Permit Coordinator for the Carlsbad Fish and Wildlife Office, for additional information regarding survey protocols.

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cont.

Pages 3.4-76-207. The analysis of direct and indirect effects of the project lacks sufficient detail to determine if individual species will benefit or be impacted by the project over the long term. For many species there is little connection made between the mitigation measures and how they will reduce impacts to less than significant. For example, Lewis' evening primrose will be replaced at a 1:1 ratio, but there is no discussion about whether there will be appropriate habitat conditions within the site to support the species after restoration is completed. Mitigation Measure BIO-1i-i (Nesting Bird and Raptor Avoidance) is anticipated to reduce the potential for disturbance to nesting birds from increased reactional activities, but the measure does not appear to apply to the post-restoration period. In addition, for many species, the analysis anticipates that the impacts "could" be reduced by the mitigation measures, as opposed to "would" be reduced, leaving the reader unclear if the mitigation measure will be adequate to reduce impacts to less than significant. Finally, we disagree with the conclusion that impacts associated with maintenance will be similar to existing maintenance and therefore result in less than a significant impact in all cases. The existing maintenance activities occur along rock lined levees, adjacent to an area mapped as predominantly invasive monoculture. The proposed project intends to improve habitat conditions in areas immediately adjacent to maintenance areas, increasing the potential for maintenance activities to disrupt wildlife. Please clarify how long term management, recreation, operations and maintenance, and sea level rise will affect the quality of habitat for individual species over the long term.

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AF1-31

We appreciate the opportunity to comment on the DEIS and the Service is are available to continue to work with the Corps and CDFW to develop alternatives that will improve the quality of the site for biological resources over the long term. If you have any questions regarding these comments, please contact Christine Medak of the Carlsbad Fish and Wildlife Office at 760-431-9440, extension 298. For all other comments, please contact me at (415) 420-0524.

Sincerely

Janet L Whitlock

Janet Whitlock
Regional Environmental Officer

Attachment

cc:

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