

Los Angeles Audubon Society
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October 30, 2023

Via Email (WCBCorridors@wildlife.ca.gov)

To: Wildlife Conservation Board

Subject: Opposition to timing and substance of Ballona Wetlands funding, Item 40

Dear Chair Bokde and Wildlife Conservation Board Members,

Los Angeles Audubon Society has been a voice for birds and conservation in Los Angeles for over 110 years. Our mission is to promote the study and protection of birds, other wildlife, and their habitats throughout the diverse landscapes of the Los Angeles area. We have over 3,500 members and supporters, most of whom live in the County of Los Angeles. We also manage the oldest environmental education program at the Ballona Wetlands, serving mainly Title 1 schools, and twice monthly Open Wetlands to encourage public access within the Ballona Wetlands, with both programs implemented through our dedicated volunteer docents.

Los Angeles Audubon Society opposes the timing of the Ballona Wetlands project funding proposal listed as Item 40 on the Wildlife Conservation Board's (WCB) preliminary agenda for its November 15, 2023 meeting. In the interest of transparency and accountability per the WCB's own Strategic Plan goals, we are asking that an informational item on the Ballona Wetlands proposed project be heard before authorizing \$2.8 million for remedial planning. The authorization of this money by the WCB for the Ballona Wetlands project would come prior to comments on the scoping for a new legal EIR, as the previous FEIR put forth by CDFW has been decertified by the California courts.

On October 24, 2023, the California Department of Fish and Wildlife announced an agency and public comment period to solicit views on what should be the scope of its 'Revised' Environmental Impact Report. This scoping comment period ends on November 27, 2023, and authorizing \$2.8 million prior to the close of scoping would give the impression that WCB is encouraging CDFW to move forward with planning for a new EIR before receiving and considering public comment through the scoping process. In fact, a funding decision at this time would be 12 days prior to the end of this scoping comment period.

However, just considering the funding request regardless of the timing of CDFW's scoping period, there are several questions that WCB members should have answered before responsibly authorizing this funding. The first question should be why is the plan stubbornly refusing to consider changes in the environment since its first and basically unchanged plan alternatives from 2008? Times and the environment have changed since the beginning of the Ballona Wetlands project design alternatives were developed.

For example, why is there no concern or analysis by CDFW for the surface water interconnection with the known groundwater aquitard and aquifers below the Ballona Wetlands, as required by the 2014 Groundwater Sustainability Act? CDFW is not even following its own protocols for land analysis and

groundwater dependent ecosystems. And, related to the previous question, why does CDFW drain the seasonal fresh surface water of the wetlands in all areas, while in their project descriptions, they talk about the wetlands being starved of water? Why is there no alternative to capture and allow surface water to contribute to groundwater? Why is this the only project on the whole Pacific coast currently being proposed to lower a coastal wetland to current sea level to make it resilient to Sea Level Rise when their own analyses show that current low, mid, and high marsh will become open water and mudflats as opposed to limited effect if the Ballona Flood Control levees stay as they are (Appendix 7, DEIR, ESA/CDFW 2017)? How will the Army Corps of Engineers (ACOE) allow marsh habitat vegetation on new flood control levees as CDFW plans, when the ACOE requirement currently is for no vegetation on levees? And how will lowering the elevation of the historic and now regionally rare coastal, non-tidal wetland affect saltwater intrusion into the Bellflower aquitard and the Ballona and Silverado Aquifers? (There is no answer to this question since there are no monitoring wells near the Ballona Wetlands or Marina Del Rey for which to model saltwater intrusion, per Appendix F of the Santa Monica Sub Basin Groundwater Sustainability Plan, 2022).

Additionally, there is a lack of accountability by CDFW for funding from the WCB, such as why there is still no Land Management Plan (LMP) for the Ballona Wetlands Ecological Reserve after WCB authorized funding for the plan in 2019? Usually, a Land Management Plan is done prior to considering if restoration of habitat is necessary and what the land and wetland hydrology require for restoration. The Ballona Wetlands are a classic case of the cart before the horse, with restoration planning for alternatives started prior to an LMP.

Also recently, what of the funding through the California Coastal Conservancy for Ballona Wetlands project and deliverables outlined in the May 2021 funding authorization (see below, under the heading "Work to be Performed with this Authorization"), as to whether these deliverables/goals have been met and, if not, whether the currently requested funds from WCB would include achieving those deliverables that were previously funded by the California Coastal Conservancy.

For these reasons, Los Angeles Audubon Society requests that the WCB members and staff receive an informational presentation from CDFW on November 15, 2023, with any funding decisions occurring after the completion of the scoping process and after WCB is more familiar with this project and the long and troubled planning and funding history.

Sincerely,



Margot Griswold, Ph.D.
Los Angeles Audubon Board
Conservation and Education Committees

Funding History (initial cost estimate in August 2004 was \$2 million per Conservancy staff [memo](#) - highlighted last sentence of 2nd paragraph)

2004 - 2008 Cumulative: \$3,570,000 (6 allocations below - planning process was already 78% over budget by June 2008)

- December 2004: \$750,000 [[link](#) to staff report] [[link](#) to planning schedule showing implementation anticipated for 2007]

"Authorization to disburse up to \$750,000 for technical studies, planning, interim management, data collection, and other analysis associated with planning the restoration and enhancement of the Ballona Wetlands."

- January 2005 \$200,000 [[link](#) to staff report - inaccurately dated January 2004]

"Authorization to disburse up to \$200,000 to the Southern California Coastal Water Research Project for scientific review of the project alternatives, data collection, and monitoring program associated with the restoration of the Ballona Wetlands."

- December 2004: \$200,000 [[link](#) to staff report]

" Authorization to disburse up to \$200,000 to the Santa Monica Bay Restoration Foundation for planning, data collection, and other activities associated with the restoration of the Ballona Wetlands . . . "

- March 2006: \$245,000 [[link](#) to staff report]

"Authorization to amend the Conservancy's December 2, 2004 authorization to allow disbursement of an additional amount up to \$245,000 for technical studies, planning, data collection, and other analysis associated with planning the restoration and enhancement of the Ballona Wetlands, Los Angeles."

- September 2007: \$1,500,000 [[link](#) to staff report]

" Authorization to disburse up to \$1,500,000 to prepare a **comprehensive restoration plan** and to **complete environmental impact analysis and permit applications** for a project to restore natural habitat and improve public access to the Ballona Wetlands in Los Angeles County." (highlighting added)

- June 2008: \$675,000 [[link](#) to staff report]

"Authorization to disburse up to \$675,000 to the Santa Monica Bay Restoration Foundation for planning, data collection, seed collection and technical review to support the restoration planning of the Ballona Wetlands"

January 2012: \$6,490,000 [[link](#) to staff report]

"Authorization to disburse up to \$6,250,000 for engineering, hydrologic analyses, geotechnical assessments, and public access design and further authorization to disburse up to \$240,000 to the Santa Monica Bay Restoration Foundation for data collection, technical review and agency coordination to support environmental impact analysis and permit applications for the restoration of the Ballona Wetlands Ecological Reserve"

May 27, 2021: \$2,192,360 [[link](#) to staff report - note "Cost and Delays" and "Work to be Performed" sections] [[link](#) to funding summary exhibit]

"Authorization to disburse up to \$1,692,360 to the California Department of Fish and Wildlife for design and permitting of the restoration of the Ballona Wetlands Ecological Reserve in Los Angeles County and further authorization to disburse up to \$500,000 to the Prevention Institute to support broad community engagement in planning for that restoration; and the adoption of findings under the California Environmental Quality Act . . . In January 2012, the Conservancy authorized **\$6.25 million for environmental review and permitting** of the proposed project. At that time, Conservancy staff estimated that would be **adequate funding to complete the EIR/S and the final design work**. **The work has cost more and taken far longer than anticipated.**" [Highlighting added - note that the 2021 funding apparently has also proven to be inadequate since there is currently requested \$2.8 million from WCB. Where is the proper oversight for this project?

Total planning and support funding to date: \$12,252,360 (not including agency staff time, litigation, diversion of stakeholder resources, etc.)

Also, 2014 Conservancy termination [letter](#) to lead CEQA consultant ICF ["the Conservancy is not satisfied with the work ICF produced under this contract"]. ICF was replaced as lead by Environmental Science Associates almost 10 years ago, but that did not resolve flaws in the management and oversight of the planning process.