



**SIERRA
CLUB**

**Ballona Wetlands
Restoration Committee**
3250 Wilshire Blvd., #1106
Los Angeles, CA 90010

February 5, 2018

United States Army Corps of Engineers	and	California Dept. of Fish & Wildlife
Los Angeles District, Regulatory Division		Richard Brody
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sent electronically via email to the above addresses

re: DEIR/DEIS comments - Ballona Wetlands Restoration Project:. (State Clearinghouse No. 2012071090) and Federal Document: Public Notice/Application No.: SPL-2010-1155

Dear Ms. Rogers and Mr. Brody:

Please accept this as one of our submissions from Sierra Club, on behalf of the official voice of our organization, the Sierra Club Ballona Wetlands Restoration Committee. Sierra Club, which has been involved with protection efforts of the Ballona Wetlands for more than 30 years, and was instrumental in the public acquisition of the lands known now as the Ballona Wetlands Ecological Reserve, was founded by legendary conservationist John Muir in 1892. We are the nation's largest and most influential grassroots environmental organization, with three million members and supporters. In the Angeles Chapter alone, we are more than 50,000 members.

We have additionally sent under separate cover via overnight mail (fedex) and via email an expert analysis on tsunami risk and a short addendum to that submission is being sent today via email.

I write to you on behalf of this august organization on the matter of the proposed Ballona Wetlands project – referred to as a “restoration.” Even the title of this project ignores the most recent science, including historical ecology evidence that clearly would lead one to conclude that none of the three proposed alternatives would be a “restoration.” In fact, the three alternatives proposed, if carried out, would ignore the mandates that the State of California has for protection of wildlife and landscapes in an ecological reserve, and also would ignore state and federal laws that were meant to protect species like those that would be displaced, killed or extirpated due to the industrial mechanized removal of life-filled soils and hundreds of acres of plants that provide habitat for some of California’s most sensitive wildlife and plant populations.

While we will provide some comments on an array of specifics related to this plan, perhaps it’s best to get right to the crux of our current concerns:

Illegal Drains Depriving Wetlands of Rain; Baseline Information Flawed

On December 14, 2017, the California Coastal Commission voted unanimously to require that the California Department of Fish & Wildlife close up two illegally constructed and installed drains that depleted of its primary component – water - the seasonal wetlands, ponds and meadows west of Lincoln Blvd. north of Jefferson Blvd., east of the Culver/Jefferson split, and south of Ballona Creek. Those drains were capped last month, as mandated and approved by the Coastal Commission. (*personal communication, observation by naturalist Jonathan Coffin.*)

According to the company that built and installed these drains, Psomas (who happens to be one of the contractors for the engineering work that is at the heart of the proposals that cause me to write to you), these structures were installed in 1996, at the direction of Psomas’ client, the Playa Vista developers (now known as Playa Capital LLC.)

What this means is that rainwater, which is what fed much of this at least 54 acre site – on the part of Area B which was under option by Trust for Public Land to expand the public acquisition in 2001, was denied to the soils and the living organisms on which they relied until 1996. (<https://www.tpl.org/media-room/ballona-wetlands-deal-announced-ca#sm.00001vg4ycu4rkdeur7ghrn3o1h26>) It is possible that even more acreage of Area B, west of the Culver/Jefferson split was impacted by the draining of these fresh rainwaters, as well. The lack of an adequate hydrology report is evident.

A hydrology assessment of the damage done by more than 20 years of illegally draining rainwaters from the marshy soils and sending them directly into the ocean via Ballona Creek is necessary. The authors of this DEIR/DEIS failed to even disclose the situation related to these drains, even though the engineering contractor working on this project for the State Coastal Conservancy is the same one who built the illegal drains and was knowledgeable of the fact that the California Coastal Commission enforcement division

had determined there was a notice of violation of the Coastal Act that needed to be remedied. Such an assessment needs to be completed before decision-makers and the public can even consider what is appropriate in terms of restoration on this site to best protect the wetlands and the wildlife the State is entrusted with.

In addition, the baseline relied on throughout the entirety of the DEIR/DEIS is flawed because of this situation. The wetland delineation alone is in error, because more than 20 years of drying out many acres of the wetlands was occurring. In addition, species which relied on that land prior to 1996, likely diminished in these areas over that time period. Other species may have moved in. All of the “baseline surveys” undertaken by The Bay Foundation/Santa Monica Bay Restoration Foundation are inaccurate, relying on a condition that was not normal. The conditions had changed significantly because of the illegal structures depriving the seasonal wetlands, ponds and meadows of rain water that would normally soak into the sponge-like soils of wetlands that were created over many thousands of years by the confluence of the Los Angeles River and several other streams - one emanating from what is now Inglewood, and one emanating from what is now the UCLA area.

The following article provides more detail about the history of these illegally constructed and installed structures, and hopefully provides some idea of why there is such grave concern about this matter that should weigh heavily in any future decisions about proposed projects at the Ballona Wetlands Ecological Reserve:

<https://www.laprogressive.com/ballona-wetlands/>

Because of this situation alone, this project proposal must be withdrawn, as all of the baseline information, the conclusions based on that erroneous baseline information and the plans made for the restoration are irrelevant and need to be reassessed. The assessments and studies mentioned above need to be completed (or completed again) AFTER it is determined what damage was done, and after an appropriate amount of time for winter rains has passed in order to return the land to conditions prior to the 1996 illegal structures being installed.

We are puzzled as to why there is no mention of this situation in the DEIR/DEIS nor an adequate analysis of the wetland delineation or species surveys being flawed due to this situation. Could you please explain this for the public?

Is the Land Dead & Dying & SOMETHING NEEDS TO BE DONE NOW?

No. And No. The rationale being used in the public arena for needing to move ahead quickly with this project is that the Ballona Wetlands Ecological Reserve is “dead and dying” - in fact, in the DEIR/DEIS there are various assertions that only 3% of the land is viable. This “alternative fact” is in direct contradiction to the many species

documented both in species surveys relied on by the DEIR/DEIS authors as “references” and also in the public domain.

There are eight – or maybe seven now (see below) - species that are listed either on the State of California or federal Endangered Species Lists that have been documented as using this ecological reserve since the land was acquired. Several of these species have returned on their own due to federal recovery efforts (like the Least Bell’s Vireo *Vireo bellii pusillus* and the El Segundo Blue Butterfly *Euphilotes battoides allyni* – the butterfly helped also by the planting of Seacliff Buckwheat *Eriogonum parvifolium* by a local community group.)

There are also dozens of species otherwise protected by federal or state laws, including the California List of Species of Special Concern, the Fully Protected Species law, and other agreements with California Native Plant Society and Center for Biological Diversity. I am attaching with this letter a four-page summary of those endangered and otherwise protected species.

Why did the DEIR/DEIS not fully disclose the presence of these species nor provide a complete analysis of their protections, what habitat needs these species have, what impacts (locally, regionally, statewide and nationally) the proposed alternatives would have on these species and what could be done to avoid the complete annihilation of the habitat for these species? Please correct this deficiency in the DEIR/DEIS for each of the species included on the four-page color submission attached to this submittal.

Please note additionally, since the DEIR/DEIS was released, and we’ve been able to review it in part (we really needed much more time for a thorough review of the more than 8,000 pages in this report and its associated appendices), it appears that a correction must have been made to the Karina Johnston/Bay Foundation species surveys related to *Suaeda californica*. While we questioned the presence of that endangered species at the Ballona Wetlands Ecological Reserve (BWER), based on our consultation with Ballona Institute’s biologist, Roy van de Hoek, we included the presence of this species in the Endangered Species list since The Bay Foundation identified it as such, out of an abundance of caution.

Would you please clarify whether or not a qualified botanist with expertise related to this species has verified that the *Suaeda* species at the BWER is indeed *Suaeda californica* (which is listed on the federal Endangered Species List) or *Suaeda taxifolia*, which is now included in the DEIR/DEIS as a California Rare Plant Ranking 4.2. Either way, this species needs protection, and the presence of it as identified on page 527 of the DEIR/DEIS – Figure 3.4-4 – growing ON THE LEVEES which are contemplated for removal is yet one more reason why the current levees need to remain in place. It is clear that this population of *Suaeda* has been growing on the south levee for a significant amount of time, and that there are conditions at this particular location that appear to be nowhere else on the site, allowing for this rare plant population to thrive.

Removing the levees, planting these plants in pots and attempting to plant them in soil dug up, moved around, with soil characteristics (including microbes and other important soil components) highly disturbed after bulldozing, excavation and replacement elsewhere – is an experiment at best, and a failure that most expert plant ecologists and restoration experts would conclude to likely be futile. This is one reason why rare plants on the CNPS list – like *Suaeda taxifolia* – when on public land – are treated as if they are on the endangered species list and are to remain in place – not potted and considered for replanting, like in a residential home garden. Why was this usual practice not considered here, nor even revealed or analyzed?

This is not a backyard home garden. This is a rare and fragile ecosystem, and CDFW is mandated to treat it as such. Can you please explain why this standard for protection has not been revealed in the DEIR/DEIS and also provide an alternative that will protect all rare and special status plants and plant populations as required by this standard of protection.

This discussion brings into the light the clear concern we have that – this project was not conceived of by the California Dept of Fish & Wildlife, but was, rather, conceived of by private interests – while paid by public funds (as in the case of the leader of the group, Dr. Richard Ambrose of UCLA) – and was led by the private Bay Foundation (with a Chevron Vice President at the helm during the time it was being conceived of). Please explain why the genesis of the planning for this proposed project was not revealed nor analyzed for appropriateness by the Army Corps of Engineers – who should have provided federal oversight for such a departure in required legal procedures, even if CDFW management was otherwise conflicted by such a revelation.

To clarify our concerns, knowing of the many professional and caring stewards and biologists that are employed by CDFW, we are confident that CDFW would not have ever dreamed of putting forward a project proposal like this one that contemplates removal of nearly every (if not every – as the engineering documents submitted with the Section 408 application to the Army Corps of Engineers show) plant and animal on the landscape of what has been designated by the California Fish & Game Commission to be worthy of status as an ecological reserve and, then, virtually, starting over.

When so many rare and imperiled species are clearly using the mosaic of habitats at the Ballona Wetlands Ecological Reserve, it is negligent and irresponsible to even apply for these permits, let alone to approve them, and we are hopeful that the good biologists in the CDFW will be alerted to this sham of a proposal and somehow persuade the political higher-ups who have been promised overhead funding to participate in this project that there are better ways to achieve the funding needed for management and maintenance of this land that the Governor has so far neglected to provide (both Schwarzenegger and Brown.) Sierra Club would volunteer to help obtain management funding – we have good relationships with our elected officials in Sacramento.

If CDFW does not rise to the occasion (which we hope it does in order to remain a relevant agency entrusted with the care and protection of rare and endangered species and landscapes), we remain hopeful (and insistent!) that other agency professionals and legislators will cry out for justice to this land and for the people of California who not only cherish fragile landscapes like this, but who have been denied true, yet sensitive, public access paths for 14 years since the public acquisition of this ecological reserve land.

New Species, Inadequate Surveys, Misidentifications of Species

In addition to the apparent misidentification of the Suaeda species discussed above, we would like a full disclosure in the final EIR/EIS (if the project is not withdrawn, which we believe it should be because of the necessary new baseline surveys and conditions needed once the rains are allowed to replenish the wetland soils again) of the many misidentifications of species that Ballona Institute, naturalist Jonathan Coffin and others have identified in the work of The Bay Foundation.

We are also interested in reading a full disclosure of all biological surveys on the BWER site. Please inform us of how many seasons in which these surveys were undertaken and by which experts with which credentials. We've read some internal email messages where Shelley Luce (then-executive director of The Bay Foundation, now with Heal the Bay) informed Karina Johnston that her assessment of nonnative species was insufficient, suggesting they needed bigger numbers to persuade decision-makers to undertake such a significant alteration of the entire landscape and various habitats.

One reason we would like to see these disclosures and analyses is the discovery by naturalist Jonathan Coffin and then confirmed by biologist Robert Roy van de Hoek to be Palmer's Goldenbush *Ericameria palmeri*— another rare plant species (CNPS 1.B.1) that experts agree should be listed as an endangered species (van de Hoek was confirmed as a botanist through testing by the California Dept of Fish & Wildlife – then Fish & Game and considered for employment as both a botanist and a wildlife biologist before he decided to accept employment with Los Angeles County Parks.)

This discovery, as documented on Page 1 of the Los Angeles Times (see attached article, for the record), makes us all question the extent of surveys completed in certain areas and the bias those undertaking those surveys might have had. For example, we hear the CDFW representative at Ballona repeatedly saying publicly that there is nothing worthy in terms of biodiversity – he is not a biologist, we are led to believe – in areas outside of the area in the western-most part of Area B, near the Observation Deck. He states in this publicly available interview/video, for instance, while pointing east of where he sits on the Observation Deck: "...after the salt pannes, the rest of the reserve is quite a bit of fill..." – ignoring the abundance of wildlife and native plant populations that have been documented in those areas.

<http://spectrumlocalnews.com/section/in-focus/in-focus-shows/2018/01/27/in-focus--restoring-the-ballona-wetlands>

Biodiversity and Abundance of Wildlife and Native Plants at the Ballona Wetlands

The Bay Foundation surveys alone – even considering the misidentification of numerous species – still documents an abundance of species that exist in all of the areas of the Ballona Wetlands Ecological Reserve.

The wildlife is returning – in part because no longer are wayward bulldozers from Playa Vista developers entering the landscape, and, in part because of the success of federal and state efforts to protect rare and imperiled species, such as those on the Endangered Species Lists. Why was this not revealed in the DEIR/DEIS to the fullest extent possible and an alternative fully analyzed where protection of these species were to be given the highest and most important priority?

Also for your reference and to correct the record related to the heading of the previous category of our submittal, please review the photos taken by naturalist Jonathan Coffin during the past approximately 10-12 years at the Ballona Wetlands Ecological Reserve.

Go to this site, and hopefully, you will see this place is filled with such biodiversity and life that bringing in bulldozers to remove all of this life would be a terrible mistake.
tinyurl.com/ballonaphotos

Conflicts and Incongruencies Between CDFW and Resource Agency Wildlife and Habitat Protection Mandates and Project Purposes, Needs and Objectives

While originally the goal appeared to be some sort of “restoration,” – as we discussed earlier in these comments, that goal has apparently changed. Can you please reveal the full decisions for these changes, and explain why all interested stakeholders and members of the public were left out of these discussions?

One of the documents listed under “Reference Documents” is the study by Dr. Travis Longcore, Dr. David Jacobs and Dr. Eric Stein – outlining the newly discovered science from historical ecology reports (including the report by Dark, et al – also one of the documents under “Reference Documents” on the public page of CDFW that show the DEIR and related Appendices.)

Why is this new science being dismissed simply because it does not comply with the Project Objectives? Wouldn't new science – like the Earth not being flat – then cause conscientious scientists who were counting on the Earth being flat to re-evaluate the

Project Objectives if new evidence is presented that disproves the theories once thought to be valid?

(Which reminds us of this: it is a matter of transparency and legally mandated CEQA and NEPA requirements – this “Reference Documents” category was **not** present when the DEIR/DEIS were released and only appeared sometime in late January, 2018. Such additional materials relied on by the DEIR/DEIS needed to be available to the public during the entire CEQA/NEPA comment periods and **noticed** that it was available to the public – neither of which was done.)

I participated in the one-day charrette that purports to hold up this entire 1,242-page DEIR/DEIS document as being valid, and my experience does not match the suggested outcome. I also attended many of the “Science Advisory Committee” meetings – (many of them were not noticed to the public nor open to us) – and, while it did appear that there was a predetermined outcome that the Co-Chairs, Richard Ambrose and Eric Stein, desired, those of us from the public who were allowed our 2 or 3 minutes at the end of each day of attendance provided substantive comments and questions that never were answered – questions like:

- What species are we managing for?
- What habitat types and how much habitat is needed for recovery or at least thriving of endangered or otherwise imperiled species on the site?
- Why are outcomes of elevations and moving of levees being discussed before baseline surveys are completed so we know where are locations that must not be disturbed?

(notes: a) some meetings of which were convened in Orange County, far from the project site, so few members of the public attended these meetings; and b) the final “S”-shaped alteration of the levees and deep excavation and bulldozing of most of the BWER – then referred to as Alternative 5; now in this DEIR/DEIS referred to as Alternative 1 – was “decided” on by the “Science Advisory Committee” before any current baseline surveys were undertaken by The Bay Foundation. These surveys, being completed after the decision as to what the preferred outcome would be, reflected the proverbial “cart before the horse”; and c) the members of the Science Advisory Committee were not Wildlife Biologists who had any expertise on wildlife that relies on land habitat – wetland, lowland or uplands.)

Please explain this conundrum further and explain why and how the mandates CDFW and other resource agencies (like the US Fish & Wildlife Service) can possibly be met when the Ballona Wetlands Ecological Reserve lands are contemplated to be almost entirely altered, covered up or moved around, as if they are pieces of a puzzle that would – or even could - magically turn from a depiction of a cat to a dog. As far as we can see – while “human disturbance” is the rationale given repeatedly for the heavy-

mechanized alteration of the lands and habitats, the plans are to yet bring even more “human disturbance” to Ballona – moving wetlands to uplands and uplands to wetlands and covering up functioning habitat and rare, imperiled populations of wildflowers and wildlife habitat with soils that are in the way (albeit life-filled soils that are functioning as habitat today!) of the pretty, “S”-shaped meandering picture that was drawn by a landscape architect who couldn’t possibly know what all of this alteration would mean to the wildlife that currently rely on Ballona as it exists today.

In addition, could you please explain how the NEPA Purpose and Need for the project was developed, and compare it with the CEQA Project Objectives.

While there are stated reasons for doing this project, the project alternatives are puzzling to so many of us because the question has never been answered:

What, specifically, is the problem that these alternatives attempt to solve?

What species does the State California Dept. of Fish & Wildlife purport to manage for?

Which species on the endangered species list and which species which are otherwise protected species (included on the four-page attachment to this letter) will be helped by these alternatives? Which species will be harmed by the various alternatives?

These questions still have not been answered directly, and they need to be answered in the Final EIR/EIS – or, preferably, the proposed project needs to be withdrawn and re-thought once the rainwaters are allowed to soak into the soils now that the illegal drain structures have been capped.

Conflicts of Interest and Questions Related to Bond Spending

\$130 million of the \$140 million that was allocated by the State of California from bond moneys that were voted on by the people of California were from **Wildlife Conservation bonds, approved by the Wildlife Conservation Board**. I attended that board meeting, spoke in favor of the use of those bonds, as did our Sierra Club California staff, and we watched and listened to the deliberations by that board before they voted unanimously for these funds to be allocated. There was no intention stated that this land was in such dire shape that it needed to all be bulldozed or scraped and completely altered into something else. In fact, it was the rich wildlife habitat that we were all there celebrating would not be turned into more of Playa Vista condos.

Can you explain how the three main alternatives selected by The Bay Foundation and its consultants and allies (including CDFW) will *conserve wildlife* – which appears to be a larger mandate for this land from the acquisition funds than to create tidal wetlands

that would create a system that is far greater in saltwater influences than has been in this region for at least 4,000 years?

We are also very puzzled as to how the engineering firm (Psomas) for the Playa Vista development ended up with the contract for the engineering drawings for this proposed project. We are especially troubled by this fact, given that this firm is the one that constructed and installed the illegal drains – on what is now the Ballona Wetlands Ecological Reserve – that were recently ordered to be capped by the California Coastal Commission.

We note that the President of that organization (Psomas) was also the President of the Friends of Ballona Wetlands for several years, and they are one of only a couple of groups allowed to have public access to the land. It's almost as if the land at Ballona has been managed to be private for the past 10 or so years.

Public Access Denied; Management, Ranger Presence and Maintenance Needed

One of the most disconcerting issues related to the Ballona Wetlands Ecological Reserve is that public access, except for a couple of years – from about 2006 to 2008 – has been mostly denied to stakeholder groups and even more concerning to the general public. Now, the greatly desired sensitive public access that all stakeholders say they want – and we are among them – is being held out as a carrot – or as a bribe – for approval of this proposed project – a project that is highly problematic, except it suggests that public access will finally be achieved.

When US Rep. Ted Lieu (CD-33), one of our representatives in the United States Congress, was a state legislator, and was working with us to attempt to transfer the land at Ballona to the California State Parks (which was the original intent of Governor Gray Davis and his Resources Secretary, Mary Nichols), the Director of State Parks informed then-Assemblymember Lieu and me that her staff had done an assessment of Ballona, and they believed the only thing that Ballona needed was sufficient funding – about \$1 million a year was what she calculated at the time – for a full-time ranger, a full-time maintenance worker and a full-time land manager – and a boardwalk for public access that would be on the perimeter or otherwise not intrude on to sensitive habitat. We agreed, but unfortunately, for about a ten-year time period, the natural resource agencies were all starved in Sacramento due to budget concerns, and while the State now has a surplus of funds, the budgets for these agencies have not even been restored.

Most of the complaints from nearby residents, people who drive by or otherwise are stakeholders of this fragile, yet important recreational and habitat resource, would be taken care of if proper staffing were in place for maintenance and management.

Spending \$180 million or more for the boondoggle project proposed that is not based on science, but rather on a dream of accessing public moneys (outside of the regular government budget process) for private and public entities, will not solve the problems that Ballona will always have if not properly staffed and unfunded for proper management and maintenance.

Public access that is sensitive to fragile habitat, by opening a few gates, with a minimum of expense for signage and supervision of docents could happen without any large, “robust” mechanized habitat destruction and rebuilding project.

Paving Paradise, Putting Up (a Bigger) Parking Lot?

We all know the song, but that doesn’t mean we have to follow it in this, presumably, more enlightened year of 2018.

Our Sierra Club Ballona Wetlands Restoration Committee, through a series of historical records reviews, learned that the parking lots along Fiji Way, which are on a month-to-month lease to private interests in Marina del Rey, via the Los Angeles County Beaches & Harbors Department, were opposed to be constructed by the Friends of Ballona Wetlands when they were being permitted by the California Coastal Commission in the 1980s for **temporary use** by the 1984 Olympics Committee.

According to the records, there are no current coastal development permits allowing for use of this land that is part of the Ballona Wetlands Ecological Reserve for parking lots, let alone for bigger, taller, less sustainable (concrete and steel) parking structures that are designed (also according to the records.) Thus, these lots are currently in use as illegal parking lots.

Why, then, would CDFW and The Bay Foundation contemplate constructing these even bigger, taller, less sustainable parking lots on land that was required by the Coastal Commission to be returned to its original habitat state? We also understand from reviewing public records other stakeholders have accessed that the purpose of these parking lots includes use by private businesses in the County unincorporated portion of Marina del Rey. Isn’t this a “gift of public funds?” If not, why not?

Our understanding is that there is no other ecological reserve in the State of California that has a three-story parking structure on its land. Is that a correct statement?

The Draft EIR/EIS failed to disclose any of this information or to analyze it in the context of the plans for Alternatives #1, 2 & 3. CDFW knew about this situation, as it has been in front of the California Fish & Game Commission.

Wildlife – While Under Construction

Sierra Club has reviewed many, many environmental documents in the past. But rarely, have we seen one where it appears the preparers of these documents had to twist themselves into pretzels to justify destroying wildlife habitat on public land. In addition, we are horrified at the thoughts of what may happen when the excavators and bulldozers proposed to damage this landscape and fragile mosaic of habitats enter into soils where much of the wildlife habitat lives underground.

Do the proponents of this project (including the County of Los Angeles, which we are very upset is listed as a project proponent – since this arrangement apparently was made behind closed doors, without any public input except for the hearing at the LA County Board of Supervisors where former Supervisor Zev Yaroslavsky was assured by Shelley Luce and LA County Public Works officials that such an arrangement was **not** going to happen!) really believe that the abundance of bird life will return to the Ballona Wetlands Ecological Reserve if and when most of their food sources living underground (small mammals, herpetofauna, and insects) are bulldozed and killed?

Do these same project proponents really think they will be able to capture thousands of animals and cage them while the 10-year project is being constructed?

Please include this article in the record for the Final EIR/EIS:

<http://www.laweekly.com/news/is-the-state-of-california-plotting-the-ballona-wetlands-demise-4304938>

On a number of occasions, Shelley Luce and other proponents of the project have responded to public concerns about wildlife and wildlife habitat being bulldozed as part of this proposed project. The response has been, including in a meeting where I was present (as were many others) with then-US Rep. Janice Hahn (now an LA County Supervisor) that there was a plan for capturing and caging animals while the bulldozing and excavation would be happening. Given that the construction plans appear to conclude that such work could go on for approximately ten years, why is that plan not included in the DEIR/DEIS? I can't seem to find anything backing up this plan that The Bay Foundation has told people would be part of the construction.

The DEIR/DEIS fails to disclose where these animals will stay and how they will be cared for and whether or not it is appropriate to capture, cage and move wild animals around – like they are in a zoo. Please provide further details of this scheme in the Final EIR/EIS and include documentation that such a plan will work for each of the species contemplated to be captured and/or caged. It is also unacceptable to “move” rare and imperiled species, such as the Silvery Legless Lizard, as it is most likely that other suitable habitats already have individuals occupying those habitats.

Sacred Sites

In Section 3.5 of the DEIR/DEIS, the subject of First Nation rights is somewhat addressed, but we wonder why there is no acknowledgement, disclosure or of the more recent State of California laws related to this topic.

Also, we wonder how the people who were reached out to as “Most Likely Descendants” were chosen. We note that several on the list provided by the State Historic Preservation Office (pg A-65), including Cindy Alvitre and Anthony Morales – both of whom have expressed keen interest in the Ballona Wetlands in the past, were not reached out to. Please explain why and also please reach out to them for future involvement. Also, Gary Stickle commented on this topic during the scoping time period, I believe, and he represents yet another tribal interest that does not appear to have been reached out to for consultation, as required by Section 106 of the National Historic Preservation Act.

As cited in the DEIR/DEIS: “In summary, the NAHC indicated that while the Ballona Reserve is not itself registered as a sacred site in the SLF, individual sacred sites are recorded within the Ballona Reserve, and the Ballona Reserve should be considered extremely sensitive for Native American resources.”

Given the many years during which developers at Playa Vista claimed “nothing was found” during pre-construction archaeological assessments, and then hundreds of individuals were unearthed as this developer dug up a sacred cemetery, which I watched with horror after a whistle-blower came to us and sought our help to tell others of this tragedy, we wonder why no disclosure or analyses of a similar possibility might exist when digging into these sacred soils.

Please include this article in the record for the DEIR/DEIS and provide further disclosures and analyses about this situation and how it relates to the sacred sites that are within or directly adjacent to the project site at the Ballona Wetlands Ecological Reserve.

<http://www.nytimes.com/2004/06/02/us/developer-unearths-burial-ground-and-stirs-up-anger-among-indians.html>

Failure to Address Scoping Comments or to Analyze Important Scoping Comments

Because of the manner in which Scoping Comments were arranged in the DEIR/DEIS, it is nearly impossible to determine whether or not scoping comments – especially ones submitted by others – were fully addressed, information requested disclosed or analyzed.

Still, we can tell by reviewing just a few of the scoping comments we made that the DEIR/DEIS failed to fully disclose or analyze the topics that we raised in our letter of 10.23.12 during the Public Comment Scoping period.

For this and other reasons already articulated, at the very least, a re-circulation of the entire document must be done in order to comply with CEQA (California Environmental Quality Act) and NEPA (National Environmental Policy Act.) Because of the cumulative problems inherent in this very confusing, and inadequate environmental document, it would be best to withdraw the project, and start over - which would also be best for nature.

One instance - and there are many more - is the impacts of the proposed project alternatives to Tule Fog. This is an issue that was raised for study - and it is included in the chart, but no disclosure or analyses of the issue was undertaken. Tule Fog - very clearly is a natural phenomenon at the Ballona Wetlands, and it can be considered that the moisture from the Tule Fog relates to freshwater in the seasonal marshes.

Observations by our members of our organization, as well as by local residents, conclude that this Tule Fog does not seem to be present over deeply dug water bodies, like Ballona Creek, whereas it does exist on the higher elevation areas where there is significant soil and plant cover. Why was this topic not analyzed for the impacts that loss of such Tule Fog might happen with the proposed alternatives? What is the impact of more seawater into this area? Is salinity a factor? What organisms rely on Tule Fog?

This is but one example of many scoping comments that were not fully disclosed nor analyzed for impacts.

Area A - Completely and Entirely Discounted

Area A - north of Ballona Creek, south of Fiji Way and east of Lincoln Blvd., where the most disturbance and habitat alteration is contemplated - appears to be completely discounted in terms of habitat importance throughout the DEIR/DEIS document, leading one to conclude that there was a bias already operating toward gutting this special location where numerous populations of native plants thrive. Alkali Barley, Lewis' Evening Primrose, Palmer's Goldenbush are just a few.

Additionally, this is the area where the Great Blue Heron that has its rookery in adjacent trees at Mariners Village **relies** on for the juvenile Heron feeding once these birds are fledged from the nests. As Roy van de Hoek, who has studied this Heron rookery for nearly 20 years, has written about in a report to the CDFW (formerly CDFG) and the California Coastal Commission, has written and spoken about, the Great Blue Heron juvenile birds take a couple of years to learn how to fish, and so they rely on the small mammals and herpetofauna that thrives in Area A. Many, many small mammals live beneath the surface of the soil there, which is why this is such a fertile hunting ground for the Heron and for numerous species of raptors.

There is so much more on Area A, and the failure of this DEIR/DEIS to accurately portray the habitat there leads the reader to conclude these project alternatives biased the project proponents to select such drastic proposals without accurately assessing the biological richness and diversity there. Perhaps this is because the Scientific Advisory Committee had a bias toward ocean tidal species, and little knowledge or appreciation of land species. When I asked Rich Ambrose why he insisted on continuing on with the proposal to bring full tidal waters into more of the Ballona Wetlands, when the new science research on the historical Please clarify and provide backgrounds for all of the members of the Science Advisory Committee that worked alongside The Bay Foundation to develop these project alternatives.

Area C Also Discounted

Area C – east of Lincoln Blvd., and north of Ballona Creek, bordered on the east by the 90 fwy., and on the north by the Villa Marina residential complex – also appears to have been discounted, with unwanted soil from the nearly 3 million cubic yards of excavation contemplated from Area A to be dumped and re-sculpted into walls on Area C – and in a few locations on Area B. As can be seen by the maps of the Lewis’ Evening Primrose, several significant populations of this rare plant species exists in Area C, yet no disclosure or analysis of why these populations would not be preserved in place, instead to have soil dumped on top of these locations. There is a failure in this DEIR/DEIS to disclose whether or not such plant populations have ever successfully been transplanted, especially given the very fragile and ancient soils on which these plants rely.

Carbon Sequestration/Climate Change

The following appears in the DEIR/DEIS:

“Carbon Sequestration”

Plants take up CO₂ from the atmosphere through the process of photosynthesis. CO₂ is absorbed by the plant tissue, along with water and nutrients, to allow the plant to grow. Through this process carbon is sequestered into the plant and stored as carbon stock. Some portion of the carbon removed from the atmosphere is returned to the atmosphere through several processes, including respiration, decay, and disturbance (PCOR, 2016).

The soil carbon sequestration rate captures the below ground carbon stocks through time. When land is covered with vegetation, soil carbon increases over time according to the soil sequestration rate of the habitat, due to the incorporation of dead organic matter back into the soil. When a habitat converts to another habitat (e.g. from upland to salt marsh), aboveground biomass changes (may increase or decrease) due to the

different type of vegetation, but soil sequestration continues. When salt marsh converts to mudflat, aboveground biomass is lost and soil sequestration halts, but soil carbon stored prior to the conversion remains sequestered within the mudflat. In contrast, when wetlands are diked or drained, the belowground carbon stock can be released as CO₂ (PCOR, 2016).”

Yet, the DEIR/DEIS fails to explain how this impact to the soils – excavation of some 3 million cubic yards of soil (and the plants growing in that soil) – will contribute to climate change impacts, especially since the “S” shaped curve will obviously bring more mudflat to an area that now sequesters carbon in significant amounts due to thousands and thousands of years of dead plant and animal life being in those soils that came from the historical Ballona marsh that was destroyed to build the small craft harbor called Marina del Rey, but which the project proponents persist in calling “fill” or “dredge spoils.

Gas Company Infrastructure

Sierra Club is on record of being in full support of the City of Los Angeles and the State of California moving to 100% renewable energy. This DEIR/DEIS fails to calculate the damage to our atmosphere and impacts to climate change that enabling SoCalGas to remain on site with toxic and dangerous chemicals and gas storage operations beneath the ecological reserve for however long these more modern equipment upgrades contemplated in the DEIR/DEIS allow. There is also a serious failure to disclose exactly what is entailed in this operation and how much public money would be sought for these upgrades.

Elevation Inaccuracies

As explained in our additional submission by experts, including engineering expert Dr. Mansour Rahimi, the elevations that are depicted in the DEIR/DEIS are in error. The experts who have written that report for us, and for the public, which has already been submitted, explain how those inaccurate surface elevation levels relate to tsunami risks being inaccurate.

We wonder now – what else is inaccurate – given the surface elevations being incorrect?

For example, the new levee walls that would arise from the ground along Culver Blvd., Fiji Way and in Area C are stated to be at certain heights above grade. How different might these be, given the surface elevation inaccuracies? The failure to provide 3D imaging of these massive walls causes another legal flaw in the documents. The public needs and deserves to understand just how high these walls (otherwise referred to as “berms”) will be.

The failure to disclose these inaccuracies means this DEIR/DEIS process must begin again, with new, accurate elevations, and calculations, at the very least.

AVOIDANCE

One of the most important guidance aspects for the US Army Corps of Engineers to consider when authorizing wetland destruction permits allowed under the Clean Water Act is the primary tenet of **avoidance**. This DEIR/DEIS failed to properly or fully consider numerous other alternatives that would have avoided destruction of precious and fragile wetlands – protecting wetlands being the most important goal the Corps could and should strive for, according to guidance documents the Corps is required to follow.

SUMMARY

In summary, Sierra Club again stresses its position that the only proper legal pathway to proceed would be to withdraw this extremely flawed DEIR/DEIS (for many reasons articulated in this letter, as well as in other comments being submitted by stakeholders and the interested public) and the entire project proposal until the conditions at Ballona can return due to rain waters now being able to soak into the marsh lands, as they did before the illegal drains were installed in 1996. Thus, a new baseline survey wetland delineation and new surveys of species can happen after an appropriate time, which would need to be determined by scientific experts (10-12 years?)

In the meantime, for the sake of environmental justice and the State's commitment to genuine public access and protecting the natural heritage of this region, let's get the public access extricated from the restoration proposals, assess the amazing diversity of species of wildlife that rely on this ecosystem, and determine what is needed to **protect** those species, consider what species might be important to recover at Ballona (without bulldozing and wiping out habitat), secure the land with regular range presence, develop a stakeholder-driven maintenance and community-engaged gentle restoration and get on with educating the public about the wonders of nature we have here on the Los Angeles coast.

Thank you for the opportunity to comment.

Sincerely,

Marcía Hanscom /s/

Chair, Sierra Club Ballona Wetlands Restoration Committee

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Steve Wicke, Angélica Gonzalez – Sierra Club Angeles Chapter Conservation leadership