



Wetlands Defense Fund

March 16, 2013

Ballona Wetlands Restoration Project

LEAD AGENCIES:

United States Army Corps of Engineers

Colonel Mark Toy c/o Daniel Swenson

California Dept. of Fish & Game

Director Charlton H. Conham, c/o David Lawhead

and c/o Donna McCormick

consultant hired by the Santa Monica Bay Restoration Foundation and/or
CA State Coastal Conservancy

1 Ada, Suite 100
Irvine, CA 92816

Re: Scoping #2 - NOP for Ballona Wetlands “restoration project” – including Annenberg proposal(s)

Dear Colonel Toy DFG Director Bonham, and Ms. McCormick,:

Please accept these comments as part of the public response for scoping comments called for by the California Dept. of Fish & Wildlife, formerly known as the California Dept. of Fish & Game when the first NOP was issued in the summer of 2012. We first make note of the unusual, and we have reason to believe illegal, absence of the federal authorities in re-opening scoping for the federal issues that arise due to the proposed Annenberg facilities. As you know, the NOP and NOI were announced as a **COMBINED** project in the summer of 2012. We add these comments to the comments previously submitted to you.

These Annenberg facilities are planned to be constructed on Area C, and are not only part of the entire project proposal, but the Memorandum of Understanding (MOU) that Annenberg signed with three state agencies (submitted to you with this letter), comprehensively and inextricably links the Annenberg project with the proposed restoration. In fact, the MOU is

entitled: **“MEMORANDUM OF UNDERSTANDING among the CALIFORNIA DEPARTMENT OF FISH & WILDLIFE and the STATE COASTAL CONSERVANCY and the SANTA MONICA BAY RESTORATION COMMISSION and THE ANNENBERG FOUNDATION regarding RESTORATION PLANNING FOR THE BALLONA WETLANDS.”**

The United States Army Corps of Engineers is required, as the lead federal agency which has asserted jurisdiction for the environmental review of this proposed project at the Ballona Wetlands Ecological Reserve in compliance with the National Environmental Policy Act (NEPA), also is required to comply with Section 106 of the Historic Preservation Act, the Endangered Species Act and the Clean Water Act, and must, therefore, review the federal issues related to known Native American archaeological sites that are mapped on Area C; observations and documentation of the endangered California Gnatcatcher on Area C; and delineated wetlands on Area C that are part of a report issued by the California Dept. of Fish & Game.

We are puzzled and the public remains confused as to why only the state CEQA process is being followed, and the federal NEPA process is not likewise being followed to re-open scoping to include any and all questions and comments the public might have during this scoping process related to the various potential impacts to cultural resources, wetlands and endangered species that this Annenberg project would be expected to have.

We urge the US Army Corps of Engineers and all relevant federal agencies, including the US Fish & Wildlife Service, the Federal Emergency Management Agency, the Environmental Protection Agency, the National Marine Fisheries Service, the National Park Service and the Bureau of Indian Affairs to do whatever is necessary to cause the federal re-opening of scoping for this COMBINED project that now includes at least a 30+ acre project on Area C to be constructed by the Annenberg Foundation and/or any of their vendors, contractors or other affiliated.

We do not agree that a draft EIR/EIS or final EIR/EIS can be released without the re-opening of scoping for the proposed “restoration” project that now includes a 30+ acre project contemplated for construction and “enhancement” from funding by the Annenberg Foundation. We also urge that at least one – preferably two or three full public hearings are held solely to deal with the issues appropriate to be raised during the scoping process of state and federal environmental review.

We are also extremely concerned that and object to this project moving forward with environmental review when the specific proposals have not yet been released to the public. In fact, Leonard Aube of The Annenberg Foundation refused to release to the public a copy of the powerpoint presentation he made to the Land Use & Planning Committee of the Del Rey Neighborhood Council on March 6, 2013, specifically stating that the ideas they have are a

“work in progress” and therefore, he had no clear proposal to provide to the public. How can scoping for a proposed project properly be commented on when the proposal is in such flux?

We agree with Sierra Club’s comments, as officially submitted by the Sierra Club Ballona Wetlands Restoration Committee, that scoping needs to be re-opened for 90 day public comment once the Annenberg proposal is more specific in terms of components it will include.

With this objection noted, we comment on what we have heard or read from public records requests, from news reports and from the one public presentation made on this project by The Annenberg Foundation.

Please reply to the following in your draft environmental review documents so that the public can be fully informed about the plans for this project and any alternatives that might be considered.

1. Please analyze and consider all potential alternatives for the siting of the Annenberg project on lands that are nearby the Ballona Wetlands Ecological Reserve, but are not either on the Ecological Reserve or on the State Lands Commission-owned lands at Ballona. While preparing this analysis, please review all possible environmental impacts and make a recommendation as to which is the least environmentally damaging alternative. Four specific alternatives we would like to see considered include:
 - a. Place the potential educational interpretive center programming, as well as the companion animal facilities that Annenberg proposes for Area C to be included in the Marina View building that sits directly behind the Marina View storefronts at Fiji Way & Lincoln Blvd., which includes veterinary services, companion animal hospital and a companion animal dermatology clinic. Analyze how placing the project in this location can enhance the existing businesses, as opposed to competing with those existing businesses. Possible alternatives include with using that existing building, which is far more sustainable than building with new materials, or razing that building and constructing the Wallis Annenberg facilities on the footprint of that current building site.
 - b. Place the potential educational interpretive center programming, as well as the companion animal facilities that Annenberg proposes for Area C to be included as part of Phase 2 of the Playa Vista development, including the interaction with the current Discovery Park that already exists at Playa Vista.

- c. Place the potential educational interpretive center programming, as well as the companion animal facilities that Annenberg proposes for Area C to be included at a location in the County Marina area where natural lands were paved over more than 50 years ago. Potential sites include Dock 52 and adjacent county trailers and/or Fisherman’s Village.
 - d. Place the potential educational interpretive center programming, as well as the companion animal facilities that Annenberg proposes for Area C in any number of potential building sites in adjacent communities where there are numerous unoccupied buildings and/or willing sellers which Annenberg could acquire as real estate for these planned “enhancements” to the Ballona Wetlands Ecological Reserve.
2. Please analyze and fully consider the impacts of having a facility that would include a possibility of “40 or more dogs, cats, bunnies and other stuff” (email message from Shelley Luce, executive director of the Santa Monica Bay Restoration Commission), related to the Annenberg project, on an ecological reserve that includes fragile wetlands and imperiled coastal ecosystems, and please provide any other precedents for such a use in the history of the department.
3. Please analyze and determine whether or not the enhancements that Annenberg plans for the active recreation fields are in compliance with coastal protection measures required by the California Coastal Commission and also whether or not such intensity of use is compatible with current wildlife uses of the site.
4. Please analyze and explain how each of the following species documented and known to be present in recent years within Area C of the Ballona Wetlands Ecological Reserve, will be impacted by the proposed Annenberg project, explain their roles in the ecosystem, explain their foraging, roosting, breeding and shelter needs and then explain how each will be impacted by each of the alternatives considered. Please include a discussion of island biogeography and how eliminating anywhere from 1 to 30+ acres from serving as foraging, shelter or other habitat currently for these species will diminished exponentially the number of species that can survive in Area C – or at Ballona. Please also do the same analysis for any other species that have been identified by any interested parties, including the Santa Monica Bay Restoration Commission, other Ballona naturalists or other related agencies.
 - a. White-tailed Kite (*Elanus leucurus*)
 - b. Western Meadowlark (*Sturnella neglecta*)

- c. California Gnatcatcher (*Polioptila californica*)
 - d. San Bernardino Ring-necked Snake (*Diadophis punctatus modestus*)
 - e. Wild Cucumber (*Marah macrocarpa*)
 - f. Great Blue Heron (*Ardea herodias*)
 - g. Great Egret (*Ardea alba*)
 - h. Southern Tarplant (*Hemizonia parryi ssp. australis*)
 - i. Tree Swallow (*Tachycineta bicolor*)
 - j. Painted Lady Butterfly (*Vanessa cardui*)
 - k. Loggerhead Shrike (*Lanius ludovicianus*)
 - l. Red-shouldered Hawk (*Buteo lineatus*)
 - m. American Pipit (*Anthus rubescens*)
 - n. Ross’s Goose (*Chen rossii*)
 - o. Audubon’s Cottontail Rabbit (*Sylvilagus audubonii*)
 - p. Mourning Cloak (*Nymphalis antiopa*)
 - q. Buckeye Butterfly (*Junoia coenia*)
 - r. Mormon Metalmark (*Apodemia mormo*)
 - s. Red Admiral (*Vanessa atalanta*)
 - t. Slant-faced Grasshopper (*Attractomorpha psitaccina de Haan*)
 - u. Cooper’s Hawk (*Accipiter cooperii*)
 - v. Coyote (*Canis latrans*)
 - w. Lewis’s Evening Primrose (*Camissonia lewisii*)
 - x. Gray Bird Grasshopper (*Schistocerca nitens*)
 - y. Barn Owl (*Tyto alba*)
 - z. Horned Lark (*Eremophila alpestris*)
 - aa. Silvery Blue Butterfly (*Glaucopsyche lygdamus*)
 - bb. Raven (*Corvus corax*)
5. Please document, analyze and explain how the various insect, spider, beetle and lichen species present within the Area C south, as well as associated adjacent wild lands, will be impacted by the proposed Annenberg project, explain their roles in the ecosystem and then explain how each will be impacted by each of the alternatives considered.
6. Please document, analyze and explain the impacts of turning areas that are currently used by wildlife into dog walking trails.
7. Please document and map which mature trees on Area C would be impacted by the proposed Annenberg facilities, and detail the projected impacts to these trees and whatever species might use these trees for shelter, foraging, roosting or other part of their life cycle.

8. Please analyze and explain how the various small mammal species present on Area C of the Ballona Wetlands Ecological Reserve will be impacted by the proposed Annenberg plan, explain their roles in the ecosystem and then explain how each will be impacted by each of the alternatives considered.
9. Please analyze and document how an expanded snack bar for the recreational fields or other restaurant or human eating facility contemplated by Annenberg could impact management of a wildlife ecological reserve.
10. Please analyze and document how companion dog urine – that might be spread in ecological reserve areas either from visitors using the proposed companion animal facility or via proposed dog walking trails - could impact various wildlife species and their regular life cycle activities.
11. Please analyze and document the impacts to the ecological reserve from making the current varied parking arrangements into more permanent parking – and please explain to the public exactly where that parking would be and how much would be for sports fields and for the Annenberg center. While this topic is being explored, please analyze possibilities for parking offsite in parking lots of businesses not used during weekends and shuttles that could be used to bring people both to ball fields and also to other Annenberg facilities.
12. Please analyze and document impacts that will be added to the ecological reserve from lights and noise expected to come from both the construction of the Anneberg project, as well as ongoing use of the facilities.
13. Please analyze and explain all impacts to wildlife and to adjacent neighborhoods the construction traffic, as well as air pollution from diesel fumes and any other environmental impacts from the heavy machinery contemplated for use in the industrial mechanized bulldozing and earthmoving alteration plan, as well as the associated impacts from other alternatives related to the Annenberg proposed project.
14. Please detail, analyze and explain all impacts and from hardscape of concrete, steel and other contemplated unnatural features the proposed Annenberg project would have on the habitat as well as on individual species and imperiled populations of species.
15. Please detail, analyze and explain all impacts to commuter traffic from construction and other associated project components from the Annenberg proposed project.

16. Please detail, analyze and explain how all cultural historical and religious resources, including both those from the native First Nation people, as well as those from the past 100 years, will be properly respected and avoided in terms of protection of these resources – especially since at least one known sacred site registered with the State Historic Preservation Office (SHPO) is located on Area C, seemingly partially in the area where Annenberg’s traffic grading plan dated January, 2013, (received via public records act request) shows parking entrance to the proposed Annenberg facilities.

Thank you once again for the opportunity to comment. We trust that you will research and reply to each and every one of these comments, as the rare and imperiled ecosystem that the Ballona Wetlands is, including its mosaic of habitat types is unique and irreplaceable.

Please add our organizations to your mailing list:

Wetlands Defense Fund
322 Culver Blvd., Ste. 317
Playa del Rey, CA 90293

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Should you have further questions, feel free to call Ballona Institute at: 310-823-7040 or Wetlands Defense Fund at (310) 821-9045.

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