

DATE: February 9, 2022

TO: San Francisco Board of Supervisors, sitting as the Transportation Authority Board
and as the Treasure Island Mobility Management Agency Board;
Clerk of the San Francisco County Transportation Authority (SFCTA)

FROM: Treasure Island Organizing Committee

RE: **Objection to Treasure Island Proposed Toll Policy**

The Treasure Island toll proposal before you violates the terms of the City's 2014 Agreement with the State Lands Commission (SLC), is in conflict with the Final Environmental Impact Report (FEIR) submitted by the City and County of San Francisco (City), and violates the SF Bay Conservation & Development Commission's (BCDC) permit that is based on the findings in the FEIR. The toll proposal also does not provide evidence to support required findings under AB 981, which states that the congestion management plan shall be based on an analysis that explains the specific benefits that are received by those paying the toll.

The Treasure Island Development Authority (TIDA) and the City are, according to the 2014 Agreement with SLC, acting as a Trustee of State Public Trust Lands. The City's role as Trustee is precisely the reason that the SF Board of Supervisors must reject the toll proposal and direct TIMMA staff to reconsider its approach to congestion management.

The Development Agreement Prohibits Charging a Toll to Island Visitors

Residential development on the former tidelands was allowed by a settlement agreement between the State Lands Commission and TIDA. In conjunction with this Agreement, the SF Board of Supervisors adopted the [Final EIR for the Treasure Island Master Plan](#) on April 11, 2011. The FEIR approved construction of 8,000 new residential units, 500 hotel rooms, and more than 700,000 square feet of other development. The FEIR anticipated that development would increase transportation demands and includes a Transportation Demand Management Plan to address the anticipated increase. But consistent with the importance and condition of maintaining free public access to the shoreline of Treasure Island and the vistas of Yerba Buena Island, the plan clearly and unambiguously guarantees that "*Visitors* to the Islands would not be charged a congestion pricing fee" [\[FEIR, page IV.E.45\]](#).

The 2014 Agreement between the SLC and TIDA explicitly states that San Francisco received clear title to allow residential development in **exchange** for commitments to **enhance** public access to the State's public trust lands. Key recitals in the Agreement further clarify this point:

the island presents an extraordinary opportunity to promote and enhance Public Trust values

(ii) Certain filled tidelands on Treasure Island are useful for ...a pedestrian and bicycle corridor around the shoreline of the island linked with a major open space and recreational park in the northern and eastern portions of the island; a proposed ferry terminal and plaza, a marina, and other public waterfront amenities; a major visitor-serving commercial core including retail and hospitality uses connecting the historic buildings, the ferry terminal and the waterfront; and other public ways that will provide waterfront ac-

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cess and enhance water views from the island. [\[TRUST EXCHANGE AGREEMENT FOR TREASURE ISLAND AND YERBA BUENA ISLAND: Page 3\]](#)

... to allow the Public Trust Lands to be used to the greatest benefit of the people of this State.

the Development Plan ...will result in the improvement or enhancement of the Public Trust Lands for Public Trust uses such as open space, public access, water-related recreation, visitor serving facilities, wildlife habitat, circulation to and along the waterfront or similar trust-consistent uses. The Development Plan includes a transportation plan that provides public street access to all of the Public Trust Lands. This Agreement includes provisions to ensure that development of the TIDA Property includes adequate access from the public streets to the Public Trust Lands, including public roadway access along the western shoreline of Treasure Island, as required by the Exchange Act.

The exchange authorized by this Agreement will substantially benefit the Trust and will not result in any interference with the uses and purposes of the Trust. [\[TRUST EXCHANGE AGREEMENT FOR TREASURE ISLAND AND YERBA BUENA ISLAND: Page5\]](#)

Furthermore, [AB 981 Section 1967.6](#) states:

The transportation program shall ensure that public access to waterfront, recreational, and open-space areas on Treasure Island is sufficient to support public trust activities by ensuring all of the following: ... (b) Program elements shall not interfere with the provision of public access to public trust lands consistent with the beneficial use of those lands, including, but not limited to, roadway access to serve the public along the western shoreline of Treasure Island.

The Transportation Plan also included a commitment for enhanced bus service and a new ferry terminal, and *the plan proposed that it be funded through a toll that would be applied to the new development at peak hours.* This is the legal and regulatory framework within which the City was granted the right to proceed.

The Proposed Toll Deviates From Peak-Hour Commuters To All Visitors

As TIMMA began to look at the transportation plan in more detail, it became clear that even with congestion, most of the trips would still occur by car. It also became clear that providing the funding for expanded ferry and bus service would be more expensive than the commitments made by the developer in their agreements. So in July 2016 TIMMA staff turned to ALL VISITORS to the island—including those visiting tidelands for recreation, and those traveling at non-congested times—to bridge their funding gap. This decision falls outside of the legal and regula-

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tory framework within which the City was granted the right to proceed. See [TIMMA Committee Meeting](#) [Item 5, 6:00) and [TIMMA Board Meeting](#) [13:00].

Despite repeated requests, TIMMA has not provided a detailed budget on the cost of the new transportation services—particularly the new ferry service—or on who pays and who benefits. It is clear from the City’s own traffic studies, however, that the ferry is as costly as it is ineffective in addressing congestion. In the City’s most optimistic projections, by 2030 the ferry would only carry 2,800 of the 72,000 daily trips generated on the island [\[2019 Treasure Island Demand Model Analysis Report page 43\]](#). To be clear: the proposal before the Board is a request for the City to force visitors to the island to pay for a ferry service they do not use and that it is projected will be wholly ineffective in addressing congestion, which violates the intent of [AB981 Section 1967.5\(b\)\(1\)](#):

Prior to imposing the initial congestion pricing fees, the board of supervisors and the transportation authority shall each make a finding of fact by a two-thirds majority vote that the congestion pricing fees have a relationship or benefit to the motor vehicle drivers who are paying the fee.

BCDC Advised TIMMA That Visitor Tolls Cannot Be Imposed Unless BCDC Grants A New or Amended Permit

TIMMA did not notify the BCDC or the State Lands Commission of their intent to propose a broad and hefty toll as their congestion management solution. The BCDC was only recently informed of TIMMA’s intent to both charge visitors and to expand the toll beyond the specific scope of congestion management times and locations defined in the FEIR. Upon learning the details of TIMMA’s plan, the BCDC informed TIMMA Deputy Director of Planning on November 15, 2022:

In issuing [BCDC Permit No. 2016.005.00 on September 19, 2016, to Treasure Island Development Authority, Treasure Island Community Development, LLC, and Treasure Island Series 1, LLC, to authorize the phased redevelopment of the islands] ..., the Commission relied upon application materials, including the Final Environmental Impact Report (FEIR) for the proposed redevelopment project, which did not describe a toll to non-resident visitors. If information regarding the proposed toll had been appropriately included within the FEIR or BCDC permit application materials, the Commission would have evaluated such proposal in relation to applicable Bay Plan policies regarding public access.

The letter goes on to note:

While BCDC staff acknowledges that various provisions of AB 981 (Leno), the Treasure Island Transportation Management Act, grants the transportation management agency (as defined) the “exclusive power” to impose transportation-related revenue measures on

Treasure Island as part of a transportation program (as defined), we do not believe that AB 981 preempts or otherwise conflicts with BCDC's statutory authority to require a permit for substantial changes within the agency's jurisdiction which may adversely affect public access – especially public access required as part of a BCDC permit, such is the case for Permit No. 2016.005.00. (See Government Code § 66632(a); see also 14 CCR § 10125(b)(4).) In other words, we believe a BCDC permit (or permit amendment) is required for implementation of the proposed congestion management program on the basis that the program may affect public access required under Permit No. 2016.005.00. [See Attached]

TIMMA did not reconsider its approach after receiving this letter by the state agency with jurisdiction over this matter. Instead, on January 25, 2022, the TIMMA Committee unanimously voted to authorize a vote on the toll proposal by the full TIMMA board.

The Proposed Toll Technically Cannot Currently be Implemented And Fails to Meet Principles of Fairness and Equity

The current toll proposal is an attempt to bridge an economic gap with only a nod to equity issues. The proposal is not only decoupled from regulatory requirements, it is decoupled from any ability to technically account for the variables required to justify the plan.

TIMMA is proposing a multi-variable dynamic tolling solution that will account for changes in prices based on time of day as well as the economic status of a car's owner. This is a central part of TIMMA's effort to relieve residents and lower income citizens from the burden of the toll and to meet their mandate of social and economic justice. However, CalTrans, which administers the FasTrak system TIMMA staff said it would use for this purpose, has yet to develop a program that can take individual accounts and apply the multitude of tiered charges based on the income of a driver, let alone test that system — and CalTrans has no clear plans or schedule to do so. TIMMA's staff response to this important barrier was simply that TIMMA planned to move forward and develop its own software to do it without CalTrans.. How the City plans to implement a solution beyond the capabilities of CalTrans – the agency with the most expertise in the State on electronic toll collection – is an important question to answer.

The toll proposal will have a broad negative economic impact on the island's economically disadvantaged community, and East Bay visitors will unfairly be charged a disproportionately high toll to access the island.

TIMMA, after strong protests from lower income residents, included a toll waiver for residents who have lived on the island since 2019. TIMMA's position is that the waiver satisfies part of their social justice mandate, but residents are still strongly opposed to the toll. The reason is that the toll impacts not only the residents, but their friends, family, those they rely on for services and the entire island economy. TIMMA has no clear sense of the scope of their proposal, precisely because the economic analysis required by AB 981 has not been performed, despite repeated calls for such a study by island's businesses and residents. Local businesses are already

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feeling pressure from customers and vendors about the toll as they are worried about paying the toll or absorbing costs through increased pricing.

Finally, TIMMA is proposing that East Bay visitors pay nearly double the toll of SF-based visitors. Under the current plan, a visitor from the East Bay will pay a \$7 toll in Oakland (which already includes a congestion management fee), a \$5 toll to enter TI, and a \$5 toll to exit. The East Bay visitor will pay \$17 in tolls while the SF visitor will pay \$10 in tolls, although the primary point of congestion will be between SF and TI. The discrepancy is worse during off-peak hours, as the East Bay visitor will pay \$13 in tolls while the SF visitor will pay \$5. The current plan distributes the burden of cost disproportionately to East Bay visitors and focusses the highest costs on the group that is forecast to have the least impact, according the FEIR, on island traffic.

The TIOC Urges SFCTA to Reject This Toll Proposal and Send it Back to the Drawing Board

It is clear to those that have been working closely with TIMMA that the proposal before the Board does not comply with the 2014 Agreement with the SLC, is inconsistent with the City's mandated role as Trustee of State Public Trust Lands, is not based on the type of rigorous economic impact reports that such significant proposals demand, does not align with available solutions to realize the plan. We strongly urge the Board of Supervisors to ask TIMMA to revisit their approach to ensure that state laws, regulations, and basic public review requirements are met before presenting a plan for a vote.

Sincerely,

Treasure Island Organizing Committee

--- Since 2017, The TIOC is a grassroots community organization of Residents, Businesses and Non-Profits that are dedicated representing the needs of the Treasure Island and Yerba Buena Island Community

From: [REDACTED]
To: [CSLC Commission Meetings: Lucchesi, Jennifer@SLC; keely.bosler@dof.ca.gov](#)
Cc: saveballona@hotmail.com
Subject: Public Comment on June 2022 & Agenda Public Trust
Date: Saturday, May 21, 2022 11:39:19 AM
Attachments: [Ballona Wetland Brochure 5-19-22.pdf](#)
[Screen Shot 2021-06-25 at 1.10.49 PM.png](#)

Attention: This email originated from outside of SLC and should be treated with extra caution.

Screen Shot 2021-06-25 at 1.10.49 PM.png



Executive Staff,

Grassroots Coalition respectfully provides this informational brochure on Ballona Wetlands/Ballona Wetlands Ecological Reserve as part of its Public Comments to the June 2022 State Lands Commission Meeting and per agenda per Public Trust Guiding Principles. Please distribute to the State Lands Commission Board Members and Staff.

The brochure sets forth legal designations that have been acknowledged, approved and registered for the protection of the Public Trust properties known as Ballona Wetlands/ Ballona Wetlands Ecological Reserve. As cited in the Public Trust Principles, there are Public Resource Codes (PRCs) utilized for protection of Public Trust property. In the case of Ballona Wetlands, numerous PRCs are applicable to Ballona, including but not limited to PRC 31220 which entails watershed restoration, and PRC 31113 Climate Change which also includes protections to biodiversity and protection from greenhouse gases. Neither of these PRCs have been meaningfully addressed by the State Lands Commission(SLC), in its stewardship of the freshwater marsh/ expanded wetland portion of SLC assigned property at Ballona Wetlands. And, these PRCs are not meaningfully addressed by CDFW in the certified FEIR. We look forward to input from the California Coastal Commission to assist in enforcement of these Public Resource Codes as part of the enforcement capability of the CCC and its PUBLIC TRUST ACTION PLAN that we wish for

State Lands Commission needs to engage to protect Ballona Wetlands/ Ballona Wetlands Ecological Reserve from watershed/ freshwater hydrology harm due to ongoing freshwater waste, diversion and throw away of Ballona's natural freshwater resources by the California Department of Fish & Wildlife, Playa Vista, Friends of Ballona--jointly the Ballona Wetlands Conservancy as cited by the State Lands Commission.

Thank you for your consideration,
Patricia McPherson, Grassroots Coalition

From: [REDACTED]
To: [Calvo, Lucinda@SLC](#); [Lucchesi, Jennifer@SLC](#); [CSLC CommissionMeetings](#); [Kato, Grace@SLC](#); [Bugsch, Brian@SLC](#); [nicole.dobrowski@slc.ca.gov](#); [Office of the Secretary CNRA](#); [Blackmon, Seth@SLC](#); [emma.kennedy@slc.ca.gov](#)
Cc: [olina.wibroe@sen.ca.gov](#); [ben.allen@sen.ca.gov](#); [hollyjmitchell@bos.lacounty.gov](#); [hamilton.cloud@mail.house.gov](#); [jwilson@bos.lacounty.gov](#); [Willis, Andrew@Coastal](#); [saveballona@hotmail.com](#); [lrchards@bos.lacounty.gov](#); [zqaidzik@bos.lacounty.gov](#); [lmuraida@bos.lacounty.gov](#); [jwaldron@bos.lacounty.gov](#); [sheila@bos.lacounty.gov](#)
Subject: Request to State Lands Commission/. Public Trust Ballona Freshwater Marsh System
Date: Thursday, May 19, 2022 1:48:29 PM
Attachments: [Screen Shot 2022-05-19 at 1.09.58 PM.png](#)
[Screen Shot 2022-03-06 at 10.51.39 AM.png](#)
[Screen Shot 2022-03-06 at 10.51.39 AM.png](#)
[Screen Shot 2021-06-25 at 1.10.49 PM.png](#)
[Screen Shot 2022-05-19 at 1.09.58 PM.png](#)

Attention: This email originated from outside of SLC and should be treated with extra caution.



Patricia McPherson President
Jeanette@SaveBallona.org (310) 721-3512

Director Lucchesi, Ms. Calvo and State Lands Commission,
(please also include these comments as part of the next SLC meeting under Public Comment)

Grassroots Coalition requests that the California State Lands Commission adhere to California Fish and Game Code 1745 and to CCR Title 14, Section 630 Terrestrial/ NonMarine registered status of Ballona Wetlands Ecological Reserve (2005). Any/ all agreements with non-profits and/or agencies etc. shall comport with the Purpose for which an Ecological Reserve is acquired. And in this instance, Ballona was acquired for the purpose stated in its Fish & Game Commission (2005) Registration of Ballona as a CCR Title 14, Section 630 Terrestrial/ NonMarine Ecological Reserve with the California Office of Administrative Law. The State Lands Commission stewarded -Public Trust property- of Ballona Wetlands directly and indirectly affects the Ballona Wetlands Ecological Reserve as do any/ all State Lands Commission agreements with the California Department of Fish & Wildlife (CDFW), Playa Vista and its Ballona Wetlands Conservancy. (SLC Public Trust property visual in attachment)

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 20-Z_5.20.05_notice.pdf](https://www.dhcs.ca.gov/services/medi-cal/Documents/AB1629/ZREG/ZREG%20-%205.20.05_notice.pdf)

"...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. Since the property contains sensitive species, including a state listed endangered species, sensitive vegetation communities and acts as a linkage for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources." pgs. 663-4

And,

<https://saveballona.org/president.presentations/ballona-wetlands.legal.review.2006.html>

please review pg 4 of 12...which is the 2008 Memorandum of Understanding (MOU) pertaining to Ballona Wetlands Ecological Reserve that includes the State Lands Commission's signatory support. This document includes an UNAPPROVED, and improper SCC independently chosen goal for Ballona's restoration. The SLC signed document from 2008, supports an ESTUARINE Goal. The Coastal Conservancy (SCC) et al definition of estuarine is a MARINE environment. ALSO see (slides 9, 10 of 12) The SCC contract to So Ca Coastal Wetland Recovery Project (SCCWRP) stipulates they are to perform for an 'estuarine'- marine outcome for Ballona's restoration. SCC is a nonregulatory agency tasked with an advisory role only. At no time has the agency charged with the California codes and

regulations for the Department of Fish & Wildlife, namely the Ca. Fish & Game Commission, assigned a GOAL STATUS of estuarine/ marine to Ballona Wetlands Ecological Reserve. To the contrary, the status of CCR, Section 630 Terrestrial/ NonMarine Ecological Reserve was approved and registered by the Ca. Fish & Game Commission which included specific Purpose and Goals of this specific Ecological Reserve--Ballona Wetlands Ecological Reserve.

The controlling agency for assignment of the Purpose and Goal for Ballona Wetlands Ecological Reserve is the Ca. Fish & Game Commission which also provides for and determines all the Ca. Dept. of Fish & Game Codes and Regulations. The SCC Grant conditions given to SCCWRP are inconsistent with Ca. Fish & Game Code 1745 which provides for any/all agreements/ actions pertaining to an Ecological Reserve shall adhere to the Purpose for which the Ecological Reserve was acquired. SCC, without authority, conditions the Grant use for adherence to SCC'S own independently chosen Purpose/ Goal and preferential outcome for Ballona's restoration to be 'Estuarine'/ Marine (even the latest 2022 grant includes the language...'restore the ebb and flow of the ocean' . Ballona Wetlands was historically closed off from the ocean but for years of extreme storms that would temporarily breach the double dune system between Ballona and the Santa Monica Bay. (Historical Ecology of Ballona... Dark, Longcore et al.). SCC's actions are inconsistent with Ballona's Ca. Fish & Game Commission's 2005 approval of, and registration with the Office of Administrative law of Ballona Wetlands Ecological Reserve's status as a CCR Title 14, Section 630 Terrestrial/ NonMarine Ecological Reserve inclusive of Ballona's specific Purpose and Goal of acquisition.

Fish & Game Code 1580 is set forth in the SLC 2008 MOU and establishes the generic (all California Ecological Reserves) Ecological Reserve status protections and establishes protection to NON MARINE-aquatic resources. The STATE LANDS COMMISSION 2008 MOU per Ballona's restoration is inconsistent with both Section 1580 and exceptionally importantly, the 2008 MOU is inconsistent with CCR Title 14, Section 630 Terrestrial/ NON Marine Ballona Ecological Reserve containing Ballona's specific Purpose and Goal of acquisition. SLC's current engagements/ agreements with Playa Vista and the Ballona Wetlands Conservancy are inconsistent with adherence to the specific purpose and goal of Ballona's acquisition.

The SLC MOU provides no mention of the 2005 Fish and Game Commission Ecological Reserve approval and registration with the Office of Administrative Law, containing the Purpose for Acquisition (which Fish & Game Code 1745 reinforces vis a vis, any/all agreements / actions shall abide by the purpose of the Ecological Reserve's acquisition) As a trustee agency, SLC has oversight of the PUBLIC TRUST property at Ballona Wetlands and KNEW OR SHOULD HAVE KNOWN OF Ballona's-- California Fish & Game Commission's approved and registered status as an Ecological Reserve and its Purpose of Acquisition AND knew or should have known that any and all agreements with CDFW had to abide by the purpose for which the Ecological Reserve was acquired--per Fish and Game Code 1745.



Ballona Wetlands Restoration Project

Sequence 1 and 2 Design and Permitting Solicitation Announcement

CDFW is pleased to announce that, as of April 1, 2022, we are requesting proposals from qualified firms to complete necessary designs and acquire necessary permits for Sequences 1 and 2 for the Ballona Wetlands Restoration Project.

More information can be found in the complete [Request for Qualifications \(RFQ\)](#).

CDFW is excited to take this step in order to begin the initial two sequences of the restoration project. These two sequences involve removing and relocating an existing gas line and restoring and enhancing an approximate 60-acre degraded tidal, brackish, and freshwater wetland area in South and Southwest Area B of the ecological reserve (as analyzed in the [Ballona Restoration Environmental Impact Report](#)).

- These initial improvements will benefit endangered species. They will functionally lift and expand approximately 60 acres of habitat for the Belding's savannah sparrow and improve and expand freshwater and brackish habitat for least bell's vireo and potentially light-footed Ridgway's rail.
- With minimal ground disturbance and a focus on improving hydrology, these initial sequences will increase tidal circulation and freshwater inputs (receiving flows from the Ballona Freshwater Marsh) to an area of the ecological reserve that has been hydrologically starved from its water source for many decades and, subsequently, where steady habitat decline is documented.

Currently, CDFW is soliciting contractors to perform restoration work on the expanded wetland portion (Public Trust property stewarded by SLC). CDFW proposes to utilize Proposition 12 Grant funds that appear to have been approved by the Coastal Conservancy Board for other purposes in the Ballona region including primarily the Ballona Channel which is not part of the Ecological Reserve. (May 27, 2021 Staff Recommendation Coastal Conservancy) CDFW's Final Environmental Impact Report contains no hydrology evaluation of Ballona Wetlands/ Ballona Wetlands Ecological Reserve's freshwater resources inclusive of the freshwater marsh system and its sources of freshwater. CDFW has no information of freshwater resources of Ballona that are being pumped/draind and otherwise syphoned away from Ballona Wetlands from the Playa Vista gas mitigation system dewatering efforts that send the clean groundwater to the LA Sanitary Sewer System under wastewater elimination permits. SLC has made no attempt, under the Sustainable Groundwater Management Act to protect and assure Ballona's freshwatershed is not wasted and sent to either the sanitary sewer system and/or the ocean via the freshwater marsh system's MAIN DRAIN to Ballona Channel.

Grassroots Coalition requests that SLC intercede/ stop CDFW's attempts to 'restore' the Public Trust property stewarded by SLC and ensure that CEQA is upheld vis a vis fulfillment of CEQA standards of review that would include a Groundwater Dependent Ecosystem study per the Sustainable Groundwater Management Act that will ensure a cumulative hydrologic evaluation of SLC's property be done. Such evaluation is necessary to be done in context with the Ballona Wetlands Ecological Reserve's natural hydrologic resources and needs. CDFW claims in its 'Solicitation' (in reference to 60 acres) ..."that has been starved from its water resources for decades and steady habitat decline is documented." Since no hydrologic evaluation of Ballona Wetlands itself has been performed for the FEIR, there is no data support for this CDFW "Solicitation" comment. The FEIR is inadequate

and should be rejected, rescinded and the proper hydrological studies should be performed as part of necessary corrections prior to any recirculation of the FEIR.

Grassroots Coalition still awaits response to our concerns regarding the control of Ballona issues by the Playa Vista development's private business known as the Ballona Wetlands Conservancy to which SLC acknowledges that it is NOT a board member. However, SLC continues to state that CDFW, CD 11 AND FRIENDS OF BALLONA are Ballona Wetlands Conservancy board members, without anything but hearsay and Playa Vista's Ballona Conservancy ByLaws, which do not comport with IRS records per its board members. (SEE Ballona Conservancy IRS records sent to SLC. *IRS records provided to SLC ONLY reference Playa Vista entities as board members.*)

The Ballona Conservancy has harmed the Ballona Wetlands and Ballona Wetlands Ecological Reserve.

The Playa Vista, Ballona Wetlands Conservancy and via SLC's allowance for their continued control, have been part of : unpermitted and environmentally destructive road building in the riparian corridor; (CDFW cited Streambed Violation, LADBS citations in ppt Stop Drying Out Ballona--III. Road Construction LINK BELOW)

citations by Vector Control for failure to conform to their mosquito abatement program; (CDFW cited Streambed Violation, LADBS citations in ppt Stop Drying Out Ballona--III. Vector Control--Road Construction LINK BELOW)

unpermitted and environmentally destructive diversion and drainage of Ballona's freshwater resources via unpermitted drainage wells in Ballona Wetlands Ecological Reserve (cited as a Coastal Act violation by the Ca. Coastal Commission (CCC) and subsequently ordered to stop the drainage by the CCC); [California Coastal Commission \(CCC\) Letter \(4/11/14\) to Playa Vista and CDFW](#)

failed to protect and ensure that the freshwater resources of Ballona that were/are being pumped, diverted and drained away from Ballona Wetlands by Playa Vista/ the Ballona Wetlands Conservancy (whether permitted or unpermitted) were/are protected for use by Ballona Wetlands and Ballona Wetlands Ecological Reserve. SLC has not stopped or attempted to end the wasting and diversion of this freshwater away from Ballona and is thereby inconsistent with the Sustainable Groundwater Management Act and protection to Ballona Wetlands/ Ballona Wetlands Ecological Reserve as a Groundwater Dependent Ecosystem;

LINK TO STOP DRYING OUT BALLONA..

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

failure to explore, reabandon and stop the petroliferous chemicals outgassing over the Playa Vista's abandoned oilwell known as University City Syndicate that is situated in the Freshwater Marsh; (see LINK Stop Drying Out Ballona and <https://saveballona.org/oil-well-gas-leak-creates-new-dangers-local-residents-and-visitors-ballona-wetlands.html>)

failure to protect the freshwater resources of Ballona Wetlands for Ballona Wetlands Ecological Reserve as the Ballona Wetlands Conservancy has continued to divert the freshwater marsh water to the ocean via the Main Drain of the Freshwater Marsh System to Ballona Channel, and/or not provide sufficient freshwater to the freshwater marsh system thereby harming the hydrology of Ballona. (CDFW Letter Betty Courtney to Playa Vista aka BW Conservancy)

2017 California Department of Fish & Wildlife, (CDFW) Betty Courtney Cites Harm to Ballona Due to Reduced Water Flow From Playa Vista

failure to correct the Main Drain of the FWM System to stop the Ballona Channel toxic waters from back-flowing up and out the unpermitted drains and into the Ballona Wetlands Ecological Reserve. No permit has ever existed that allowed for back flow of Ballona Channel water via the Main Drain to reach the sensitive wetlands. (Psomas/ Crehan letter to Playa Vista/ Bay Foundation/CDFW pertaining to the back flow)

<https://saveballona.org/alleged-clean-water-act-violation-playa-vista-ca-department-fish-wildlife-and-santa-monica-bay-restoration-commissions-2013-emails-establish-they-knew-illegal-drains-allowed-contaminated-channel-water-flow-ballona-wetlands.html>

Lack of participation in SGMA and lack of protection to Ballona Wetlands as a Groundwater Dependent Ecosystem.

Grassroots Coalition also asserts that the State Lands Commission is remiss in its protection of Ballona Wetlands under CCR Title 14, Section 630 Terrestrial/ NonMarine Ecological Reserve and has failed to protect Ballona's freshwater resources vis a vis its role in stewardship of the Freshwater Marsh and the Expanded Wetland Portion (Public Trust property) and the attendant constructs of the Freshwater Marsh System inclusive of the riparian corridor and the poorly engineered Main Drain and the unpermitted drains attached to the Main Drain.

Thus, SLC who knew or should have known to actuate in adherence to CCR Title 14, Section 630 Terrestrial/ NonMarine Purpose and Goal specific to Ballona Wetlands Ecological Reserve, and that SLC signed a MOU in 2008, that was inconsistent with CCR Title 14, Section 630 Terrestrial / NonMarine Purpose and Goal of BWER. And, in recent years to the present, SLC has been in communication with the Ballona Wetlands Conservancy but has failed to address the critical environmental issues cited above.

Grassroots Coalition requests independent oversight of the freshwater marsh system as discussed in 2005 during Ca. Fish & Game Commission hearings.
There is time to correct the mistakes of the past and to time to stop compounding harm to Ballona Wetlands.

From: [CSLC CommissionMeetings](#)
To: [Lunetta, Kim@SLC](#)
Subject: FW: Pending violation of Berkeley Marina trust covenant
Date: Tuesday, June 21, 2022 12:14:05 PM

From: Martin Nicolaus [REDACTED]
Sent: Tuesday, June 14, 2022 11:12 AM
To: CSLC CommissionMeetings <CSLC.CommissionMeetings@slc.ca.gov>
Subject: Pending violation of Berkeley Marina trust covenant

Attention: This email originated from outside of SLC and should be treated with extra caution.

I am writing to call the Commission's attention to a pending violation of the terms under which the City of Berkeley as trustee holds the State-owned lands commonly known as the Berkeley Marina, and in particular that part of the Marina located north of Spinnaker Way formerly known as North Waterfront Park, now Cesar Chavez Park.

The fundamental agreement under which the City holds that land is that it should be used "for unstructured public recreation." This land use covenant was confirmed by Berkeley City Council resolution No. 47,935-NS in May 1976 and confirmed verbatim in the Master Plan in 1977, and in all subsequent conceptual and specific planning documents.

In March 2022, however, a landscape design firm hired by the City of Berkeley proposed fundamental modifications to the "unstructured public recreation" covenant. Among other changes, the firm proposes demolishing a historic 3.5 acre portion of the park known as the Native Plant Area and converting the area into a privately owned commercial enterprise offering zipline and ropes courses for fee-paying adults. The firm further proposes bulldozing, grading, and paving a verdant central meadow of the park into a concert venue complete with a giant sound stage structure.

The proposed changes absolutely violate the "unstructured public recreation" covenant under which the City holds these State lands.

As a member of the Chavez Park Conservancy, a nonprofit dedicated to Cesar Chavez Park, I respectfully request that the honorable Commission members Investigate this pending situation and exercise their power to hold the City of Berkeley to the covenant under which it holds these State lands; or in the alternative, restore possession of these lands to State hands.

Martin Nicolaus
Chavez Park Conservancy
<https://chavezpark.org>
[REDACTED]

From: [CSLC CommissionMeetings](#)
To: [Lunetta, Kim@SLC](#)
Subject: FW: Public Comment: Public Records Act Request for opportunity to inspect indexes and finding aids for patents issued by Commission and Predecessors after Nov. 8, 1910 in Yuba County.
Date: Tuesday, June 21, 2022 12:03:21 PM

From: Francis Coats [REDACTED]
Sent: Sunday, June 19, 2022 10:45 AM
To: CSLC CommissionMeetings <CSLC.CommissionMeetings@slc.ca.gov>
Subject: Public Comment: Public Records Act Request for opportunity to inspect indexes and finding aids for patents issued by Commission and Predecessors after Nov. 8, 1910 in Yuba County.

Attention: This email originated from outside of SLC and should be treated with extra caution.

Although staff of the CSLC are generally very helpful to the public, I have recently run into a situation which appears to be a bad faith refusal to work with the public.

As you may know, since at least as early as September 15, 1915, it has been the practice of the Commission and its predecessors to reserve in the people the absolute right to fish thereupon as provided in section 25 article I of the state constitution in every patent for school and indemnity lands issued. I requested an opportunity to inspect and obtain copies of patents issued by the commission and its predecessors after November 8, 1910, for land in Yuba County, and for indexes and finding aids for identifying those patents. Your staff responded that it would be too burdensome to examine the indexes and identify the patents. Accepting that statement for the moment, why didn't they provide me with an opportunity to inspect the indexes myself? I asked for that opportunity. I believe I have seen over-sized ledger book records of patents issued by date issued, showing the name of the patentee, date of issuance, and meridian, township and range, section, and aliquot portion of section, at the offices of the Commission. Given that I am only interested in those Mount Diablo meridian townships within Yuba County, I anticipate that it would not be too burdensome for me to run the indexes for patents issued after November 8, 1910, for patents affecting land in those townships, myself. However, these indexes were not identified in the Commission's response, and they were not made available for inspection in response to my request.

Why was my request not responded to? Why was I deflected? The only reason I can come up with is that the Commission and its staff have decided to actively conceal from the public the identity of lands expressly made subject to the absolute right in the public to fish thereupon. These reservations are held in trust by the commission for the benefit of the public. The commission and its staff should not be concealing them, but rather should be actively disclosing them. At the very least the commission and its staff should make the ledgers listing them available for public inspection upon request.

Francis E. Coats

[REDACTED]

Sent from my Verizon, Samsung Galaxy smartphone
Get [REDACTED]

From: [Alamar Marina Restaurant and Bar](#)
To: [CSLC CommissionMeetings](#)
Subject: Regular Meeting June 23, 2022, 1pm - Proposed Rent Increase - Alamar Marina
Date: Tuesday, June 21, 2022 10:28:25 AM

Attention: This email originated from outside of SLC and should be treated with extra caution.

Dear State Lands Commission,

We have received two separate notices within a few weeks proposing a substantial rent increase for Alamar Marina. In the letter dated May 17th, it states that the rent is proposed to be increased to \$5873 (up from \$4230), a later letter proposed an amount over \$6K. The letters stated this matter will be reviewed at the June 23rd meeting, however, I did not see the Alamar rent increase on the agenda.

Our facility is not back to full operations. Your proposed rent increase amounts to a 30% increase on the heels of two very difficult years due to COVID. We are not back to normal (and I am not sure we will be anytime soon). We are closed two days a week (previously one) and we are only open 8 hours during the week days, and 7 hours on the weekend days because we do not have the staff to run longer days. Being open fewer days and fewer hours during those days is a substantial financial hit. This is a very difficult time for our small business, increased costs for food and fuel, as well as staffing issues are making it tough day to day. Long term operations are even tougher to predict.

In addition, the ACE has initiated a project at Garden Hwy and North Bayou which will close Garden Hwy at our location for a period of not less than 6 months. The public parking and boat launch will be closed during this time. The loss of access for the public to get to the river either by car or by boat will have a substantial impact on our business. The work has already started and the road is projected to be closed by the July 4th holiday. The net effect is that we may have to close during this time. Our business cannot afford another belly punch at this point.

I am asking State Lands to please reconsider any increase at this time. We are in no position to afford it.

Thank you,
Paula Seals
Kristin Greene
Alamar Marina