

**From:** [aeboken](#)  
**To:** [CSLC CommissionMeetings](#); [Kunkel, Kristina](#); [Maria Brown](#)  
**Subject:** Submitting Public Comment (Agenda Item II) for State Lands Commission Meeting of October 25, 2022  
**Date:** Thursday, October 20, 2022 4:05:31 PM  
**Attachments:** [csfnletterstatelandscommissionaugust2022v2.docx](#)

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

TO: State Lands Commission

FROM: Eileen Boken,  
State and Federal Legislative Liaison

Coalition for San Francisco Neighborhoods (CSFN)

RE: Agenda item II public comment for State Lands Commission meeting October 25, 2022

Attached are the Coalition's previous written comments submitted for the August 23, 2022 meeting of the State Lands Commission.

Also, included below are the Coalition's written public comments submitted for the Ocean Protection Council meeting on October 6, 2022.

At its October 6, 2022 meeting, the Ocean Protection Council discussed 30x30 California - Accelerating Conservation of California's Nature.

The website for 30x30 California states that it is nature based solutions initiated when Governor Newsom signed Executive Order N-82-20 in October 2020.

The background page on the website states "As part of this Executive Order, California committed to the goal of conserving 30 percent of our lands and coastal waters by 2030".

Appendix E of the Pathways to 30x30 Strategy is titled "Ocean Protection Council: Science Needs for Advancing 30x30 in Coastal Waters".

Appendix E states "However, MPA [Marine Protected Areas] are not the only way to achieve conservation in coastal waters...".

"Therefore, the pathway to achieving 30x30 for the coast and ocean will include 16% of state waters already protected by state's MPA network and a prioritized focus on strengthening biodiversity protections in National Marine Sanctuaries, which cover 40.6% of state waters."

"...these areas offer a natural place to focus conservation efforts and provide a pathway for the state to meet or exceed the 30x30 target while ensuring that access and sustainable use is maintained.

Additionally, partnership with the National Marine Sanctuaries provides an opportunity to leverage the federal government's America the Beautiful initiative to conserve 30% of U.S. lands and coastal waters by 2030".

The following is the written public comment submitted by the Coalition for San Francisco Neighborhoods to the Ocean Protection Council for its October 6, 2022 meeting:

TO: Chair and members of the California Ocean Protection Council

FROM: Eileen Boken,  
State and Federal Legislative Liaison

Coalition for San Francisco Neighborhoods (CSFN)

RE: Submission for General Public Comment (agenda item #10) for California Ocean Protection Council

meeting October 6, 2022 re designation of Golden Gate National Marine

There are currently three National Marine Sanctuaries near San Francisco; the Greater Farallones, the Monterey Bay and the Cordell Bank.

When the Monterey Bay National Marine Sanctuary (MBNMS) was designated in 1992, the waters off San Francisco, Daly City and Pacifica were excluded. It's officially referred to as the San Francisco - Pacifica Exclusion Area. It's unofficially referred to as the donut hole.

The exclusion was based mainly on issues with the Oceanside Treatment Facility. Those issues have been for the most part resolved.

In 2014, there was a proposal for the northern expansion of the Gulf of the Farallones National Marine Sanctuary, which has now been renamed the Greater Farallones National Marine Sanctuary (GFNMS). The proposal was for a northern expansion from Bodega Bay to Point Arena.

As part of the proposed northern expansion of the GFNMS, the CSFN advocated locally and regionally for an additional expansion southwards to include the waters off San Francisco.

In 2014, on behalf of the Coalition for San Francisco Neighborhoods, I traveled to Washington DC to further advocate for the southern expansion of the Gulf of the Farallones National Marine Sanctuary.

I met with aides for Senator Feinstein, Senator Boxer, Congresswoman Pelosi, Congresswoman Speier, Congresswoman Eshoo and with Helene Scalliet who was the National Oceanic and Atmospheric Administration's manager for all West Coast National Marine Sanctuaries. I attempted to meet with the aides for Congressman Huffman, the White House Council on Environmental Quality and Ted Boling at the Department of the Interior.

These efforts for a southern expansion of the GFNMS did not come to fruition.

In 2015, as part of the Management Plan Review of the Monterey Bay National Marine Sanctuary (MBNMS), the CSFN advocated that the waters off San Francisco be reconsidered for inclusion in the MBNMS.

I returned to Washington DC again in 2015 for additional meetings.

This inclusion was at one point deferred by the MBNMS but now has been eliminated from the Management Plan Review.

The solution at this point seems to be the new designation of a Golden Gate National Marine Sanctuary.

The designation could be fast tracked and be completed in a year to a year and a half.

The template could be the same as the template used for the expansion of the GFNMS. Then President Obama issued a directive for the National Oceanic and Atmospheric Administration (NOAA) to begin the designation process rather than using an executive order under the Antiquities Act of 1906.

Currently, I would advocate in the near term for the designation of a new Golden Gate National Marine Sanctuary.

If that doesn't move forward, I would advocate for the inclusion of the waters off San Francisco in the Greater Farallones National Marine Sanctuary as part of its upcoming 2023 Management Plan Review.

The Greater Farallones National Marine Sanctuary Superintendent, Maria Brown, has stated that it may be possible to include the waters off San Francisco's Ocean Beach as a non-contiguous area in the GFNMS.

Most recently, the CSFN has been in contact with the NOAA Sea Grantees at the DC office of Congressman Huffman.

###

Sent from my Verizon, Samsung Galaxy smartphone



TO: State Lands Commission

FROM: Eileen Boken,

State and Federal Legislative Liaison

Coalition for San Francisco Neighborhoods (CSFN)

RE: State Lands Commission meeting for August 23, 2022 agenda item III Public Comment

The Monterey Bay National Marine Sanctuary (MBNMS) was designated in 1992 and its boundaries extend from Cambria to the Marin Headlands.

However, the waters off San Francisco, Daly City and Pacifica were excluded. This area is also known as the donut-hole.

Since 2014, the Coalition for San Francisco Neighborhoods has been advocating for the waters off San Francisco to be included in a National Marine Sanctuary; first as a southern expansion of the Greater Farallones National Marine Sanctuary then as part of the Management Plan Review for the Monterey Bay National Marine Sanctuary.

Neither of those efforts has come to fruition.

Therefore, the Coalition for San Francisco Neighborhoods is currently advocating for a new designation for a Golden Gate National Marine Sanctuary.

The Coalition for San Francisco Neighborhoods urges the State Lands Commission to join this advocacy.

#### NEW SUBJECT

At the June 23, 2022 meeting of the State Lands Commission, I commented on the concepts of desal and on an ocean water pump station for San Francisco's dedicated Emergency Firefighting Water System.

In a recent multi-agency report titled California's Water Supply Strategy; Adapting to a Hotter, Drier Future, desal is referred to multiple times.

Since desal typically has a large footprint and is energy intensive, a possible demonstration project off San Francisco's Ocean Beach could involve an off-shore desal technology which uses wave action instead of electricity.

A link to one possible company has been included in this written submission.



<https://www.aquatechtrade.com/news/desalination/desalination-wave-powered/>

It be clear, the Coalition for San Francisco Neighborhoods members have no financial interest in any desal entities.

Regarding San Francisco's dedicated Emergency Firefighting Water System, in 1984 then Mayor Dianne Feinstein committed to being the dedicated Emergency Firefighting Water System to the Westside of San Francisco.

This would require an ocean water pump station.

A recent study by AECOM commissioned by the SFPUC alleges that the permitting process for an ocean water pump station would take between ten and twenty (10 and 20) years.

This timeframe seems excessive.

The Coalition for San Francisco Neighborhoods urges the Commission to confirm the accuracy of this timeframe.

And finally, both the Commission and its staff are invited to join the annual Sunset Community Festival on Saturday October 1, 2022. Join the Westside of San Francisco for a day of fun in the fog.

**From:** [Walter Lamb](#)  
**To:** [CSLC CommissionMeetings](#)  
**Cc:** [Hall, Wendy@SLC](#); [Lucchesi, Jennifer@SLC](#)  
**Subject:** Written comments for October 25 SLC meeting  
**Date:** Friday, October 21, 2022 3:31:16 PM  
**Attachments:** [SLC 2008 Ballona Funding Support Letter.pdf](#)  
[CDFW TMDL Comments - 2012 - page 1.pdf](#)  
[CALENDAR ITEM - proposed MOU 2008.pdf](#)  
[Project Management Team.pdf](#)  
[SLC 2018 Comments to Ballona Wetlands Draft EIR.pdf](#)  
[2008 CDFW SCC.SLC MOU - Executed.pdf](#)

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

Dear SLC Meeting staff,

Please see attached materials relating to the role of the State Lands Commission as a partner in the Ballona Wetlands Restoration Project. I will send presentation slides in a separate email.

Please share the attached materials with the Commissioners in advance of the meeting, as Chair Yee had expressed interest in the veracity of comments made by stakeholders at the last meeting. Our goal in sharing these records is to remind the Commissioners that the notion that SLC is not involved in the development and approval of the restoration project is a relatively new notion. In the agenda description for the adoption of the 2008 MOU between SLC, CDFW and SCC, Commissioners were assured that "[t]he Commission will be a responsible agency under CEQA and to the extent that any lands under the jurisdiction of the Commission are proposed for restoration, the Commission will have final discretionary authority and approval of the Project with respect to lands it owns in fee." The Executed MOU also states that " The Department and, to the extent its lands are proposed for restoration, SLC, will have final discretionary authority and approval of the Project, with respect to their respective ownerships, prepared for the restoration planning and construction." The MOU also states that "This MOU will terminate automatically at the conclusion of the planning process, defined for the purpose of this MOU as certification of the Final Environmental Impact Report by the Department and Project approvals from the Department **and the SLC.**" (underlining and bold added for emphasis)

It is not clear to stakeholders what the perceived disadvantage would be to erring on the side of greater transparency, accountability, and public engagement by agendizing the review and consideration of the CDFW's certified Final EIR and its limited plans to push forward with a small subset of the certified project. It would seem to be in CDFW's best interest to eliminate any possibility for the project to be delayed as the result of missing approvals from a trustee and responsible agency when there is an executed agreement calling for such approvals.

Thank you for including this email and the attached material in the record for the October meeting.

Walter

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Walter Lamb  
Ballona Wetlands Land Trust  
310-384-1042  
[Facebook](#)

**MEMORANDUM OF UNDERSTANDING**

**among the**

**CALIFORNIA DEPARTMENT OF FISH AND GAME**

**and the**

**STATE COASTAL CONSERVANCY**

**and the**

**STATE LANDS COMMISSION**

**regarding**

**RESTORATION PLANNING FOR THE BALLONA WETLANDS**

This Memorandum of Understanding (MOU) by and between the California Department of Fish and Game, hereinafter called the "Department", the State Lands Commission, hereinafter called "SLC", and the State Coastal Conservancy, hereinafter called "SCC," is for the purpose of defining the partnership of these agencies in restoration planning for the Ballona Wetlands Ecological Reserve (BWER).

WHEREAS, the Ballona Wetland Restoration plan is being developed for all of the lands owned by the State of California as shown on the attached map, a total of approximately 607 acres, including the 547 acres, parcels "A," "B," and "C", under the jurisdiction of the Department and the approximately 60 acres under the jurisdiction of the SLC (36 acres within the Freshwater Marsh and 24 acres in the Expanded Wetlands Parcel); and

WHEREAS, Section 1580 of the Fish and Game Code states that the policy of the State of California is to protect threatened or endangered native plants, wildlife, or aquatic organisms or specialized habitat types, both terrestrial and nonmarine aquatic, or large heterogeneous natural gene pools through the establishment of ecological reserves; and

WHEREAS, the SLC was established in 1938 with authority detailed in Division 6 of the California Public Resources Code; and holds the Freshwater Marsh and Expanded Wetlands Parcel as real property of the legal character of tidelands and submerged lands subject to the Public Trust Doctrine; and,

WHEREAS, the SLC leased the Expanded Wetlands Parcel to the Department

effective July 1, 2005, for a period of 49 years, and the Expanded Wetlands Parcel is part of the BWER; and,

WHEREAS, the Freshwater Marsh is managed by the Ballona Wetlands Conservancy under a Conservation Easement and is subject to numerous deed restrictions that mandate its use as a freshwater marsh in perpetuity, and, although it is not part of the BWER, there may be opportunities to incorporate it into the Project; and,

WHEREAS, it is the SCC's mission to act with others to preserve, protect and restore the resources of the California coast and the San Francisco Bay Area; and,

WHEREAS, the Department, SLC and SCC have previously concurred in a planning approach for the Project embodied in the memo dated August 13, 2004, and

WHEREAS, the Department, SLC and SCC wish to now formally reaffirm this planning approach,

NOW THEREFORE, the Department, SLC and SCC agree as follows:

#### I. PURPOSE

The Ballona Wetland Restoration Project ("the Project") will develop project alternatives, conduct environmental review, obtain permits, and complete planning for the restoration of all the state-owned properties. The purpose of this comprehensive planning approach is to increase the efficiency of the planning, environmental review and permitting processes resulting in a superior restoration plan.

#### II. GOALS AND PRINCIPLES

The purpose of the restoration plan will be to implement the Project goals:

1. Restore, enhance, and create estuarine habitat and processes in the Ballona Ecosystem to support a natural range of habitat and functions, especially as related to estuarine dependent plants and animals.;
2. Create opportunities for aesthetic, cultural, recreation, research and educational use of the Ballona Ecosystem that are compatible with the environmentally sensitive resources of the area.

The restoration plan will be based on the best available science, incorporate technical scientific expertise, and will be developed through a public planning process that allows stakeholders to provide input and comment on restoration planning.



### III. RESTORATION PLANNING PROJECT MANAGEMENT

The principal state agencies, the SCC and Department will work together to complete the Project. The two principal state agencies will cooperate with the SLC on planning issues related to the property under the SLC's jurisdiction.

All these cooperating state agencies will actively encourage and plan for the participation of interested stakeholders, agency representatives, technical and scientific experts, and members of the general public.

All of the agencies involved in this agreement will respect the right and discretion of each agency's decision-making body and will actively cooperate to articulate and resolve any concerns with planning, funding, or other issues as they arise, so that all partners can accept and endorse the Project. The three agencies will work together to find appropriate funding to implement the Project.

An Executive Committee consisting of the chief executive officers, or designee(s), of each agency will convene regularly every six months to review overall progress of the Project. Any agency's executive officer may call a meeting of the Executive Committee as necessary to resolve significant issues as they arise

A Project management team consisting of staff from SCC, Department, and SLC will meet regularly to coordinate activities and resolve issues related to restoration planning.

The SCC will develop and manage the workplan, budget, and schedule for restoration planning. The SCC will provide funding for the planning effort. The SCC will manage funds made available to or by SCC for restoration planning, hire and manage contractors, and ensure availability of its project management staff to oversee day-to-day project management.

The Department, as the primary landowner, will be the applicant for any permits needed for the Project and the lead agency for purposes of the California Environmental Quality Act (CEQA) and the SCC and SLC will be responsible agencies under the CEQA. The Department and, to the extent its lands are proposed for restoration, SLC, will have final discretionary authority and approval of the Project, with respect to their respective ownerships, prepared for the restoration planning and construction.

### IV. INTERIM SITE MANAGEMENT

The SCC will assist the Department in the management of the BWER during the restoration planning period as resources, funding and other SCC priorities allow. With Department approval, the SCC may utilize other agencies, private contractors, grantees and volunteers in such management activities. These activities will be guided by the 2005

Interim Stewardship and Access Management Plan, or may involve actions needed to resolve situations not anticipated by that Plan. In all cases management activities will be carried out in close coordination with the Department including the specific authorizations and conditions specified in BWER Access Letters issued by the Department.

V. AMENDMENT AND TERMINATION

This MOU can only be amended or modified by a written agreement duly executed by all of the signatory parties: the Department, the SLC and the SCC. This MOU will terminate automatically at the conclusion of the planning process, defined for the purpose of this MOU as certification of the Final Environmental Impact Report by the Department and Project approvals from the Department and the SLC. This MOU may be terminated by the Department, the SLC, or the SCC with 60 days notice, during which time the parties agree to meet in good faith to try to resolve any differences.

Donald Koch

Dated: 5/19/08

Donald Koch  
Director, Department of Fish and Game

Paul D. Thayer

Dated: 6/24/08

Paul D. Thayer  
Executive Officer, State Lands Commission

Sam Schuchat

Dated: 5/22/08

Sam Schuchat  
Executive Officer, State Coastal Conservancy

**CALENDAR ITEM  
C46**

A 53  
S 28

06/24/08  
W 25505  
P. Griggs  
E. Gillies

**CONSIDERATION OF A PROPOSED MEMORANDUM OF UNDERSTANDING  
AMONG THE CALIFORNIA COASTAL CONSERVANCY,  
CALIFORNIA DEPARTMENT OF FISH AND GAME, AND  
CALIFORNIA STATE LANDS COMMISSION (PARTIES)  
FOR RESTORATION PLANNING FOR THE BALLONA WETLANDS,  
INCLUDING APPROXIMATELY 60 ACRES OF PUBLIC TRUST LANDS  
NEAR THE INTERSECTION OF JEFFERSON AND LINCOLN BOULEVARDS,  
LOS ANGELES COUNTY**

**PARTIES:**

California State Lands Commission

California Coastal Conservancy  
1330 Broadway, Suite 1300  
Oakland, CA 94612

California Department of Fish and Game  
South Coast Region  
4949 Viewridge Avenue  
San Diego, California 92123

**BACKGROUND**

The Commission acquired 24 acres of public trust lands, located in the Ballona Wetlands, in February 2004. The Commission authorized the acquisition, known as the Expanded Wetlands Parcel, on December 9, 2003 (Minute Item 41). In addition, the deed granting an adjacent 36-acre parcel, known as the Freshwater Marsh, to the Commission was also recorded on the same date, as previously authorized on December 16, 1998 (Minute Item 115). Both parcels are shown for reference on Exhibit A.

CALENDAR ITEM NO. **C46** (CONT'D)

The Wildlife Conservation Board, acting on behalf of the Department of Fish and Game (DFG), acquired approximately 547 acres of the Ballona Wetlands. The DFG leased the Expanded Wetlands Parcel from the Commission, and it, along with the DFG fee property, was designated as the Ballona Wetlands Ecological Reserve.

The California Coastal Conservancy (Conservancy), with the cooperation of the DFG and Commission staff, began developing a plan for the Ballona Wetlands Restoration on DFG lands and Commission lands, known as the Ballona Wetland Restoration Project (Project).

The Freshwater Marsh parcel contains a marsh constructed as a requirement of certain Tract Maps approved by the city of Los Angeles for the nearby Playa Vista development. The Commission took title to the Freshwater Marsh subject to numerous easements and covenants that require the property to be managed in perpetuity as a freshwater marsh. The Freshwater Marsh is managed by the Ballona Wetlands Conservancy under a conservation easement. There may be limited opportunities to incorporate the Freshwater Marsh into the Project plan.

**PROPOSED MEMORANDUM OF UNDERSTANDING**

The proposed Memorandum of Understanding (MOU), in substantially the same form as on file in the Sacramento office of the Commission, would formalize the working relationship between the Parties and provide for inter-agency cooperation to complete restoration planning for all of the State-owned land under the jurisdiction of the Commission and the DFG.

- The Coastal Conservancy will develop and manage the workplan, budget, and schedule for restoration planning. The Coastal Conservancy will provide funding for the planning effort and will hire and manage contractors.
- The DFG, as the primary landowner, will be the applicant for any permits for the Ballona Wetland Restoration Project and the lead agency for purposes of the California Environmental Quality Act (CEQA). The DFG will have final discretionary authority and approval of the Project with respect to lands it owns in fee.
- The Commission will be a responsible agency under CEQA and to the extent that any lands under the jurisdiction of the Commission are

CALENDAR ITEM NO. C46 (CONT'D)

proposed for restoration, the Commission will have final discretionary authority and approval of the Project with respect to lands it owns in fee.

The goals of the Project plan are to:

- Restore, enhance, and create estuarine habitat and processes in the Ballona ecosystem to support a natural range of habitat and functions, especially as related to estuarine dependent plants and animals.
- Create opportunities for aesthetic, cultural, recreational, research and educational use of the Ballona ecosystem that are compatible with the environmentally sensitive resources of the area.

Staff believes approval of the MOU is in the best interests of the State because it will help ensure an integrated approach to planning for the Ballona Wetlands restoration.

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because it involves a feasibility or planning study for possible future action which the Commission has not approved, adopted, or funded.

Authority: Public Resources Code Section 21102 and Title 14, California Code of Regulations, Section 15262.

2. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et. seq. However, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code Sections 6370, et. seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, Section 2954 is not applicable.

CALENDAR ITEM NO. C46 (CONT'D)

**EXHIBIT:**

- A. Location and Site Map

**PERMIT STREAMLINING ACT DEADLINE:**

N/A

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21102 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15262, FEASIBILITY OR PLANNING STUDY FOR POSSIBLE FUTURE ACTION WHICH THE COMMISSION HAS NOT APPROVED, ADOPTED, OR FUNDED.

**AUTHORIZATION:**

AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CALIFORNIA COASTAL CONSERVANCY AND THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR THE RESTORATION PLANNING FOR THE BALLONA WETLANDS.



South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
www.dfg.ca.gov



January 26, 2012

Ms. Cindy Lin  
U.S. Environmental Protection Agency  
Southern California Field Office  
600 Wilshire Blvd., Suite 1460  
Los Angeles, CA 90017

**Subject: Draft Total Maximum Daily Loads (TMDLs) for Ballona Creek Wetlands,  
County of Los Angeles**

Dear Ms Lin:

The California Department of Fish and Game (Department) has completed its review of the U.S. Environmental Protection Agency (EPA) document *Draft Total Maximum Daily Loads (TMDLs) for the Ballona Creek Wetlands* and offers the following comments and recommendations. The Ballona Creek Wetlands was listed by the State of California in 1996 as an impaired water body under the Clean Water Act, Section 303(d), and the EPA is proposing to establish TMDLs to address the following impairments: habitat alteration, reduced tidal flushing, hydromodification, and exotic vegetation. The EPA has determined that the critical stressors causing the above impairments are legacy sediment and invasive exotic vegetation. It is for these two stressors that the EPA is establishing TMDLs for the Ballona Creek Wetlands.

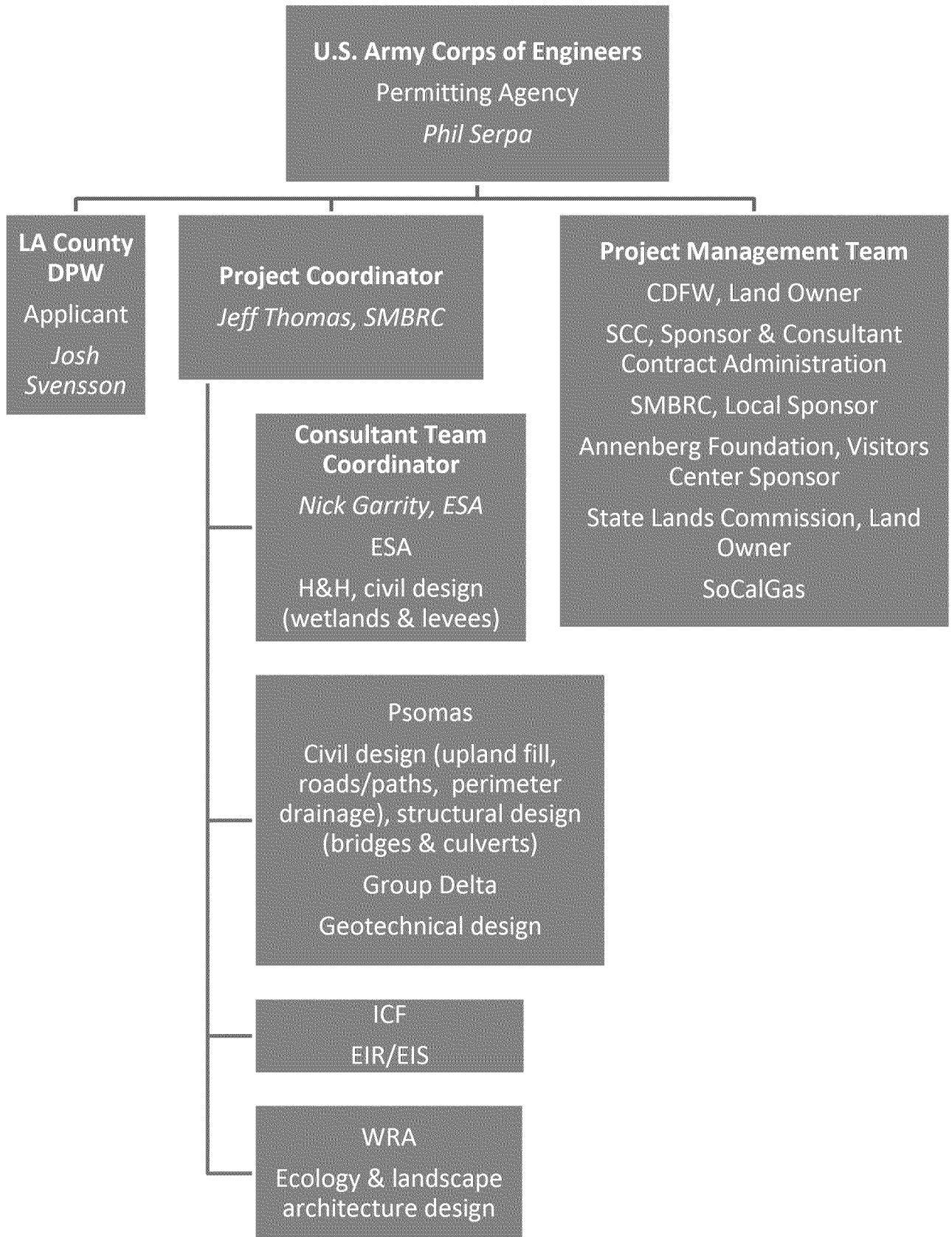
The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively. The Department is responsible for the conservation, protection, and management of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA), and administers the Natural Community Conservation Planning (NCCP) program. The Department also is responsible for the administration of the Streambed Alteration Agreement Program, which oversees potential threats to the State's wetlands resources.

The Department is the owner of 547 acres of the lands designated by the EPA as the Ballona Creek Wetlands. The State Lands Commission (SLC) owns the remaining 60 acres, of which 24 acres are included with the 547 acres owned by the Department to comprise the Department's Ballona Wetlands Ecological Reserve (CCR, T-14, Section 630). The remaining 36 acres of SLC-owned property consists of a separate freshwater marsh mitigation site for the Playa Vista development to the east. The freshwater marsh is not managed by the Department as a part of the State Ecological Reserve, but is managed by a private entity.

The Department, SLC, State Coastal Conservancy, and the Santa Monica Bay Restoration Commission are partnering to initiate a major restoration/enhancement project on the Ecological Reserve property. Planning studies are being completed, and the CEQA/NEPA process is anticipated to begin in the near future. The purpose of the

# Ballona 408 Team Organization

*Including points of contact*





**CALIFORNIA STATE  
LANDS COMMISSION**

JOHN GARAMENDI, *Lieutenant Governor*  
JOHN CHIANG, *Controller*  
MICHAEL C. GENEST, *Director of Finance*



**EXECUTIVE OFFICE**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

PAUL D. THAYER, *Executive Officer*  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
Voice Phone 1-800-735-2922

May 12, 2008

File Ref.: W 25505

Mr. Doug Bosco, Chairman  
State Coastal Conservancy  
1330 Broadway, #1300  
Oakland, CA 94612

Subject: Proposed Conservancy Authorization for the Ballona Wetlands

Dear Chairman Bosco:

I am writing to encourage the Conservancy to authorize funding for the Ballona Wetlands. These authorizations would support planning for public access and interpretive improvements that could be implemented in the next year as well as data collection to support the long-term restoration of the entire site.

The Ballona Wetlands restoration project area includes over 600 acres of state-owned land, including approximately 60 acres under the jurisdiction of the State Lands Commission (Commission). The project would be the largest wetland restoration project in Los Angeles County. In addition to restoring an important coastal wetland that provides habitat for rare and endangered species, the restored wetland would provide new opportunities for visitors to learn about these critical wetlands environments.

The Commission is working in partnership with the Conservancy and the Department of Fish and Game (Department) to develop the restoration plan. The Ballona Wetlands Ecological Reserve includes property leased by the Commission to the Department and the Department's fee-owned property. The proposed funding would provide for important next steps in the effort to successfully restore this significant property as wetlands; therefore, I support the Conservancy's proposed funding authorization.

Sincerely,

PAUL D. THAYER  
Executive Officer

**RECEIVED**

MAY 14 2008

COASTAL CONSERVANCY  
OAKLAND, CALIF.

**CALIFORNIA STATE LANDS COMMISSION**  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



*Established in 1938*

February 5, 2018

JENNIFER LUCCHESI, *Executive Officer*  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

**Contact Phone: (916) 574-1890**  
**Contact Fax: (916) 574-1885**

File Ref: SCH #2012071090

Richard Brody  
California Department of Fish and Wildlife  
c/o ESA (jas)  
550 Kearny Street, Suite 800  
San Francisco, CA 94108  
VIA REGULAR & ELECTRONIC MAIL ([BWERCcomments@wildlife.ca.gov](mailto:BWERCcomments@wildlife.ca.gov))

**Subject: Ballona Wetlands Restoration Project Environmental Impact Statement/  
Environmental Impact Report (EIS/EIR)**

Dear Mr. Brody:

Thank you for the opportunity to comment on the Ballona Wetlands Restoration Project EIS/EIR. As the landowner of the Ballona Wetlands Freshwater Marsh and an approximately 24-acre portion of the Project's Southeast Area B, the State Lands Commission (Commission) is keenly interested in the Project.

As a signatory to the 2008 Memorandum of Understanding, along with California Department of Fish and Wildlife (CDFW) and the State Coastal Conservancy, for restoration planning for the Ballona Wetlands, we support the goal of moving the restoration forward.

### **Background on State Lands Commission Jurisdiction**

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways including 3 miles off the coastal shoreline. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c), 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine. Activities performed on State-owned sovereign land may require a lease or other authorization from the Commission.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its

admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space.

Additionally, under the California Environmental Quality Act (CEQA), the Commission is a trustee agency for projects that could directly or indirectly affect sovereign land and their accompanying Public Trust resources or uses (State CEQA Guidelines, § 15063, subd. (g)). For projects involving work on sovereign land, the Commission acts as a CEQA responsible agency. In the event work in the Commission-owned portion of Southeast Area B requires a lease amendment, the Commission would act as a responsible agency.

### **Environmental Review**

Commission staff requests that the CDFW consider the following comments on the Project's EIS/EIR.

1. Nature of Commission Jurisdiction in Ballona Wetlands – Please correct the information provided in Table 1-1, page 1-25, of the EIS/EIR, which states:

The CSLC has oversight responsibility for tidal and submerged lands legislatively granted in trust to local jurisdictions, including the freshwater marsh located in Area B of the Ballona Reserve (which is not part of the Project) and a 24-acre property that it leases to CDFW to manage as part of the Ballona Reserve.

While it is correct that the Commission has oversight authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions, neither the Freshwater Marsh, nor the 24-acre parcel in Southeast Area B leased to CDFW, are legislatively granted. Both properties were acquired by the Commission in 2004 and are sovereign land owned in fee in the legal character of tide and submerged lands. The Commission's ownership of the Freshwater Marsh is subject to pre-existing easements, including a conservation easement.

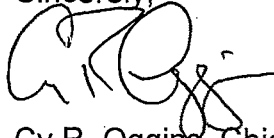
2. Freshwater Marsh terminology – The EIS/EIR refers to the Freshwater Marsh as the "Playa Vista Development Freshwater Marsh" at pages 2-56 and 2-57, but refers to the area as simply the "Freshwater Marsh" or the "freshwater marsh" elsewhere in the document. Commission staff requests that the area be referred to as simply the "Freshwater Marsh" or the "Ballona Freshwater Marsh" throughout the document. While the Commission does not wish to diminish Playa Vista's role in restoring the marsh, staff suggests this change both for the sake of consistency and to avoid confusion since the Freshwater Marsh property is State-owned.

Please send copies of future Project-related documents, including electronic copies of the Final EIS/EIR, Mitigation Monitoring and Reporting Program, Notice of Determination, CEQA Findings, and, if applicable, Statement of Overriding

Richard Brody  
February 5, 2018  
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Considerations, when they become available. Please refer questions concerning environmental review to Eric Gillies, Environmental Program Manager, at (916) 574-1897 or via e-mail at [Eric.Gillies@slc.ca.gov](mailto:Eric.Gillies@slc.ca.gov) and to Staff Counsel Lucinda Calvo at (916) 574-1866 or via e-mail at [Lucinda.Calvo@slc.ca.gov](mailto:Lucinda.Calvo@slc.ca.gov). For questions concerning any Commission lease amendments, please contact Grace Kato, Assistant Chief, Land Management Division, at (916)-574-1227 or via e-mail at [Grace.Kato@slc.ca.gov](mailto:Grace.Kato@slc.ca.gov).

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
E. Gillies, Commission  
L. Calvo, Commission  
G. Kato, Commission