

Los Angeles Audubon Society
P.O. Box 411301
Los Angeles, California 90041-8301



January 12, 2023

Via email: waterqualitypetitions@waterboards.ca.gov

State Water Resources Control Board Office of Chief Counsel
Adrianna M. Crawl
P.O. Box 100
Sacramento, CA 95812-0100

Re: Request for Stay and Supplemental Information Regarding Petition to Appeal Permit for Proposed Geotechnical Studies in Area B of the Ballona Wetlands

Dear Ms. Crawl:

Please see the attached document which contains additional information requested by Phil Wyles regarding our 11/28/22 petition for appeal of the Notice of Applicability issued by LARWQCB staff on October 31, 2022 for geotechnical studies in the Ballona Wetlands.

Please do not hesitate to contact either Travis Longcore, Ph.D. or Margot Griswold, Ph.D. with any questions, comments, or requests for additional information. Please let us know when a decision might be expected regarding our petition request for staying the Notice of Applicability issued on October 31, 2022 under Nationwide Permit 6.

The requested additional information is provided below:

1. Names, telephone numbers, addresses and email address (if available) of the petitioners.

Los Angeles Audubon Society
3791 Wade Street
Los Angeles, Ca. 90066

Travis Longcore, Ph.D. (310) 2479719
President
travisloncore@laaudubon.org

Margot Griswold, Ph.D. (213) 200-3099
Education Chair, Board Member
mgriswold@landiq.com

2. The specific action or inaction of the regional board which the state board is requested to review and a copy of any order or resolution of the regional board which is referred to in the petition, if available. If the order or resolution of the regional board is not available, a statement shall be included giving the reason(s) for not including the order or resolution.

Los Angeles Audubon Society is requesting that the State Water Resource Control Board review an October 31, 2022 Notice of Applicability (NOA) which the staff of the Los Angeles Regional Water Quality Control Board (LARWQCB) issued and is attached at the end of our additional comments.

We are not aware of any order or resolution from the LARWQCB, as we believe this NOA was issued by staff of the LARWQCB, not the Board itself.

3. The date on which the Regional Board acted or refused to act or on which the Regional Board was requested to act.

The action (NOA) took place on October 31, 2022, as described above when the staff issued the NOA.

4. A full and complete statement of the reasons the action or failure to act was inappropriate or improper.

Los Angeles Audubon Society submitted its initial petition on November 28, 2022, which included our statement of reasons that the October 31, 2022 NOA issued by LARWQCB staff was improper. Here we outline, and under section 7 of this petition we detail our complaints.

- a) The LARWQCB is a Responsible Agency for the Ballona Wetlands Restoration Project under the California Environmental Quality Act (CEQA). The action described in the NOI and NOA are part of a whole and complete project for which a certified Final Environmental Impact Report (FEIR) exists. Therefore, the LARWQCB is required to first consider and make its own determination as to whether it approves the FEIR, is adopted. The proposed geotechnical borings are cited by the NOI (CDFW/ESA) as for implementation of Sequences 1 and 2, part of the thirty-five interdependent construction sequences that were analyzed in the project level Final Environmental Impact Report (FEIR 2020).
- b) The geotechnical borings described in the NOI by ESA, are not a complete, single and independent project as required for approval under NWP 6. Therefore, the geotechnical borings do not qualify for NWP 6.
- c) The General Order for Nationwide Permits provides definitions of restoration, and the NOA fails to evaluate whether the FEIR falls under the definition of 'restoration'. Given the Water Board's definition of restoration, the geotechnical borings, Sequences 1 & 2, and the complete project described in the NOI, no part of the project can be approved as restoration.
- d) The General Order requires an evaluation of cumulative impacts for the proposed work. The application's analysis did not include past, present and reasonably foreseeable cumulative impacts as required under the General Order.

5. The manner in which the petitioner is aggrieved.

Los Angeles Audubon Society has conducted public education programs for Title 1 schools in the Ballona Wetlands/ Ballona Wetlands Ecological Reserve (BWER) for restoration since the late 1990's, as well as monthly birding and ecology tours for the public. We have been actively engaged discussion and comments with CDFW over the inconsistencies of their plan for BWER that their actions are not in fact restoration as defined by the science of restoration ecology. We have commented on the overall inadequacies of the FEIR, including its failure to provide alternatives for restoration of the Ballona

Wetlands that includes re-establishment and rehabilitation of the groundwater dependent ecosystem, including salt marsh and freshwater habitats and the wildlife that these habitats support. We are aggrieved because the staff of the water board is applying Nationwide Permit 6 incorrectly to the initiation of a large project to create tidal channels wetlands in areas of existing salt marsh where no tidal channels existed historically. The NOA is an approval of habitat type conversion in an Environmentally Sensitive Habitat Area (ESHA) using a Nationwide Permit process and this is a dangerous precedent.

The NOA allows geotechnical borings to be implemented that support dredging in southeast Area B that will irreparably damage the predominately pickleweed marsh habitat by allowing tidal waters into areas where no tidal channels existed historically. Therefore, areas of existing marsh will be damaged by the geotechnical borings as well as the Sequence 1 & 2, part of the larger plan for BWER. The geotechnical borings are not necessary to support habitat restoration as defined by the State Water Board.

The area described for the geotechnical borings is Environmentally Sensitive Habitat Area (ESHA) and a Groundwater Dependent Ecosystem per the Department of Water Resources under the Sustainable Groundwater Management Act. The Ballona Wetlands Ecological Reserve is designate as a Title 14, Section 630 terrestrial, Non-Marine Ecological Reserve. The designation describes that protection for the existing habitats and existing wildlife. The complete project described by CDFW in their FEIR never discusses the designation of the Ballona Wetlands Ecological Reserve.

6. The specific action by the state or regional board which petitioner requests.

Los Angeles Audubon Society requests the following:

1. The LARWQCB and/or State Water Control Board reconsider the Notice of Applicability (NOA) given to CDFW by LARWQCB and work with staff to have the NOA stayed during the reconsideration to sufficiently analyze the specific issues addressed within our petition, including the cumulative impacts and adherence to General Order requirements.
2. The NOA be stayed until such time that the LARWQCB has a reasoned ability to approve or disapprove the FEIR for the Ballona Wetlands Restoration Project.

7. A statement of points and authorities in support of legal issues raised in the petition, including citations to documents or the transcript of the regional board hearing if it is available.

- a) We believe that the NOA was issued by staff and that there was no regional board hearing on this matter. We believe that the action of issuing the NOAA is not allowed under the NWP 6 as per the General Order since the geotechnical borings described per the NOI submitted by ESA and CDFW are not a 'single and complete project', and the borings lack 'independent utility' as required by 33 CFR 330.2(i) to avoid the limits of an NWP by piecemealing a large, complete project.

Even with the changes for 'survey activities' updated for NWP 6, the geotechnical borings are not a separate and distinct project with independent utility, and therefore do not qualify for the NOA given by staff, as described:

https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/nwp_stfrep.pdf

The geotechnical borings, in this case, are not a 'preliminary' study but are in fact the beginning of Sequences 1 & 2 of the Ballona Wetlands project described in the 2020 FEIR. The geotechnical borings are not preliminary to determine if such a part of the larger project is feasible. Nor are the geotechnical borings being used to determine the project's impacts to the

underlying aquifers since the FEIR for the complete project purports to have already considered such impacts.

The LARWQCB staff is treating the NOI as though no certified EIR exists for the complete project and as if these are preliminary studies. This treatment and findings are wrong, and based on a web page update from the California State Coastal Conservancy (SCC), the primary funder of the project studies, states that “CDFW has commenced restoration of BWER by starting Sequences 1 and 2 of the Project, which do not require a 408 permit.” Additionally, the NOI application on behalf of CDFW states unequivocally that, “CDFW is moving forward with the first two sequences of the overall restoration (“Sequences 1 and 2 project”), which per the project EIR include: Sequence 1: Removing and relocating the existing gas line in Southeast Area B to under the Gas Company Road (which divides South and Southeast Area B), if necessary to facilitate Sequence 2 [and] Sequence 2: Enhancing South and Southeast Area B including channel excavation.”

Therefore, from the NOI itself, the geotechnical borings are part of CDFW’s Ballona project and their certified 2020 FEIR, which should be reviewed by the LARWQCB, as per a Responsible Agency under CEQA, in conjunction with the approval or denial of the complete project, that the geotechnical borings are designed to support.

The use of the NWP 6 to circumvent the review of the complete project is not allowed under the General Order that defines an independent and complete project (see above), nor under CEQA [CEQA Guidelines, California Code of Regulations Title 14 § 15096(a)] for the requirements of a Responsible Agency. The LARWQCB is considered a responsible agency as it must issue a permit for the complete project.

- b) The geotechnical borings, including access roads, will harm existing non-tidal wetland habitat and potentially, sensitive wildlife that uses the habitat. The site of the proposed geotechnical borings and Sequences 1 & 2 is Environmentally Sensitive Habitat Area (ESHA) as defined by the California Coastal Act (Section 30107.5). Furthermore, the geotechnical borings described in the NOI by ESA, are not a complete, single and independent project, as previously cited above. Therefore, the geotechnical borings do not qualify for NWP 6.

The geotechnical borings, coupled with Sequences 1 & 2 and the complete project of 35 interdependent sequences, as described in CDFW’s FEIR for the Ballona Wetlands Ecological Reserve, require an analysis by the staff of the LARWQCB to consider the concept of habitat type conversion of the subject area from non-tidal salt marsh to tidal marsh, among other conversions and impacts across the complete project. The Ballona project title is ‘restoration’, but we do not think the description of the complete project that includes Sequences 1 & 2 in any way represents a restoration project, based on the definitions of the Water Boards, as well as accepted definitions used by restoration ecologists.

As cited in our original appeal and attached to this petition, the legal issues raised included the need for the LARWQCB, as a Responsible Agency under CEQA, to first consider the adequacy of the CDFW FEIR of Ballona Wetlands Restoration Project (certified by CDFG in 2020) and to determine, based upon its own and state definitions of ‘restoration’ as to whether any of the Project FEIR is restoration, as defined by the Water Boards:

https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2022/cwa/3-5-biological-resources-terrestrial.pdf

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function but does not result in a gain in aquatic resource area.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

The analysis of the complete project, including Sequences 1 & 2 and their geotechnical borings, would have to consider the loss of certain habitat types and the impacts on existing plant and wildlife species with the conversion of wetland habitat types from non-tidal to tidal, and non-tidal wetland to upland for the complete project, as described in CDFW's 2020 FEIR.

As we pointed out in our original petition, the geotechnical borings in southeast Area B and the description of Sequences 1 & 2 specifically intend to dredge tidal channels from west Area B and convert non-tidal pickleweed marsh habitat to tidal habitat. There is no historic evidence showing tidal channels in this area specifically. In fact, the area is fed by freshwater from the remaining reach of Centinela Creek and rainwater. Since farming was curtailed in the 1980's, the wetland habitat has expanded per documentation by CDFW in 1991. The issuance of the NOA circumvented the analysis of whether the proposed actions of complete project, including Sequences 1 & 2 and their geotechnical borings.

We also cited in our original petition the impaired status of the Ballona Flood Control Channel as per the EPA. We cannot imagine that the LARWQCB would condone bringing impaired waters to a relatively clean and functioning wetland marsh, as is described in the NOI for the geotechnical borings and Sequences 1 & 2.

Additionally, as LARWQCB staff comments on the DEIR (comment letter, February 7, 2018) already show, an analysis would have to consider the impacts to the underlying Ballona Aquifer and Bellflower Aquitard that are designated as potential drinking water and drinking water, respectively, as defined by LARWQCB in its Basin Plan.

- c) Even if we just examine the NOI for the geotechnical borings for Sequences 1 & 2 of the complete project, the application is deficient. The State Water Board General Order for the 2021 Nationwide Permits requires an analysis of cumulative impacts which is absent from the NOI application. General Condition 4 of the General Order requires that "Activities permitted under this General Order shall not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Section 6 of the NOI form requests a discussion of cumulative impacts. ESA's one

sentence on the topic of cumulative impacts is limited to impacts of their proposed geotechnical studies and does not satisfy general condition 4 of the general order, which requires “the effects of past projects, the effects of other current projects, and the effects of probable future projects” to be addressed.

There is no mention of the cumulative effects on the vegetation in area from future projects such as the complete project, including Sequences 1 and 2, and by the past removal surface flow from east of the Ballona Wetlands by the Playa Vista project. There has never been any study of the effects of reducing between 50–63 percent of the surface water that historically flowed to the Ballona Wetlands directly into the site of Sequences 1 and 2 from the areas currently covered by the Playa Vista Development (see EIR Playa Vista 2003, Hydrology). Perhaps before dredging tidal channels into areas where none ever existed, a study should be undertaken to see if more freshwater released from the Freshwater Marsh detention basin might improve the native habitat at the site. There is no evidence that the site of Sequences 1 and 2 would benefit more than if freshwater flows of the historical level were allowed rather than dredging saltwater channels into the vegetation. Again, we would like to remind LARWQCB’s staff that the impairment of waters within the Ballona Flood Control Channel is well known, and the existing tidal channels are cited as impaired by the EPA TMDL report. The Ballona Wetlands themselves are clean, with only ‘weeds’ cited as an impairment.

8. A statement that the petition has been sent to the appropriate regional board and to the discharger, if not the petitioner.

Our original petition was sent to LARWQCB staff that had approved/issued the NOA. This additional petition correspondence will be sent to LARWQCB and to staff of CDFW, the ‘discharger’ in this action.

9. A statement that the substantive issues or objections raised in the petition were raised before the regional board, or an explanation of why the petitioner was not required or was unable to raise these substantive issues or objections before the regional board.

The issues and our objections did not come before the board members of the LARWQCB because the Notice of Applicability was issued by staff rather than the Board. Los Angeles Audubon Society, along with Grassroots Coalition, met with LARWQCB staff regarding the initiation by CDFW of Sequences 1&2 of their larger project described in their project FEIR on September 26, 2022. We were unaware that an NOA was pending for a portion of the project, the geotechnical borings for Sequences 1 & 2. We subsequently learned of the approval by staff of the NOA, after the fact via another organization.

However, in our September 26, 2022 meeting with LARWQCB staff regarding the initiation by CDFW of Sequences 1&2 of their larger project described in their project FEIR, we certainly made the points about Sequences 1 & 2 not being restoration as defined by the anyone, even CDFW, as well as loss of existing habitat and biodiversity with the complete plan described in the FEIR.

Sincerely,



Travis Longcore, Ph.D.
President

Los Angeles Audubon Society
P.O. Box 411301
Los Angeles, California 90041-8301



November 28, 2022

Via Email: waterqualitypetitions@waterboards.ca.gov

State Water Resources Control Board Office of Chief Counsel
Adrianna M. Crowl
P.O. Box 100, Sacramento, CA 95812-0100

Re: Proposed Geotechnical Studies in Area B of the Ballona Wetlands - Permit No CDP 5-22-0750

Dear Ms. Crowl:

Los Angeles Audubon Society has been a voice for birds and conservation in Los Angeles for over 100 years. Our mission is to promote the study and protection of birds, other wildlife, and their habitats throughout the diverse landscapes of the Los Angeles area. We have over 4,800 members and supporters, most of whom live in the City of Los Angeles. We also have one of the largest environmental education programs at the Ballona Wetlands, serving approximately 2,300 students annually, mainly from Title 1 schools.

Los Angeles Audubon Society submits this petition to appeal a determination by staff of the Los Angeles Regional Water Quality Control Board (LARWQCB) that geotechnical studies proposed in the Ballona Wetlands Ecological Reserve (BWER) qualify for authorization under the State Water Board General Order for the 2021 Nationwide Permits, specifically Nationwide Permit 6. We request that the State Water Resources Control Board (SWRCB) put this permit on hold until the deficiencies raised in this appeal can be reviewed and remedied.

The grounds for our appeal are detailed as follows:

LARWQCB Must Consider Approval of the Project EIR before Permitting Any Element of the Project to Commence

A Final Environment Impact Report (FEIR) for the Ballona Wetlands Restoration Project was certified by the California Department of Fish and Wildlife (CDFW) on December 30, 2020. The permit application submitted by Environmental Science Associates (ESA) on behalf of CDFW states that the proposed geotechnical studies are part of that certified project, and the application references mitigation measures analyzed in the certified FEIR. As a responsible agency under the California Environmental Quality Act (CEQA), LARWQCB is required to adopt the findings of the certified FEIR prior to issuing permits for the work to begin. We believe this action has not been taken.

According to CEQA guidelines (California Code of Regulations Title 14 § 15096 (a), "A responsible agency complies with CEQA by considering the EIR or negative declaration prepared by the lead agency and by reaching its own conclusions on whether and how to approve the project involved."

This action of adoption of the EIR by the LARWQCB is especially important given ESA's approach of attempting to use CDFW's project EIR as something it is not, a Programmatic EIR. ESA is using the Ballona project EIR to "tier off" two construction sequences of the full project. The project EIR describes 35 sequences, divided in two phases. The impacts of Sequences 1 and 2 were never analyzed by CDFW as a stand-alone project from their project level EIR for the Ballona Wetlands. Therefore, it is an improper use of a project EIR to justify Sequences 1 and 2 and would be considered piecemealing of the larger project. Furthermore, any action based on the EIR for the Ballona Wetlands is premature since the EIR is not settled with four lawsuits pending.

We find it confusing that the LARWQCB is treating ESA's application as though no certified EIR exists and as if these are preliminary studies. Their treatment and findings are wrong. A web page update from the California State Coastal Conservancy (SCC), the primary funder of the project studies, states that "CDFW has commenced restoration of BWER by starting Sequences 1 and 2 of the Project, which do not require a 408 permit." ESA's application on behalf of CDFW states unequivocally that, "CDFW is moving forward with the first two sequences of the overall restoration ("Sequences 1 and 2 project"), which per the project EIR include: Sequence 1: Removing and relocating the existing gas line in Southeast Area B to under the Gas Company Road (which divides South and Southeast Area B), if necessary to facilitate Sequence 2 [and] Sequence 2: Enhancing South and Southeast Area B including channel excavation."

If CDFW, as the lead agency, wishes to implement only the first two construction sequences of the project that it certified in December of 2020, it must analyze the environmental impacts of just those two sequences, which were not designed to be implemented by themselves. Otherwise, the certified Final EIR must come before the LARWQCB for approval before the project can commence, to include the proposed geotechnical studies.

Both the full certified project and the "Sequences 1 and 2" work show encasing historic marsh channels in culverts and/or under new flood control levees. It should be noted that these historic marsh channels are not tidal channels. The specific area of the Ballona Wetlands Ecological Reserve indicated for Sequences 1 and 2 has **never had tidal channels**. This information has been acknowledged by the Science Advisory Panel in 2008 and reiterated in the presentations by Tongva descendant John Tommy Rosas, as well as scientific reports including Dark et. al 2010, and Jacobs et. al 2011.

For Sequences 1 and 2, the encasement can be seen on Figure 2 of ESA's application with the leftmost culvert (marked with a 2). The marsh channel covered by ESA's proposed culvert is evident in aerial photos dating back to at least the 1930s, prior to channelization of Ballona Creek. The purpose of this roughly 750-foot culvert encasement is to connect West Area B and South Area B under the proposed West Area B Levee, but that new levee would not be constructed until later sequences, and the first two sequences in the certified Final EIR do not include a levee of this length.

To understand the environmental impacts of what ESA and CDFW are proposing, LARWQCB must consider the EIR and "reach its own conclusions" about whether to approve the certified project (California Code of Regulations Title 14 § 15096 (a)). Until this independent review occurs, the geotechnical studies cannot legally proceed.

LARWQCB's staff comments on the Ballona project's Draft EIR included substantive questions concerning the potential impacts on the designated beneficial uses of groundwater beneath the project area (DEIR comment letter, February 7, 2018) from the project lowering the wetland elevation and allowing saltwater into historic closed fresh and brackish water wetlands. It should be noted here that the impaired waters of Ballona Wetlands per the EPA come only from the tidal channels leading from the

Ballona Flood Control Channel, while other areas of the wetlands have water from rainfall and groundwater. There is no mention or analysis in the project EIR of the Ballona Wetlands groundwater dependent ecosystem and its upland habitat buffers per the Sustainable Groundwater Management Act, 2014. From the perspective of the LARWQCB's staff, this omission should be glaring.

Just considering ESA's application for Sequences 1 and 2, no meaningful attempt has been made to consider impacts from the geotechnical borings, nor from the Sequences themselves. In ESA's application in Appendix B, the list of sensitive bird species that may be impacted by Sequences 1 and 2, including the geotechnical borings, is not up to date and makes erroneous claims, such as the low probability of the foraging of the Burrowing Owl, California Gnatcatcher, and Short-eared Owl, among many other sensitive species not considered. Therefore, even the application for the geotechnical borings is incomplete, to say nothing of the impacts of Sequences 1 & 2.

Cumulative Impacts

The State Water Board General Order for the 2021 Nationwide Permits requires an analysis of cumulative impacts which is absent from ESA's application. General Condition 4 of the General Order requires that "Activities permitted under this General Order shall not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Section 6 of the NOI form requests a discussion of cumulative impacts. ESA's one sentence on the topic of cumulative impacts is limited to impacts of their proposed geotechnical studies and does not satisfy general condition 4 of the general order, which requires "the effects of past projects, the effects of other current projects, and the effects of probable future projects" to be addressed.

There is no mention of the cumulative effects on the vegetation in area from Sequences 1 and 2 and by the past removal surface flow from east of the Ballona Wetlands by the Playa Vista project. There has never been any study of the effects of reducing between 50–63 percent of the surface water that historically flowed to the Ballona Wetlands directly into the site of Sequences 1 and 2 from the areas currently covered by the Playa Vista Development (see EIR Playa Vista 2003 Hydrology). Perhaps before dredging tidal channels into areas where none ever existed, a study should be undertaken to see if more freshwater released from the Freshwater Marsh detention basin might improve the native habitat at the site. There is no evidence that the site of Sequences 1 and 2 would benefit more than if freshwater flows of the historical level were allowed rather than dredging saltwater channels into the vegetation. Again, we would like to remind LARWQCB's staff that the impairment of waters within the Ballona Flood Control Channel is well known, and the existing tidal channels are cited as impaired by the EPA TMDL report. The Ballona Wetlands themselves are clean, with only 'weeds' cited as an impairment.

Coastal Commission CDP

ESA's application indicates that it has submitted a waiver application to the Coastal Commission for the proposed geotechnical studies and that no notice to the US Army Corp of Engineers (USACE) was needed. The application should have been revised to indicate that the Coastal Commission denied ESA's waiver application and is holding a hearing on the matter (now scheduled for December 15, 2022) and that, by ESA's own admission, notice to USACE will now be required because the proposed activity would occur during the wet season.

Summary

Based on the preceding discussion points, Los Angeles Audubon Society requests that the State Water Resources Control Board put this permit for geotechnical borings under The State Water Board General

Order for the 2021 Nationwide Permits on hold until the deficiencies raised in this appeal can be reviewed and remedied. Granting the permit based on the lack of data and misleading information in ESA's application does not further the process of a responsible agency.

Sincerely,



Travis Longcore, Ph.D.
President, Conservation Co-Chair



Margot Griswold, Ph.D.
Treasurer, Education Chair

Literature Cited

Dark, S., E. D. Stein, D. Bram, J. Osuna, J. Monteferrante, T. Longcore, R. Grossinger, and E. Beller. 2011. Historical Ecology of the Ballona Creek Watershed. Southern California Coastal Water Research Project, Technical Publication No. 671, Costa Mesa, California.

Jacobs, D., E. D. Stein, and T. Longcore. 2010. Classification of California Estuaries Based on Natural Closure Patterns: Templates for Restoration and Management. Southern California Coastal Water Research Project, Technical Publication No. 619a, Costa Mesa, California.

From: [Olmeda, Ashley@Waterboards](mailto:Olmeda,Ashley@Waterboards)
To: May Lau
Cc: [Gallon, Celine@Waterboards](mailto:Gallon,Celine@Waterboards); Nye, LB@Waterboards; WB-DWO-Stateboard401; R9cwa401@epa.gov; Antal Szijj; [Vaughn, Shannon@Coastal](mailto:Vaughn,Shannon@Coastal); jonathan_d_snyder@fws.gov
Subject: NOTICE OF APPICABILITY FOR ARROYO VIEW DETERIORATED POLE REPLACEMENT PROJECT 4WQC40122079 TO BE ENROLLED UNDER STATE WATER BOARD GENERAL ORDER FOR THE CORPS 2021 NATIONWIDE PERMITS
Date: Monday, October 31, 2022 8:51:00 AM
Attachments: [image001.png](#)
[General OrderNo. WO 2021-0048-DWQ.pdf](#)
[Attachment B-ReportingReqs.pdf](#)
[Attachment C-ComplianceReqs.pdf](#)
[Attachment D-SignatoryReqs.pdf](#)

Dear May Lau,

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) is in receipt of your Notice of Intent (NOI) on behalf of California Department of Fish and Wildlife for the Ballona Wetlands Sequences 1 and 2 Restoration: Geotechnical Borings Project dated September 14, 2022. The Los Angeles Water Board staff has reviewed the NOI for the Project.

The Project, as described, will involve drilling and soil sampling from 16 boring locations at the Ballona Wetlands. CDFW has reported that the majority of the Project site is currently classified as non-tidal wetlands with some muted tidal marsh, mudflat, brackish marsh, dunes, and upland areas; however, further studies, including analysis of the borings will provide further insight on the aquatic ecosystems at the site. 10 proposed geotechnical borings and six chemical borings will occur within waters of the State. The geotechnical borings will be approximately 8-10 inches in diameter with depths varying between 25 feet and 60 feet. Soil disturbance resulting from each of the geotechnical borings will be approximately 1.2 CY. The six chemical borings will be approximately 2 to 3 inches in diameter, drilled to a depth of 6 feet. Soil disturbance resulting from all six chemical sample borings will be approximately 0.07 CY. To access the proposed boring locations, existing access roads will be used where available, utilizing previously disturbed areas where feasible, and all environmentally sensitive areas will be avoided to the maximum extent practicable. The project will result in a total of 0.45 acres of temporary impacts; approximately 0.01 acres of temporary impacts will result from boring excavation and 0.44 acres from equipment access routes throughout the site. No permanent impacts are proposed.

Both types of exploration will be performed under the technical supervision of a field engineer/geologist who will maintain detailed logs of the drilling activities and soils and groundwater levels encountered. Mats and rubber tires for equipment accessing the wetlands will be used in order to minimize the impacts. If evidence of potentially hazardous materials is detected, the exploration will be stopped and project management will immediately be notified for further direction. A qualified biological monitor will be onsite during the boring activities to protect against adverse impacts on sensitive biological resources. Upon completion, all borings will be backfilled with tamped cuttings and/or bentonite and water slurry. Any waste or excess material created during the investigations of the site will be off hauled and disposed of at an approved disposal site, such as Scholl Canyon Landfill or similar. Any portions of the site disturbed during the Project will be restored by CDFW to pre-project conditions.

The Los Angeles Water Board has determined that this Project qualifies for authorization under the State Water Board General Order for the 2021 Nationwide Permits (SB21031GN), specifically Nationwide Permit 6. You may proceed with your Project according to the terms and conditions of the General Order. The General Order and the associated compliance and reporting requirements are attached to this email. Should project details and impact areas change, the applicant must notify the Los Angeles Water Board.

If you require further assistance, please contact me by phone 213-620-6190 or by email at Ashley.Olmeda@waterboards.ca.gov. You may also contact Dr. Céline Gallon, Senior Environmental Scientist, by phone at (213) 576-6784 or by email at Celine.Gallon@waterboards.ca.gov. When corresponding via email, please include our general email: RB4-401Certification@waterboards.ca.gov.

Best Regards,



Ashley Olmeda
Environmental Scientist
Los Angeles Regional
Water Quality Control Board
320 West 4th Street, Los Angeles, CA 90013
Ashley.Olmeda@waterboards.ca.gov

Due to COVID-19 I am remotely working and may not be able to respond to phone calls sent to my office number during this time. Please feel free to leave a voicemail at 213-620-6190 and I will return your call at a later time or email any questions or responses, and specify if you would like to schedule a phone call.