

**NOTICE OF PREPARATION
REVISED ENVIRONMENTAL IMPACT REPORT**

October 24, 2023

TO: Interested Agencies and Parties List

FROM: Richard C. Brody, Land Manager, Ballona Wetlands Ecological Reserve

SUBJECT: Notice of Preparation of a Revised Environmental Impact Report for the Ballona Wetlands Restoration Project

The California Department of Fish and Wildlife (CDFW) hereby notifies interested agencies and parties of its intent to prepare a revised environmental impact report (REIR) for the Ballona Wetlands Restoration Project (State Clearinghouse No. 2012071090) that responds to the peremptory writs of mandate issued by the Superior Court of California, County of Los Angeles, in the following related cases: *Ballona Wetlands Land Trust v. California Department of Fish and Wildlife*, Case No. 21STCP00242; *Defend Ballona Wetlands et al. v. California Department of Fish and Wildlife*, Case No. 21STCP00240; *Grassroots Coalition, et al. v. California Department of Fish and Wildlife*, Case No. 21STCV03657; and *Protect Ballona Wetlands v. California Department of Fish and Wildlife*, Case No. 21STCP00237. In its May 17, 2023, decision, the court considered several issues raised in the lawsuits against the Final EIR that CDFW had prepared pursuant to the California Environmental Quality Act (CEQA) and the regulations implementing CEQA (the CEQA Guidelines) and had certified for the project on December 30, 2020 (the 2020 Final EIR). The court determined the 2020 Final EIR inadequate based on the two issues noted below, in all other respects the court upheld the 2020 Final EIR.

CEQA Guidelines Section 15234(d) defines the scope of what a Lead Agency must consider in the event of a remand. Consistent with Section 15234(d), the scope of the REIR will be limited by the principles of *res judicata* and will not expand the scope of analysis on remand beyond the specific issues identified in the court's decision. All other portions of the 2020 Final EIR, as affirmed by the court, remain valid and are outside the focus of the REIR.

The two issues to be addressed in the REIR are:

1. Disclosure and analysis of 68,000 cubic feet per second (cfs) as the "flood control design parameter," and
2. Commitment of CDFW to specific performance criteria to the extent they provide CDFW with authority to modify restoration goals without any supplemental environmental review.

CDFW manages and maintains primary ownership of the Ballona Reserve, with a smaller interest owned by the California State Lands Commission. Under State law, CDFW is the public agency that has principal responsibility for carrying out or approving the project, and so is the

Lead Agency for purposes of CEQA. As the CEQA lead agency, CDFW is seeking agency and public comments on the focused scope of the REIR during a **30-day period between Wednesday, October 25, 2023, and 5 PM Monday, November 27, 2023.**

Project Location: The Ballona Wetlands Ecological Reserve (Ballona Reserve) is located in Southern California, south of Marina del Rey and east of Playa del Rey. It extends roughly from the Marina Freeway (State Route [SR] 90) to the east, the Westchester bluffs to the south, Playa del Rey to the west, and Fiji Way to the north. See Figure 1 and Figure 2.

Project Summary: Seeking to restore degraded wetland habitat and functions within the Ballona Reserve, CDFW is proposing a large-scale effort to restore, enhance, and establish native coastal wetland and upland habitats on approximately 566 acres within the Ballona Reserve; these efforts would require incidental work on adjacent property.

The Los Angeles County Department of Public Works–Flood Control District (collectively, LACFCD) owns and operates the Ballona Creek channel and levee system, which are features of the Los Angeles County Drainage Area (LACDA) project authorized by Congress in 1990. The U.S. Army Corps of Engineers (Corps), in cooperation with the LACFCD, constructed the Ballona Creek channel and levees within the Ballona Reserve as part of the LACDA project.

The LACFCD and the Corps have jurisdiction over the Ballona Creek channel and levee system within the project site. As a result, authorization from the Corps under Section 404 of the Clean Water Act and Sections 10 and 14 of the Rivers and Harbors Act would be needed to carry out the Project. Corps approval also would be required to modify the Operation, Maintenance, Repair, Replacement and Rehabilitation Manual (OMRR&R) to reflect any approved changes to existing LACDA project infrastructure within the project site.

To implement the project, CDFW is working with the LACFCD to modify LACDA project features (e.g., the Ballona Creek channel and levee system) within the Ballona Reserve. The three main components of the Project are restoring wetlands and wetland functions within the Ballona Reserve; restoring and improving public access to the Ballona Reserve; and maintaining existing levels of flood risk management provided by the Ballona Creek channel and levee system.

Additional details about the project and the environmental review process are available on CDFW's website for the project: <https://www.wildlife.ca.gov/Regions/5/Ballona-EIR>.

Potential Environmental Effects: The 2020 Final EIR concluded that the project would result in no significant and unavoidable impacts. It also concluded that, without mitigation, impacts to the following resources would have the potential to be significant: aesthetics; air quality; biological resources; cultural resources; energy conservation; geology, seismicity, and soils, hazards and hazardous materials; hydrology and water quality; noise; transportation and traffic; and environmental justice.

Agency and Public Review Period: CDFW is soliciting the views of responsible, trustee, and other interested agencies as well as from members of the public as to the scope and content of the environmental information to be included in the REIR for the project. The 30-day period to provide input as to the scope of the REIR is from **October 25, 2023 to 5 PM on November 27, 2023**. Responses are requested at the earliest possible date. Submittal of input is voluntary. Address and other details provided will be made part of the public record. Please send your written input to either of the following addresses:

By email: BWERcomments@wildlife.ca.gov

By mail: Attn: Ballona Wetlands Restoration Project
California Department of Fish & Wildlife
c/o ESA (jas)
575 Market Street, Suite 3700
San Francisco, CA 94105

Public Scoping Meeting: Consistent with the CEQA and Section 15083(c) of the CEQA Guidelines, CDFW will conduct a virtual public scoping meeting to solicit public and agency comments (oral and/or written) on the proposed scope and content of the REIR. The scoping meeting will be held online on:

Date: Tuesday, November 7, 2023

Start Time: 6:00 PM

End Time: 7:30 PM or earlier if all who wish to speak have had an opportunity to do so.

Join Meeting: <https://bit.ly/ballonascopingmtg>

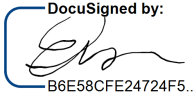
Webinar ID: 834 5297 1153

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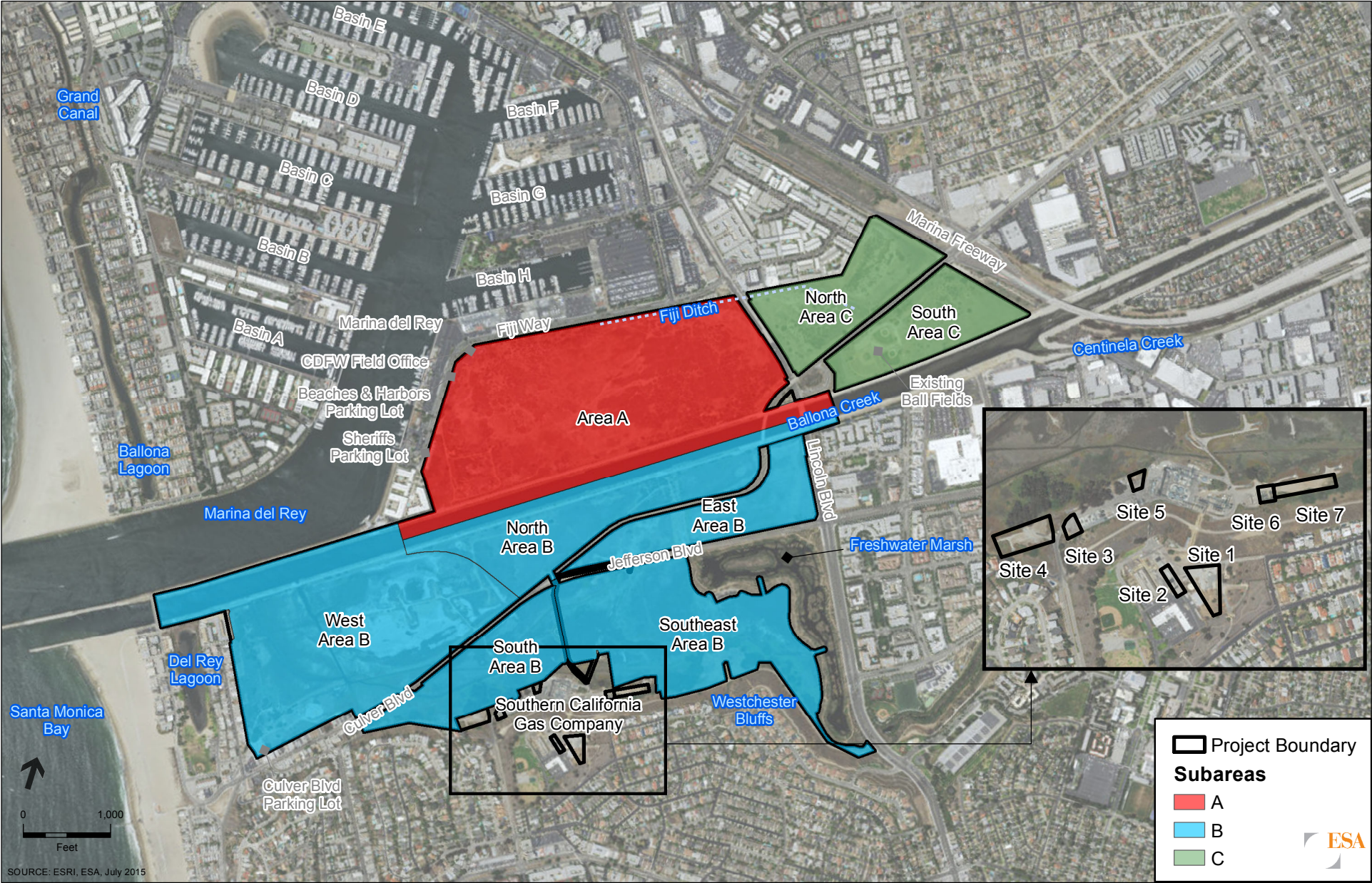
Telephone number: (888) 788-0099 US Toll Free

If you have any questions regarding the meeting, please contact Richard C. Brody (Richard.Brody@wildlife.ca.gov).

Date: 10/24/2023

Signature:  Erinn Wilson-Olgin
Regional Manager, South Coast Region
Title: _____
(858) 467-4210
Telephone: _____





Ballona Wetlands Restoration Project

Figure 2
Project Site