

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Permit Application No. **5-06-132**
September 20, 2006
Page 1 of 6



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ADMINISTRATIVE PERMIT

APPLICANT: California Department of Fish and Game

PROJECT

DESCRIPTION: Install informational signs at five locations on periphery of the wetland, remove unauthorized signs including "no trespassing" and "private property" signs, install trash and recycling receptacles in four locations: (1) at Gordon's Market, (near western end of Jefferson), (2) at the Freshwater Marsh on Jefferson Boulevard; (3) in Area C at the Ballona Creek Bike path adjacent to the maintenance gates and (4) at La Villa Marina Avenue adjacent to the maintenance gates; repair and replace existing fencing; install new 48-inch high fencing along westernmost property line; install 48 high split rail fence and/or temporary removable barriers at several locations along Culver Boulevard to prevent unauthorized vehicular access.

LOCATION: Ballona Wetlands, Lincoln, Jefferson, and Culver Boulevards, Playa del Rey, Los Angeles County.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Thursday, October 12, 2006 8:00 a.m.
Hyatt Regency Long Beach
200 S. Pine Avenue
Long Beach, CA 90802

IMPORTANT - Before you may proceed with development, the following must occur: Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Pam Emerson
Title: Los Angeles Area Supervisor

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: See Page Five.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

Ballona Wetlands is a 553-acre site in Playa del Rey that has been acquired by the Department of Fish and Game and the State Lands Commission for purposes of habitat protection and restoration. According to the Department of Fish and Game:

"The primary management objective for this property is the preservation and enhancement of coastal salt marsh and freshwater marsh habitat and associated species. Other objectives include preservation and restoration of habitats supporting other species, protection of sensitive species, providing for appropriate public access and use, and assuring continued movement of wildlife between the state property and publicly owned lands in the vicinity of the wetlands. The property supports important species including the state listed endangered Belding's savannah sparrow.

The core area of the Ballona Wetlands property (consisting of 483 acres) was acquired in December 2003 from Playa Vista Development Corporation. Additionally, an approximately 70-acre area, known commonly as "Area C", was transferred to the Department of Fish and Game from the State Controllers Office in September 2004. The State Controller's Office was empowered under legislation (SB 666, Feb 2003) to transfer the property it originally received from the Howard Hughes Inheritance Tax Security Trust in 1984 to another State Agency. This transfer was approved by the Wildlife Conservation Board in 2003. The total acreage now owned in Fee Title by the Wildlife Conservation Board/DFG is 553 acres. It is proposed that the entire 553 acres be designated an Ecological Reserve." (Department of Fish and Game Management Plan Summary Ballona Wetlands Ecological Reserve, April, 2005)

Planning for restoration of the area as habitat has begun. In the interim, the Department proposes to: 1) install informational signs at five locations on periphery of the wetland, 2) remove unauthorized signs including "no trespassing" and "private property" signs, 3) install trash and recycling receptacles in four locations: (a) at Gordon's Market, (near western end of Jefferson), (b) at the Freshwater Marsh on Jefferson boulevard; (c) in Area C at the Ballona Creek Bike path adjacent to the maintenance gates and (d) at La Villa Marina Avenue adjacent to the maintenance gates; 4) repair and replace existing fencing; 5) install new 48-inch high fencing along westernmost property line; 6) install 48 high split rail fence and/or temporary removable barriers at several locations along Culver and/or Jefferson Boulevard to prevent unauthorized vehicular access. The Department proposes to install the fences or barriers at existing dirt roads that have been used for unauthorized vehicular access and dumping. The applicant also proposes to install/repair a property line fence adjacent to existing developed residential and commercial property at the westernmost and southwestern edge of the wetland, where some encroachments and/or use for parking, landscaping, or storage have occurred. Second, there is an existing chain link fence surrounding the property that needs periodic repair. Third, the applicant proposes to install trash and recycling receptacles at four locations where the public can enter the wetland. Finally, the applicant proposes to install information signs at five locations at the periphery of wetland. The locations of all proposed signs, trash/recycling receptacles, and existing maintenance gates are indicated in marked black and white aerial photographs submitted with the application.

B. Public Shoreline Access.

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. The previous property owner installed the fence, which is being kept in place pending development of a plan for habitat restoration and public access. An existing gate provides access to an improved trail at the Freshwater Marsh (an existing water quality treatment and habitat facility on the southwest corner of Jefferson and Lincoln Boulevards). The two existing maintenance gates in Area C east of Lincoln Boulevard are used by authorized tours, restoration crews and the Little League, and, historically, have been locked when not in use. A fourth gate is located at Gordon's Market at the westerly end of the site and is used by the Friends of Ballona Wetlands for an approved dune restoration project and by authorized tours. Presently, the Department of Fish and Game controls access to the wetlands. The Department issues letters of permission for academic studies or for authorized (individual or group) tours of the wetlands. There is an open public trail at the Freshwater Marsh, and the wetlands are visible from the bluffs above the wetland and from Culver and Jefferson Boulevards. The Department does not propose to make any changes in the current situation as part of the present permit. A consultant, aided by several committees, including a committee of local activists and a committee of biologists is developing plans for public access to the marsh and to viewing areas as part of a long-term habitat restoration plan. As proposed, the development does not affect public access and conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Environmentally Sensitive Habitat Areas

As noted above, Ballona Wetlands and related uplands support about 200 acres of saltmarsh, additional areas of former saltmarsh, dune, riparian, prairie, and coastal sage scrub habitats. While much of the area has been impacted by channelizing the water source, Ballona Creek, and by use of the wetlands as a fill site, the area still supports a wetland, as well as upland plants and animals found in few other locations in the Los Angeles Basin. Several endangered plant and animal species are found on the property. All new signs and trash receptacles will be located at the edge of the property where there is little undisturbed vegetation. No proposed work is actually in a wetland. The applicant proposes to move carefully in changing uses on the site pending development of a plan assessment of the site, a restoration plan and a plan for public access. The present proposal does not result in increased access or use of the site or the development of trails and other features that might have to be analyzed with regard to potential impacts on sensitive resources. In 2003, the Commission granted Playa Capital, the previous owner, an emergency permit 5-03-263G to restore a portion of the site where unauthorized off-road bicycle jumps had been created, resulting in erosion and impacts on sensitive vegetation (*Salicornia*). There have been recent attempts at unauthorized use of the site for dumping, off-road vehicles, off-road bicycle jumps, dog runs, and encampments. These activities have impacted resources. The Department proposes to repair fences, patrol the area, maintain the site and to continue authorized access in a way that is most protective of resources. As conditioned, the development will not result in significant degradation of habitat or wetlands and is compatible with the continuance of these habitat areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

D. Recreation

The plan that is under development will include a plan for recreational use. Currently there is a Little League Ball field on Area C, and individuals and groups undertake authorized wetlands tours. The plan does not interfere with the continuation of that use. The proposed development, as submitted, does not propose or authorize any new public access or use of the site nor does it interfere with existing authorized public recreational use of coastal resources. As proposed, the development conforms to Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

E. Marine Resources

The proposed installation of signage, fencing and trash receptacles will not encroach into coastal waters, and as conditioned, will have no impact on water and marine resources. Overfull or uncovered trash receptacles could result in trash blowing onto the wetland or into the creek and via the creek to the Pacific Ocean. Therefore, the Commission is requiring that the receptacles be covered and that the applicant provide evidence of a program to pick up and remove the trash from the bins. As conditioned, the development will have no effect on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act.

F. Water Quality

The proposed work will be occurring adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As noted above the Commission also requires the installation of covers for the

trash and recycling receptacles. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

G. Local Coastal Program

A coastal development permit is required from the Commission for the proposed development because it is located in the coastal zone in an area where there is no certified Local Coastal Program. In 1987, the Commission certified two Land Use Plans for this area (the Playa Vista LUP for the City of Los Angeles and the Marina del Rey/Ballona LUP for Los Angeles County.) These LUPs permitted residential and commercial development and required restoration of 186 acres of wetlands and related habitat. Neither the City nor the County ever developed a certified Local Implementation Plan (LIP). These Land Use Plans are no longer relevant because the land has been acquired for habitat restoration. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City and County of Los Angeles certified LUPs may provide guidance concerning the location of wetlands and other resources, although since certification of the LUP, additional evidence concerning the extent of wetlands and other resources has become available. The State Coastal Conservancy and the Department of Fish and Game are developing a restoration plan for the area. In the future, either the Department of Fish and Game as the owner, may prepare a Public Works Plan to guide development, or the local governments may prepare revised LUPs for the site. Any restoration plan, Public Works Plan or revised LUPs must be consistent with Chapter 3 of the Coastal Act. As conditioned, the present project is consistent Chapter 3 of the Coastal Act and does not make premature commitment of resources that would preclude the development of a restoration plan, LUP or Public Works Plan that is consistent with the Coastal Act.

H. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA..

SPECIAL CONDITIONS:

1. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

2. Construction Responsibilities and Debris Removal

- (a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wind, or rain erosion and dispersion.
- (b) All construction materials shall be removed from the site within ten days of completion of construction and disposed of at an appropriate location.
- (c) Machinery or construction materials not essential for project improvements are prohibited at all times in wetland areas.
- (d) The applicant shall inspect any site prior to construction and confirm that no sensitive resources will be disturbed.

3. **Signs and Trash and Recycling receptacles.**

Prior to issuance of the permit, the applicant shall submit a written agreement to the satisfaction of the Executive Director to the following:

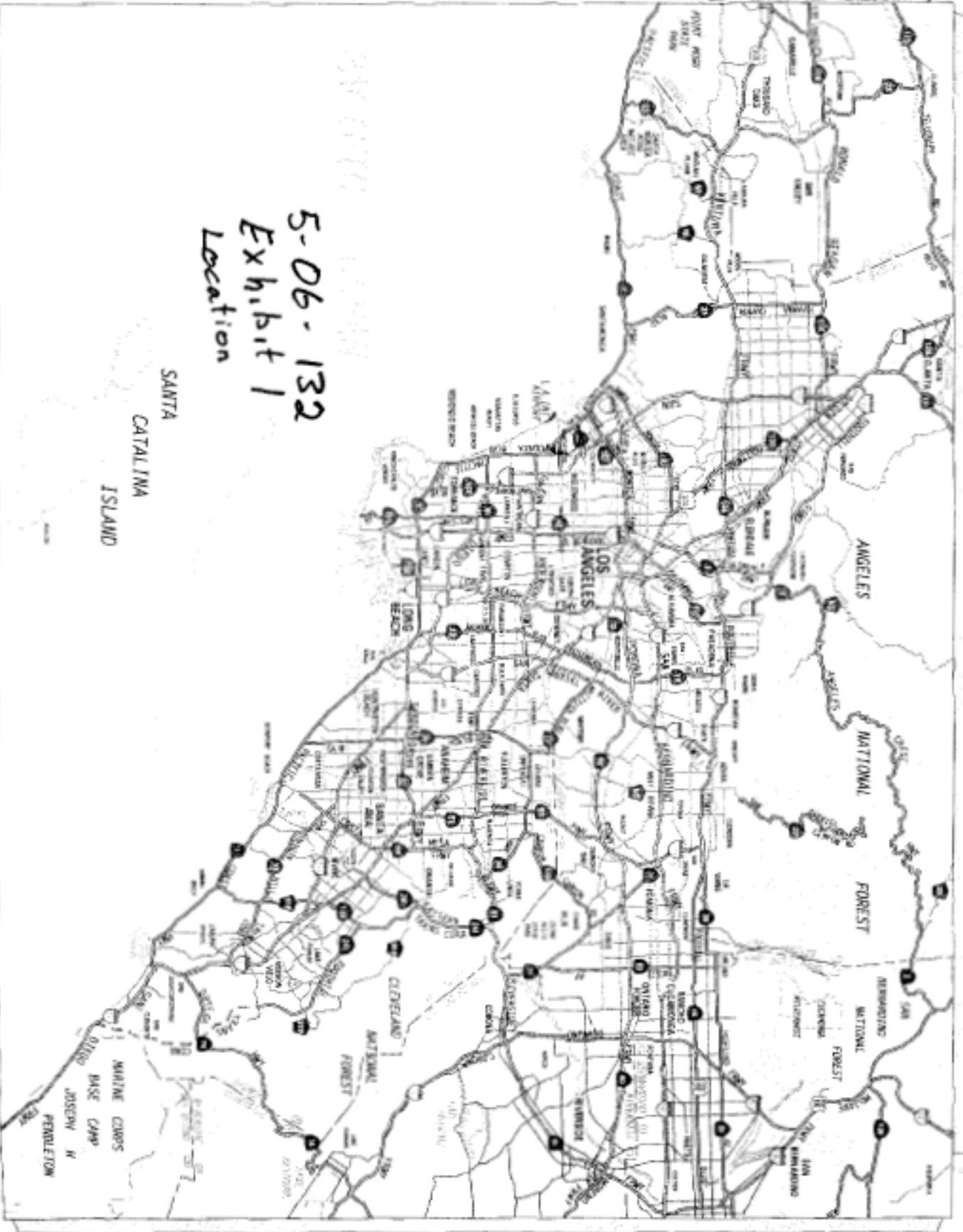
- (a) All receptacles shall be covered.
- (b) Prior to installation the applicant shall demonstrate that an approved, current, valid and executed contract for trash and recyclable material pickup exists.
- (c) Broken or vandalized receptacles shall be replaced.
- (d) Applicant or its agents shall regularly inspect the site and replace illegible or vandalized signs.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

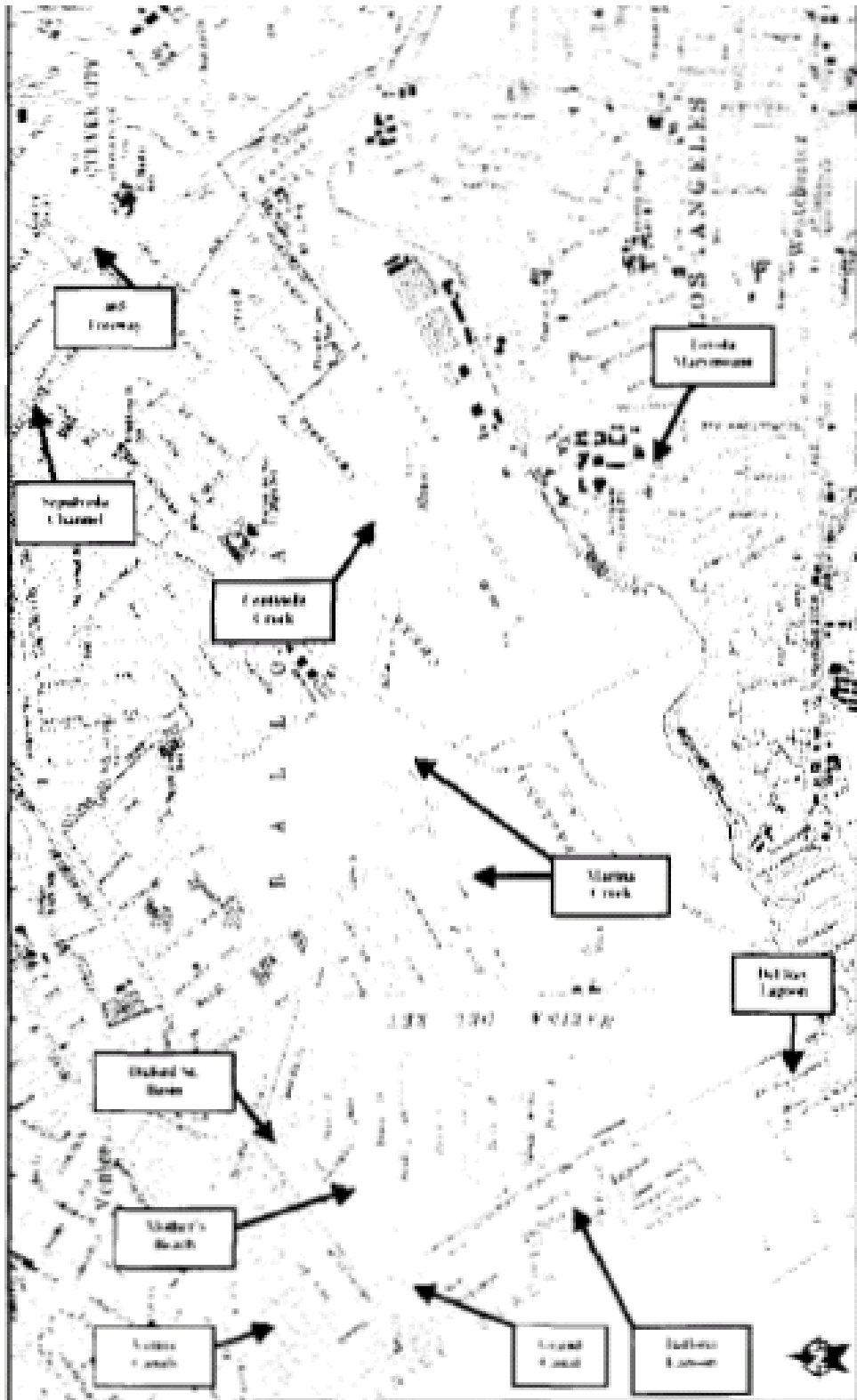
Applicant's Signature

Date of Signing



5-06-132
Exhibit 1
Location

SANTA
CATALINA
ISLAND



5-06-132 (Department of Fish and Game
Exhibit 2 Location

Exhibit #3, page 1

§630. Ecological Reserves.

The areas specified in this chapter have been declared by the Fish and Game Commission to be ecological reserves. A legal description of the boundaries of each ecological reserve is on file at the department's headquarters, 1416 Ninth Street, Sacramento. Ecological reserves are established to provide protection for rare, threatened or endangered native plants, wildlife, aquatic organism and specialized terrestrial or aquatic habitat types. Public entry and use of ecological reserves shall be compatible with the primary purposes of such reserves, and subject to the following applicable general rules and regulations, except as otherwise provided for in the special area regulations:

(a) General Rules and Regulations:

(1) Protection of Resources. No person shall mine or disturb geological formations or archeological artifacts or take or disturb any bird or nest, or eggs thereof, or any plant, mammal, fish, mollusk, crustacean, amphibian, reptile, or any other form of plant or animal life in an ecological reserve except as provided in subsections 630(a)(2) and (a)(8). The department may implement enhancement and protective measures to assure proper utilization and maintenance of ecological reserves.

(2) Fishing. Fishing shall be allowed in accordance with the general fishing regulations of the commission except that the method of taking fish shall be limited to angling from shore. No person shall take fish for commercial purposes in any ecological reserve except by permit from the commission.

(3) Collecting. No collecting shall be done in an ecological reserve except by permit issued pursuant to section 650 of these regulations. Any person applying for a permit must have a valid scientific collecting permit issued pursuant to part 3 of this title.

(4) Motor Vehicles. No person shall drive, operate, leave, or stop any motor vehicle, bicycle, tractor, or other type of vehicle in an ecological reserve except on designated access roads and parking areas.

(5) Swimming. No person shall swim, wade, dive, or use any diving equipment within an ecological reserve except as authorized under the terms of a permit issued pursuant to subsection (3).

(6) Boating. No person shall launch or operate a boat or other floating device within an ecological reserve except by permit from the commission.

(7) Trails. The department may designate areas within an ecological reserve where added protection of plant or animal life is desirable, and may establish equestrian or walking trails or paths within such designated areas. No person shall walk or ride horseback in such areas except upon the established trails or paths.

(8) Firearms. No person shall fire or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within or into an ecological reserve or possess such weapons within an ecological reserve, except law enforcement personnel and as provided for in individual area regulations that allow for hunting.

(9) Ejection. Employees of the department may eject any person from an ecological reserve for violation of any of these rules or regulations or for any reason when it appears that the general safety or welfare of the ecological reserve or persons thereon is endangered.

(10) Public Entry. Public entry may be restricted on any area at the discretion of the department to protect the wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, may enter any ecological reserve, or portion thereof, which is closed to public entry. No person may enter any Ecological Reserve between sunset and sunrise except with written permission from the Department, which may be granted for purposes including night fishing in accordance with subsection (a)(2) from designated shore areas only.

A \$2.00 day use pass or a valid \$10.00 annual wildlife pass is required of all users of Elkhorn Slough and Upper Newport Bay ecological reserves except for users that possess a valid California sport fishing license hunting license or trapping license, or users that are under 16 years of age or users that are part of an organized youth or school group and having free permits issued by the appropriate regional office. Refer to subsection 550(b)(16)(B), Title 14, CCR, for regulations for fee requirements for wildlife areas.

(11) Introduction of Species. Unless authorized by the commission, the release of any fish or wildlife species, including domestic or domesticated species, or the introduction of

any plant species, is prohibited. The department may reintroduce endemic species on ecological reserves for management purposes.

(12) Feeding of Wildlife. The feeding of wildlife is prohibited.

(13) Pesticides. The use of pesticides is prohibited on any ecological reserve unless authorized by the commission with the exception that the department may use pesticides for management purposes and for public safety.

(14) Litter. No person shall deposit, drop, or scatter any debris on any ecological reserve except in a receptacle or area designated for that purpose. Where no designated receptacles are provided, any refuse resulting from a person's use of an area must be removed from that area by such person.

(15) Grazing. The grazing of livestock is prohibited on any ecological reserve.

(16) Falconry. Falconry is prohibited.

(17) Aircraft. No person shall operate any aircraft or hovercraft within a reserve, except as authorized by a permit from the commission.

(18) Pets. Pets, including dogs and cats, are prohibited from entering reserves unless they are retained on a leash of less than ten feet or are inside a motor vehicle, except as provided for in individual area regulations that allow for hunting or training activities.

(19) Fires. No person shall light fireworks or other explosive or incendiary devices, or start or maintain any fire on or in any reserve, except for management purposes as provided in subsection (a)(1).

(20) Camping. No person shall camp on/in any ecological reserve.

(21) Vandalism. No person shall tamper with, damage or remove any property not his own when such property is located within an ecological reserve.

(b) Areas and Special Regulations for Use:

(10) Ballona Wetlands Ecological Reserve, Los Angeles County.

(A) Pedestrian use is allowed on designated trails only.

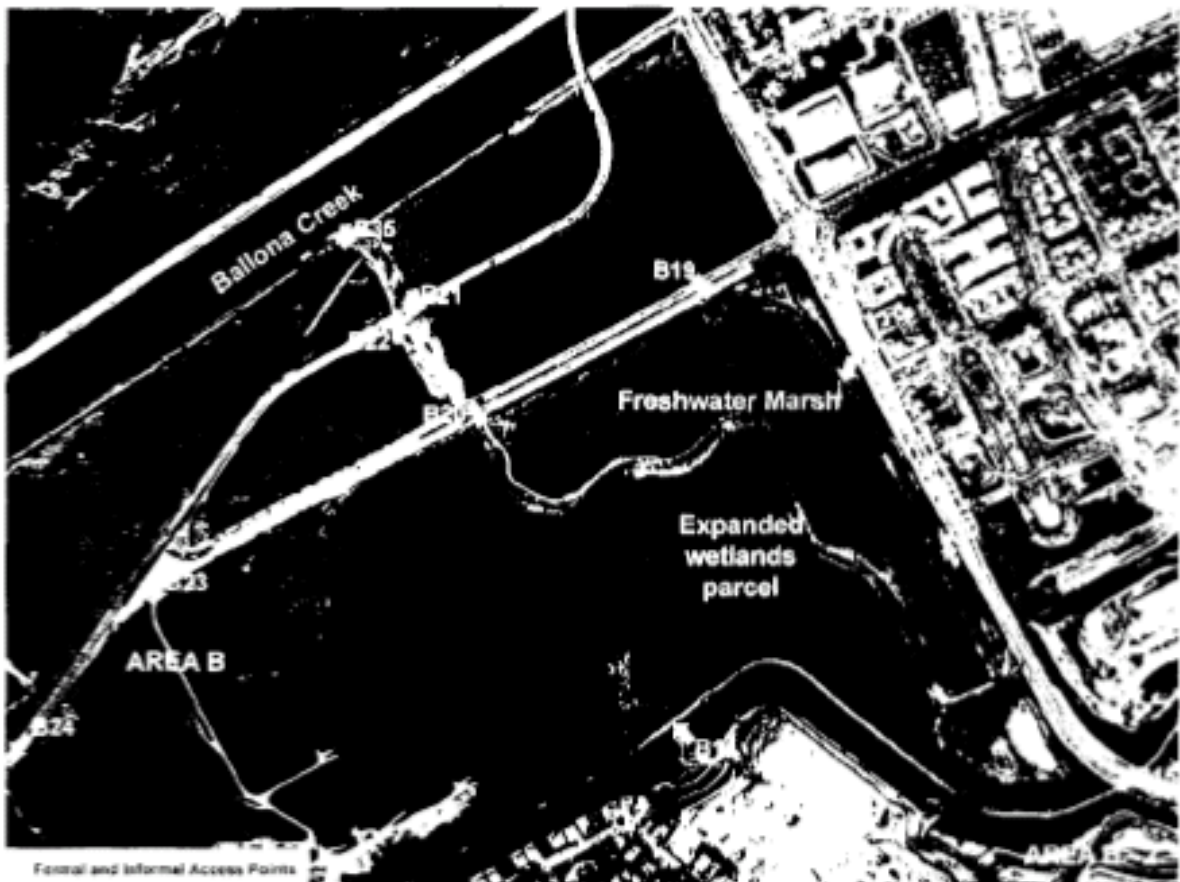
(B) Bicycle use is allowed only on the designated bike path on the north side of the Ballona Creek flood control channel.

(C) Fishing from shore is allowed only in designated areas along Ballona Creek flood control channel. Fishing from boats is allowed only within the Ballona Creek flood control channel. Only barbless hooks may be used.

(D) Boating shall be allowed only within the Ballona Creek flood control channel.

(E) Existing recreational uses may be allowed under license agreement with Playa Vista Little League in that portion of Area C identified in the license agreement unless it is determined by the department that restoration or other uses in this area are more appropriate.

(F) Existing parking areas under leases to the County of Los Angeles may be allowed unless it is determined by the department that restoration or other uses in those areas are more appropriate.



Access Points at the Ballona Wetlands 04/26/06

