Exhibit 1

Marina del Rey
LCP Periodic Review

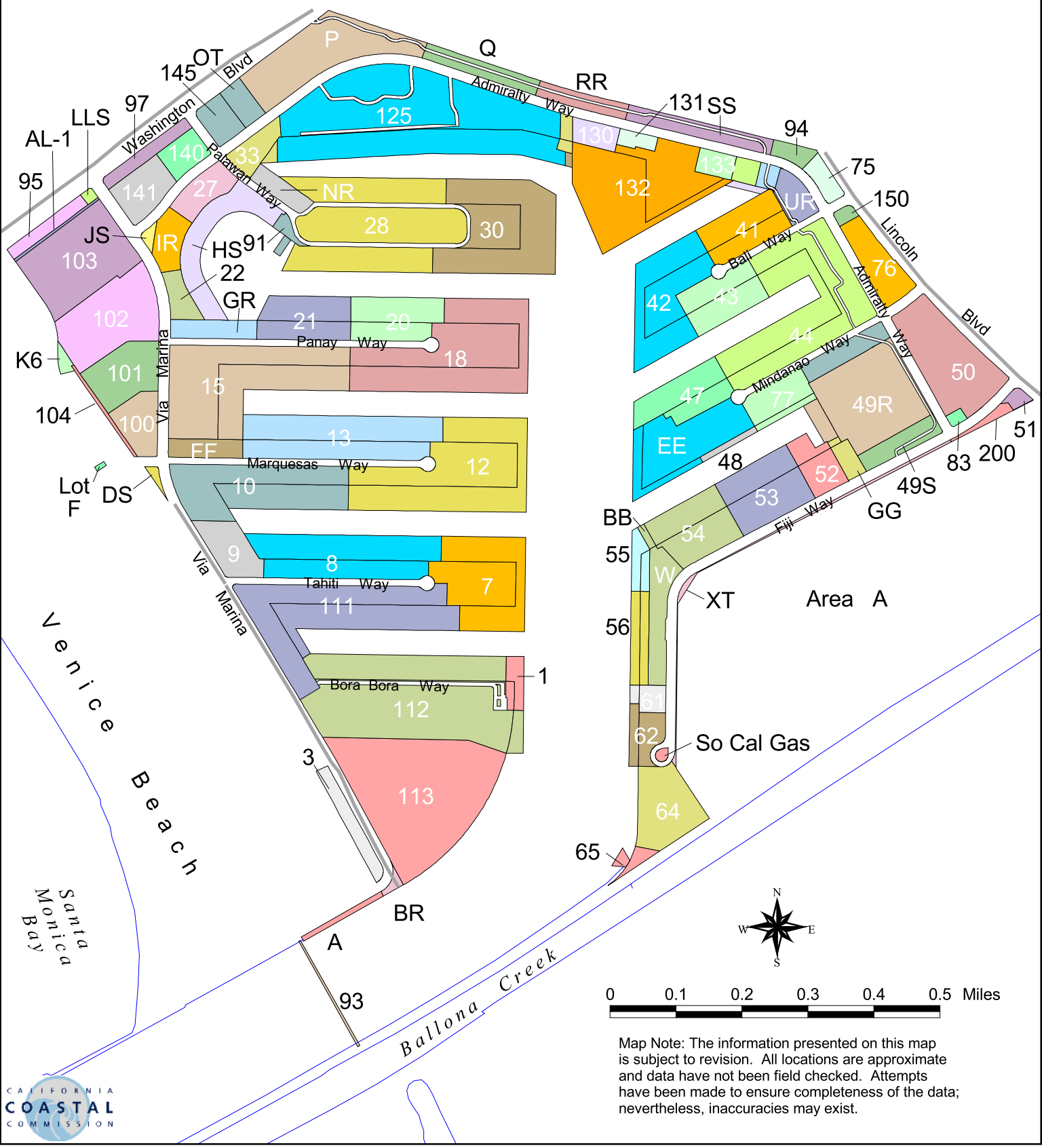
Area Map

Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

CA Coastal Commission, 5/05

Exhibit 2

Marina del Rey
LCP Periodic Review
Development Parcels



Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

CALIFORNIA COASTAL COMMISSION

Exhibit 3

Marina del Rey
LCP Periodic Review

Local Coastal Permits Approved

Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

Co. Case #	Redevelopment Granted
91-083	construct dry boat storage; open boat yard sales & service
91-216	marine commercial
91-246	replace seawall
91-329	residential
93-128	replace portable classroom in parking lot
94-150	reconstruct dock for charter services
95-053	restrooms and showers w/ ADA access
96-169	library expansion
98-134	increase residential; decrease retail, restaurant & slips
98-172	residential, retail
00-39	increase residential; decrease slips; demolish office
02-277	increase retail
03-029	increase residential
03-030	increase retail, restaurant, reduce office

Exhibit 4

Marina del Rey
LCP Periodic Review
Boating Facilities

Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

CALIFORNIA COASTAL COMMISSION

MARINA DEL REY
TRAFFIC MITIGATION FEE ACCOUNT
ACCOUNT TF2 7703*
APPROVED PROJECTS

DZ #	DZ NAME	PARCEL	PROJECT TITLE	APPLICANT	PROJECT NO.	SCOPE	PMPK TRIPS	COST	PAID	OTHER IMPROVEMENTS	COMMENT
1	Bora Bora	112		Epstein	0039	New 120 apartment units Net decrease of 271 slips Remove: 4,000 sf office	(4)				
2	Tahiti	111		Epstein	0039	Remodel exisiting apartments	0	$ -			
3	Marquesas	12	Espirit Marina del Rey Phase I	Ring	98134	Net increase of 282 units, 35 senior apartment units. Net decrease of 3,600 sf retail and 237 boat slips.	52	$ 295,880	YES	2nd WB left turn lane on Washington Bl to Via Marina or traffic signal @ Washington Bl/Palaway Way	
4	Panay	15	Espirit Marina del Rey Phase II	Ring	98134	Net increase of 250 apartment units, 47 senior apartments Net decrease of 41 boat slips (demo 253 existing and construct 212 new) Demo 4,400 sf restaurant (280 seats) and add 8,000 sf retail	120	$ 682,800	NO	Left turn on Via Marina at Parcel 15 main driveway	No trip credit was given for restaurant since it was vacant for more than 1 year.
4	Panay	18	Dolphin Marina	Goldrich & Kest	91329	68 Market rate apt units	22	$ 125,180	YES		
4		18		Goldrich & Kest	91329	60 senior apartment units	5	$ 28,450	YES		
4		20	13953 Panay Way	Goldrich & Kest	98172	Phase I: 99 Apartment units Phase II: Net increase of 4,940 sf Yacht Club, 2,300 sf of office	41	$ 233,290	YES		
5	Palawan/Beach	97	Gold Coast Shopping 514&586 Washington Bl	Pashaie	02277	demo & replace 2 of 6 commercial buildings. Net increase of 450 sf. Possible relocation wells fargo bank from parcel 95 to parcel 97.	2	$ 11,380	YES		Going back to DRP. Project layout change due to sewer line. The revised project will be 128 sf less.
5		140	Admiralty Apt	Pashaie	03029	net increase of 108 units - demo 64 apartment units, new 172 units (15 for very low income).	37	$ 210,530	NO	Pay fair share towards restriping of Palawan Way between Washington Bl and Admiralty Way and installation of traffic signal at the I/S of Washington Bl/Palawan Way and interconnect with adjacent signals; construct 8-foot wide sidewalks along Admiralty Way	
6	Oxford							$ -			
7	Admiralty	40	County library expansion	DPL	96169	2,454 sf	0	$ -			
8	Bali							$ -			
9	Mindanao	50	Ralph's Market Expansion	Caruso Affiliated		7,660 sf expansion, café, and parking layout modification	28	$ 159,320	YES	Admin street, sidewalk, and extend left-turn at main driveway	Plot plan approved Trips based on approved trip generation study Received traffic fee 5/11/06.
10	Fisherman's Village							$ -			
11	Harbor Gateway							$ -			

COASTAL COMMISSION MDR Periodic Review

EXHIBIT # 5

PAGE 1 OF 5

NOTE: Fe Jimenez in DPW-FIS Division @ 626-458-6508 manages the account.

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MARINA DEL REY
TRAFFIC MITIGATION FEE ACCOUNT
ACCOUNT TF2 7703*
APPROVED PROJECTS

DZ #	DZ NAME	PARCEL	PROJECT TITLE	APPLICANT	PROJECT NO.	SCOPE	PMPK TRIPS	COST	PAID	OTHER IMPROVEMENTS	COMMENT
12	Via Marina	95, LLS		Pashaie	03030	11,400 sf net retail increase, 288 restaurant seats. Net decrease of 1,300 sf in office Net decrease of 3,250 sf of bank Possible relocation of wells fargo bank from parcel 95 to parcel 97.	(59)	$ -			Net reduction of trips due to Wells Fargo bank reduction
13	North Shore							$ -			
14	Fiji Way							$ -			
						TOTAL PM PEAK TRIPS & PERCENT LCP TRIP CAP	**244**	**9%**			
PROJECTS OUTSIDE MARINA											
O		City LA	Avalon Bay Community			310 apartment units	4	$ 6,368	YES		Cat I
O		City LA	West Bluffs (Catellus)			120 single family units	2	$ 3,184	YES		Cat I
O		Culver	Costco				74	$ 117,808	YES		Cat I
O		Culver	Costco			Costco Center		$ 1,500,000	YES		Agreement to transfer funds from Culver City's Costco Regional Mitigation Fund to County, construction only of SR-90
O		City LA	GTE Chateau Marina		C/O LA	500 APARTMENT UNITS Cat I fee	48	$ 76,416	YES		
O		City LA	Playa Vista-Phase I			3,246 dwelling units, 35 ksf retail, 2,000 ksf office, 1,000 ksf studio, 120 ksf community serving uses	102	$ 162,384	YES		PV agreed to pay fee In addition to this fee, PV will be paying its fair share towards the La Cienega Blt/Slauson Av interchange improvements
			Playa Vista-Phase II			2,600 dwelling units, 150 ksf retail, 175 ksf studio, 40 ksf community serving uses	49	$ 78,008	NO		PV agreed to pay fee
						TOTAL CONDITIONED:		**$3,690,998**			
						TOTAL COLLECTED:		**$2,719,660**	*Note ---->		* $1 5 MILLION CULVER CITY FUND EARMARKED FOR CONSTRTUCTION ONLY OF SR-90 EXTENSION
						EXPENDITURES:		**$ 32,500**	*Note ---->		* LCTF Phase I study
						BALANCE:		**$2,687,160**			

COASTAL COMMISSION
MDR Periodic Review

EXHIBIT # 5
PAGE 2 OF 5

NOTE: Fe Jimenez in DPW-FIS Division @ 626-458-6508 manages the account.

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MARINA DEL REY
TRAFFIC MITIGATION FEE
PENDING PROJECTS

DZ #	DZ NAME	PARCEL	PROJECT TITLE	APPLICANT	PROJECT NO.	SCOPE	PMPK TRIPS	COST	PAID	OTHER IMPROVEMENTS	COMMENT
1	Bora Bora							$ -			
2	Tahiti							$ -			
3	Marquesas	FF&10R	Neptune			527 apartment units, 141 boat slips Remove 136 apt units and 198 boat slips Replace the existing on-site uses (retail and marine commercial offices), and the transfer of marine commercial offices from Phase II of Parcel 20.	140	$ 796,600	NO		Not filed with DRP
4	Panay	21	Holiday Harbor Courts	Goldrich & Kest Industries, LLC		Reduce the existing health club floor area by 6,000 square feet and will add 6,000 square feet of new marine commercial office uses to the site. Parking for the proposed project will be provided in an attached multi-level parking structure, which allows for direct access to the commercial building		$ -	NO		Awaiting TS, insufficient information to delermine p.m. peak-hour trips.
5	Palawan/Beach	27R	Jamaica Bay Inn			Renovate and expand the existing 42-room hotel by 69 guest rooms, for a total of 111 rooms.	24	$ 136,560	NO		Awaiting TS
6	Oxford	OT				Demo the existing public parking lot containing 186 spaces and construct 114-suite retirement hotel and approximately 5,000 square feet of ground floor retail space. The project proposed to replace the existing 92 of the 186 parking spaces. The remaining 94 parking spaces will be relocated to Parcel 21, located on Panay Way.	41	$ 233,290	NO		Awaiting TS
7	Admiralty							$ -			
8	Bali							$ -			
9	Mindanao							$ -			
10	Fisherman's Village							$ -			
11	Harbor Gateway	64	Villa Venetia Residential			Demo the existing 224 apartment dwelling units and construct 479 apartment dwelling units, 21 marina boat slips and 5,000 square-feet of retail. Construct new 544 apartment units	108	$ 614,520	NO		Awaiting TS
12	Via Marina	100 & 101	Del Rey Shores	Epstein		Remove existing 202 apartment unit	111	$ 631,590	NO		Traffic study submitted 2/05 Revised study required 5/18/05

NOTE: Fe Jimenez in DPW-FIS Division @ 626-458-6508 manages the account.

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MDR Periodic Review EXHIBIT # 5

Revised 7/19/2006
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COASTAL COMMISSION PAGE 3 OF 5

MARINA DEL REY
TRAFFIC MITIGATION FEE
PENDING PROJECTS

				ACCOUNT TF2 7703*		$ -		
13	North Shore					$ -		
14	Fiji Way					$ -		
PROJECTS OUTSIDE MARINA								
O	City of LA		Villa Marina		5	$ 28,450	NO	
O						$ -		
					TOTAL PENDING	**$ 2,441,010**		

COASTAL COMMISSION
MDR Periodic Review
EXHIBIT # 5
PAGE 4 OF 5

NOTE: *Fe Jimenez in DPW-FIS Division @ 626-458-6508 manages the account.*

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MDR REDEVELOPMENT GRANTED SINCE LCP CERTIFICATION (2/8/96) PER DZ

DZ #	DZ NAME	Case #	Parcel #	Applicant	Redevelopment Granted	Trips Generated	Approval Date
1	Bora Bora	00-39	112	Epstein	120 D.U.'s Net Decrease of 271 Slips Demolish 4 KSF Office	-4	10/18/2000
2	Tahiti	00-39	111	Epstein	Remodel Existing Apartments (No Increase in D.U.'s)	0	10/18/2000
3	Marquesas	98-134	12	Ring	Net Increase of 282 D.U.'s 35 Senior Apartments Net Decrease of 3.6 KSF Retail Net Decrease of 237 Slips	52	12/6/2000
4	Panay	91-329	18	Goldrich & Kest	68 D.U.'s 60 Congregate Care Units	27	6/13/1996
		98-134	15	Ring	Net Increase of 250 D.U.'s 47 Senior Apartments Net decrease 41 Slips (demo 253, construct 212) Demo 4.4 KSF restaurant and add 8 KSF retail	224	12/6/2000
		98-172	20	Goldrich & Kest	99 D.U.'s Net Increase of 4.94 KSF Yacht Club 2.3 KSF Office Transfer of 97 D.U.'s from DZ1 to DZ4	41	10/2/2000
5	Palawan/Beach	02-277	97	Pashaie	Net Increase of 450 SF Retail	2	6/25/2003
		03-029	140	Pashaie	Net Increase of 108 D.U.'s (64 exisitng - 172 new total)	37	12/10/2003
6	Oxford						
7	Admiralty	96-169	40	DLP	Library Expansion - 2,454 SF	0	3/5/1997
8	Bali						
9	Mindanao	* 15509	50	Caruso	Net Increase of 4.7 KSF of Retail	49	6/17/2004
10	Fisherman's Village						
11	Harbor Gateway						
12	Via Marina	03-030	95, LLS	Pashaie	Net Increase of 11.4 KSF (New total is 20.6 KSF), which includes total of 288 seats Reduce 1.3 KFS in office and 3.25 KFS bank bldg	-59	6/16/2004
		**	103	Oakwood	Complete Remodeling	0	
		**	102	Archstone	Complete Remodeling	0	
13	North Shore						
14	Fiji Way						
					Total Trips:	369	

* Given Plot Plan # by DRP staff as did not have to go RPC

** Approval not needed from DRP for renovations

KSF = 1,000 Square Feet

D.U. = Dwelling Unit

Trip Rate for Senior Apartments is 0.10 ppmpht (ITE)

COASTAL COMMISSION

EXHIBIT # 5

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7/19/2006

--- NEW ROADS

PROPOSED TRANSPORTATION IMPROVEMENTS IN THE MARINA DEL REY AREA

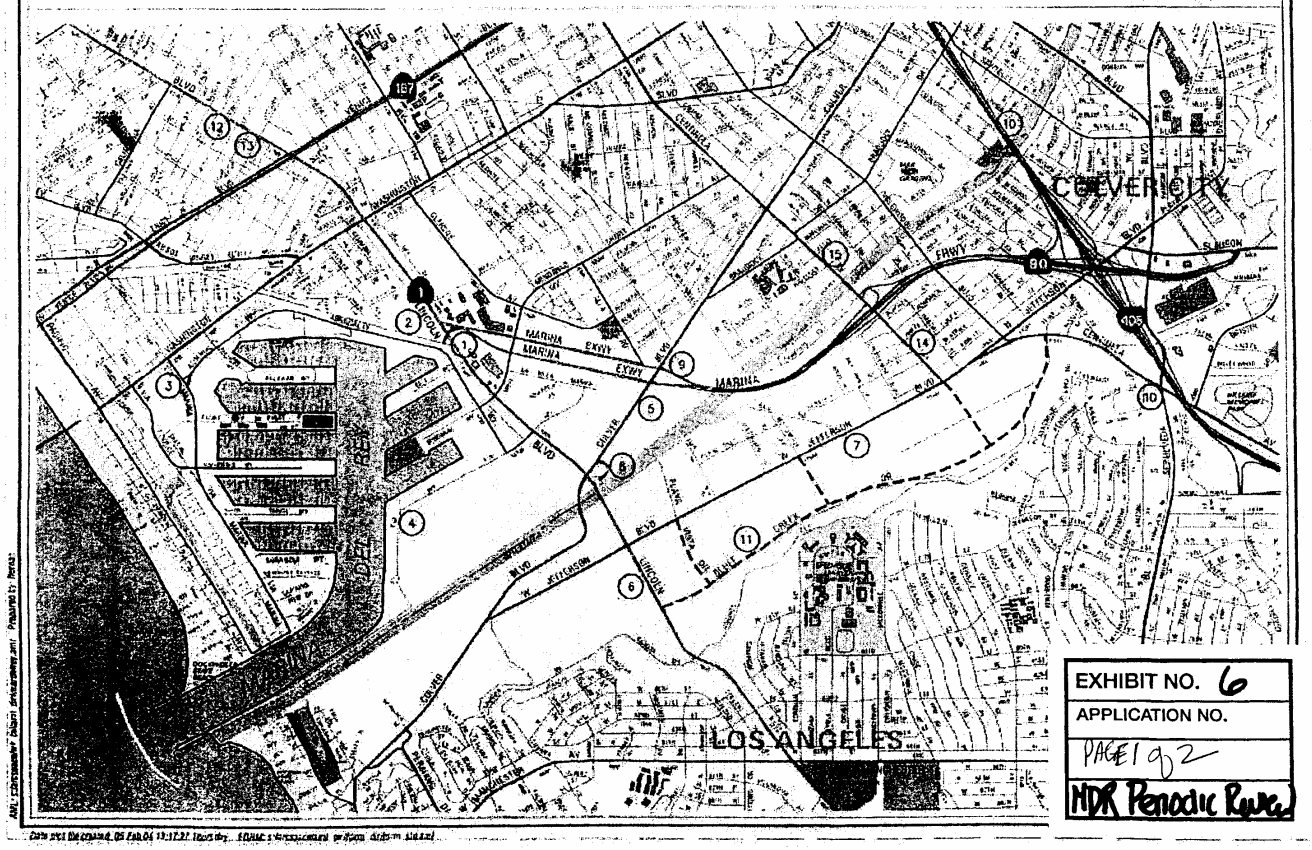

EXHIBIT NO. 6
APPLICATION NO.
PAGE 1 of 2
MDR Periodic Review

SUMMARY OF PROPOSED TRANSPORTATION IMPROVEMENTS IN THE MARINA DEL REY AREA

1. Marina Expressway (SR-90) Connector Road to Admiralty Way Project - (2011County)
2. Admiralty Way Improvement Project - Via Marina / Fiji Way (2011County)
3. Admiralty Way / Via Marina Intersection Realignment Project (2011County)
4. Fiji Way Gap Closure of the South Bay Bike Trail (2011County)
5. Culver Bl Widening - SR 90 / Lincoln Bl (2005 PV1)
6. Lincoln Bl Widening - LMU Dr. / Jefferson Bl (Caltrans)
7. Jefferson Bl Widening - Beethoven St. / Grosvenor Bl (2010 PV2)
8. Culver Bl / Lincoln Bl New Interchange - (under construction)
9. SR 90 / Culver Interchange - with SR 90 Grade Separation over Culver Bl (Caltrans in litigation)
10. San Diego Freeway Improvements - HOV lanes SR 90 / 105 Fwy (2006) & SR 90 / SM Fwy (2009). Ramps at Culver Bl (2006)
11. Bluff Creek Dr (Teale St) - Lincoln Bl / Centinela Ave (2010 PV1&2)
12. Lincoln Corridor Transit Improvements – Add 5 buses to Santa Monica Big Blue Bus Line 3 (PV1); Install Transit Bus Priority System for Lincoln Bl (2008PV2); add 6 buses to Culver City Lines 2, 4 and 6 and a new Limited Stop Route to the South (PV2); Internal Shuttle System for Playa Vista (PV1); Expand Internal Shuttle System on a demand/responsive system to the Bridge, Fox Hills, LMU, Playa del Rey Beach and Marina del Rey (PV2); Bus Rapid Transit along Lincoln Bl and Sepulveda Bl (MTA2008)
13. Recommendations by the Lincoln Corridor Task Force (March 2004) Preliminary short-term recommendations consist of peak-period parking restrictions along Lincoln Bl for use by buses, bicycles and turning vehicles, rapid bus stations and landscaped raised medians.
14. Centinela Ave Widening - SR 90 / Jefferson Bl (PV1)
15. Centinela Ave Widening - SR 90 / Culver Bl (PV2)
16. Marina del Rey Water Shuttle (Department of Beaches and Harbors)

EXHIBIT NO. 6
APPLICATION NO.
PAGE 2 of 2

b. Existing Transportation Conditions

Figure 2-37 illustrates existing traffic conditions along Lincoln Boulevard within the 5-mile study corridor segment. Average daily traffic (ADT) volumes on Lincoln range between a low of 47,500 north of Ocean Park Boulevard in Santa Monica to a high of 67,000 north of SR-90. There are 25 signalized intersections along the study segment, eight of which are in the City of Santa Monica, three in the unincorporated County of Los Angeles area and the remaining 14 are in the City of Los Angeles.

As seen in Figure 2-37, the worst peak hour operating conditions, as represented by level of service F (LOS F) are at the intersections of Lincoln with Olympic Boulevard (AM), Pico Boulevard (PM), Ocean Park Boulevard (AM and PM) and 83rd Street (AM). The highest number of automobile accidents along the corridor within the last five years occurred at or near the Lincoln/Washington intersection, where a total of 115 accidents were reported during the period.

Figure 2-37. Existing Transportation Conditions

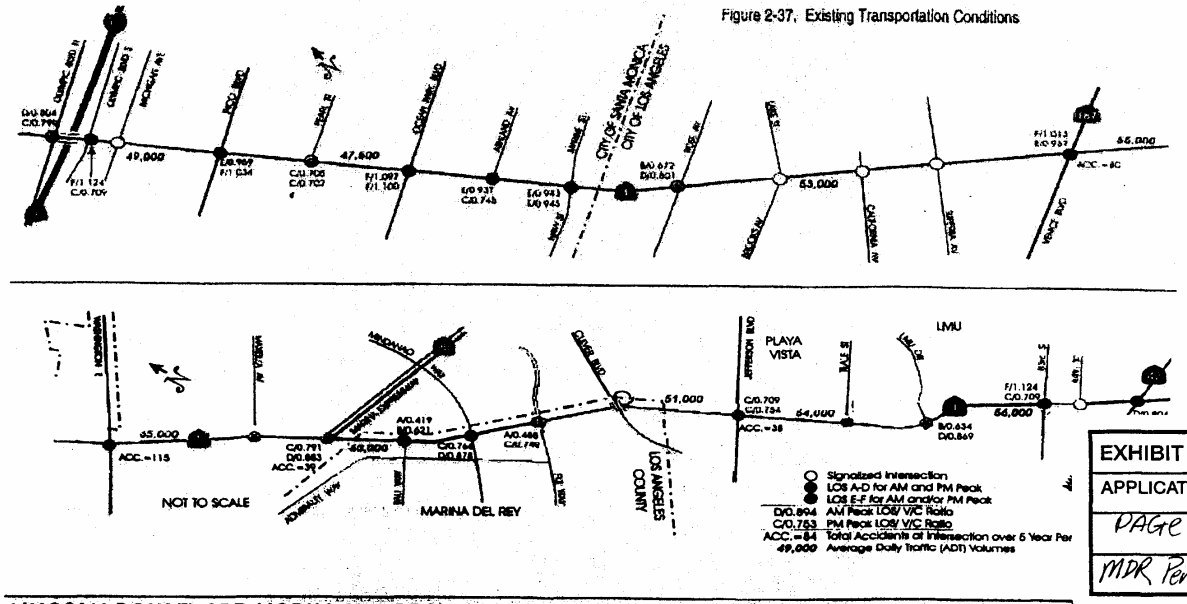

EXHIBIT NO. 7
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It is a common misconception that Lincoln Boulevard carries predominantly long distance trips. As part of this study, travel patterns along Lincoln were analyzed. As shown on Figure 2-38, in the PM peak hour, of the 1,300 vehicles entering the corridor traveling southbound only 275, or 21 percent traverse the entire length of the corridor to Manchester Avenue. Similarly, Figure 2-39 shows that, even a smaller percentage of northbound traffic, only 150 vehicle or 8 percent of the nearly 1,880 vehicles that enter the corridor at Manchester Avenue, travel the entire length to Santa Monica.

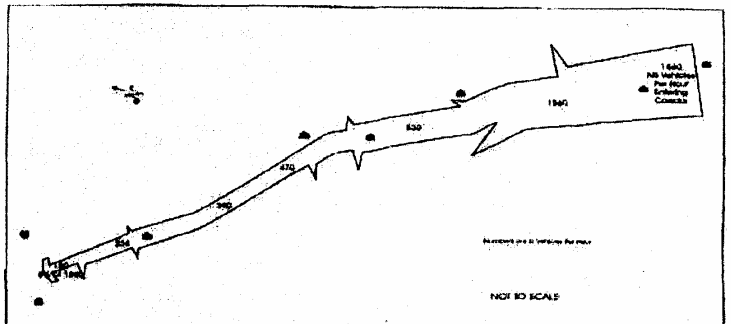

Figure 2-39. Patterns of Northbound PM Peak Traffic Entering Corridor n/o Manchester Avenue

Vehicles traveling northbound along the corridor only use Lincoln Boulevard for an average of 1.5 miles. The average travel distance along the corridor in the southbound direction, is even shorter, at only 1.1 miles. Northbound trips on the corridor, north of Venice have the longest average travel length along the corridor at 2.1 miles and in the southbound direction, trips north of Pico Boulevard have the longest average travel length along the corridor at 1.4 miles. The above data suggests that contrary to common belief, only a small percentage of trips actually use the entire 5-mile length of the corridor on a regular basis.

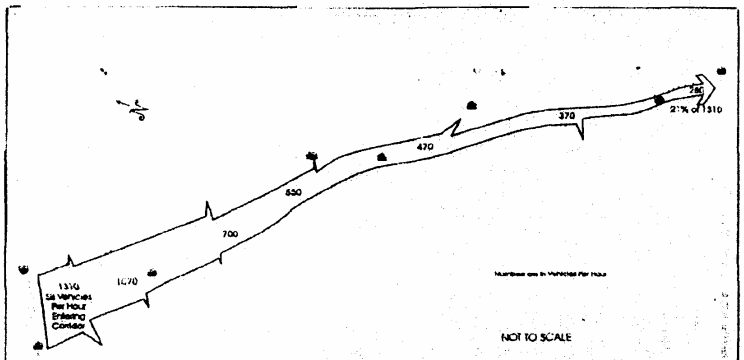

Figure 2-38. Patterns of Southbound PM Peak Traffic Entering Corridor n/o Pico Boulevard

In other words, there are not significant volumes of through traffic and majority of the users of the corridor have an origin or a destination in the general vicinity of this corridor.

EXHIBIT NO. 7
APPLICATION NO.
Page 2 of 3

Projected future traffic volumes were analyzed along the study corridor using the latest traffic forecasts by LADOT, which included future growth in the Marina, the Playa Vista project and other regional growth. Evening Peak hour forecasts and expected growth percentages are shown in Figure 2-43. As can be seen, the highest growth is expected to occur along the southern segments of the corridor, where the new trips from Playa Vista will constitute a large portion of the future growth. South of Culver Drive, it is expected that traffic volumes will experience growths in the order of 90 to over 100 percent, or double the current volumes. Relatively high growth, in the range of 26 to 29 percent is also expected near Marina Del Rey and SR-90. North of Washington Boulevard, through Venice ranges between 11 and 17 percent and generally growth in the range of 15 to 24 percent in Santa Monica.

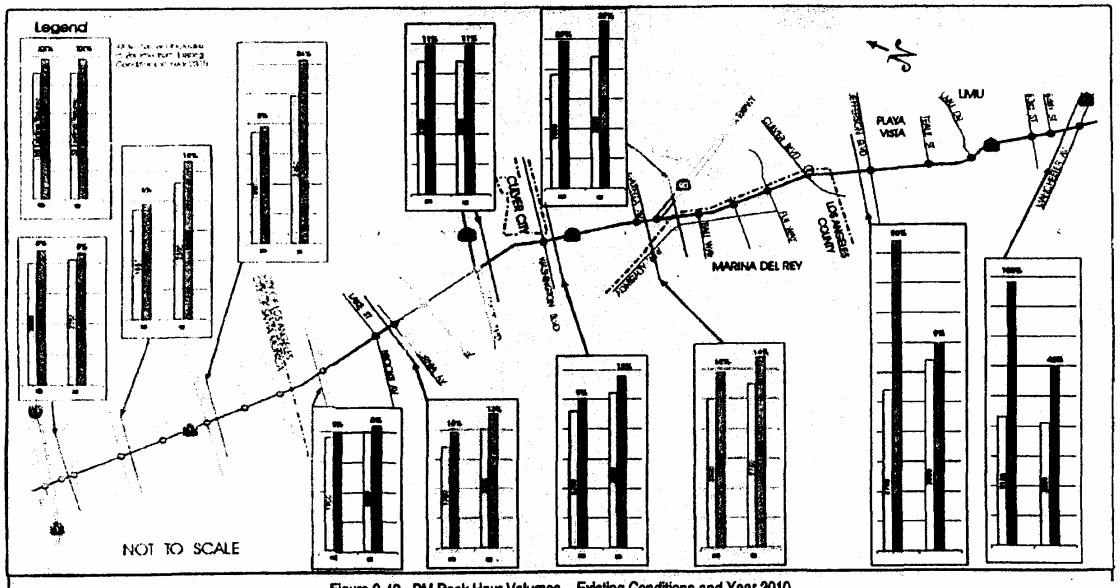

Figure 2-43. PM Peak Hour Volumes – Existing Conditions and Year 2010

EXHIBIT NO. 7
APPLICATION NO.
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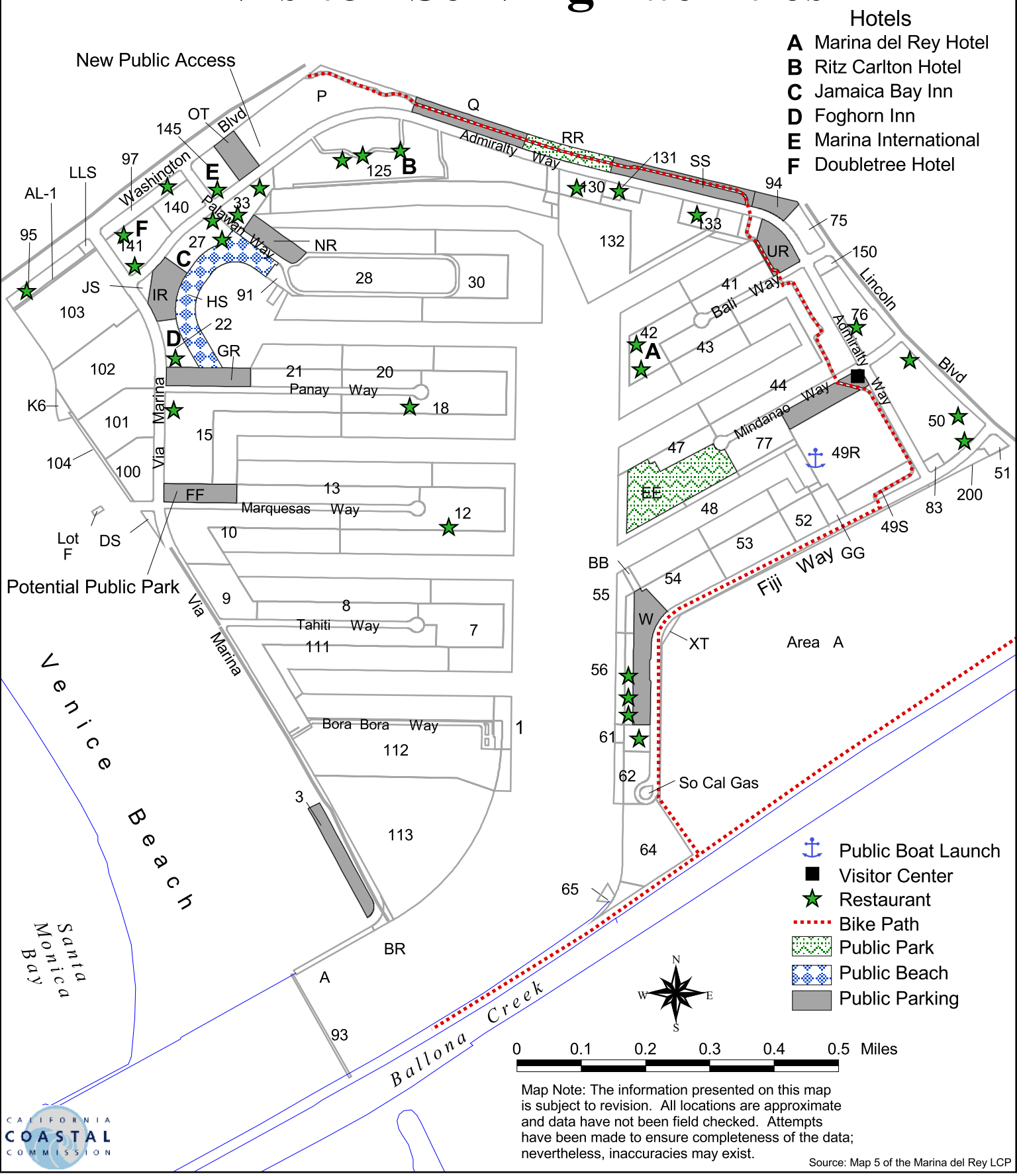
Exhibit 8

Marina del Rey
LCP Periodic Review
Visitor-Serving Facilities



Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

Source: Map 5 of the Marina del Rey LCP

CA Coastal Commission, 5/05

Exhibit 9

Marina del Rey
LCP Periodic Review

Local Coastal Permits Approved with Public Access

Map Note: The information presented on this map is subject to revision. All locations are approximate and data have not been field checked. Attempts have been made to ensure completeness of the data; nevertheless, inaccuracies may exist.

Co. Case #	Public Access Requirements
91-329:	applicant shall take measures to provide uninterrupted public access to the harbor
96-169:	no promenade improvements, but relocation of existing bike path for safety
98-134:	28 foot promenade in project
98-172:	28 foot promenade in project
00-39:	8 foot wide promenade and 4500 sf waterfront park
03-029:	"Marina Entry" feature in project; signage required
03-030:	"Marina Entry" feature in project; replace parking lot with public park; bus turn-out area

CA Coastal Commission, 5/05

EXHIBIT 10

Attachment A

REVIEW OF STATUS OF TRAFFIC IN THE VICINITY OF MARINA DEL REY

Overview

During the periodic review, interest was expressed by CCC staff as to the continued accuracy of the traffic model upon which the certified Marina del Rey Local Coastal Program (LCP) is based. Specifically, Recommendation #10 calls for a recalculation of the DKS/Barton Aschman models, eliminating Playa Vista Phase II development in Areas A, B and C and eliminating road widening projects that extend or relocate roads onto Playa Vista Areas A, B and C. The County of Los Angeles has conducted research on this question and finds there is no need to build a new traffic model (at an estimated cost of $70,000-$100,000) because this information already exists in at least two other models.

Further, an understanding of the County's approach pursuant to the certified LCP, as explained below, shows that the levels of development and mitigation measures in the area have resulted in a better level of service than estimated in the DKS model used in the certified LCP.

The need for a new traffic model

The CCC staff report is based on the impression that the traffic model used in the 1994 DKS study underestimated traffic conditions in the year 2010. The report indicates that with added development and traffic generated in the area, particularly in the City of Los Angeles and Culver City, a new traffic model is needed to more accurately assess current conditions and project future traffic conditions.

There also appears to be an assumption in the report that most developers should use traffic models for the traffic analysis. This is not the case. The vast majority of traffic analyses do not need a traffic model, nor do they warrant the expense of a traffic model. Traffic models are feasible only for very large developments such as Playa Vista and the LAX Master Plan.

Remembering that the DKS model was constructed to ascertain the appropriate mitigation, the key question should be whether the DKS model so understates traffic conditions that the mitigation measures in the LCP will not achieve the desired results.

Determining whether the DKS model understates traffic conditions

To determine if the DKS traffic model underestimated future traffic conditions in the year 2010, the results of the DKS model's volume to capacity (V/C) ratios and levels of service (LOS) at intersections were compared to The Village at Playa Vista 2004 traffic model. Both traffic models had a horizon year of 2010. For comparison purposes, the "Without Mitigation" scenario was used for both findings. Both the DKS and the Playa Vista models included the full buildout of the LCP. Neither model included the SR90 and the Admiralty Way Widening projects for traffic mitigation, as these are not programmed improvements. Importantly, Playa Vista's model further included buildout of the LAX Master Plan, Continental City and LAX Northside, which would tend to increase traffic and identify more impacted intersections.

The table below shows that at every intersection compared, the V/C ratios and LOS for the newer, more comprehensive Playa Vista model were lower, and significantly lower in most cases. The LAX model results, while not included here, show similarly improved levels of service when compared with the DKS model.

DKS Report Model (1994) vs. Village at Playa Vista Model (2004) Levels of Service
2010 PM Conditions Without Mitigation

Via Marina/Washington Bl	1.39	F	1.31	F	-.08
Via Marina/Admiralty Way	1.26	F	1.13	E	-.13
Palawan Way/Admiralty Wy	1.46	F	1.15	E	-.31
Lincoln Bl/Washington Bl*	1.80	F	1.25	F	-.55
Lincoln Bl/Marina Expy	1.41	F	1.11	F	-.30
Admiralty Way/Bali Way	1.30	F	1.08	F	-.22
Lincoln Bl/Bali Way	1.19	F	1.03	F	-.16
Admiralty Wy/Mindanao Wy	1.24	F	1.15	F	-.09
Lincoln Bl/Mindanao Way	1.29	F	1.17	F	-.12
Admiralty Way/Fiji Way	0.80	C	0.66	B	-.14
Lincoln Bl/Fiji Way	1.19	F	0.93	E	-.26
Mindanao/Marina Expy EB	1.35	F	0.89	D	-.46
Mindanao/Marina Expy WB	1.08	F	0.64	B	-.44
Culver Bl/Jefferson Bl*	1.48	F	0.83	D	-.65
Lincoln Bl/Jefferson Bl*	1.47	F	1.10	F	-.37

* Intersection has been improved since the 1994 DKS study.

The "With Mitigation" scenario for Playa Vista, which included projects that were funded and committed, would show even lower V/C and LOS levels at several intersections. ATSAC (allowed by the LCP) and ATCS, which were included in the "With Mitigation" Playa Vista scenario, would further reduce V/C ratios by 0.10 at all

intersections. These values fall well below the congestion projections of the DKS model upon which the LCP is based.

This indicates that the older DKS traffic projections estimated more congested traffic conditions in 2010. An explanation for this apparent "over projection" is found in the different bases for the two models. In 1994 when the DKS model was constructed, potential development included Playa Vista Phase II development in Areas A, B, C and D and the road system associated with the full buildout of Playa Vista. Ten years later, the Playa Vista model included only development in Area D, with a substantial decrease in traffic and fewer impacted intersections. The loss of roadway widenings and extensions which had been contemplated in the DKS model, but not in the 2004 Playa Vista model, did not offset the substantial decrease in traffic from elimination of the originally-contemplated development in Areas A, B and C.

On these facts, no recalculation or new model is necessary to evaluate the development of Marina del Rey in the context of current and projected traffic conditions, because the necessary information already exists, is current, and shows that conditions will be better than the DKS model – and the associated LCP-required mitigation – assumed. The Playa Vista model both presents the scenario desired in the staff report and also reports the corresponding data for each intersection and link studied in the DKS model. In all cases, intersection performance will be better in the year 2010 than what was shown in the DKS model for the LCP.

The County's approach to traffic studies on individual projects

We believe the assessment of traffic conditions by developers' traffic studies, without the use of traffic models, works well. This method is used to assess development projects throughout the County. In fact, through this process, the County and the City of Los Angeles have required additional traffic mitigation measures not anticipated in the LCP. For example, a new mitigation traffic improvement may be required of a project as part of its entitlement. Other traffic transportation projects may be undertaken by the City of Santa Monica, City/County of Los Angeles or Caltrans to improve traffic conditions. Examples of these are the implemented Rapid Bus Line (Santa Monica Big Blue Bus Line No. 3) and the planned exclusive bus lane along Lincoln Boulevard. Another example is the addition of dual left turn lanes installed on all approaches of the Lincoln/Washington intersection. In this way, the street system is not wholly dependent on the timing of LCP mitigation alone but also stays in touch with conditions as they presently exist.

Finally, the County's traffic study guidelines are more stringent in terms of identifying significant impact from development for mitigation funding purposes (as opposed to how "significant impact" is used for CEQA purposes) than existed in 1994. For the DKS study, a development had a significant impact for funding purposes if traffic from the development worsened the V/C ratio to exceed 0.85, mid-range LOS D. This criteria was changed in 1997 to mirror the criteria used by the City of Los Angeles. A determination of significant impact for funding purposes is now based on the incremental change in V/C

at a particular level of service starting from LOS C. For example, at LOS C, a V/C increase of 0.04 results in a significant impact. At LOS D, a V/C increase of 0.02 and at LOS E/F, a V/C increase of only 0.01 is a significant impact for mitigation funding purposes. Today's criteria make it easier for a development to have a significant impact requiring mitigation funding.

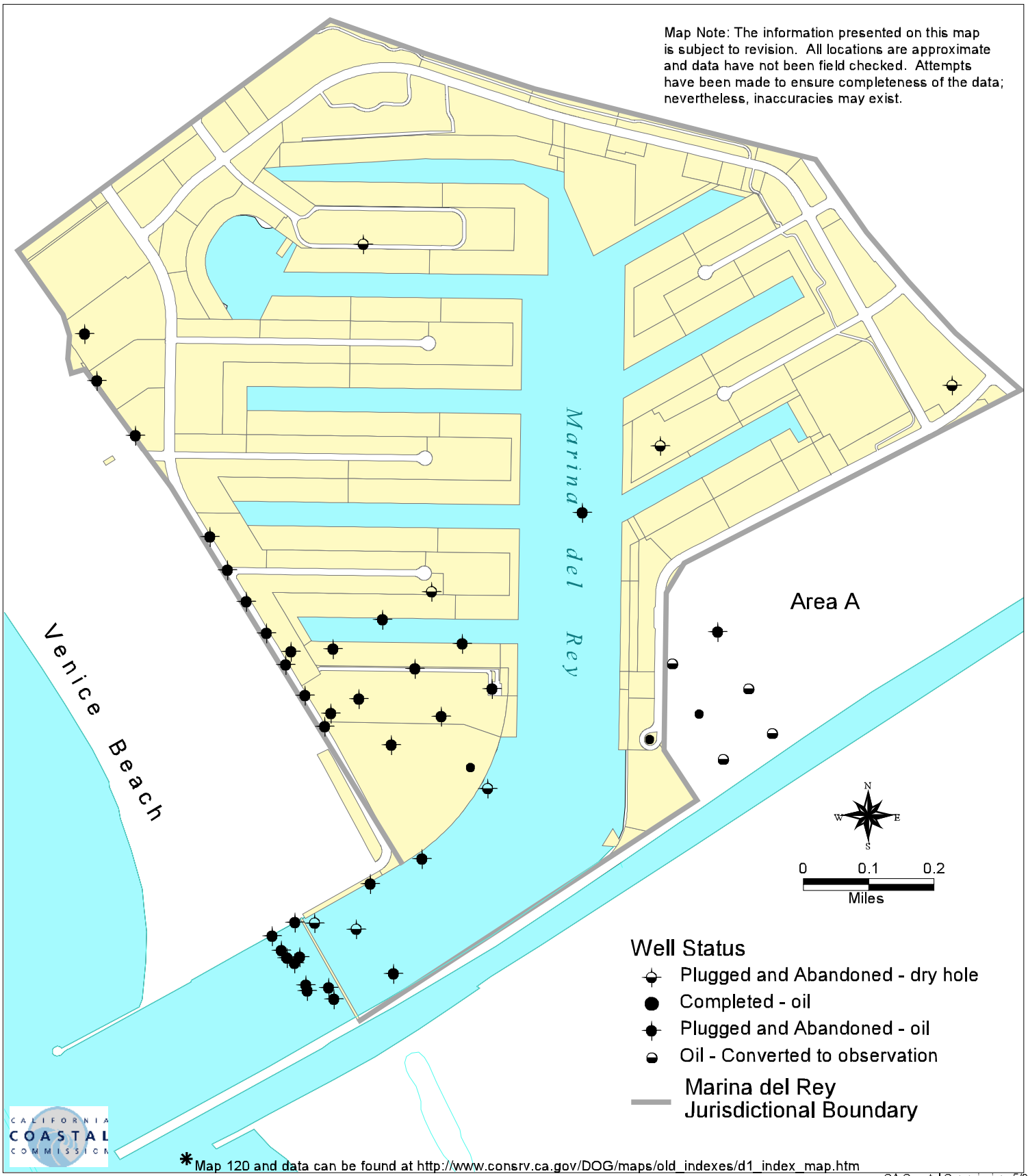
In summary, projected conditions and service levels are better than when the LCP was certified, and traffic studies are more stringent. There is no need to revisit the DKS model because the information already exists.

Exhibit 11

Marina del Rey
LCP Periodic Review

Location and Status of Oil and Gas Wells

Reproduction of portion of Map 120, CA Dept of Conservation, Division of Oil, Gas and Geothermal Resources, District 1 *



*Map 120 and data can be found at http://www.consrv.ca.gov/DOG/maps/old_indexes/d1_index_map.htm

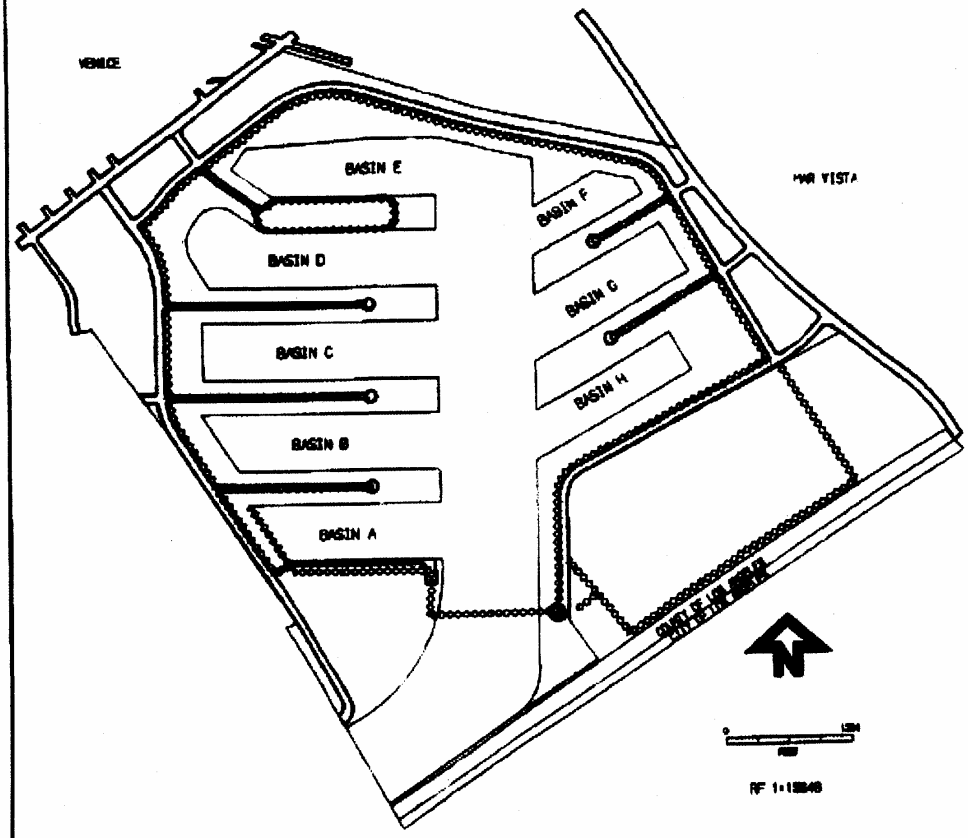
CA Coastal Commission, 5/06

Exhibit 12

GAS UTILITY EASEMENTS

MAP 27

EASEMENT OF SOUTHERN CALIFORNIA GAS COMPANY



MARINA DEL REY

LOCAL COASTAL PROGRAM

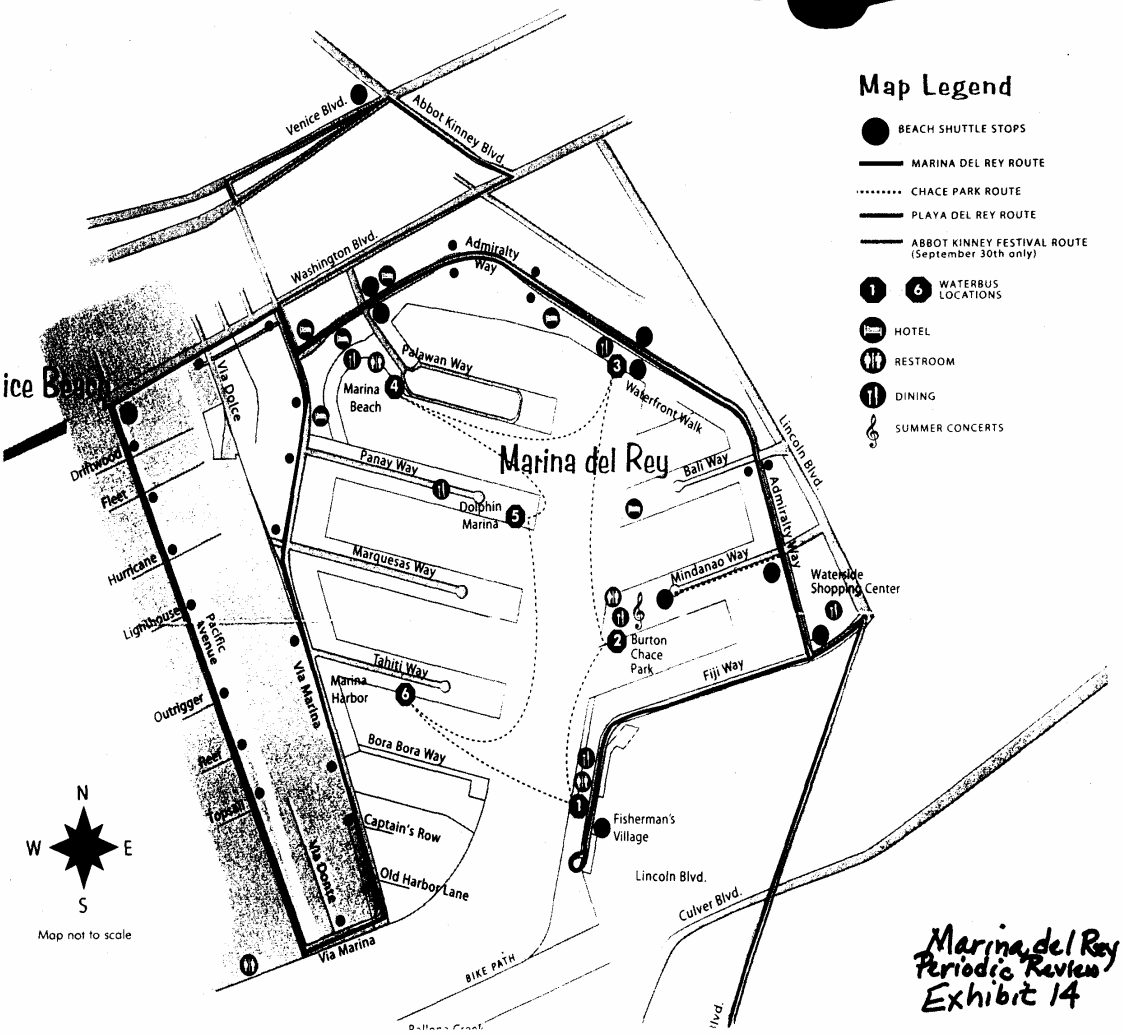
Marina del Rey
LCP Periodic Review

Exhibit 13

Potential Resource Assessment Areas

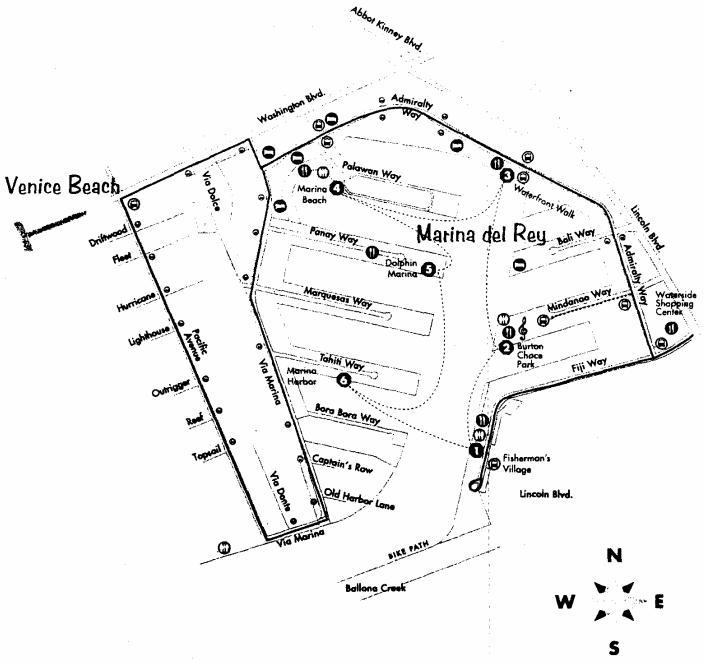
Playa Vista

Beach Shuttle Route Map



Marina del Rey Periodic Review Exhibit 14

WE_Brochure_Interior_ART.pdf 5/24/07 11:03:44 AM



WaterBus

Map Legend

- BEACH SHUTTLE STOPS
- MARINA DEL REY ROUTE
- CHACE PARK ROUTE
- 1 – 6 WATERBUS LOCATIONS
- HOTEL
- RESTROOM
- DINING
- SUMMER CONCERTS

WaterBus Schedule

JUNE 29 – SEPTEMBER 3

On-Call Pick-Up
(310) 628-3219
Fridays: 5 pm – midnight
Saturdays: 11 am – midnight
Sundays: 11 am – 9 pm

HOLIDAY SCHEDULE

July 4th: 11 am – midnight
Labor Day: 11 am – 9 pm

CONCERT SCHEDULE

Thursday concert nights
July 12: 5 pm – midnight
July 26: 5 pm – midnight
August 9: 5 pm – midnight
August 23: 5 pm – midnight

WaterBus Stops

1 FISHERMAN'S VILLAGE
13755 Fiji Way
Shopping, restaurants, free weekend daytime concerts

2 BURTON CHACE PARK
13650 Mindanao Way
Beautiful park with restaurant, free Thursday and Saturday evening concerts

3 WATERFRONT WALK
Fire Station #110 Dock – 4433 Admiralty Way
Hotels, restaurants

4 MARINA "MOTHER'S" BEACH
4101 Admiralty Way
Sandy beach, great for picnics

5 DOLPHIN MARINA
13900 Panay Way, Dock Gate #C-200
Restaurants, attractive residential area with anchorage

6 MARINA HARBOR
14028 Tahiti Way, Dock Gate #A-2200
Attractive residential area with anchorage

Marina del Rey LCP
Periodic Review
Exhibit 14A

RECEIVED
South Coast Region
JUN 21 2007
CALIFORNIA
COASTAL COMMISSION

SUPERVISOR DON KNABE
County of Los Angeles, Fourth District
822 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
www.Knabe.com

For Immediate Release
Los Angeles, CA
May 9, 2007

Press Contact:
David Sommers
Phone: (213) 974-1095
Fax: (213) 626-6941
DSommers@lacbos.org

Summer Beach Shuttle to Offer Expanded Service

The Beach Shuttle which serves Playa Vista, Marina del Rey and the Venice Beach Pier will soon offer expanded service to Fisherman's Village in Marina del Rey, Supervisor Don Knabe is pleased to announce.

The Beach Shuttle will begin operating Fridays, Saturdays and Sundays plus holidays from May 25 to September 3. This year, the Beach Shuttle will also offer a one-day service on September 30th to and from the Abbot Kinney Festival in Venice following the same summer route. The Beach Shuttle, which is free of charge and open to the public, is funded by a combination of funds from Supervisor Knabe and Playa Vista.

The clean-fuel shuttles will circulate hourly along the route on Fridays and Saturdays from 10:00 a.m. to midnight, and Sundays and holidays from 10:00 a.m. to 8:00 p.m.. A special Beach Shuttle schedule will operate during the Marina del Rey Summer Concert Series to drop off and pick up passengers at Burton Chace Park; this will allow people attending the concerts to leave their cars at home. On Classical Thursdays, (July 12 and 26; August 9 and 23), the shuttles will operate from 5:00 p.m. to 10:00 p.m.. On Pop Saturdays, (July 21; August 4 and 18; September 1), shuttle hours of operation will follow the regular Saturday schedule from 10:00 a.m. to midnight.

"This free shuttle is a fantastic resource in the area, and I encourage the community to utilize it," said Supervisor Knabe. "Now with its expanded service, it is even more accessible to the beach-going public."

The Beach Shuttles leave Playa Vista at 10:15 a.m. and continue with hourly pick-ups and drop-offs at all marked bus stops along the route including Admiralty Way and Fiji Way, Fisherman's Village, Admiralty Way and Admiralty Park, Admiralty Way and Palawan Way, Via Marina and Panay Way, Washington Boulevard and Pacific Avenue, Washington Boulevard and Via Marina, Admiralty Way and Mindanao Way with the return to Playa Vista. Space is also available for bicycles on the Beach Shuttles so passengers can cruise along the bike path once they exit. Riders can beat the traffic this summer and enjoy the ride.

###

Marina del Rey LCP
Periodic Review
Exhibit 15

MDR
Exhibit 16

ROBERT A. HAMILTON

August 22, 2007

MEMORANDUM

TO: Andi Culbertson

SUBJECT: Great Blue Heron Nesting Trees as Environmentally Sensitive Habitat Areas

At your request, this memorandum provides my review of issues related to whether landscape trees at Marina del Rey used for nesting by Great Blue Herons warrant designation as Environmentally Sensitive Habitat Areas (ESHA) under the California Coastal Act.

REGULATORY STATUS OF THE GREAT BLUE HERON

The Great Blue Heron is not listed as threatened or endangered, or as California Species of Special Concern, but the State of California's Natural Diversity Data Base (CNDDB) designates it a "California Special Animal," a general term that refers to all of the taxa the CNDDB is interested in tracking regardless of their legal or protection status. California Special Animals generally fall into one or more of the following categories:

- Officially listed or proposed for listing under the State and/or Federal Endangered Species Acts.
- State or Federal candidate for possible listing.
- Taxa which meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the California Environmental Quality Act Guidelines.
- Taxa considered by the Department to be a Species of Special Concern.
- Taxa that are biologically rare, very restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring.
- Populations in California that may be on the periphery of a taxon's range, but are threatened with extirpation in California.
- Taxa closely associated with a habitat that is declining in California at an alarming rate (e.g., wetlands, riparian, old growth forests, desert aquatic systems, native grasslands, vernal pools, etc.)
- Taxa designated as a special status, sensitive, or declining species by other state or federal agencies, or non-governmental organization.

Great Blue Herons generally nest in colonies, a life-history trait that can make a species more vulnerable to catastrophic disturbances, and so the species may be considered to have a "critical, vulnerable stage in [its] life cycle that warrants monitoring."

7203 STEARNS STREET ~ LONG BEACH, CA 90815 ~ 562-477-2181 ~ FAX 562-342-6640

NESTING TREES AS POTENTIAL ESHA

Section 30107.5 of the California Coastal Act defines an "environmentally sensitive area" as follows:

> . . . any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

The Marina del Rey Land Use Plan (a component of the Los Angeles County Local Coastal Program) does not designate any environmentally sensitive habitats at Marina del Rey, and the Great Blue Heron is not designated by any governmental agency as rare, threatened, endangered, Fully Protected, or Species of Special Concern. Nevertheless, the criteria given in Section 30107.5 are sufficiently broad that the CCC must determine whether trees that have been used for nesting by Great Blue Herons should be designated as environmentally sensitive areas or ESHA[1].

In a memorandum dated 19 December 2006, Dr. Jonna Engel of the CCC argued that several stands of non-native trees that support multi-species heronries in Marina del Rey should be regarded as ESHA. In support of this position, her memorandum at Page 2 states that "herons and egrets experienced severe population declines at the turn of the 20th century when they were hunted for their beautiful plumage," and that "only recently have herons and egrets been consistently roosting and nesting again in Southern California and they are still considered uncommon breeders in this region." Whereas the historical status of herons and egrets in southern California is poorly documented, there is little doubt that plume hunting substantially reduced regional numbers of the Great Egret (*Ardea alba*) and Snowy Egret (*Egretta thula*) during the late 1800s (e.g., J. Grinnell. 1898. *Birds of the Pacific Slope of Los Angeles County*. Pasadena Academy of Sciences No. 2). A review of the published literature, however, yields no evidence that plume hunting played an important role in historical declines of herons in coastal southern California.

Published accounts suggest that some herons and egrets, including the Great Blue Heron, may have experienced regional population declines during the past century resulting from factors such as pesticide poisoning and habitat loss/modification, but this does not mean that these species formerly bred much more commonly in the region or in Los Angeles County. In fact, referring to Great Blue Herons on the coastal slope of Los Angeles County, Grinnell (1898) wrote, "Breeds sparingly in the county." The only colony then known to exist in the county (excluding a few areas that later were incorporated into Orange County) was "in a grove of sycamores north of Santa Monica," where 35 nesting pairs in 1895 had dwindled to six pairs in 1897. Dr. Froke's *Marina del Rey Heronry Report for 2005-2006* summarized what is known of the species' historical breeding status in the Ballona Valley:

> This heron's historical breeding status is unknown, but it was only a transient and winter visitor by the 1920s (e.g., Bird-Lore 26:347), and breeding was not mentioned by von Bloeker (1943), who considered it "frequently observed in the meadow area

[1]The Coastal Act seems to use the terms "environmentally sensitive area" and ESHA interchangeably.

> and in the salt marsh," nor was it mentioned as a breeder on subsequent surveys (e.g., Dock and Schreiber 1981[1]; Corey 1992[2]).

Oology, the collection and study of eggs, played a primary role in the science of ornithology during the nineteenth and early twentieth centuries, and it is very likely that ornithologists of the day would have been well aware of any substantial nesting colonies of a bird as large and conspicuous as the Great Blue Heron. Page 3 of Dr. Engel's memorandum states, "while heron and egret populations as a whole are no longer threatened, in Southern California their populations are only recently recovering and breeding colonies are uncommon." Great Blue Herons may be fairly characterized as "uncommon" breeders in the region, but there is no documented foundation for the notion that Great Blue Herons are "recovering" to a more common breeding status that was formerly maintained along the coast of Los Angeles County. With regard to coastal southern California as a whole, my review of the literature leads me to conclude that Great Blue Herons are at least as widespread and abundant now as they were at any time during the twentieth century.

Dr. Engel's memorandum at Page 4 reviews how herons and egrets have adapted to roosting and nesting around harbors and other highly developed areas in the region, where tall, dense non-native trees provide proximity to hunting areas and protection from predators. That the birds have adapted to human presence is beyond dispute, but at mid-paragraph the following statement is made: "While these non-native trees are not rare, stands of trees exhibiting the attributes listed above, are rare in Los Angeles County. Thus, the habitat afforded by the trees is rare." A similar claim appears on Page 5: "While other non-native tree stands exist in Marina del Rey, they do not provide the necessary roosting and nesting tree stand attributes." These statements imply that herons and egrets in Marina del Rey can potentially nest in only a select number of trees with special attributes, a position contradicted by Director Broddrick of the California Department of Fish & Game (CDFG)[3]:

> Cypress are non-native trees which have come to serve only recently as habitat for these birds [nesting along Fiji Way]. The birds actually originated in Ballona, and the trees that were their primary roosting and nesting habitat still exist. If the current Cypress trees are removed, our habitat specialists are confident that the birds will recruit to the original area or use nesting habitat at your offices, which is not proposed for removal. Therefore, we believe that there is no impact to these colonial nesters.

---

[1]Dock, C. F., and Schreiber, R. W. 1981. *The Birds of Ballona. in* R.W. Schreiber, ed. 1981. *The Biota of the Ballona Region, Los Angeles County* (Supplement I of Marina del Rey/Ballona Local Coastal Plan). Los Angeles County Natural History Museum Foundation.

[2]Corey, K. A. 1992. Bird survey of Ballona wetland, Playa del Rey, CA 1990-1991. Unpubl. report (30 April).

[3]Letter dated 25 October 2006 from CDFG Director L. Ryan Broddrick to Stan Wisniewski of the County of Los Angeles.

Given that many trees in Marina del Rey appear to be large enough and close enough to foraging areas to potentially support nesting Great Blue Herons, I doubt that the number of nesting pairs is limited by the availability of appropriate nesting substrates. More likely factors include prey availability and the general preference of Great Blue Herons to nest in less intensively developed settings.

Dr. Froke's recent studies of heron and egret nesting at Marina del Rey and other areas in coastal southern California have demonstrated that some suitable nesting substrates may be used year after year by large numbers of herons and/or egrets while others may be used only once or periodically, often by only one to a few pairs of birds. In Marina del Rey in recent years, a handful of Great Blue Herons have nested in Monterey Cypresses (*Cupressus macrocarpus*), Monterey Pines (*Pinus radiata*), and Mexican Fan Palms (*Washingtonia robusta*) on the south side of the marina. Since 2004 the birds have used a stand of three cypresses near the Coast Guard station every year of Dr. Froke's study, but the build-up of heron guano has killed one of these trees and seriously weakened another. When such trees die and topple over, it is likely that the birds simply move to other tall trees or other suitable nesting substrates in the local area. This topic is discussed on Page 13.3 of the *Marina del Rey Heronry Report for 2005-2006*, and Pages 8.9 through 8.16 list six case studies from across the United States in which Great Blue Herons readily adopted artificial nest structures. The propensity for Great Blue Herons to kill their own nesting trees, and to move around and occupy different nesting substrates in a given area, both argue against identifying as an ESHA every tree ever occupied by the species.

Section 30107.5 of the California Coastal Act asks that we consider whether these species or their habitats (a) should be regarded as "especially valuable because of their special nature or role in an ecosystem" and (b) "could be easily disturbed or degraded by human activities and developments." Note that both of these criteria must be satisfied before an area meets the Coastal Act's definition of an "environmentally sensitive area."

As a species native to the region, the Great Blue Heron fulfills an integral ecological role in southern California's coastal wetland ecosystems, but should this role be regarded as "especially valuable" in all places and at all times? Both CDFG and the U.S. Fish and Wildlife Service have urged restraint in providing heron nesting platforms at Marina del Rey since Great Blues are predators that represent a legitimate threat to eggs and young of two endangered species that nest in the local area, the Snowy Plover (*Charadrius alexandrinus*) and the California Least Tern (*Sterna antillarum browni*). In his letter of 25 October 2006, CDFG Director Broddrick stated:

> I note that the California Coastal Commission staff have recently taken a position that the Great Blue Herons are "top predators" and therefore necessary to the health of the wetlands. We are committed to a restoration plan that will provide the most sustainable biodiversity we can reclaim from this degraded landscape. However, until a healthier ecosystem can be established the blue heron has to be recognized as a potentially significant stressor to the species viability of the Area A wetland.

I believe that Dr. Engel's memorandum overstates the case that Great Blue Herons satisfy the Coastal Act's criterion that a species or its habitat be "especially valuable because of

their special nature or role." The quotation above from Director Broddrick indicates that the CDFG—the state agency directly responsible for restoring the Ballona Ecological Reserve—regards these herons as a potential threat to the recovering ecosystem's health. In my opinion, the herons play an integral role in the local ecosystem but not one that ecologists should regard as "especially valuable" (i.e., more valuable than the role of any other species native to the region).

The second main criterion of Section 30107.5 concerns the relative likelihood that human activities and developments will disturb or degrade herons or their nesting sites. On this question the evidence is overwhelming that Snowy Egrets, Great Blue Herons, and Black-crowned Night-Herons that nest in coastal southern California are highly tolerant of all kinds of human activities. In San Diego County, Unitt (2004) noted that "All the major [Black-crowned Night-Heron] colonies are in planted trees in areas heavily used by people," and he described this species as "surprisingly indifferent to people, especially when foraging at night." The same general pattern of herons and egrets tending to nest close to human population centers holds true across coastal southern California, including Marina del Rey (see, for example, Daniel S. Cooper's extensive list of known heron/egret rookeries in southwestern California, 1996–2006; http://www.cooperecological.com/cem_i_042.htm). Humans can and occasionally do disturb nesting egrets and herons through such overt and invasive actions as tree-trimming during the nesting season, but I am not aware of any case in which egrets or herons in coastal southern California have abandoned a colony during the nesting season as the result of normal, routine human activity that was ongoing at the time nesting commenced. Keane Biological Consulting[1] recently reported the following with regard to Great Blue Herons nesting at Marina del Rey:

> Dredging activities observed in February 2003 within 200 feet of heron nests located in pine trees west of the U.S. Coast Guard Station did not result in visible disturbances or nest abandonment.

Dr. Engel discusses disturbance of herons and egrets on Page 6 of her memorandum:

> Herons and egrets are normally shy and retiring birds that are sensitive to human disturbance. The fact that they have established roosting and nesting sites in areas of high human density and disturbance suggests that suitable roosting and nesting areas are scarce and they have miraculously adapted in spite of human disturbance. Herons do habituate to non-threatening repeated activities, which explains the location of Southern California heronries in highly disturbed areas. Even so, most studies recommend a minimum 984 feet buffer zone from the periphery of a colony in which no human activity should take place during courtship and nesting season[2].

Where attractive foraging opportunities exist it is predictable that a variety of bird species will eventually adapt to benign human presence in order to exploit those opportunities.

---

[1]Keane Biological Consulting. 2007. Terrestrial Biological Survey Report and Impact Analysis, Fisherman's Village Dock and Marina Project, Marina Del Rey, Los Angeles, California. February 27th, 2007 Field Survey. Revised report dated 19 July 2007 prepared for Coastal Resources Management, Inc.

[2]Butler, R. W. 1992. Great Blue Heron. *In* The Birds of North America, No. 25 (A. Poole, P. Stettenheim, and F. Gill, Eds.). Philadelphia: The Academy of Natural Sciences; Washington, DC: The American Ornithologists' Union.

There is nothing "miraculous" about this process of habituation. The birds' selection of certain nesting and roosting trees in urban Marina del Rey appears to be related mainly to the proximity of those trees to productive foraging areas and perhaps protection from strong winds. A preference for relatively undisturbed areas probably prevents some herons and egrets from choosing to nest in a busy area such as Marina del Rey, but one must expect that birds choosing to nest in an urban landscape will be less sensitive to human activity compared with members of the same species that choose to nest in remote areas.

Following is Dr. Engel's statement regarding buffer zones, from the original source (Butler 1992):

> Most studies [of Great Blue Herons] recommend a minimum 300 m buffer zone from the periphery of colonies in which no human activity should take place during courtship and nesting seasons, with the exception of scientific study . . . however, the most easily disturbed herons left nests in a colony in British Columbia when [the author] approached on foot within 200 m early in the season.

The three authors cited by Butler (1992) in this regard each studied colonies set in wild landscapes with infrequent human presence and intrusion. Therefore, human activity near the nesting herons was more of a contrasting activity to what the birds were used to, versus the ordinary situation in the vicinity of urban colonies. The establishment of a 300-meter buffer zone would make no sense in an area such as Marina del Rey, where the birds have chosen to nest in developed areas subject to constant and conspicuous human presence. Note also that Butler (1992) also cited three studies demonstrating that Great Blue Herons "habituate to non-threatening repeated activities." During the 15 years since Butler's species account was published, it has been established conclusively that many Great Blue Herons (and Snowy Egrets and Black-crowned Night-Herons) in coastal southern California have become habituated to various types of routine human activities (e.g., walking, biking, driving) beneath and around their nesting trees.

As a final exercise, consider that a hypothetical tree in an urban area presumably would not be a candidate for ESHA designation unless it had been selected for use by nesting or roosting herons or egrets. Once such selection had taken place, it would be incumbent upon the California Coastal Commission to determine whether the criteria in Section 30107.5 of the Coastal Act were satisfied. Even allowing that some ecologists may regard these birds as being "especially valuable because of their special nature or role in an ecosystem," the evidence collected by Dr. Froke, Keane Biological Consulting, and others studying urban heronries in coastal southern California clearly does not support a finding that such trees "could be easily disturbed or degraded by human activities and developments." Naturally, it is *possible* for humans to disturb the birds or to degrade their habitats in any number of ways (e.g., through inappropriate or ill-timed pruning of trees), but mounting evidence shows that herons and egrets that choose to nest in southern California's urban environments are thoroughly habituated to the normal, routine human activities that take place daily beneath their nesting and roosting trees. If the birds were "easily disturbed" they would not return to Marina del Rey year after year to successfully raise young in the urban landscape with no "buffer zones" whatsoever.

For the reasons detailed herein, I believe it would be a mistake to interpret Section 30107.5 of the Coastal Act in such a way that every landscape tree ever used by a nesting heron or egret in California would be designated as an "environmentally sensitive area" or ESHA. Such a designation could be appropriate for certain large, permanent nesting colonies of herons and egrets that have become established in a limited number of groves of non-native trees in the region, but in most cases that involve small numbers of nesting birds I believe that designation of an "environmentally sensitive area" or ESHA would be unjustified.

If you have any questions or comments regarding this memorandum, please call me at 562-477-2181 or send e-mail to robb@rahamilton.com.

Exhibit 17

State of California – The Resources Agency ARNOLD SCHWARZENEGGER, Governor
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov

October 25, 2006

Stan Wisniewski, Director
County of Los Angeles
Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292

SUBJECT: Commentary on the role of the Ballona Ecological Reserve in redevelopment of Marina del Rey; Request for cooperation on tidal conduit through County property.

Dear Mr. Wisniewski:

The California Department of Fish and Game (DFG) appreciates the cooperative atmosphere between our agency and the County of Los Angeles (COUNTY) with respect to redevelopment of Marina del Rey and the restoration of the Ballona Ecological Reserve (ER).

On May 12, 2006, Dr. Larry Eng wrote to you in response to your offer of cooperation on cypress tree relocation to encourage continued heron habitat use while facilitating redevelopment of Marina del Rey. In establishing the ER in 2005, we specifically recognized that the County intended to redevelop the Fiji Way area which abuts the ER, and that the establishment of the ER would not precipitate any conditions or re-design requests on the development proposals in Marina del Rey. We made these statements at the August 19, 2005 Fish and Game Commission meeting in San Luis Obispo, in response to an expression of concern from the County that the designation of Ballona as an ER would signal a future requirement that areas of Marina del Rey support the ecological function of the ER. We did not believe that this was necessary then, and we do not believe it is necessary now.

Our May 12, 2006 letter declined the relocation of Marina del Rey trees to the ER at this time because we are not at a point in the planning process where we can make such a decision. However, we remain convinced that the ER has sufficient area to accommodate a heronry such as is marginally present along Fiji Way. We hope that we may continue to engage the County in discussions concerning the relocation of the Fiji Way heron habitat – in all or in part – to the ER.

In the meantime, and consistent with our desire to dialogue with the County on areas of mutual interest, we have determined that a pipe to exchange tidal flows between the entrance channel to Marina del Rey and the Area A portion of the ER is an indispensable prerequisite to restoration of the Area A Wetlands. I understand that members of my staff and your staff, and your consultant, have been exchanging ideas on the location of

Fredrick Wilkinson

such a feature. I realize that the Department cannot require such an accommodation from the County, and I also realize the practical issues with the fact that some leases may no longer be open to suggest inclusion of this pipe feature. Your staff and consultant have made my staff aware that there is also a jail within the County complex, which for security reasons cannot be a site for the pipes/conduit.

My staff informs me that there is really only one leasehold through which this pipe/conduit feature could pass at this point. I understand, this leasehold is under active negotiation. The location of the leasehold is such that it provides a series of ideal circumstances for the conduit – the shortest routing to the channel, the lowest elevation of the Area A portion of the ER, and subsequently we believe the most cost effective path for tidal return to this portion of the ER.

Although the DFG planning process is not yet complete, there is no doubt that we wish to restore tidal saltwater marsh to large portions of Area A, and therefore there is no need to wait until all studies in process are complete. We ask to work with you now so that the opportunity for this feature will not be precluded by future lease terms.

DFG also acknowledges that the routing through the leasehold which is most efficient for the DFG will eliminate several cypress trees which currently serve as habitat for Great Blue Herons. We believe this is a necessary impact in the development of a richer mosaic of sustainable wildlife habitat for the ER. It is important to note, that DFG is not discounting the biological and intrinsic value of the Blue Herons to both the environment and members of the community, but rather that the removal of the cypress will not be significant for the following reasons:

1. Cypress are non-native trees which have come to serve only recently as habitat for these birds. The birds actually originated in Ballona, and the trees that were their primary roosting and nesting habitat still exist. If the current Cypress trees are removed, our habitat specialists are confident that the birds will recruit to the original area or use nesting habitat at your offices, which is not proposed for removal. Therefore, we believe that there is no impact to these colonial nesters.
2. Great blue herons, while an important component of local biodiversity are neither endangered nor threatened. They have enjoyed a considerable resurgence in this area and significant reductions in their numbers are not expected.
3. Great blue herons are efficient predators of eggs and hatchlings of other birds, (including least terns), rodents and amphibians. Accordingly, DFG will have to consider spatial distribution and population numbers in crafting recovery strategies for threatened and endangered species to insure predation by herons does not frustrate recovery.

I realize that there has been considerable controversy over the planned demolition of these trees. I note that the California Coastal Commission staff have recently taken a position that the Great blue herons are "*top* predators" and therefore necessary to the health of wetlands. We are committed to a restoration plan that will provide the most sustainable biodiversity we can reclaim from this degraded landscape. However, until a healthier ecosystem can be established the blue heron has to be recognized as a potentially significant stressor to the species viability of the Area A wetland.

If your agency is amenable to allowing the DFG to acquire an easement in the vicinity of the Villa Venetia project, we would welcome the opportunity to dialogue with you and provide technical input to the issue of impact from removing the trees. If you are agreeable to this approach, please notify me so that my staff can schedule the appropriate meetings.

Sincerely,

L. Ryan Broddrick
Director

cc: Banky Curtis
Sonke Mastrup
Rob Floerke
Dr. Larry Eng

Exhibit 18

STATE OF CALIFORNIA—THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR

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MEMORANDUM

FROM: Jonna D. Engel, Ph.D.
Ecologist

TO: Lisa Haage, Chief of Enforcement; Alex Helperin, Enforcement Attorney; Andrew Willis, Enforcement Analyst

SUBJECT: ESHA determination for Marina del Rey tree stands with past and present history of roosting and nesting herons and egrets

DATE: December 19, 2006

In Marina del Rey, several stands of non-native trees are serving as multi-species heronries; that is, locations where several species of herons and egrets roost and nest throughout the year. Presently Great Blue Herons, *Ardea herodias*, Snowy Egrets, *Egretta thula,* Black Crowned Night Herons, *Nycticorax nycticorax,* and Green Herons, *Butorides virescens,* nest in these trees seasonally and roost all year round[1,2,3]. In addition, since 2001, low numbers of Great Egrets, *Aldea alba,* have been roosting year round in Marina del Rey[4]. The Marina del Rey heronries are comprised of non-native pines, Mexican fan palms, coral trees, and fig trees. The heronries are immediately adjacent to or very near Marina del Rey harbor channels and the Ballona Wetlands and provide roosting and nesting habitat that is rare in Los Angeles County.

In a November 8, 2006 letter to Peter Douglas, Executive Director, California Coastal Commission, Raymond G. Fortner, Jr., Los Angeles County Counsel, gives three reasons why he believes that the Marina del Rey trees in question meet none of the requisites for ESHA designation. He asserts that: 1. Neither the herons nor the trees are rare; 2. Herons are not especially valuable because of their special nature or role in the ecosystem; and, 3. Herons are not easily disturbed by human activity.

With regard to rarity, I note that herons and egrets experienced severe population declines at the turn of the 20th century when they were hunted for their beautiful plumage that was highly prized for women's hats. Several laws outlawing hunting,

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[1] Froke, J. B. 2005. Report on the Marina Del Rey Heronry. Prepared for Mark D. Kelly, Senior Vice President, Lyon Capital Ventures.
[2] Cooper, D. President Cooper Ecological Monitoring Inc. Aug. 18, 2006. Letter to the California Coastal Commission.
[3] Jones, A.L., IBA Program Coordinator, Audubon California. Aug. 22, 2006. Letter to Andrew Willis, California Coastal Commission.
[4] Cooper, D. March 2006. Annotated Checklist of Birds of Ballona Valley, Los Angeles County, California. http://www.cooperecological.com/birds_of_ballonaweb.htm

including the 1918 Migratory Bird Treaty Act, were passed and heron and egret populations as a whole have generally recovered. However, only recently have herons and egrets been consistently roosting and nesting again in Southern California and they are still considered uncommon breeders in this region.

Daniel Cooper, President, Cooper Ecological Monitoring, Inc., has researched the history of birds, including waders (herons and egrets), in the Ballona Valley, which includes the Marina del Rey area at issue here[5]. The Great Blue Heron's historical breeding status is not well-documented; however, it was only a transient and winter visitor by the 1920s and breeding was not mentioned by von Bloeker[6] nor was it mentioned as a breeder in subsequent surveys in 1981[7] and 1992[8]. Great Blue Heron's were first observed nesting in the Ballona Valley in 1995. Dr. Jefferey B. Froke, California Wildlife Ecology, surveyed the Great Blue Heron egg database housed by the Western Foundation of Vertebrate Zoology for evidence of pre-decline abundance and relates that Great Blue Heron eggs were collected from Zuma Canyon, Los Angeles County in 1895 and Del Mar, San Diego County in 1921[9]. Cooper describes Great Blue Herons as common breeding residents in Ballona Valley but the Los Angeles County Breeding Bird Atlas Handbook (LACBBAH) lists them as very localized breeders with few known breeding sites overall in Los Angeles County[10],[11].

The presence of Great Egrets in Ballona Valley and the greater Southern California area was first noted in 1977. To date no breeding pairs have been observed in the Marina del Rey area and only a few breeding pairs have been observed in Southern California. Cooper defines Great Egrets as a fairly common transient and winter resident in Ballona Valley today[12]. Breeding Snowy Egrets were first observed in the Marina del Rey area in 2005, however their presence has been increasing since the early 1990's when sightings were rare. Cooper currently identifies Snowy Egrets as a fairly common perennial resident in Ballona Valley[13]. Black-Crowned Night Herons are another wader who has only recently been nesting and roosting in Marina del Rey. Previously considered a transient, Black-Crowned Night Herons are now year round residents that both breed and roost in the non-native trees in Marina del Rey. Like Snowy Egrets, Cooper calls Black-Crowned Night Herons fairly common perennial residents today in the Ballona Valley but the LACBBAH finds them to be a local and/or

[5] Cooper (March 2006) op. cit.
[6] von Bloeker, J.C. 1943. The fauna and flora of the El Segundo Sand Dunes: Birds of El Segundo and Playa del Rey. Bull. So. Cal. Acad. Sci. Vol. 42, Part I (1-30) and Part II (90-103).
[7] Dock, C.F. and R.W. Schreiber. 1981. The Birds of Ballona. *In*: R.W. Schreiber, ed. 1981 The biota of the Ballona region, Los Angeles County (Supplement I of Marina del Rey/Ballona LCP). 400 pp. Los Angeles County Natural History Museum Foundation.
[8] Corey, K.A. 1992. Bird survey of Ballona Wetland, Playa del Rey, CA 1990-1991. Unpublished Report. April 30, 1992.
[9] Froke (2005) op. cit.
[10] Cooper (March 2006) op. cit.
[11] Allen, L. and K. L. Garrett. 1996. Los Angeles County Breeding Bird Atlas. Project of the Los Angeles County Audubon Society in cooperation with the Natural History Museum of Los Angeles County.
[12] Cooper (March 2006) op. cit.
[13] Cooper (March 2006) op. cit.

uncommon breeder in Los Angeles County[14],[15]. Finally, the Green Heron, extirpated in Southern California in the 1930's, has now become a year round resident in Marina del Rey where a few breeding pairs have been observed since 1995. Green Heron numbers are still very low. Green Herons are the only wader whose current Ballona Valley status is uncommon according to Cooper's survey data[16].

Cooper recently completed a heron and egret rookery survey in Los Angeles County, and the Marina del Rey area was one of the few locations where he found heron and egret colonies[17]. The only Los Angeles County coastal colonies he encountered were in the Malibu Country Mart, Marina Del Rey area, and Long Beach Harbor. Kimball L. Garrett, Ornithology Collections Manager, Natural History Museum of Los Angeles County, concurred that currently herons and egrets are only nesting in a few Los Angeles County coastal locations and that Great Blue Heron and Black Crowned night heron nesting sites are very few and far between (pers. comm., Dec. 11, 2006). The California Department of Fish and Game made the following comments regarding the importance of Great Blue Heron nesting areas:

> *The great blue heron is not a common nesting species in Los Angeles County because of historic and present incompatible land use practices. There is some question as to whether other suitable sites are available in the area. The existence of heron nesting colonies are [sic] of particular importance to the continued biodiversity of Ballona wetlands and Los Angeles County. The persistence of herons as a successful breeder in Los Angeles County can only be accomplished by providing areas of suitable nesting and feeding habitat over time*[18].

So, while heron and egret populations as a whole are no longer threatened, in Southern California their populations are only recently recovering and breeding colonies are uncommon (Great Egrets and Green Herons continue to be uncommon in Southern California). Simultaneously, the wetland ecosystems upon which herons and egrets depend are in trouble. The United States Geologic Survey conducted a study of wetland loss in the United States between the 1780's and 1980's. California has lost the largest percentage of original wetland habitat (91%) of all the states[19]. It is now estimated that California has less than 500,000 wetland acres remaining (from an estimated 5 million in 1780). This is less than one-half of one percent of California's total land acreage.

In Southern California, many wetlands have been replaced by marinas, and in the few areas where herons and egrets either remained or have recently re-colonized, they

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[14] Cooper (March 2006) op. cit.
[15] Allen, L. & K. L. Garrett (1996) op. cit.
[16] Cooper (March 2006) op. cit.
[17] Cooper, D. 2006. Known heron/egret rookery locations in southwestern California, 1996-2006 http://www.cooperecological.com/cem_i_042.htm
[18] Raysbrook, C. F., South Coast Regional Manager, CDFG. Feb. 9, 2001. Letter to Edward J. Casey, Esq.
[19] United States Geologic Survey: http://wwwlnpwrc.usgs.gov/resource/wetlands/wetloss/summary.htm

have adapted by relocating their roosting and nesting sites to stands of tall, non-native pines, palms, ficus, and coral trees within highly developed areas[20,21]. This relocation to non-native trees near marinas has been caused by the virtual absence of any native trees and to the critical attributes that the non-native trees afford the birds. The attributes that the herons and egrets use to pick trees include dense foliage for nest sites, predator protection, and camouflage; height that affords protection from disturbance and predators; and proximity to primary foraging locations[22,23,24,25]. For Great Blue Herons, the mean distance flown from nests to principle feeding sites is 1.4 to 4 miles[26]. An average Snowy Egret foraging trip is 1.7 miles from roosting and nesting sites to their main foraging area[27]. The Marina del Rey heronries are strategically located within the Marina del Harbor and adjacent to the Ballona Wetlands, both primary foraging areas for herons and egrets. While these non-native trees are not rare, stands of trees exhibiting the attributes listed above, are rare in Los Angeles County. Thus, the habitat afforded by the trees is rare.

In a letter to Andrew Willis, California Coastal Commission, Andrea L. Jones, Important Bird Areas Coordinator, Los Angeles County Audubon, concludes that the trees in the Marina del Rey area where herons and egrets nest and or roost should not be "removed or altered" in order to facilitate the recovery and success of herons and egrets living in the Ballona Valley[28]. Ms. Jones points out that the herons and egrets are using the trees because they provide the only remaining habitat that is appropriate for nesting and roosting in the Ballona Valley. Cooper, in a letter to the California Coastal Commission, writes that "the Marina del Rey area provides ideal roosting and nesting habitat for waders – specifically it has dense clusters of tall trees close to foraging areas"[29]. Froke reports that in Marina del Rey, Great Blue Herons roost and nest in tall, sturdy trees while Snowy Egrets and Black-Crowned Night Herons appear to require trees with dense foliage[30].

Audubon recognized the importance of the Marina del Rey area to wading and other birds when it designated it an Important Bird Area (Ballona Valley Important Bird Area) in 1994. The Ballona Valley includes the most significant coastal wetland in Los

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[20] Froke (2005) op. cit.
[21] Cooper (Aug. 18, 2006) op. cit.
[22] Butler (1992) op. cit.
[23] Parsons & Master (2000) op. cit.
[24] McCrimmen, D. A. Jr., J. C. Ogden, and G. T. Bancroft. 2001. Great Egret (*Ardea alba*). *In* The Birds of North America, No. 570 (A. Poole and F. Gill, Eds.). The Birds of North America, Inc., Philadelphia, PA
[25] Davis, W.E. Jr. 1993. Black-crowned Night-Heron (*Nycticorax nycticorax*). *In* The Birds of North America, No. 75 (A. Poole and F. Gill, Eds.). The Birds of North America, Inc., Philadelphia, PA
[26] Butler, R. W. 1992. Great Blue Heron. *In* The Birds of North America, No. 25 (A. Poole, P. Stettenhelm, and F. Gill, Eds.). Philadelphia: The Academy of Natural Sciences; Washington, DC: The American Ornithologists Union
[27] Parson, K. C. and T. L. Master. 2000. Snowy Egret (Egretta thula). *In* The Birds of North America, No. 489 (A. Poole and F. Gill, Eds.). The Birds of North America, Inc., Philadelphia, PA
[28] Jones (2006) op. cit.
[29] Cooper (Aug. 18, 2006) op. cit.
[30] Froke (2005) op. cit.

Angeles County[31]. The designation was made because Ballona Valley provides refuge and breeding, wintering, and/or roosting habitat for a large number of wetland bird species and because of its proximity to a large urban area[32]. The non-native trees that the herons and egrets select for roosting and nesting represent the only suitable roosting and nesting locations for these birds in the Marina del Rey area. While other non-native tree stands exist in Marina del Rey, they do not provide the necessary roosting and nesting tree stand attributes. And although the trees are non-native species, they satisfy the definition of environmentally sensitive habitat or ESHA under section 30107.5 of the Coastal Act; "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments".

Mr. Fortner's second assertion is that the herons are not especially valuable because of their special nature or role in the ecosystem. This is not accurate. In fact, herons and egrets are integral components of fully functioning wetland ecosystems and are critical to maintaining such ecosystems. They are top predators whose foraging activities maintain a balance in prey populations. Wetlands lacking such native top predators may be subject to invertebrate, amphibian, reptile, rodent, and fish population explosions, eutrophication events, disease outbreaks, and any number of other undesirable cycles[33]. And, as Mr. Broddrick, Director of the California Department of Fish and Game, notes in his Oct. 25, 2006 letter, Great Blue Herons [and other herons and egrets] are an important component of local biodiversity[34]. Biodiversity is believed to play a significant role in the resiliency of ecosystems including wetlands[35].

Southern California wetlands are experiencing pressure from a number of fronts, including loss of native species, loss of area due to development, invasive species, and pollution. Herons and egrets are critical members of wetland ecosystems and their roosting and nesting colonies provide very important ecosystem functions. While Great Blue Herons certainly are not the only predators in the area, that does not mean that they don't serve a special role. They are native wetland predators. A fully functioning wetland would support a suite of native predators, including species Mr. Fortner may be referring to in his letter.

Mr. Fortner's third assertion - that the herons are not easily disturbed by human activity - is just wrong. Herons and egrets establish roosting and nesting sites based on several important criteria, specifically including avoidance of predation and disturbance. Herons and egrets select nest sites difficult for mammalian predators to reach and in areas as distant or removed from disturbance as possible. In urban areas, this translates into a

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[31] Cooper (Aug. 18, 2006) op. cit.
[32] Jones (Aug. 22, 2006) op. cit.
[33] Keddy, P.A. Wetland Ecology: Principles and Conservation. 2000. Cambridge Univ. Press, Cambridge, United Kingdom. 614 pp.
[34] Broddrick, R.L. (Oct. 25, 2006). Letter to Stan Wisniewaki, Director, County of Los Angeles, Harbors and Beaches.
[35] Begon, M., J.L. Harper, C.R. Townsend. 1996. Ecology. Blackwell Science Ltd. Oxford, London. 1067 pgs.

preference for tall trees. In Southern California, the average nest height for Great Egrets is 88 feet[36]. Raccoons are one of the top heron and egret nest predators in Southern California[37]. Tall trees are the main deterrent to raccoon predation. Dense foliage that provides camouflage and protection is also important in Southern California as a deterrent to predation from birds such as American crows, *Corvus brachyrhynchus*, who prey on eggs and chicks and red-tailed hawks, *Buteo jamaicensis*[38]. Both herons and egrets choose trees that are within a specific distance of primary foraging grounds and are safe from predation and disturbance. Herons and egrets are normally shy and retiring birds that are sensitive to human disturbance. The fact that they have established roosting and nesting sites in areas of high human density and disturbance suggests that suitable roosting and nesting areas are scarce and they have miraculously adapted in spite of the human disturbance. Herons do habituate to non-threatening repeated activities, which explains the location of Southern California heronries in highly disturbed areas. Even so, most studies recommend a minimum 984 feet buffer zone from the periphery of a colony in which no human activity should take place during courtship and nesting season[39]. It is also obvious that human activities such as the removal or trimming of trees disturb both the trees and the birds that rely upon them for habitat.

In conclusion, the reason herons and egrets have established nests and are roosting in the Marina del Rey tree stands, as they are doing in non-native tree stands in other parts of coastal Southern California such as Ventura Harbor, Long Beach, and Huntington Beach, is the lack of suitable nesting and roosting areas in remaining local wetlands. The Marina del Rey heronries fit the criteria for heron and egret roosting and nesting sites. The trees are within the foraging range required by the five heron and egret species utilizing the trees. Many of the trees in Marina del Rey are tall, thus distancing the birds from predation and disturbance, and have dense foliage that offers camouflage and protection from predation. As a form of vegetation that meets these criteria and therefore provides this sort of habitat, these trees are indeed rare. In addition, the Marina del Rey tree stands are an important natural resource, as they provide necessary, significant ecological services for local Southern California heron and egret populations, which, in turn, serve a critical role in maintaining the biodiversity and the healthy functioning of the wetlands. Thus, the Marina del Rey trees that support herons and egrets are especially valuable because of their role in the ecosystem. Finally, it is also true that they are easily disturbed by human activities. Therefore, they meet the definition of an Environmentally Sensitive Habitat Area under the Coastal Act.

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[36] McCrimmen, Ogden, & Bancroft (2001) op. cit.
[37] Parson & Master (2000) op. cit.
[38] Parson & Master (2000) op. cit.
[39] Butler (1992) op. cit

Exhibit 19

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

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MEMORANDUM

FROM: Jonna D. Engel, Ph.D.
Ecologist

TO: John Ainsworth
Deputy District Manager

SUBJECT: Status of non-native tree stands serving as multi-species heronries in Marina del Rey

DATE: December 10, 2007

In a memorandum dated December 19, 2006, I made the determination that non-native tree stands in Marina del Rey are playing an especially valuable ecosystem role as multi-species heronries and that these tree stands are easily disturbed or degraded by human activities and development. To accomplish this I read peer reviewed papers, the 2005 Froke report, consulted with biologists and California Audubon, and visited the site a number of times. I approached this task by analyzing the trees using the same criteria that I would have applied had they been growing in a natural open space setting outside of an urban landscape. I concluded that the trees met the definition of ESHA under the Coastal Act for the following reasons:

1. Wetlands are important and imperiled ecosystems.

2. Herons and egrets are top predators in wetland food webs and therefore are integral components of healthy and properly functioning wetland ecosystems.

3. Non-native trees stands in Marina del Rey play an especially valuable ecosystem role in the Ballona Wetland ecosystem by providing nesting and roosting space for five species of herons and egrets; and

4. Non-native tree stands in Marina del Rey are easily disturbed and degraded by human activities and development as a result of pruning or removal.

Following my Marina del Rey non-native tree stand (heronry) ESHA determination, Los Angeles County requested additional time to contract and conduct a review of my ESHA determination. Los Angeles County hired Mr. Rob Hamilton and on August 22, 2007, Mr. Hamilton summarized his review in a letter to Andi Culbertson. Below I briefly review the four points highlighted above that contributed to my ESHA determination and the salient points raised by Mr. Hamilton.

The importance of wetland ecosystems is undisputed and these valuable natural resources are in trouble: wetland ecosystems are one of the most heavily impacted ecosystems in the United States where hundreds of thousands of acres have been destroyed for development. California has lost the largest percentage of original wetland habitat (91%) of all the states[1].

The Ballona Wetland, recently acquired by the State of California for restoration and protection as a proposed Ecological Reserve, is the most significant coastal wetland in Los Angeles County and is the only natural saltmarsh between Point Mugu in Ventura County and Los Cerritos Marsh on the Orange/Los Angeles County Border[2]. The Ballona Wetlands, along with Marina del Rey, Playa del Rey, and Venice are all within the Ballona Valley which has been identified as an Important Bird Area by Audubon California[3]. The Marina del Rey heronries contributed to Audubon California's designation of the Ballona Valley Important Bird Area[4,5,6].

Herons and egrets are integral constituents of coastal wetland ecosystems and critical top predators in wetland food webs[7,8]. Five species of herons and egrets are found within Marina del Rey utilizing non-native trees for nesting and roosting and the neighboring harbor and Ballona Wetlands for foraging. Presently Great Blue Herons, *Ardea herodias*, Snowy Egrets, *Egretta thula,* Black Crowned Night Herons, *Nycticorax nycticorax,* and Green Herons, *Butorides virescens,* nest in these trees seasonally and roost all year round[9,10,11]. In addition, since 2001, low numbers of Great Egrets, *Aldea alba,* have been roosting year round in Marina del Rey[12]. This suite of wading bird species are the principal native carnivores in the Ballona Wetland ecosystem, preying on a range of animals including fish, amphibians, reptiles, rodents, and insects (citations). Healthy ecosystems have representatives at all food web levels and top wetland carnivores, such as these wading birds, contribute to maintaining a balanced system.

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[1] United States Geologic Survey: http://wwwlnpwrc.usgs.gov/resource/wetlands/wetloss/summary.htm
[2] Cooper, D.S. 2004. Important Bird Areas of California. Audubon California, Pasadena, Calif. 286pp.
[3] Cooper (2004) op. cit.
[4] Jones, A.L., IBA Program Coordinator, Audubon California. Aug. 22, 2006. Letter to Andrew Willis, California Coastal Commission
[5] Cooper, D. President Cooper Ecological Monitoring Inc. Aug. 18, 2006. Letter to the California Coastal Commission.
[6] George, G. Nov./Dec. 2006. The case of the Urban Rookery. Western Tanager. Los Angeles Audubon Society. Vol. 73. No.2:4-5.
[7] Cogswell, H.L. and G. Christman.1977. Waterbirds of California. University of California Press. Berkeley California. 399pp.
[8] Hafner, H. 1997. Ecology of Wading Birds. Colonial Waterbirds, Vol. 20, No. 1, 115-120.
[9] Froke, J. B. 2005. Report on the Marina Del Rey Heronry. Prepared for Mark D. Kelly, Senior Vice President, Lyon Capital Ventures.
[10] Cooper (Aug. 18, 2006) op. cit.
[11] Jones (2006) op. cit.
[12] Cooper, D. March 2006. Annotated Checklist of Birds of Ballona Valley, Los Angeles County, California. http://www.cooperecological.com/birds_of_ballonaweb.htm

Herons and egret's historical status in Los Angeles County is not well documented or understood. I reviewed the historical and contemporary status of the five species nesting and roosting in Marina del Rey in my December 19, 2006 memorandum where I included Daniel Cooper's research results on the historical and contemporary status of wading birds (herons and egrets) in the Ballona Valley[13,14]. Rob Hamilton, in his August 22, 2007 letter, called into question my use of the term "recovering" regarding Great Blue Heron populations. I have considered my use of this term and agree that "recovering" may inappropriately describe the status of contemporary Great Blue Heron populations in Marina del Rey, since the written record detailing the history of this bird in Southern California is quite sparse. However, we do know that Great Blue Herons, along with the other species of herons and egrets, began increasing in Marina del Rey in the mid-1990's. The LA County Breeding Bird Atlas makes the following statement about Great Blue Herons: "This species has reestablished itself in the county after perhaps a half-century of absence, and possibly in numbers higher than in 1900"[15]. Garry George, Los Angeles Audubon Executive Director wrote the following:

> *Here's what we know about populations of Great Blue Herons in Los Angeles County:*
> *1. Great Blue Herons are making a dramatic comeback. Late in the 19th century, Grinnell (1898) wrote that Great Blue Heron "breeds sparingly in the county." According to the upcoming Los Angeles Audubon Breeding Bird Atlas (courtesy co-author Larry Allen) "No county [breeding] colonies could be cited in publications from 1933 or 1981 (Garrett and Dunn 1981, Willett 1933). In 2000, surveys recorded 300 breeding bird pairs.*
> *2. Great Blue Herons have adapted to non-native vegetation. Once a nester in forests near water, the lack of habitat has prompted the herons to adapt to non-native tall trees near their feeding grounds. In Marina del Rey they nest and roost in cypress, pine and fan palm and in Silverlake they nest in eucalyptus.*
> *3. Great Blue Herons are extending their nesting periods. The Breeding Bird Atlas found nesting periods from 26 February to 10 August and recent documentation by Urban Wildlife Task Force members Jason Stuck and Lisa Fimiani show fledglings in trees in October and member David DeLange has recorded courtship display as early as December in Marina del Rey.*
> *4. Great Blue Herons are a symbol for and evidence of environmental recovery*[16].

Gary George (2007) goes on to say that Robert Butler, author of the recent book, "The Great Blue Heron" and Larry Allen, co-author of LA Audubon Breeding Atlas, attribute the "comeback" of Great Blue Herons to "increased environmental recovery through clean water programs and habitat restoration". The primary goal of the Ballona Wetland restoration effort is to restore and maintain a healthy and properly functioning wetland

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[13] Cooper (March 2006) op. cit.
[14] Engel, J. December 19, 2006. ESHA determination for Marina del Rey tree stands with past and present history of roosting and nesting herons and egrets. Memorandum to Lisa Haage, Chief of Enforcement; Alex Helperin, Enforcement Attorney; Andrew Willis, Enforcement Analyst.
[15] Allen, L. 2007. Draft Los Angeles County Breeding Bird Atlas.
[16] George, G. Jan./Feb. 2007. Why we care about herons in L.A. Western Tanager. Los Angeles Audubon Society. Vol. 73. No.3: 8-9.

ecosystem. Insuring successful nesting and roosting of herons and egrets, is an important step toward accomplishing comprehensive restoration of the Ballona Wetlands.

Mr. Hamilton correctly points out that the Great Blue Herons are not a rare species. Neither are Great Egrets, Snowy Egrets, Black-crowned night herons, or Green Herons. They are, however, important constituents of wetland ecosystems, have specific criteria for nesting and roosting locations, and are uncommon in Los Angeles County. In addition, tree stands demonstrating the requisite attributes needed by the herons and egrets for nesting and roosting are also uncommon in Los Angeles County.

Jeff Froke (2007) notes that John Hodder recalls Great Blue Herons nesting in a large eucalyptus grove within the Ballona Wetlands until they were "disrupted and disbanded due to construction of the Playa Vista development"[17]. Cooper referred to two recorded observations in 1995 of Great Blue Herons nesting in the lone cottonwood on the western edge of the Ballona Wetland and dunes. While Great Blue Heron's first appearance in the mid-90's may have occurred in the Ballona Wetlands, they quickly moved into the tall non-native tree stands along the periphery of Marina del Rey Harbor and adjacent to the Ballona Wetlands. These tree stands have been inhabited by the herons and egrets for more than a decade because they meet the nesting and roosting requirements of these birds in an urban setting. The California Department of Fish and Game made the following comments regarding the importance of Great Blue Heron nesting areas:

> *The great blue heron is not a common nesting species in Los Angeles County because of historic and present incompatible land use practices. There is some question as to whether other suitable sites are available in the area. The existence of heron nesting colonies are of particular importance to the continued biodiversity of Ballona wetlands and Los Angeles County. The persistence of herons as a successful breeder in Los Angeles County can only be accomplished by providing areas of suitable nesting and feeding habitat over time*[18].

Cooper, in his letter supporting protection of the Marina del Rey heronries writes:

> *In the Ballona area, birds do not nest on the Ballona Wetlands proper or at the carefully-managed (for wildlife) Ballona Freshwater Marsh, but instead occur where they perceive conditions are preferable – ornamental trees in Marina del Rey*[19].

Lastly, the non-native tree stands in Marina del Rey serving as heronries are easily disturbed and degraded by human activities and development such as construction

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[17] Froke, J. 2007. Marina del Rey Heronry Report for 2005 – 2006. Prepared for the County of Los Angeles Department of Beaches and Harbors, Marina del Rey, California and Lyon Capital Management, Newport Beach Califonria.

[18] Raysbrook, C. F., South Coast Regional Manager, CDFG. Feb. 9, 2001. Letter to Edward J. Casey, Esq.

[19] Cooper (Aug. 16, 2006) op. cit.

activities, tree trimming, and tree removal. For instance, Froke (2007) reported that tree trimming and nest removal had occurred in 2005 in at least four of six eucalyptus trees that were formerly used as nest trees in 2004 or 2005 by "one or more species of herons"[20]. And, prior to tree trimming, heron and egrets used to nest in non-native trees near the Marina Harbor apartments whereas now they only use the trees for roosting at night[21].

The reason herons and egrets have established nests and are roosting in non-native tree stands in Marina del Rey, as they are doing in other parts of coastal Southern California such as Channel Islands Harbor, Port Hueneme, Long Beach, and Huntington Harbor, is the lack of suitable nesting and roosting areas in and around remaining local wetlands. The tree supporting heronries in Marina del Rey fit the criteria for heron and egret nesting and roosting sites. The trees are within the foraging range required by the five heron and egret species utilizing the trees. Many of the trees are tall, thus distancing the birds from predation and disturbance, and/or have dense foliage that offers camouflage and protection from predation. These non-native tree stands are an important natural resource, as they provide necessary, significant ecological services for local Southern California heron and egret populations, which, in turn, serve a critical role in maintaining the biodiversity and the healthy functioning of the Ballona Wetlands. In addition these non-native tree stands are easily disrupted and disturbed. Applying the same criteria I did in my December 19, 2006 memorandum, of analyzing these tree stands as if they were growing in an open space setting outside a densely developed urban landscape, I come to the same conclusion, and find that the non-native tree stands supporting heronries in Marina del Rey meet the Coastal Act definition of an Environmentally Sensitive Habitat Area.

[20] Froke (2007) op. cit.
[21] George (2006) op. cit.