



(916) 653-8288

May 1, 2012

Ms. Agi Kessler, Chair
Resolution Committee
Los Angeles County Democratic Party
3550 Wilshire Boulevard, Suite 1203
Los Angeles, California, 90010

Dear Ms. Kessler:

California State Parks is in receipt of the resolution adopted by the Los Angeles County Democratic Party earlier this month opposing the Malibu Lagoon Restoration and Enhancement Project. We regret that the Party chose not to contact a representative from State Parks before adopting the resolution, but instead relied on the false and unsupported statements of project opponents.

The Malibu Lagoon Restoration and Enhancement Project is the culmination of over twenty years of stakeholder meetings and facilitated exercises involving numerous members of the public, environmental groups and government agencies. A UCLA study of historical and baseline conditions of the lagoon and lower Malibu Creek watershed, commissioned by the State Coastal Conservancy, identified restoration and enhancement options for Malibu Lagoon and the immediate vicinity. The highest priority short-term restoration option, reconfiguration of the lagoon channels, was unanimously selected by the Malibu Lagoon Task Force, a group of private and public stakeholders with direct interests in the lagoon and Malibu Civic Center, through a series of twelve professionally facilitated meetings. The initial restoration concept was further developed by an even larger stakeholder group in a series of four public meetings. Further scientific refinement was guided by six highly regarded scientists and academics with specific expertise in coastal wetland ecology and processes.

Throughout the entire process, many alternatives and iterations of the project were considered. The project is permitted by the United States Fish and Wildlife Service (USFWS), the California Department of Fish and Game, the United States Army Corps of Engineers, the National Marine Fisheries Service and the Los Angeles County

Regional Water Quality Control Board. In October, 2010, the California Coastal Commission unanimously approved the project. In October, 2011, San Francisco County Superior Court Judge Ernest Goldsmith ruled that all proper procedures had been followed and that the project could proceed. The project enjoys widespread support from elected officials, agencies, scientists, academics and environmental groups.

For the record, we respond below to each of the false statements in the resolution. Language from the resolution is quoted in italics.

"...a primary reason for undertaking the project was to eliminate pollution allegedly caused by human fecal waste and high bacteria counts..."

The objectives of the project, as stated in the Environmental Impact Report (EIR), are to relocate the parking lot, decrease urban runoff, increase circulation, restore habitat, reduce eutrophication (nutrient enrichment), reduce sedimentation and evaluate, record and analyze ecological conditions of the lagoon. While accomplishment of these objectives may result in less proliferation of coliform bacteria, nothing in the EIR suggests the purpose of the project is to eliminate human fecal contamination, nor have the project managers ever stated this to be the purpose.

"...numerous conditions have changed since the 2006 EIR, including upgrades of onsite wastewater treatment systems and enforcement of Tapia wastewater discharge allowances and there are less destructive alternatives which might be pursued to accomplish the desired result..."

The Tapia Water Reclamation Facility discharge prohibition period of April 15 to November 15 was in effect at the time of the certification of the EIR. This is not a changed condition. While the discharge prohibition order, as well as any upgrades of onsite wastewater treatment systems that may have occurred, are positive developments, they have no bearing on the project.

As described above, the project was designed in an exhaustive years-long process that considered every alternative to accomplish the project goals. The only alternative to the project proposed by project opponents has been the use of a hydro-rake to periodically remove sediments from the lagoon channels while they are full of water. This method would result in suspension of sediments in the channels and mortality of aquatic

species, and is therefore unable to be permitted by regulatory agencies with jurisdiction over the lagoon waters and associated species. In addition, this method would have to be repeated at regular intervals, causing periodic disruptions compared to the one-time implementation of the current project.

"...the destruction of the Lagoon will have the following impacts."

This use of the word "destruction" is subjective and emotional and is not supported by any evidence. The project will not destroy the lagoon. The project will improve upon the design of the western channels of the lagoon that were created by State Parks in the 1980s as an initial attempt to return wetlands to an area that had been filled in by soil and debris since the 1930s. The main channel of the lagoon and the barrier beach will not be affected. The western channels will be replaced by a single branched channel that will enable better circulation under open and closed conditions and will significantly improve the ecological health of the habitat for species throughout the food chain.

"Endangered species, including the Tidewater Goby fish and the California Least Tern, will be killed or dispossessed of their habitats."

Tidewater gobies were re-introduced into the lagoon by California State Parks on April 5, 1991. Since then we have conducted numerous surveys to assess their health, abundance and preferred locations. Gobies can exist throughout the lagoon, including the main channel and the western channels. However, during breeding activities, which can occur at almost any time of the year, their preferred habitat is in the main lagoon channel upstream of the highway bridge where there is a sandy substrate. The substrate of the project location in the western channels is fine-grained sediment that is not suitable for goby breeding. During our most recent surveys, no tidewater gobies were found in the project area. When the lagoon is open to the ocean and the tide is low, any gobies that may be in the western channels relocate themselves to the main lagoon. At the conclusion of the project, the western channel area will be open to the main lagoon channel and available to gobies and other fish. Therefore, there is no basis for stating that tidewater gobies will be dispossessed of their habitat.

State Parks has a permit for this project from the USFWS. The permit requires us to relocate any tidewater gobies from the project area prior to construction. This will be

accomplished by a team of biologists that are trained and led by a USFWS approved fisheries biologist. The goby population number in the lagoon is unknown at this time, but is likely in the thousands. The USFWS permit allows an incidental take of up to only five tidewater gobies. While we will take every precaution to avoid any goby mortality, if this should occur, the number will be limited to a very small percentage of the total population.

California least terns do not nest at Malibu Lagoon. When they are present, the terns forage on small fish in the lagoon. As with the goby, any other fish in the western channels at the time of project implementation will be relocated to the main lagoon channel where there is ample foraging area for the terns. Therefore, there is no basis for stating that California least terns will be killed or dispossessed of their habitat.

"According to the EIR the dredging itself will lead to a decrease in water quality and may uncover septic system leach fields, possibly leading to pollution in the Lagoon."

The EIR identifies water quality impacts that could arise from construction activities. Best Management Practices that include temporary erosion control measures will be employed to reduce impacts to a less than significant level. The EIR does not mention uncovering of septic system leach fields.

"88,000+ cubic yards of Lagoon soils will be bulldozed out, some carted away at the rate of one truckload per hour, with resulting disruption of PCH traffic during Malibu's summer tourist season."

Only 13,000 cubic yards of soil will be removed from the site. This is approximately half of the amount of soil that was removed from Malibu's Legacy Park project that caused no disruption of traffic on Pacific Coast Highway. One truckload per hour is far below the threshold of significance of 50 trucks per day.

"Beach access will be made more difficult for the public by the elimination of three bridges which currently allow for close up nature observation."

The pedestrian bridges rest on fill and debris that were not removed in the 1983 project. The bridges and fill restrict circulation in the western channels, and are a primary cause

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of the excessive sedimentation and poor health of that area. The new beach access will be only 145 feet longer than the current access via the bridges path and will be fully accessible to people with physical disabilities. Opportunities for close nature observation will be increased over the current condition, not eliminated.

"The Third Point waves, a world-famous surfing spot, could be altered by dredging work and resulting interaction with the ocean..."

The quality of the waves is determined by the configuration of the off shore cobble reef. The deposition of cobble is determined by the intensity and duration of winter storms and has no relation to the configuration of the lagoon channels or any work being performed therein. This was confirmed by an independent hydrological study commissioned by the Surfrider Foundation.

"The project will continue during the summer tourist season for an unspecified period which negatively impacts local businesses."

The timing of the project is determined solely by the regulatory agencies with permitting authority over the lagoon and its wildlife. The project duration is not unspecified; the excavation portion of the project will begin on June 1 and end by October 15, 2012. The installation of interpretive elements and revegetation will be complete on December 3, 2012. Beach access for the public will be maintained at all times. As described above, no traffic impacts will occur as a result of this project.

We request that the matter be brought back to the Resolution Committee for revision and a representative of the project be present. For further information, you may contact Suzanne Goode, Senior Environmental Scientist, at (818) 880-0364.

Sincerely,



Anthony I. Perez
Deputy Director Park Operations

CC: Mr. Clark Lee, Political Director, Los Angeles County Democratic Party