

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE: October 27, 2017

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso   
Chief Legislative Analyst

Council File No: 17-1181  
Assignment No: 17-10-1010

SUBJECT: Resolution to support an extension of the comment period for the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Ballona Wetlands Restoration Project to 180 days.

CLA RECOMMENDATION: Adopt the attached revised Resolution to include in the City's 2017 - 2018 State Legislative Program SUPPORT for administrative action to extend the comment period to 180 days for comments to the California Department of Fish and Wildlife for the Draft EIS/EIR for the Ballona Wetlands Restoration Project.

SUMMARY

On October 13, 2017, a Resolution (Bonin - Koretz) was introduced to support an extension of the comment period for the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Ballona Wetlands Restoration Project (Project) to 180 days. The Resolution states that planning for the Project began in 2008 and that the Draft EIS/EIR is 1,242 pages long with 10 separate appendices.

The Resolution states that the Project involves complex, nuanced, and potentially controversial subjects as well as significant questions about water quality, wildlife preservation, public access, and recreational opportunities. The Resolution further states that, given the impact the project will have on the environment and ecosystem and the length and complexity of the Draft EIS/EIR, a comment period of 45-60 days is insufficient. The Resolution, therefore, seeks an official position of the City of Los Angeles to support administrative action to extend the comment period for the Project Draft EIS/EIR to 180 days.

BACKGROUND

The Ballona Wetlands Ecological Reserve (Reserve) is located south of Marina del Rey and east of Playa del Rey, partially within the City and partially within unincorporated Los Angeles County. Located where there was once an ecosystem spanning more than 2,100 acres and supporting a great diversity of wetland types, the 577-acre Reserve now provides approximately 153 acres of potential wetland waters and approximately 83 acres of potential non-wetland waters. The US Environmental Protection Agency has determined that all wetland habitats within the Reserve are impaired.

The California Department of Fish and Wildlife (CDFW) is proposing a large-scale restoration of the Reserve, with a focus on restoring wetlands and wetland functions within the Reserve, restoring and improving public access to the Reserve, and maintaining existing levels of flood risk

management provided by the Ballona Creek channel and levee system. As part of this process, CDFW released the Draft EIS/EIR on September 25, 2017, as required by federal and state law.

Under the National Environmental Policy Act (NEPA), federal agencies typically have to provide a minimum of 45 days for public comment on all draft EISs, except if a reduction has been granted by the EPA. The California Environmental Quality Act (CEQA) requires a public review period for a draft EIR to be between 30 and 60 days, except in unusual circumstances. Extensions are often provided to larger, more complex, and controversial projects. Examples of longer public review periods include the Cadiz Valley Water Conservation Recovery and Storage Project, which had a 100-day comment period, and the Bay Delta Conservation Plan, which had a 228-day comment period.

The public review period for the Draft EIS/EIR began on September 25, 2017, and was originally scheduled to end on November 24, 2017, a 61-day period. On October 26, 2017, the CDFW announced an extension of the comment period to February 5, 2018, for a total of 134 days, in response to requests from interested parties. If CDFW extends the comment period to 180 days, the comment period would conclude in late March.



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Tim Plummer  
Analyst

SMT:tcp

Attachments: Revised Resolution

## RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, planning for the restoration of the Ballona Wetlands began in 2008, when the State released a study that explored a range of feasible options for the area; and

WHEREAS, publication of the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Ballona Wetlands Restoration Project has been in preparation for nearly a decade, is 1,242 pages long plus 10 separate appendices, and the issues raised by the proposed project are profound; and

WHEREAS, the definition of restoration, the type of restoration, the goal of restoration, and the methods of restoration are complex, nuanced and potentially controversial subjects; and

WHEREAS, the project raises significant questions about water quality, wildlife preservation, public access and recreational opportunities that need to be carefully considered and balanced; and

WHEREAS, ample time must be provided for environmental organizations, government agencies, community organizations, neighborhood councils, and Westside residents – including their elected representatives – to carefully study, analyze, and consider the benefits and drawbacks of the proposed project; and

WHEREAS, given the significant impact this project will have on the environment and ecosystem, it is imperative that the public input be robust, genuine and substantive; and

WHEREAS, given the document's considerable length and complexity, a comment period of 45-60 days is insufficient;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-2018 State Legislative Program SUPPORT for administrative action to extend the comment period to 180 days for comments to the California Department of Fish and Wildlife for the Draft EIS/EIR for the Ballona Wetlands Restoration Project, inasmuch as it would allow adequate time for interested parties to properly study, analyze, and consider the benefits and drawbacks of the proposed project.