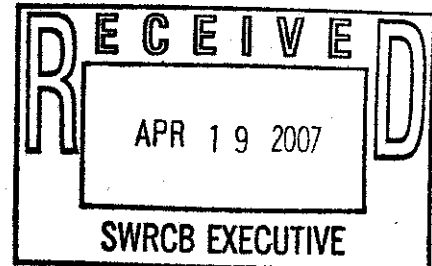


# PLAYA VISTA

THE WESTSIDE.  
RE-IMAGINED.

April 19, 2007

Ms. Song Her  
Clerk to the Board  
Executive Office  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100  
**VIA EMAIL TO [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)**



Dear Ms. Her:

Re: Comment Letter – Wetland and Riparian Area Protection Policy

Thank you for this opportunity to comment on the State Board's March 2007 informational document entitled, "Wetland and Riparian Area Protection Policy Scoping Document." As the agency may be aware, Playa Capital Company, LLC ("Playa") is developing a mixed-use community called Playa Vista that is located near the Ballona Wetlands, a salt water marsh that is one of the largest remaining salt water marshes in the Los Angeles region. Over a period of years, Playa has developed and implemented various stormwater management measures and natural treatment systems that are protective of water quality in general and the Ballona Wetlands specifically. Playa requests that the State Board incorporate elements into its policy for wetland and riparian areas that encourages natural treatment systems and effective stormwater management.

The Playa Vista development project is located east of Lincoln Boulevard, and is separated from the Ballona Wetlands by the roadway itself, and a natural treatment system called the Freshwater Marsh, a Best Management Practice ("BMP") that is part of the larger Freshwater Wetland System that Playa is developing as the backbone structural BMP of its stormwater management program. The Freshwater Wetland System is an approximately 51.1 acre system which includes a Riparian Corridor as well as the Freshwater Marsh, and which provides stormwater management and water quality improvements for not only the Playa Vista development, but also a large off-site tributary area comprised of hundreds of acres including the Westchester Bluffs and previously developed areas along Jefferson Boulevard. Construction and maintenance of the Freshwater Wetland System was required under permits issued by federal and state agencies, including a Section 404 Permit issued by the Army Corps of Engineers, a Section 1603 Agreement with the California Department of Fish and Game, a Coastal Development Permit issued by the California Coastal Commission, and a Section 401 Certification issued by the Board. Most of the Freshwater Marsh was completed and opened to the public in April 2003. Completion of the balance of the Freshwater Marsh

and also of the Riparian Corridor is being done in coordination with Caltrans' work on Lincoln Boulevard. As envisioned by the permits noted above, there is public access to a perimeter trail system, viewing areas and interpretive exhibits.

In February 2004, Playa conveyed the Freshwater Marsh to the State Lands Commission. While the State holds title to the Freshwater Marsh property, Playa expressly reserved certain rights and responsibilities with respect to the construction, maintenance and operation of the Freshwater Marsh.

The Ballona Wetlands, to the west of the Freshwater Marsh, is owned and operated by the State Lands Commission and the State Department of Fish and Game, Wildlife Conservation Board. The Freshwater Wetland System plays a critical role in reducing the pollutant loading of the urban runoff that for many decades was allowed to flow unimpeded into the Ballona Wetlands. In addition, the Freshwater Wetland System provides ecologically sound flood control facilities and provides important habitat for a wide variety of birds, mammals, and other species.

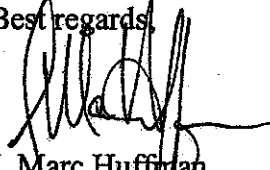
Playa requests the State Board to adopt policies that encourage the development and construction of natural treatment systems such as the Freshwater Wetland System at Playa Vista. Natural treatment systems, such as constructed marshes, wet ponds, biofiltration systems, riparian corridors, and bioswales, are considered to be highly desirable BMPs, because they serve multiple purposes removing multiple pollutants while providing for capture and reuse of stormwater and permissible dry weather runoff. Such capture and reuse opportunities include use as wildlife habitat, open space, greenways, non-contact recreation areas, environmental education locations, runoff reduction, and flood control. Natural treatment system BMPs are known to reduce multiple pollutants found in urban runoff including metals, nutrients and organic compounds, in addition to bacteria and pathogens, and can contribute significantly to the attainment of water quality standards and the implementation of Total Maximum Daily Loads. The Freshwater Wetland System implemented to capture, reuse, and treat runoff from the Playa Vista development, and certain adjoining areas, is a model natural treatment system BMP in the Ballona Creek watershed that achieves the benefits discussed above.

Water collected and managed in natural treatment systems should not be considered "waters of the State" as that term is used to define the waterboards' jurisdiction over wetland and riparian areas. Water in such constructed facilities and BMPs should not be subject to the water quality objectives of the Porter-Cologne Water Quality Control Act, and discharges into them should not be subject to effluent limits, receiving water limitations, or waste discharge requirements. Subjecting natural treatment systems and discharges into them to such regulatory requirements would be poor public policy as it would discourage these multi-purpose, multiple-benefit systems, which are environmentally superior to alternatives such as brick and mortar treatment plants, piping of stormwater, and routing of stormwater to publicly owned treatment works, which unnecessarily places additional burdens on such facilities.

We are very pleased to bring our Freshwater Wetland System to the agency's attention, and hope the agency will consider systems like it as it develops a wetland and riparian policy that exercises the jurisdiction of the waterboards and the Porter-Cologne Act in an environmentally productive manner that continues to accommodate, and indeed promote, natural treatment systems as an extremely important solution to addressing the interface between our developed urban environment and receiving waters.

If the agency has any questions or if we can be of any further assistance whatsoever, please do not hesitate to contact me at (310) 448-4629.

Best regards,



J. Marc Huffman  
Vice President, Entitlements