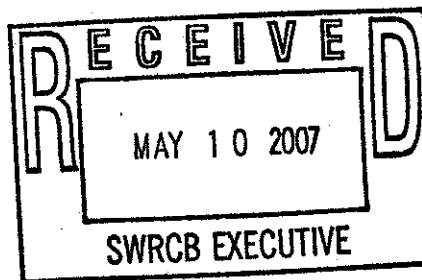


Wetland/Riparian Policy
Deadline: 5/15/07 12 noon



May 4

FAX
916 341 5463

TO: Clerk to the Board, Executive Office,
2007
State Water Resources Control Board

FROM: Grassroots Coalition (GC), President- Patricia McPherson

Comment Letter- Wetland and Riparian Area Protection

GC would like to submit some initial comments and concerns regarding the wetland and riparian protection policies now under consideration. To that end, by way of example, these comments utilize current problems and issues that pertain to the Ballona Wetlands, here in Los Angeles, and the Playa Vista site's so-called 'riparian corridor' and its so-called 'freshwater marsh' which exist as reconstructed areas in Ballona Wetlands.

GC also supports and agrees with the comment letter sent by Leslie Purcell.

Unfortunately, Grassroots Coalition has no faith whatsoever in our state agencies. Through experience, GC has found that the State Water Resources Board has looked the other way and bowed to allowing politics to rule over science. This letter serves simply as further paper-trail of acknowledgement of the failure of our state agencies to protect the public and the environment.

The following is a listing of some specific issues of concern.

1. Wetland and riparian habitats - whether remaining, restored, enhanced or recreated - need to function ecologically and perform beneficially as part of the environment to the greatest extent possible. To that end, they must be protected to the greatest extent possible for that function to occur.
 2. The Playa Vista site in Los Angeles- built upon the Ballona Wetlands- is a good example of promises and agreements: for wetland and riparian environments that have failed to meet both the spirit and intent set forth to the public and agencies.
 - a. The agreement with the Army Corps of Engineers was established prior to any EIR (1993) being performed upon the Playa Vista site. Playa Capital attorneys currently state that the agreements are set in stone and cannot be changed. While a false statement, the reality is that the Corps simply looks the other way and provides no protection to the wetlands or the riparian corridor. The agreement should have never occurred without an EIR having been done. New information (post EIR) regarding enormous oilfield gas migration through the area has been totally ignored by both the Corps and the so-called 'lead agency' the LARWOCB (the LARWOCB has no legal jurisdiction over migrating oilfield gases and no other agency has jurisdiction over the site). While the Corps states within the agreement that changes can be made based upon new information or criteria that occur over time, the Corps provides no protection or accountability from Playa Capital and thus there is no legitimate protection given to the wetlands.
 - b. The April 19, 2007 letter from Playa Capital regarding Playa Vista provides a rosy portrayal that is rife with lack of disclosure to serious problems which they choose to dodge accountability.
 1. Playa Vista provides no accountability for the performance of its most critical and necessary safety system, the 50-gas vent wells. Without proper performance of this system the site was determined, by the City Council, to be too dangerous to develop. Public Record Act requests asking for performance information respond that there is no information. These systems must be kept free from water intrusion or they fail (the 50' vent wells would reside within an aquifer). City documents state this problem in many different reports, including the experimental 50' pilot vent well attempts. However, currently the City simply states that the 50' vent wells are in place and that they work. The City and Playa Capital however, provide no data to back up the claim. There has been no study to determine how much water must be dewatered for proper performance and no study to determine how the dewatering would impact the wetlands or the riparian corridor.
- There is no accountability put upon Playa Capital. The Playa Vista site, from its inception, was and continues to be a-look-the-other-way, let no true science get in the way of development - site.
2. Playa Capital re-abandoned an oilwell- University City Syndicate- located within what is now the so-called 'freshwater marsh' (in actuality it is catch-basin for tap water and some run-off). After the Division of Oil and GAS signed off on the well, millions of cubic feet

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of oilfield gas have been broiling up through the waters adjacent to the well location. Playa Capital's own analysis of the emitting gas reveals the gases as oilfield gases with levels of hydrogen sulfide high enough to cause physical damage under prolonged exposure. (However, in Playa's summary of the report, Playa Capital's consultants conveniently and falsely call the gas- swamp gas-biogenic.) The gas constituents in the report are only found in oilfield gas but Playa Capital inevitably gets away with a corrupted report.

The City of LA hands over more Mello Roos dollars to Playa Capital for having done a re-abandonment. The City ignores the millions of cubic feet that continue to broil to the surface, day in and day out.

This leakage constitutes a danger to both the public and the environment but because it is politically incorrect to apply science and accountability to this danger, it is ignored.

3. The riparian corridor agreement stated the base of the corridor was to be cut down to the shallow Ballona water table depth. Instead, Playa Capital lays membranes, presumably in the attempt to not allow the underlying toxic plume contamination co-mingle with the surface water in the corridor. The underlying Howard Hughes toxic plumes, after twenty years of oversight by the LARWQCB, are still not cleaned up. Playa Capital has no real incentive to clean the plumes since the LARWQCB allows development to continue over the plumes. The original agreement calls for a pump & treat of the groundwater for use in the corridor. This has never occurred and currently the groundwater that is pumped from the Playa Vista development site is sent into the sewer lines- also without accountability for volumes or payment.

4. The so-called riparian corridor has numerous vertical concrete channels that are not natural habitat areas. Those areas can serve as traps of water that lure wading waterfowl in and then provide no access away from the deep water.

Ballfields, street lights, and other human amenities dominate the corridor and preclude the promise of natural habitat.

Playa Vista gets away with all of these egregious activities and then, in its letter requests that they not be subjected "waters of the state" protection. No wonder.

It would be just one more layer of protection that Playa Capital could use in its arsenal of Public Relations jargon.

Playa discusses the benefits of natural wetland treatment areas yet fails to disclose that environmental groups have been attempting to have the Phase 2 portion of Playa Vista be purchased as the last large remaining open space in the LA coastal area that could be utilized for this unique purpose. Playa Capital has refused to discuss this potential with the City and the public in any meaningful way.

IN CONCLUSION, until there is full disclosure and forced accountability, wetland and riparian protection will continue to be a myth.

Sincerely,
Patricia McPherson, Grassroots Coalition

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