



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**

**75 Hawthorne Street  
San Francisco, CA 94105-3901**

**AUG 28 2014**

**OFFICE OF THE  
REGIONAL ADMINISTRATOR**

The Honorable Henry Waxman  
U.S. House of Representatives  
Los Angeles District Office – Attention: Ms. Rachel Zaiden  
5055 Wilshire Blvd., Suite 310  
Los Angeles, California 90036

Dear Congressman Waxman:

Thank you for your letter dated August 5, 2014 to Laura Vaught, EPA's Associate Administrator for Congressional and Intergovernmental Relations concerning the Santa Monica Bay National Estuary Program's (NEP) involvement at the Ballona Wetlands Ecological Reserve. I have been asked to respond on behalf of Ms. Vaught.

You enclosed a letter from your constituent, Mr. Walter Lamb, President of the Ballona Wetlands Land Trust, requesting your help on three matters: 1) encouraging the Bay Foundation to rise to the general standard of accountability and transparency exhibited by the majority of other National Estuary Program management entities; 2) asking The Bay Foundation to clarify whether any NEP resources have been used in connection with the Annenberg Foundation's proposal for the Ballona Wetlands Ecological Reserve; and 3) encouraging the Santa Monica Bay Restoration Commission Governing Board to fulfill its duties as the decision making authority of the SMBRC, and to facilitate a constructive discussion of the SMBRC's partnership with the Annenberg Foundation and its potential impact on the Ballona Restoration Project.

EPA's role in Santa Monica Bay is to help fund its National Estuary Program (NEP), established to safeguard the health of important coastal ecosystems. Each NEP, including the one for Santa Monica Bay, consists of a collection of stakeholders, organized in a decision-making framework to promote collaboration, consensus-building, and public input. EPA's annual funding usually makes up less than half of the total financial support raised by that NEP.

The lead agency for the restoration of the Ballona Wetlands Ecological Reserve, one of Southern California's largest remaining coastal wetlands, is the California Department of Fish and Wildlife, which is responsible for the final decision concerning the restoration. Before any restoration activities can begin, the California Environmental Quality Act and National Environmental Protection Act requirements must be completed and permits obtained from various public entities including the U.S. Army Corps of Engineers, State Regional Water Quality Control Board, and the California Coastal

Commission. The CEQA/NEPA work and the permitting process are underway, and a final project decision by the Department of Fish and Wildlife is still pending.

Meanwhile, we can provide our perspective on the two entities that comprise the NEP: The Bay Foundation and the Santa Monica Bay Restoration Commission. Our experience in dealing with them has been positive; they are in good standing, satisfying their EPA grant requirements, and their structures conform to the requirements making them eligible to receive NEP funding. Note that the 28 NEPs around the nation may be structured slightly differently. Moreover, these two NEP partners have assured us that at no point have NEP resources been used to promote the Annenberg Foundation's proposal for a pet adoption facility at the Ballona Wetlands Ecological Reserve, nor do they support any specific alternative or have any decision making role in the project.

In June and July 2014, our staff was in contact with Mr. Lamb, by telephone and in writing, regarding NEP involvement in this restoration project. We told him that NEP involvement in the project is limited to promoting science-based restoration and giving valuable input with respect to the technical aspects of the habitat restoration at this degraded ecosystem. We encouraged Mr. Lamb to participate in the available public comment opportunities regarding the project decisions of concern to him.

We trust this information will be helpful in responding to your constituent's concerns. If we can be of any further assistance, please call my Congressional Liaison, Brent Maier, at (415) 947-4256.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Blumenfeld". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jared Blumenfeld