



SANTA MONICA BAY  
**RESTORATION COMMISSION**  
MANAGEMENT CONFERENCE OF THE NATIONAL ESTUARY PROGRAM

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**June 11, 2021**

**Agenda Item: 3.d**

To: Governing Board, Santa Monica Bay Restoration Commission  
From: Guangyu Wang, Chief Administrative Director  
Re: **Consideration of Adoption of the Resolution regarding Public Access at the Ballona Wetlands Ecological Reserve**

**Action Requested of the Governing Board**

Adopt Resolution 21-03 regarding public access at the Ballona Wetlands Ecological Reserve (Reserve). (See [Attachment A](#)).

**Background**

The Reserve is part of the largest remaining coastal wetland in the Santa Monica Bay watershed and is managed by California Department of Fish and Wildlife (CDFW). CDFW also oversees the restoration planning of the Reserve and permits and manages access to portions of the Reserve. Some members of the Governing Board and some Santa Monica Bay Stakeholders, including members of the public, have expressed interest in public access at the Reserve, including for CDFW to consider increasing public access at the Reserve for additional educational and stewardship opportunities.

CDFW presented an information item on the existing public access opportunities at the Reserve at the August 20, 2020 Governing Board meeting and provided an update on that information item at the September 17, 2020 Executive Committee meeting. In CDFW's October 7, 2020 memorandum to the Chief Administrative Director of the Commission (CDFW Memo), CDFW reiterated information regarding the existing public access opportunities at the Reserve and stated "With public access and educational opportunities currently provided at [the Reserve] (albeit current stoppage due to the COVID 19 pandemic) and after careful consideration, [CDFW] has decided against opening additional access at this time due to operational and maintenance constraints, including planning, staffing, funding, control, and safety concerns" (see [Attachment 1](#) of Attachment A).

At the October 22, 2020 Governing Board meeting, some Governing Board members requested that the Executive Committee discuss and consider a response to the CDFW Memo. At its March 18, 2021 meeting, the Executive Committee directed Commission staff (Staff) to draft a proposed resolution of non-binding recommendations to CDFW regarding public access at the Reserve for the Governing Board's consideration of adoption. On May 13, 2021, Staff distributed to the Executive Committee a staff report, proposed draft resolution, and written comments received from Governing Board member McKeown and members of the public regarding public access at the Reserve.



*The Santa Monica Bay Restoration Commission's mission is to restore and enhance Santa Monica Bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, mitigate the impacts of climate change and sea level rise, and protect Santa Monica Bay's benefits and values.*

The proposed draft resolution regarding public access at the Reserve could support the furtherance of Actions #13, #25, and #28 in the [Action Plan](#) of the Santa Monica Bay National Estuary Program (NEP) Comprehensive Conservation and Management Plan (CCMP Action Plan). The CCMP Action Plan, approved by the Governing Board in 2018, aims to protect, restore, enhance, and improve natural habitats in the Santa Monica Bay watershed while balancing the need to provide benefits to the public through several key actions, including:

- **Action #13: Restore the Reserve**

The goal of this action is to restore the Reserve to improve habitat condition, functions, and services and create public access trails and bike paths to encourage recreation and stewardship at the Reserve. This action is advanced by continuing restoration planning efforts and authorized community engagement and restoration events at the Reserve, which provide public access and educational and stewardship opportunities, although these events are halted during the COVID-19 pandemic.

- **Action #25: Support best management practices, increased public access, and improved trail systems**

This action supports best management practices that promote natural habitat values, such as protection and restoration of sensitive habitat and wildlife, while balancing the need to provide benefits to people through public access and educational and stewardship opportunities.

- **Action #28: Support disadvantaged communities**

This action supports efforts of disadvantaged communities to promote environmental equity and justice for the underserved, including disadvantaged communities, persons with disabilities, tribes, and others, through work to restore habitats and watersheds, provide public access and recreational opportunities, and increase resilience to climate change.

Continuing and increasing public access and educational and stewardship opportunities at the Reserve that promotes natural habitat values, such as protection and restoration of sensitive habitat and wildlife, while balancing the need to provide benefits to people would further the implementation of CCMP Actions #13, #25, and #28. Public access should be continued and increased to the extent that it is appropriate (e.g., aligned with restoration and habitat protection goals and the protection of public safety) and feasible (e.g., availability of staffing and funding).

At its May 20, 2021 meeting, the Executive Committee discussed the proposed draft resolution. Member Shelley Luce shared concerns about encouraging public access that may endanger the public and expose the State to legal liability. Member Luce suggested adding “whereas” clauses to the proposed draft resolution regarding the State’s restoration plan for the Reserve and limited public services, presence of homeless encampments, and illegal activities in portions of the Reserve that may endanger the public and expose the State to legal liability.

Executive Committee members discussed possible procedures for the Executive Committee to revise the proposed draft resolution. Claire Waggoner, alternate for Jonathan Bishop, suggested that the Executive Committee members did not need to agree with Member Luce’s proposed “whereas” clauses. But that the Executive Committee could direct Staff to include these clauses in the proposed final draft resolution as optional “whereas” clauses. This approach would allow the public to review the optional “whereas” clauses prior to the Governing Board’s consideration of adoption of the resolution. Consequently, the Executive Committee directed Staff to consider adding the following optional “whereas” clauses to the proposed draft resolution for the Governing Board’s consideration:

- **Optional clause A:** “Whereas, the Reserve has few public services in most areas and a known presence of homeless encampments and illegal activities including drug use and the storage, processing, and transportation of stolen goods”
- **Optional clause B:** “Whereas, substantial hazards are present that endanger the public and expose the State of California to legal liability”
- **Optional clause C:** “Whereas, the best way to increase public access is to implement the State’s restoration plan with its trail system and critical services including restrooms, drinking fountains, and other services”

The proposed draft resolution resolves to, in part, “encourage CDFW to continue public access and educational and stewardship opportunities at the Reserve and increase opportunities to the extent it determines such increased opportunities are appropriate and feasible in the future.” CDFW may assess public safety concerns, access to public services, or legal liability as part of determining the appropriateness and feasibility of increasing opportunities at the Reserve. Consequently, Staff did not include optional clauses A, B, and C in the proposed final draft resolution ([Attachment A](#)). However, Staff is providing these optional clauses in this staff report for the Governing Board’s consideration.

Governing Board members may propose revisions to the proposed final draft resolution during the voting process. For example, the Governing Board may vote on whether to add additional language, such as optional clauses A, B, or C, to the proposed final draft resolution. Then, the Governing Board may vote on whether to adopt the proposed final draft resolution with any approved revisions incorporated.

## **Staff Recommendation**

Staff recommends the Governing Board adopt Resolution 21-03 regarding public access at the Reserve, which expresses the following:

- Recognition that public access and educational and stewardship opportunities in natural habitats in the Santa Monica Bay watershed are important but that they must be done in consideration of resources, public safety, and the potential impacts from increased presence of humans to ensure projects that protect, restore, enhance, and improve habitats are not undermined or rendered ineffective;
- Encouragement to CDFW to continue public access and educational and stewardship opportunities at the Reserve and increase opportunities to the extent it determines such increased opportunities are appropriate and feasible in the future; and
- Direction to Commission staff to convey this resolution to CDFW expressing the Commission's non-binding recommendations regarding public access and educational and stewardship opportunities at the Reserve.

Staff recommends the Governing Board not include optional clauses A, B, and C as these clauses are adequately addressed in the proposed final draft resolution. Specifically, CDFW may assess public safety concerns, access to public services, or legal liability as part of determining the appropriateness and feasibility of increasing opportunities at the Reserve.

## **Attachments**

### [Attachment A](#)

Proposed Final Draft Resolution 21-03 regarding Public Access at the Reserve



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## ATTACHMENT A

### - STAFF PROPOSED FINAL DRAFT -

## RESOLUTION OF THE SANTA MONICA BAY RESTORATION COMMISSION REGARDING PUBLIC ACCESS AT THE BALLONA WETLANDS ECOLOGICAL RESERVE June 17, 2021

### Resolution No. 21-03

WHEREAS, The mission of the Santa Monica Bay Restoration Commission (Commission) is to restore and enhance Santa Monica Bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, mitigate the impacts of climate change and sea level rise, and protect Santa Monica Bay's benefits and values; and

WHEREAS, The Santa Monica Bay National Estuary Program's (NEP) Comprehensive Conservation and Management Plan (CCMP) addresses a range of environmental problems facing Santa Monica Bay while recognizing and balancing the needs of the local community; and

WHEREAS, Some members of the Governing Board and some Santa Monica Bay Stakeholders, including members of the public, have expressed interest in public access at the Ballona Wetlands Ecological Reserve (the Reserve), including for California Department of Fish and Wildlife (CDFW) to consider increasing public access at the Reserve for additional educational and stewardship opportunities; and

WHEREAS, The Reserve is part of the largest remaining coastal wetland in the Santa Monica Bay watershed and is managed by CDFW. CDFW also oversees the restoration planning of the Reserve and permits and manages access to portions of the Reserve; and

WHEREAS, CDFW presented an information item on the existing public access opportunities at the Reserve at the August 20, 2020 Governing Board meeting and provided an update on that information item at the September 17, 2020 Executive Committee meeting; and

WHEREAS, In CDFW's October 7, 2020 memorandum to the Chief Administrative Director of the Commission (CDFW Memo), CDFW provided the same information to the Commission regarding the existing public access opportunities at the Reserve and stated "With public access and educational opportunities currently provided at [the Reserve] (albeit current stoppage due to the COVID 19 pandemic) and after careful consideration, [CDFW] has decided against opening additional access at this time due to operational and maintenance constraints, including planning, staffing, funding, control, and safety concerns" (Attachment 1); and



*The Santa Monica Bay Restoration Commission's mission is to restore and enhance Santa Monica Bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, mitigate the impacts of climate change and sea level rise, and protect Santa Monica Bay's benefits and values.*

WHEREAS, Several actions in the CCMP Action Plan approved by the Governing Board in 2018 aim to protect, restore, enhance, and improve natural habitat in the Santa Monica Bay watershed while balancing the need to improve public access and provide educational and stewardship opportunities in natural habitats of the Santa Monica Bay watershed; and

WHEREAS, Action #13 of the CCMP Action Plan aims to restore the Reserve to improve wetland, transition, and upland habitats, functions, and services and create public access trails and bike paths to encourage recreation and stewardship at the Reserve; Action #25 supports best management practices, increased public access, and improved public facilities for beaches and other public trail systems to support both enhanced natural resources values and benefits to people; and Action #28 supports efforts of disadvantaged communities to achieve healthy habitats, implement green infrastructure, and reduce pollution, including efforts to promote environmental equity and justice for the underserved by providing public access and recreational opportunities; and

WHEREAS, Continuing and increasing public access and educational and stewardship opportunities at the Reserve that promotes natural habitat values, such as protection and restoration of sensitive habitat and wildlife, while balancing the need to provide benefits to people would further the implementation of CCMP Actions #13, #25, and #28; and

NOW THEREFORE BE IT RESOLVED that the Governing Board of the Commission hereby:

1. RECOGNIZES that public access and educational and stewardship opportunities in natural habitats in the Santa Monica Bay watershed are important but that they must be done in consideration of resources, public safety, and the potential impacts from increased presence of humans to ensure projects that protect, restore, enhance, and improve habitats are not undermined or rendered ineffective; and
2. ENCOURAGES CDFW to continue public access and educational and stewardship opportunities at the Reserve and increase opportunities to the extent it determines such increased opportunities are appropriate and feasible in the future; and
3. DIRECTS Commission staff to convey this resolution to CDFW expressing the Commission's non-binding recommendations regarding public access and educational and stewardship opportunities at the Reserve.

BY:

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Charlie Caspary  
Governing Board Chair  
Santa Monica Bay Restoration Commission

**ATTACHMENT 1**

**October 7, 2020 CDFW Memorandum regarding  
Public Access at the Reserve**

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