20STCV29911

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Mel Red Recana

Electronically FILED by Superior Court of California, County of Los Angeles on 08/07/2020 10:54 AM Sherri R. Carter, Executive Officer/Clerk of Court, by M. Barel,Deputy Clerk

LAW OFFICES OF BRYAN W. PEASE
Bryan W. Pease (SBN 239139)
302 Washington St. #404
San Diego, CA 92103
Tel: (619) 723-0369
Email: bryan@bryanpease.com

Attorney for Plaintiffs

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

DEFEND BALLONA WETLANDS, a California unincorporated association; ANIMAL PROTECTION AND RESCUE LEAGUE, INC., a California nonprofit corporation, MOLLY BASLER, an individual, MARCIA HANSCOM, an individual; LISA KARLAN, an individual, and ROBERT JAN VAN DE HOEK, an individual,

Plaintiffs,

vs.

CALIFORNIA STATE COASTAL CONSERVANCY, a California state agency; SAM SCHUCHAT, an individual; the SANTA MONICA BAY RESTORATION FOUNDATION, a California nonprofit corporation; and DOES 1-30,

Defendants.

CASE NO. 20STCV29911

VERIFIED COMPLAINT

INTRODUCTION

1. In the year 2000, California voters overwhelmingly approved Proposition 12, creating a $2.1 billion bond "to spend on acquisition, development, and protection of recreational, cultural, and natural areas."

2. Twenty five million dollars of the bond was specifically to be allocated "to acquire, protect, and restore wetlands projects that are a minimum of 400 acres in size in any county with a

population greater than 5,000,000," referring specifically to Ballona Wetlands, currently home to approximately 1,700 animal and plant species – some threatened and endangered, and the last remaining coastal wetlands in Los Angeles.

3. The State Coastal Conservancy of California and its Executive Director, Sam Schuchat, (who has a documented history of investing in the fossil fuel industry as seen at https://www.laweekly.com/why-does-a-coastal-conservancy-exec-own-piles-of-offshore-oil-stock/), have instead misspent more than twelve million dollars of this bond money researching ways to *destroy* the wetlands, so that Schuchat's allies at SoCalGas/Sempra can upgrade their storage facility for natural gas *under* the wetlands.

4. The dangerous practice of underground fossil fuel storage on the Los Angeles coast began in the 1940s, and continues to this day unbeknownst to the public. This practice allows SoCalGas to purchase natural gas cheaply during summer months, pipe it in to California from Oklahoma, Texas and Utah, pump it *into* the ground below the wetlands, and then pump it out again to resell in the winter when natural gas is more expensive. The oil and gas storage infrastructure is now crumbling.

5. Elected officials, fearful of another explosion like the one that occurred at Aliso Canyon, have called for shutting down the facility under the Ballona Wetlands. In a desperate effort to avoid closure, this cynical and counterfeit "restoration" is a pretext for the real agenda of fixing old and adding newer infrastructure.

6. To this end, Schuchat and his industry-captured agency have also financed front groups to pitch the project, most notably The Santa Monica Bay Restoration Foundation (also known as "The Bay Foundation"), which planned and designed the bulldozing and excavation project Defendants are inaccurately touting as a "restoration." The Bay Foundation is a private entity that owns no land at Ballona, but receives funding from SoCalGas and also has a current SoCalGas executive on its board of directors. The previous executive director of this organization is now the CEO of Heal the Bay, which additionally supports the bulldozing/excavation plan and has also received funding from SoCalGas.

7. The Bay Foundation has received significant sums of money from the State Coastal Conservancy to oversee the management and planning process for the project proposed for the Ballona Wetlands.

8. Other groups that are supporting the project have also received funding from SoCalGas. One prominent one, Friends of Ballona Wetlands, as well has a current executive from SoCalGas on its board of directors, currently serving as Vice President for the "Friends." Additionally, Jacob Lipa was the President of the Friends of Ballona Wetlands from 2008-2010, when the proposal for excavation and bulldozing of the Ballona Wetlands was being set in stone. Lipa is still listed as of today on the website for Friends of Ballona Wetlands as a "Board Delegate." Lipa was also the President of the engineering firm, Psomas, a post he held for 17 years. The State Coastal Conservancy awarded Psomas a contract in 2013 for more than $2 million for work on the "enhancement" of the Ballona Wetlands State Ecological Reserve. A recent extension of this contract was signed on January 1, 2018.

9. Proponents of this disingenuous project falsely describe the Ballona Wetlands State Ecological Reserve as being terribly "degraded" and needing intervention or "the wetlands will die," when it is actually thriving and teeming with wildlife, including being relied on by seven endangered species and dozens of species on the State of California's list of Species of Special Concern, as seen at https://angeles.sierraclub.org/sites/angeles.sierraclub.org/files/branches/BallonaWetlands/docs/W_2.1_Wildlife_Endangered_Hand_Out_SC_7_25_19.pdf and in Exhibit 1 hereto.

10. Most of the surface rights to the land are owned by the State of California Department of Fish & Wildlife ("CDFW"), while 60 acres of the surface rights are owned by the State of California State Lands Commission. Mineral rights for most of the area are owned or leased by SoCalGas/Sempra.

11. The waterway (estuary) that runs through the middle of the ecological reserve, called Ballona Creek, is owned/managed by US Army Corps of Engineers & Los Angeles County Public Works/Flood Control District. Some of the land in the creek channel (estuary) is also owned by CDFW.

12. Currently, there is a final Environmental Impact Report ("EIR") that was released in December 2019. A preferred project was not actually selected, but it is clear from the review documents which project is being considered. The EIR was prepared by CDFW.

13. The EIR has not been certified. CDFW states on its website that it will use the EIR to inform any future decision regarding restoration of the Ballona Wetlands Ecological Reserve ("BWER"), as seen at https://wildlife.ca.gov/Regions/5/Ballona-EIR.

14. At the same time that the scoping began for the EIR process, the federal government was

required to undertake an environmental review process under the National Environmental Policy Act ("NEPA"). Because destruction, i.e. "filling," of wetlands is involved, the US Army Corps of Engineers, per the Clean Water Act, was designated as the federal lead agency. The Army Corps of Engineers issued scoping, as well, and also issued a Draft Environmental Impact Statement ("EIS"), in November of 2017, when the State issued its draft EIR.

15. The Army Corps of Engineers did not issue a final EIS at the same time that the state issued its final EIR. The Army Corps of Engineers indicated at that time that it would be at least 1.5 years before it would be ready to issue a Final EIS.

16. CDFW describes the following anticipated timeline on its website:

> • CDFW begins preparing the next 408 application submittal to the Army Corps of Engineers, including 60 percent design plans and detailed engineering technical analyses (roughly six to 10 months)
>
> • Los Angeles County Flood Control District (LACFCD) provides input and agrees to submit the 408 application submittal on behalf of CDFW (roughly three months)
>
> • LACFCD submits 408 application submittal to the Army Corps of Engineers for its review and processing (roughly 12 months), and subsequent review by the Army Corps of Engineers Headquarters in Washington, D.C. (unknown). Army Corps of Engineers finalizes the Environmental Impact Statement
>
> • CDFW seeks approvals from other agencies, e.g. Coastal Commission, Regional Water Quality Control Board, etc. (timing depends on the permitting agency's process)
>
> https://wildlife.ca.gov/Regions/5/Ballona-EIR

JURISDICTION AND VENUE

17. This Court has personal jurisdiction over the Defendants because Defendants are domiciled in California.

18. The Court has subject matter jurisdiction over the claims asserted because relief is sought under CCP sections 526, 526a, and 1060.

19. Venue is proper in this county as the acts upon which this action is based occurred in this county, and the land that is the subject of the dispute is located in this county.

PARTIES

20. The California State Coastal Conservancy is a California state agency.

21. Sam Schuchat is the Executive Officer of the California State Coastal Conservancy. Schuchat is named in his personal and official capacities.

22. The Bay Foundation ("TBF") – also known as the Santa Monica Bay Restoration Foundation – is a private group founded in 1990 to restore and enhance Santa Monica Bay and local coastal waters. Their offices are in Westchester (Los Angeles), California. TBF has overseen the initial plans for the project proposed for the Ballona Wetlands that has been touted as a "restoration." They also have overseen most of the permitting discussions and managing of the planning process behind the scenes, and they were granted millions of dollars by the State Coastal Conservancy for this work.

FACTS

23. More than $12 million of Proposition 12 bonds were spent on the "planning" and "engineering" for this destructive project – one that cannot legitimately be called a "restoration" but rather is a destruction and creation of something entirely novel and different than what was in this place for at least the last 4,000 years, even though the bond language does not say anything about "planning," "engineering," "demolishing" or "creation," but instead specified the money was only to be used to "protect, acquire or restore" these wetlands.

24. A February 2, 2012 article appearing in The Argonaut entitled "FUNDING FOR HYDROLOGICAL STUDIES, PUBLIC ACCESS DESIGN IN ENVIRONMENTAL RESERVE" reported on $6.25 million dollars from the Prop 12 bond that was allocated by the State Coastal Conservancy "for hydrological analysis and scenic trail design in the 600-acre ecological reserve." The article appears at https://argonautnews.com/coastal-conservancy-approves-funding-for-hydrological-studies-public-access-design-in-environmental-reserve/

25. As stated in the article:

> Coastal Conservancy Programs Manager Mary Small said the commission, which has been conducting baseline environmental studies in Ballona, will work

> with the technical experts hired by the conservancy.
>
> "This will enable us to do the engineering work in order to apply for required environmental permits," Small explained.

26. Santa Monica Bay Restoration Commission biologist Karina Johnston is quoted in the article as stating: "I think there is some confusion between the funds that were allocated to go towards the planning and science, and the actual restoration itself."

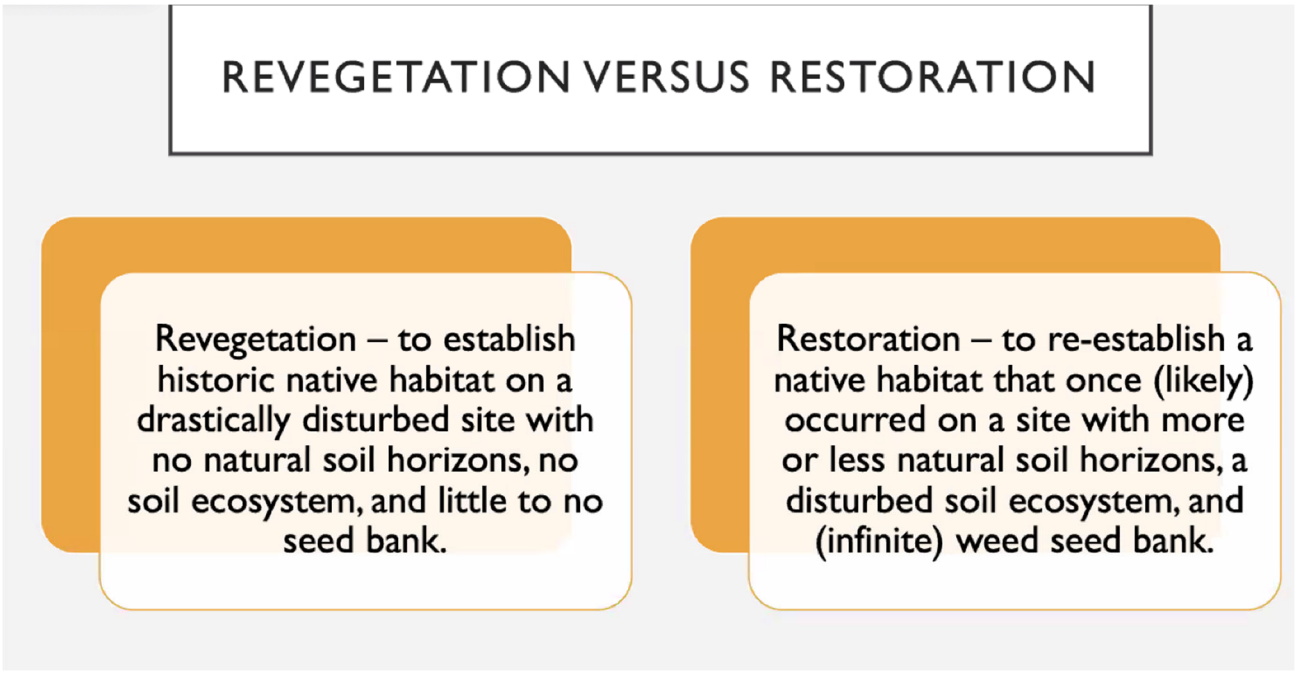
27. Misuse of funds by the State Coastal Conservancy has included flying staff to and from Oakland to stay in hotels in Playa del Rey. State Coastal Conservancy staff were also observed dining with The Bay Foundation staff at Cantalini's restaurant to discuss plans to destroy the reserve under the guise of "restoration."

28. Los Angeles Audubon Society points out the disingenuous nature of this project in their comments submitted to the draft EIR/EIS: "[T]he EIR fails to accurately describe the project. (LPP Report, Section 3.1) The proposed project is not a restoration within the plain meaning of that term, nor a restoration as that term is defined in the Code of Federal Regulations."

29. The Los Angeles Audubon Society Response to Draft EIS/EIR also points out: "[T]he project is misnamed as a restoration project. As discussed by the attached report of Land Protection Partners, the project is not restoration but rather removal of currently existing wetlands and replacement with a non-naturally occurring wetland. Therefore, the project description is misleading."

30. Dr. Travis Longcore, who has studied the historical ecology of the area, states regularly that the plans for Ballona would not lead to a "restoration." Specifically, Dr. Longcore has stated in a letter contained in the administrative record, "Moving the channels will not 'restore' the wetlands. To the contrary, it would introduce permanent tidal flow to areas that historically did not have such flows."

31. Dr. Margot Griswold, a restoration ecologist, who is immediate Past-President of Los Angeles Audubon Society, has also stated that this plan is "not a restoration." Dr. Griswold presented the following slides on April 21, 2020 to the Airport Marina Group, a Sierra Club regional group:



32. Using part of the Proposition 12 bond money, in 2011 the State Coastal Conservancy granted $280,000 to the Mountains Recreation and Conservation Authority (MRCA) to be spent for public access purposes at the Ballona Wetlands. In a clear-cut case of mis-use of public funds, public access, while laudable, was not allowed by the specific terms of the bond money. The plain language of the voter-authorized use of these funds was to "protect, acquire and restore" the Ballona Wetlands.

33. Additionally, while public access amenities – including bike racks and benches - have been installed, the public cannot use them. The language in the grant stated: that MRCA "*shall* promote public awareness, interpret the natural resources, discourage illegal access and increase opportunities for positive public use of the site." However, today the gates are locked to the Fiji Way gate, except to SoCalGas employees, who hold the keys and drive their vehicles on the trails where the public could otherwise walk and enjoy the ecological reserve.

34. Now, the proponents have the audacity to claim this sham "restoration" would provide public access areas, when such areas already exist, yet some are being withheld from the public. In fact, the public access that is touted for when the "restoration" is finished will, instead, be diminished, with a beloved, well-used bicycle path to be demolished (as seen at https://www.latimes.com/opinion/story/2020-04-26/column-feeling-sad-lethargic-fearful-happiness-is-just-a-bike-ride-away) and a recreational, competitive rowing area of the creek being rendered un-usable, according to comments made in the EIR by the California Coastal Commission staff.

35. According to the EIR, this project, if it proceeds, would involve nine years of bulldozing almost the entirety of the 640 acres in this Ballona Wetlands State Ecological Reserve, obliterating the natural beauty of this seaside community, causing significant traffic tie-ups and diesel fumes spewing into the neighborhoods and spelling certain death for thousands of wild animals with nowhere to go. The proposed project is not a restoration; it is a boondoggle that is not in the public interest.

36. True and correct photos of endangered species and natural beauty in the ecological reserve are attached hereto as Exhibit 1.

FIRST CAUSE OF ACTION
Waste of Public Funds
(CCP section 526a)

37. Plaintiffs hereby incorporate each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

38. California Code of Civil Procedure section 526a permits private individuals or entities to bring an action to "obtain a judgment, restraining and preventing any illegal expenditure of, waste of, or injury to, the estate, funds, or other property of a local agency."

39. Plaintiffs are residents of, and pay taxes in and to, the State of California and therefore

having standing to bring an action under section 526a.

40. The State Coastal Conservancy, Sam Schuchat, and The Bay Foundation have misused and wasted public funds. Defendants' actions constitute an illegal expenditure of public funds.

41. Defendants must disgorge all taxpayer funds improperly spent on this boondoggle, and cease any further unlawful expenditures not authorized by the voters who approved the bond measure.

SECOND CAUSE OF ACTION
Breach of Fiduciary Duty of Care
(California Common Law)

42. Plaintiffs hereby incorporate each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

43. Defendants breached their fiduciary duty by misspending Prop 12 bond money.

44. Defendants' breach of their fiduciary duty to spend the bond money as it was intended directly resulted in injury to Plaintiffs and similarly situated persons.

45. Based on the foregoing, Plaintiffs are entitled to declaratory, injunctive, and equitable relief, reasonable attorneys' fees and costs.

THIRD CAUSE OF ACTION
Declaratory and Injunctive Relief
(Code of Civ. Proc. §§ 526 and 1060)

46. Plaintiffs incorporate all previous paragraphs as if fully set forth herein.

47. Defendants' unlawful actions in misspending funds planning for destruction of Ballona Wetlands under the guise of "restoration" are causing grave and irreparable injury to Plaintiffs and the general public for which monetary damages will be extremely difficult to quantify and will be inadequate.

48. There is an actual and justifiable controversy between Plaintiffs and Defendants regarding whether Defendants' actions comply with all applicable laws.

49. Unless enjoined by this Court, Defendants will continue misspending Prop 12 bond money and other public funds.

50. Plaintiffs are entitled to a legal declaration of their rights and Defendants' obligations under applicable state law as alleged in this petition and complaint.

51. Without such a judicial declaration, disputes and controversy will continue over whether Defendants' actions comply with all applicable laws.

52. Plaintiffs are directly and beneficially interested in Defendants' compliance with all applicable provisions of the law and with all legal duties, as set forth herein. As a result, they have standing to bring this claim for declaratory and injunctive relief.

53. At all times relevant to this action, Defendants have had the ability to perform the legal duties set forth herein and comply with the law, and have failed to perform those duties and comply with the law.

54. Unless compelled by this Court to perform those acts and duties and comply with the law, Defendants will continue to refuse to carry out those duties and continue to violate the law. Plaintiffs and the general public will continue to be harmed as a result.

PRAYER FOR RELIEF

Wherefore, Plaintiffs pray for judgment against Defendants as follows:

1. For a temporary restraining order, preliminary injunction, and permanent injunction enjoining all Defendants and their principals, members, agents, officers, employees, representatives, co-conspirators, and all person acting in concert, collaboration or participation with them during the pendency of this action and permanently thereafter, from spending Prop 12 funds set aside for Ballona Wetlands for anything other than "to acquire, protect, and restore" the wetlands, or from spending other public bond money for the Ballona Wetlands Ecological Reserve unless it is solely for the purposes of maintaining and protecting the fragile, imperiled lands at Ballona and the wild species that rely on these lands;

2. For a forensic accounting and return of all funds spent to the State of California, to be used to "acquire, protect, and restore" Ballona Wetlands;

3. For reasonable attorneys' fees as provided by, *inter alia,* Code Civ. Proc. § 1021.5, and for costs of suit incurred herein; and

4. For such other and further relief as the Court deems just and proper.

Dated: August 7, 2020 By: _____
Bryan W. Pease, Esq.
Attorney for Plaintiffs

VERIFICATION

I, Marcia Hanscom, am a Plaintiff in the above-captioned action. I have read the foregoing Verified Complaint and am familiar with its contents. The same is true of my own personal knowledge, except those matters alleged on information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of California the foregoing is true and correct.

Dated: August 7, 2020 By: _____
Marcia Hanscom

VERIFICATION

I, Molly Basler, am a Plaintiff in the above-captioned action. I have read the foregoing Verified Complaint and am familiar with its contents. The same is true of my own personal knowledge, except those matters alleged on information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of California the foregoing is true and correct.

Dated: August 7, 2020 By: _____
Molly Basler

VERIFICATION

I, Robert Jan Van de Hoek, am a Plaintiff in the above-captioned action. I have read the foregoing Verified Complaint and am familiar with its contents. The same is true of my own personal knowledge, except those matters alleged on information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of California the foregoing is true and correct.

Dated: August 7, 2020 By:
Robert Jan Van de Hoek

VERIFICATION

I, Lisa Karlan, am a Plaintiff in the above-captioned action. I have read the foregoing Verified Complaint and am familiar with its contents. The same is true of my own personal knowledge, except those matters alleged on information or belief, and as to those matters, I believe them to be true.

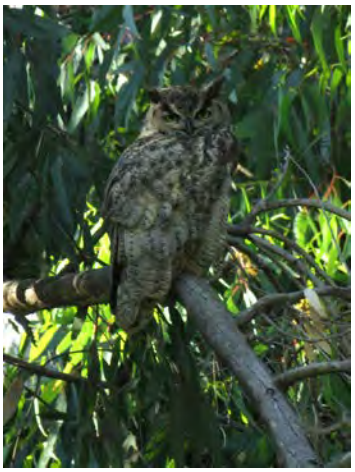
I declare under penalty of perjury under the laws of California the foregoing is true and correct.

Dated: August 7, 2020 By:
Lisa Karlan

Exhibit 1

Some of the Wild Animals
Relying on the Ballona Wetlands Ecological Reserve

Striped Skunk



Great Horned Owl

Western Fence Lizard

Audubon Cottontail Rabbit

California Sea Lion

Coyote

7.31.20 - photos by Jonathan Coffin, Rick Pine

compiled by:

BALLONA INSTITUTE
restoration, research, education, artistic expression
The Voice for Nature on the Los Angeles Coast.

SIERRA CLUB
Ballona Wetlands
Restoration Committee

Endangered & Imperiled Species Documented in Recent Years at the Ballona Wetlands Ecological Reserve

***Federal* Endangered Species List – [E] = Endangered [T] = Threatened**

ALL PHOTOS SHOWN IN THIS DOCUMENT WERE TAKEN AT BALLONA WETLANDS ECOLOGICAL RESERVE

1. Least Bell's Vireo *Vireo bellii pusillus* [E]
(resident songbird) nesting - including documented singing (courtship) on habitat on north and south levees of Ballona Creek

2. Coastal California Gnatcatcher *Polioptila californica californica* [T]
(migratory songbird) forages and relies on habitat at BWER; nesting at nearby Playa del Rey Dunes at LAX

3. El Segundo Blue Butterfly *Euphilotes battoides allyni* [E]
reproducing in dunes at Ballona Wetlands ER; also reproducing in nearby PDR Dunes

4. California Least Tern *Sterna antillarum browni* [E] (migratory shorebird – migrates from Guatemala and southern Mexico; nests on nearby Venice Beach in specially fenced preserve; feeds on fish in the shallow water sloughs and in Ballona Creek; mating documented on salt pannes)

5. Western Snowy Plover *Charadrius nivosas nivosas* [T]
sheltering and foraging at Ballona Wetlands Ecological Reserve salt panne

6. Light-footed Ridgway's Rail (Light-footed Clapper Rail) *Rallus longirostris levipes* – [E]
at freshwater marsh on edge of BWER (Ballona land owned by State Lands Commission)

State of California Endangered Species List - [E] = Endangered [T] = Threatened

1. **Belding's Savannah Sparrow** ***Passerculus sandwichensis beldingi*** **[E]**
(resident songbird) (nesting) Besides nesting in Area B, relies on habitat on the levee edges of Ballona Creek, as well as in Area A for dispersal

2. **Least Bell's Vireo** ***Vireo bellii pusillus*** **[E] (**resident songbird) nesting

3. **Light-footed Ridgway's Rail (Light-footed Clapper Rail)** ***Rallus longirostris levipes*** **– [E]**
at freshwater marsh on edge of BWER (Ballona land owned by State Lands Commission)

7.31.20- photos by Jonathan Coffin, Don Sterba List compiled by:

BALLONA INSTITUTE
restoration, research, education, artistic expression
The Voice for Nature on the Los Angeles Coast

SIERRA CLUB
Ballona Wetlands
Restoration Committee

Imperiled Species - Special Status

Treated as if on endangered species list by state officials due to settlement agreement with CA Native Plant Society or Center for Biologist Diversity; listing package submitted for endangered species list; ***Species of Special Concern****, or on other* ***special status State of California lists***

1. Lewis' Evening-Primrose *Camissoniopsis lewisii*
2. Wandering Skipper Butterfly *Panoquina errans*
3. South Coast Marsh Vole *Microtus californicus stephensi*
4. Silvery Legless Lizard *Anniella stebbinsi*
5. Southern Tarplant *Centromadia parryi* ssp. *australis*
6. Southern California Ornate Shrew *Sorex ornatus salicornicus*
7. Grasshopper Sparrow, *Ammodramus savannarum*
8. California Horned Lizard *Phrynosoma blainvillii blainvillii* (Gray)
9. Western Sand Spurrey *Spergularia canadensis*
10. Southern Marsh Harvest Mouse *Reithrodontomys megalotis limicola*
11. Grasshopper Sparrow *Ammodramus savannarum*
12. Cooper's Hawk *Accipiter cooperii*
13. Double-crested Cormorant (breeding) *Phalacrocorax auritus*
14. Oregon Vesper Sparrow *Pooecetes gramineua affinis*
15. Wigeon Grass (rare SAV) *Ruppia maritima*
16. Spiral Wigeon Grass (rare SAV) *Ruppia cirrhosa*
17. Vernal Barley *Hordeum intercedens*
18. South Coast Branching Phacelia *Phacelia ramosissima*
19. Monarch Butterfly *Danaus plexippus*
20. Orcutt's Yellow Pincushion *Chaenactis glabriuscula var. orcuttiana*
21. Slender Arrowgrass *Triglochin concinnum*
22. Ballona Wallflower *Erysimum suffrutescens* (type locality-Ballona)
23. Alkali Barley *Hordeum depressum*
24. Woolly Sea-Lite *Suaeda taxifolia*
25. Slender Salamander (entire pop. Less than 1,000) *Batrachoseps attenuatus attenuatus* (Eschscholtz)
26. Ballona California Kingsnake (special markings) *Lampropeltis getula californiae*
27. Loggerhead Shrike *Lanius ludovicianus*
28. Western Meadowlark *Stumella neglecta*
29. Northern Harrier *Circus cyaneus*
30. Great Blue Heron (breeding) *Ardea herodias*
31. Great Egret (breeding) *Ardea alba*
32. Snowy Egret (breeding) *Egretta thula*
33. Black-crowned Night Heron *Nycticorax nycticorax*
34. Western Pony's-Foot *(Dichondra occidentalis)*
35. Burrowing Owl *Athene cunicularia*
36. Ferruginous Hawk *Buteo regalis*

Lewis' Evening Primrose

White-tailed Kite and South Coast Marsh Vole

Alkali Barley

Monarch Butterfly

Burrowing Owl

Western Meadowlark

7.31.20- photos by Jonathan Coffin, Don Sterba

List compiled by:

BALLONA INSTITUTE
restoration, research, education, artistic expression
The Voice for Nature on the Los Angeles Coast

SIERRA CLUB
Ballona Wetlands Restoration Committee

Other Noted &/or Protected Species*

1. **California Brown Pelican** – Pelecanus occidentalis californicus - feeds and rests in Ballona Creek channel – de-listed from federal endangered species list in 2009, but still being watched by officials, biologists
2. **American Peregrine Falcon** Falco peregrinus anatum – 3 **foraging at Ballona** in 2017;**– de-listed from federal endangered species list in 2009, but still being watched by officials, biologists – CA "FULLY PROTECTED SPECIES"**
3. **White-tailed Kite** – *Elanus leucurus* resident in the Ballona Valley/nests in nearby neighborhood trees/forages in grasslands at Ballona; has its own law in California – CA "FULLY PROTECTED SPECIES"
4. **Palmer's Goldenbush - *Ericameria palmeri var. palmeri*** – CNPS 1B1 list – State of California: imperiled S2
5. **Great Bue Heron - *Ardea herodias -*** is designated a "**Special** Animal" because of the close association it has with a **habitat** that is continuing to decline in **California**. Great Blue Heron nests at nearby Mariners Village and juveniles feed in Area A and B of the Ballona Wetlands Ecological Reserve, especially in Area A where an abundance of small mammals reside, and which the juveniles Herons require for their diet in the first few years before they learn refraction, which allows them to fish successfully. Naturalists who have studied this bird species at Ballona predict the rookery will collapse if the small mammal habitat these birds rely on for more than 60% of their diet is disrupted
6. ***Numerous Lichens that have recently been documented and are awaiting protected status.***
7. **AND** – MANY, MANY insect and spider species, including numerous native ant populations, dragonflies, damselflies, butterflies and so much more that is not being accounted for or dismissed as "they will come back" – well, these natural heritage species will not all come back – and we are losing them fast, as habitat is destroyed for urbanization and extractive industries

*Note: The Migratory Bird Treaty Act protects many of the bird species at Ballona not mentioned here or listed under "Other Noted Species." **More than 200 bird species have been documented at the Ballona Wetlands Ecological Reserve.**

White-tailed Kite

Great Blue Heron

Great Egret & Snowy Egret

Orcutt's Yellow Pincushion

Peregrine Falcon (juvenile)

7.31.20 - photos by Jonathan Coffin, Don Sterba Lina Shanklin

List compiled by:

BALLONA INSTITUTE
restoration, research, education, artistic expression
The Voice for Nature on the Los Angeles Coast

SIERRA CLUB
Ballona Wetlands Restoration Committee