

# California State Senate

SENATOR  
FRAN PAVLEY

TWENTY-SEVENTH SENATE DISTRICT



January 4, 2013

Honorable Jo-Ellen Darcy  
Assistant Secretary of the Army (Civil Works)  
108 Army Pentagon  
Washington, D.C. 20310-0108

**Re: Sepulveda Basin Vegetation Management Plan**

Dear Assistant Secretary Darcy:

I am writing to express my disappointment and personal dismay at having learned through the press that the U.S. Army Corps of Engineers ("Corps") stripped acres of natural habitat at the Sepulveda Basin Recreation Area bare in mid-December, leaving behind a scene of devastation more reminiscent of post-hurricane than a "Vegetation Management Plan." My constituents are outraged. It is also a sad irony that this work was quietly done during the holiday season, and only discovered by members of the Audubon Society as they were conducting their annual Christmas bird count.

The Sepulveda Basin Wildlife Preserve is one of the environmental gems of the 27<sup>th</sup> Senate District, which I represent. It is bounded on the south by the Los Angeles River – declared in 2010 by the USEPA Administrator Lisa Jackson as "traditional navigable water." As you are aware, this designation means that the River is more than just a flood control channel. While public safety is a paramount concern, the River must meet multiple objectives, and ecosystem restoration is one of the Corps' own. The River is in a process of being restored by the City and County of Los Angeles, among other public and private partners, to what will one day be something very special for the entire region, both for the natural treatment and control of storm water and also for the many attendant recreational uses for the public that will be created.

I spent a considerable amount of time walking the site this week in the company of representatives of several environmental organizations who were horrified and heartbroken to see the subject area stripped, plowed and knee-deep in dead brush and branches. Native oak trees were damaged or destroyed. Non-native eucalyptus trees were left standing. No trees appeared to have been tagged, fenced or protected in any way. From the tracks all over the site, it appeared that the work had been done indiscriminately with heavy equipment, none of it by hand, which in my experience is standard practice for this kind of work. It is difficult to imagine that biologists, plant specialists, or any other experts in the protection of natural resources were on site directing the manner in which this work was being done.

I have a great many concerns.

1. I am informed that the work is incomplete and was interrupted by the revelations in the press. Further, that the Corps gave some general assurances to environmental organizations that it would suspend completion of the work for the moment. I am hereby requesting that you provide a formal written stay of all further work until the elected officials, other stakeholders and members of the public have an opportunity to fully investigate the circumstances surrounding this project and some public process has taken place.
2. It also appears that there was an absence of any public process before work was begun beyond a minimal posting of the Environmental Assessment (EA) on your website. I am not personally aware of any area elected official who received actual notice from the Corps of the Draft EA or of the project at all. As Chair of the State Senate Natural Resources and Water Committee, and the legislator who represents the area, I would have expected actual notice and a reasonable length of time in which to respond, neither of which was provided.

I would also have expected that the Corps would have made a serious effort to engage the public well before undertaking work and to receive meaningful input from them. The established L.A. River Cooperation Committee would have been an excellent forum. I understand that the Corps attends these meetings, is a participant, and has a regular slot on those agendas to provide updates. Your feasibility study, for example, is on the agenda as an information item.

During the stay period, what steps will you now be taking as outreach to elected officials, community stakeholders, members of the public, and relevant state and local agencies such as the California Department of Fish and Wildlife, the Regional Water Quality Control Board, and other relevant entities and parties to inform them of the steps that you have taken to date and to hear from them regarding your intentions going forward?

3. One of the stated reasons for the project was "to increase visual surveillance of the area for safety purposes and discourage illegal activity." Prior to stripping the subject area essentially bare, what alternative means were attempted? Ex., a taskforce of local law enforcement? A ranger assigned to this site? Additional signage or fencing? Consultation with other park entities such as the Santa Monica Mountains Conservancy or City of Los Angeles park personnel who have experience in dealing with these situations?
4. The environmental damage is severe. The EA states that your next step is a two-year period of herbicide spraying "to control re-emergent invasive vegetation." Clearly this aggressive use of herbicides will insure that all vegetation -- invasive, native, rare and endangered -- will be destroyed, creating a new grassy area that is unnatural to the area instead of the native vegetation that provided food, shelter, and breeding habitat for the countless birds that inhabit this Reserve and are migrating through right now. In your opinion, what mitigation measures might take place? How will the public, relevant agencies and officials be involved in order to analyze and recommend mitigation measures to reduce the impacts of the environmental damage and recreational features?
5. Please identify all sources of public money that the Corps or other federal, state or local entities received, including from federal sources and state bonds or grants, to maintain, restore, enhance, or protect this site.

6. The EA lists four individuals as "Preparers" of the document. Please identify any public officials, public agencies, non-governmental organizations, scientists, community leaders, or others who were involved in the environmental review process. In your opinion, is the Finding of No Significant Impact following the aggressive clearing of the property still consistent with the Corps' Vegetation Management Plan?

My constituents are demanding answers, including the justification from the Corps for proceeding by way of a Finding of No Significant Impact, when the impacts appear very significant indeed. Your soonest response, in writing, is requested.

Please add my office to all mailing and other lists for notifications and updates on this project. If you have any questions or wish to discuss, please feel free to call my District Director, Kara Seward, at (818) 876-3352.

Thank you,

*Fran Pavley*

Fran Pavley  
State Senator, 27<sup>th</sup> District  
Chair, Senate Natural Resources and Water Committee

cc: Congressman Brad Sherman  
Senator Kevin de Leon  
Assemblymember Bob Blumenfield  
Los Angeles County Supervisor Zev Yaroslavsky  
Office of LA City Council District 6  
Col. R. Mark Toy, 59<sup>th</sup> Commander, Los Angeles District, U.S. Army Corps of Engineers  
Pauline Louie, Watershed Ambassador, Los Angeles River, Urban Waters Federal Partnership  
John Kennerer, Associate Director, Water Division, U.S. EPA Region 9