

Sepulveda Basin Wildlife Areas Steering Committee
Meeting January 22, 2013 -- Approved Minutes

The meeting was held at Rec & Parks Valley Regional HQ Construction Conference Room. Meeting was called to order by current Chair Glenn Bailey at 6:32 PM. He welcomed attendees and explained the purpose of the Steering Committee.

Voting members in Attendance: Glenn Bailey (RCD-SMM), Steve Hartman (CNPS), Muriel Kotin (SFVAS), and Robert Munsey (LAAS).

Non-voting members: Robert Baker (R&P), Debra George (Encino NC), and Cynthia Weichelt (Lake Balboa NC).

Alternates and guests: John Alford (Congressman Brad Sherman), Sgt. Frank Avila (LAPD), Jack Baird (L Bal NC), Ramon Barajas (R&P), Theresa Brady (SFV Sierra C), Jodi Clifford (USACE), Robert Colangelo (USACE), Matt Dababneh (Congressman Brad Sherman), Glen Dake (CA Audubon), Snowdy Dodson (CNPS), Captain John Egan (LAPD), Pam Folgert (SFVAS), Jim Hanlon, Roxan Hartstein (L Bal NC), Wesly Hernandez (LA CD-5), Terri Kaplan (USACE), Jan Kidwell (Sierra C), Paul Koretz (LA City Council), Rose Leibowitz (SFVAS), Tom Leveque (R&P), Allen Nelson (L Bal NC), Ann Ohlenkamp (SFVAS), Kris Ohlenkamp (SFVAS), Francine Oschin (Sierra C Endg Spc & Wildlife), Mark Osokow (SFVAS), Joe Phillips (SFV Sierra C), Barbara Pleasant (R&P), Miriam Preissel (resident), Christopher Richard, Louise Rishoff (State Senator Pavley), Christopher Richard, David Warren (Wetlands Defense Fund), Dave Weeshoff (SFVAS), Rosemarie White (C. Goose Proj), and others who did not sign in.

There were self introductions and a quorum was established. Minutes of Nov. 20, 2012 meeting were approved without change. Steve Hartman announced there will be a Native Plant Week Symposium, Plant Sale and Wildflower Show at the Sepulveda Garden Center on April 20, 2013.

Enforcement Problems: Debra George gave a PowerPoint presentation of problems in the SBWR (Sepulveda Basin Wildlife Reserve). It included pictures of the tangled white pelican attached to a plastic bottle that was rescued, dead cormorants tangled in fishing line; of people fishing, w/ poles, improvised rigs and nets; of hunting and egg hunting; of dogs off leash, many appearing to be hunting.

There are municipal codes, but many dogs off leash, trained to hunt.
Municipal codes that do exist: Debra distributed handout [attached], including discussion of Article 3, Section 63.44.

Wildlife Protection Laws and Enforcement:

Councilmember Paul Koretz: He is chair of the City Council Personnel and Animal Welfare Committee and represents the part of the SB that is south of the 101 Freeway. He was shocked to hear about and then to see what the Corps did in the SB, despite his having heard of some crime problems. He hopes that there will be adequate patrolling in SB now that LAPD provides policing of the park. What will be done with the litter created by cutting down trees and shrubs? What are the penalties for misbehaviors? Increase & post penalties as deterrence? How do we bring the habitat of the South Reserve back?

Captain John Egan of West Valley Division of LAPD: Assimilation of OPS into LAPD still in progress. The Senior Lead Officer for SB is Officer Ham now, with Evelyn Solano being very helpful. It is the Captain's understanding that the Corps is responsible for all south of Burbank Blvd.; what are LAPD's role and legal rights? He needs to learn more. There were complaints about homeless and inappropriate behavior north and south of Burbank Blvd. in past two years. He considers the SB to be a gem. Collaboration to include various levels of local government. He'll know more by our meeting next month. CM Koretz reiterated he is very concerned that there be at least as much patrol presence in SB under LAPD as before.

Terri Kaplan (USACE): City has law enforcement jurisdiction throughout SB. The Corps' has Proprietary Ownership. Corps will check with their lawyers on this for SB. The Corps could possibly enter into agreement with NGOs with more expertise in habitats and native plants. She does not know why CA F&W no longer is involved. [Note: she advised 2/12/13 that The CA F & W Service had a Sublease and Operating Agreement with the City as to the area north of Burbank. That agreement was for a 25-year term beginning in 1985, which means it expired in 2010.]

Snowdy Dodson: Who do we call about problems in SB? Captain Egan: 911 if serious. Or 877-ASK-LAPD, or 818 374-7611 for LAPD's West Valley front desk. Captain will try to explain to the front desk about the WR issues. There are patrols in SB now, but focus is car break ins. He'll try to get something moving with publicity for it.

Vegetation Removal and Other Damage to South Wildlife Reserve and Flawed Planning Process:

Terri Kaplan: Vegetative Management Plan is a work in progress, a five year project. They will respond to the Water Board's requests. She distributed 23 copies of the 2011 Master Plan on CD. Glenn Bailey: How did the Master Plan translate into the Vegetative Management Plan? Kaplan: There were monthly meetings between the Corps and City over a period of time. She felt the 1981 Master Plan was confusing as to land uses, north and south of Burbank Blvd., as was the 1985 Conceptual Master Plan that was implemented 1998 - 1999. The emphasis was on the North Reserve, the South was more experimental in nature. They have now begun on an environmental conversion. It was not intentional that many who would have wanted to see the Environmental Assessment did not see it.

Matthew M. Dababneh, Chief of Staff for Congressman Sherman: The Congressman, from the moment they learned about this, was shocked. Their office is available and they will work with the City Council and Corps.

Koretz: Will more be removed/clearcut? Steve Hartman replied it is ironic that they left the non-native trees (eucalyptus and evergreen ash) and mowed down the naturally occurring native shrubs and many of the native trees.

Ramon Barajas, R&P Superintendent of Maintenance Operations: Will facilitate any meetings. R&P had nothing to do with the removal of vegetation. R&P's Deputy General Manager opposed it. Maybe more focus on the Basin from now on.

Koretz: Is the Corps intention to demolish the rest of the WR? Kaplan: the "Master Plan will be followed". She believes removal of remaining non-native trees will continue. [Note, "Master Plan" appeared to note taker to refer to the Vegetative Management Plan (VMP).]

Muriel Kotin (SFV Audubon): South Reserve in Master Plan 2011 is shown as Sensitive Habitat. VMP did not acknowledge the presence of native shrubs in the S. Reserve. She understands there is a need to remove debris created by USACE- in collaboration with the Steering Committee, but please no more clear cutting.

Kaplan: The focus for now is on responding to Water Board.

Mark Osokow (SFVAS): There are many errors in the Master Plan, which should not be relied on. The VMP is worthless and should be re-done. There are also gross conceptual errors in ecological understanding. The debris the USACE wants to remove is really the cuttings of living plants. Would log booms like those used at Hansen Dam work in SB? Kaplan: Not practical in SB from what she understands, but her expert was unavailable this evening. Mark would like to get the technical answer.

Jim Hanlon (Photographer): Likes the idea of waiting for native plant regrowth to create some density before all exotics are removed.

Kaplan would like any photos or inventories of what was in the So Reserve . Steve Hartman (CNPS) referred her to SFVAudubon.org.

Louise Rishoff of State Senator Fran Pavley's Office: She finds it frustrating that there has been no clear answer from USACE that the project is stopped until it is thoroughly re-evaluated with public input. Senator Pavley was horrified by what she saw when she toured. Do any of the Corps people here have the authority to say this project is suspended until there is full public input from the stakeholders? Kaplan: "We are in a pause...." She is not able to say beyond that.

Robert Colangelo (USACE): They were advised by their legal counsel they can't say more until they have answered the State Water Board's investigative order. It is a reasonable assumption that they will not do more until the investigative order is resolved.

Dave Weeshoff (SFVAS): What can we do to make it better? And not make it worse in the interim? We need some sort of assurance. Kaplan: The project is in indefinite pause. They commit to inviting SFVAS to site when the "debris" is removed.

Cynthia Weichelt (Lake Balboa NC): Lake Balboa Neighborhood Council has noticed a significant impact -- an influx of birds into their neighborhood that were displaced from the South Reserve.

Glenn Bailey: The environmental assessment process was so terribly flawed that nobody knew about this. He requests the process be started over. 15 days comment period is inadequate - a month or 60 days better.

A Lake Balboa NC representative knew something was going on from what was said in a December 2012 meeting. [Note: Meeting was actually November 2012.] Did CD-6 know what was going to happen? A CD-6 rep was at a meeting with the Corps and R&P, but R&P did not fully know what would happen.

Kaplan: She commented that, ironically, the Corps is often asked to facilitate communications between different agencies of the City. Bailey: the SBWASC keeps asking the Corps to let us know when there is information we should know. We rely on the Corps to keep us posted. Kaplan and Jay Field: the Corps has a new site. We should subscribe. Click on icon on public notices page. Kaplan asked who should be on an email list. Steering Committee, Neighborhood Councils, those who ask. Their website is www.spl.usace.army.mil. Kaplan will get a copy of the sign-in sheet.

Joe Phillips (Sierra Club): Before he starts leading hikes on Sunday mornings, when will the chipping begin? They will not be working on Sundays except for weather related issues.

Debra George (Encino NC): Are there minutes of the meetings between the Corps, City Council Offices and R&P? Kaplan: they are not posted or public.

Steve Hartman (CNPS): So far as he knows today is the first opportunity we have had to see the final 2011 Master Plan - the CD's handed out today. Why? The VMP took the information from the draft Master Plan rather than from the final. How do you explain? Kaplan: I can't. Hartman: The Tillman Plant outfall EA stated that any loss of riparian vegetation would be considered significant and mitigation will be replanted 3 to 1. Yet the FONSI said no significant impact to removing the Baccharis shrubs. How was it not significant 20 years later? He sure hopes the Corps makes a big change on this.

Osokow: His understanding is that NEPA requires the Corps to actively seek out stakeholders. Twitter and FaceBook are not adequate notice; the Corps web page, Twitter, and Facebook are nothing more than the electronic equivalent of bulletin boards. Posting on bulletin boards does not relieve the Corps of its responsibility under NEPA to actively seek out stakeholders and notify them directly, as supported by numerous court decisions.

Roxan Hartstein (L Balboa NC): Asked about elderly stakeholders who may not have computers. Asked Corps to let community groups know - then they can put in their newsletters.

Ramon Barajas: R&P has no intent of doing anything negative to the WR north of Burbank Blvd. R&P and Corps have worked together since the 1950's and 1960's.

Tillman/Japanese Garden Multi-Use Facility Project EA

Bailey: What are the parking impacts on Woodley Park? Is design-build an issue for the Corps?

Kaplan: The comment period is extended to 2/15/2013. Design build does not lend itself to work in a flood control basin, so Corps normally requests an opportunity for extra review of the plans after they're developed. The lease for Tillman Plant expires soon. So an even bigger conversation about the future of the Tillman Plant is expected. Bailey: will turf be taken out of Woodley Park Section I to make more parking? Is the new building morphing into an administration building for the Tillman Plant? Debra George: Asked questions about more facilities at TWRP for advanced effluent treatment.

Kaplan: Corps expects to require TWRP to stay within the berm.

George: Has concerns about what it will look like with excavation for TWRP expansion.

Feb. 15 is the deadline for comments. Please email any comments to Glenn by Feb. 1.

Bull Creek Ecosystem Project

Bailey: Ramon Barajas said the new chain link fence was a safety matter. Is there any plan to fix the erosion there? Kaplan: Doesn't know, but there may be a contract enforcement issue. She will find out if there is any plan to fix the erosion.

Our next meeting will be Tuesday Feb. 26, 2013, which was moved seconded and passed.

Be sure Terri Kaplan is on the email list for distribution of agenda and minutes.

Submitted by

Muriel S. Kotin, Member Sepulveda Basin Wildlife Areas Steering Committee

Sepulveda Basin Wildlife Areas

Background:

The Sepulveda Basin Wildlife Areas were created to provide a near native plant habitat for native and migratory animals and birds. The areas provide public environmental education and awareness of wildlife values through tours and programs sponsored by the Audubon society, the California Native Plant Society, and other environmental groups.

The Sepulveda Basin Wildlife Areas Steering Committee, comprised of members from the LA Audubon Society, the SFV Audubon Society, the California Native Plant Society, TreePeople, the Sierra Club, the River Project, Resource Conservation District of the Santa Monica Mountains, the Canada Goose Project, the Southwestern Herpetologists Society, the Japanese Garden, and LA Recreation and Parks acts in an advisory capacity to oversee the wildlife areas and support policies and programs to ensure the Wildlife Areas long term preservation and protection.

Current Conditions:

Members of the oversight groups have been noting for a several years an increasing number of people coming to the Sepulveda Basin Wildlife Areas who treat the area as a hunting and fishing area. Fishing occurs with both rods and improvised lines. The birds become entangled in the discarded lines and hooks. Adults and children have been observed taking aim at the birds with slingshots. Birds are taken for food. During nesting season, eggs are taken out of their nests and either consumed or smashed on the ground.

Bicyclists and people on foot leave the marked trails and wander through and trample the native plant areas. Many bring along dogs that are often let off-leash to wander at will through the areas and chase wildlife.

Goal:

Maintain a safe and healthy environment for both wildlife and the citizens of Los Angeles.

Analysis:

Current LA City Municipal Code prohibits much of the observed behavior.

Article 3, Section 63.44 of the Los Angeles Municipal Code contains Regulations Affecting Park and Recreation Areas. **63.44 B-2** mandates that all dogs be on a leash less than 6 feet long, **B-10** prohibits bows or crossbows, **B-11** prohibits the take/seizure/hunting of all birds/animals/fish, **B-12** bans the removal of wood/plants/rocks/soil, **B-13** makes it illegal to deface any property (including plants), **B-14** prohibits all loitering between 10:30 PM and 5:00 AM, **B-16** prohibits all human or motor powered vehicles (except on trails or roads specifically for that purpose), **B-17** bans all fires, **B-19** prohibits littering, **B-21** bans firearms

Cutbacks in LA Recreation and Parks gardening and maintenance staff have led to far fewer City representatives in the areas. The Office of Public Safety was often stretched too thin to be responsive to calls. LAPD has been responsive to car break-ins in the parking lots but does not protect animals and birds.

Proposal:

Reinstate LA Recreation and Parks maintenance personnel and gardeners. The “broken windows theory” (maintaining urban environments in a well-ordered condition may stop further vandalism and escalation into more serious crime.) has proven itself within the City.

Increase fines within designated wildlife areas for code violations.

Request LAPD to enforce Municipal Codes:

Sec. 63.44. REGULATIONS AFFECTING PARK AND RECREATION AREAS

B-4 prohibits amplified sound, **B-10** prohibits bows or crossbows, **B-11** prohibits the take/seizure/hunting of all birds/animals/fish **B-12** bans the removal of wood/plants/rocks/soil, **B-13** makes it illegal to deface any property (including plants), **B-16** prohibits all human or motor powered vehicles (except on trails or roads specifically for that purpose), **B-17** bans fires and cooking outside of areas posted for such use, **B-19** prohibits littering, **B-21** bans the discharge of firearms, firecrackers, rockets, slingshots and air guns

Amend current Codes to address the observed activities (suggestions in italics):

Sec. 63.44. REGULATIONS AFFECTING PARK AND RECREATION AREAS

B-11 No person shall take, seize or hunt any bird, animal, fish, *or egg* except that lost or escaped dogs, cats or horses may be searched for.

M. Within the limit of any zoological garden or *designated wildlife reserve* located within a public park, no person other than authorized City employees shall:

1. Feed or throw food to any animal located therein, except in that area of the Children’s Zoo so designated, approved food may be fed to animals located therein.
2. Harass, tease or annoy any animal by means of gestures, movements, throwing of objects, shouting or by any other means.
3. Have within their possession any cans, bottles, skateboards, bats, balls, *slingshots, air guns, firearms*, a knife with a blade longer than three (3) inches, or any other objects, which are capable of being thrown at or otherwise used to harm any animal.
4. *No person shall cause, permit or allow any animal owned or possessed by him or any animal in his care, custody or control to be present in said garden or reserve except:*
 - (a) *Dogs which have been specially trained and are being used by blind or otherwise disabled persons to aid and guide them in their movements.*