

The Ballona Creek Flood Control Channel was built by the United States Army Corps of Engineers (the “Army Corps”) in the 1930s to prevent flooding of adjacent communities. The section of Ballona Creek at the Ballona Wetlands Ecological Reserve flows through the federally constructed flood control channel. The Los Angeles County Department of Public Works maintains this section of the Ballona Creek Flood Control Channel.

The Army Corps must issue a specific permit (the “408 Permit”) to approve any modification of an existing Army Corps flood control structure, such as the Ballona Creek Flood Control Channel. Some, but not all, of the alternatives for restoration of the Ballona Wetlands Ecological Reserve include changing the concrete levees of the Ballona Creek Flood Control Channel which would require the 408 permit. Because Los Angeles County Department of Public Works maintains this section of the flood control channel, it is the agency that applies to the Army Corps for the 408 permit.

In 2013, the Army Corps and the California Department of Fish and Wildlife initiated a joint Environmental Impact Review/Environmental Impact Statement (EIR/S) to comply with the California Environmental Quality Act and the National Environmental Policy Act. The agencies are working on writing a joint EIR/S that will analyze several alternatives to restore wetland habitat and improve visitor amenities at the Ballona Wetlands Ecological Reserve. There are opportunities for public comment on the proposed project as part of the EIR/S process.

The 408 permit requires extensive technical analysis and peer review to ensure that the modification of the structure does not impact flood protection and completing the 408 permit process can take several years. In August 2013, the Los Angeles County Department of Public Works provided the Army Corps with “Submittal A”, the first set of information needed to initiate the 408 permit review. The information in Submittal A includes detailed description of modifications to the flood control channel envisioned in a few but not all of the alternatives for the restoration of the Ballona Wetlands that are being evaluated in the EIR/S. The alternative described in submittal A is the alternative with the most significant change to the flood control channel.

The final approval of the 408 permit requires that the NEPA analysis be complete, including a full evaluation of alternatives. The alternative described in Submittal A may not be the final selected alternative. The project partners initiated the 408 permit process so that its technical review could move forward in parallel to the CEQA/NEPA evaluation with the goal of being able to enhance the wetlands and improve public access without additional delay.