

**Malibu Creek Ecosystem Restoration Study**  
**Los Angeles and Ventura Counties, California**

**Appendix S**  
**Response to Comments**



**U.S. Army Corps of Engineers**  
**Los Angeles District**



August 2020

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## RESPONSES TO PUBLIC AND AGENCY COMMENTS

The U.S. Army Corps of Engineers (USACE) and California Department of Parks and Recreation (CDPR) thank the public for their comments on the draft Integrated Feasibility Report (IFR) during the January – March 2017 comment period. Our agencies have considered all comments in preparation of the Final IFR. This portion of the appendix provides summary responses to all comments received by mail or email during the IFR public comment period, as well as to verbal comments provided to our agencies during the March 1, 2017, public hearing held at the Las Virgenes Municipal Water District in Calabasas, California.

The tables below are organized to display USACE and CDPR responses in the following order: (1) responses on topics that were raised by multiple public and/or agency interests (displayed as General Response (GR)-A to GR-G); (2) responses to individual agency comments (response #'s 1-28); (3) responses to individual comments from the general public (response #'s 29-151). Responses to agency and public comments include a column on the right side for locations in the IFR to find updates made after the comment period, or other relevant response information, as applicable. Numbered responses with blue cells indicate responses to verbal comments provided during the public hearing.

Copies of the letters and emails received during the public comment period follow these tables. Responses associated with verbal comments provided at the public hearing, and applicable sections of the public hearing transcript, are also included in the list of letters and emails. Each response to letters, emails and public hearing comments is assigned a number that corresponds to the order and numbering system used in the tables below. Commenters can find responses to each piece of correspondence by comparing the numbered responses, as listed in the left-hand column of the tables below, to the same numbers adjacent to highlighted portions of text displayed along the right-hand border of each letter, email and public hearing comment following these tables.

## GENERAL RESPONSES

Table of General Comments and Responses		
Response Number	General Theme	Response
GR-A	Flood Risk	<p>The study plan formulation process included a key constraint to maintain the downstream existing and future without-project condition (No Action) level of flood risk along the lower reaches of Malibu Creek within the SCPOA residential community and the city of Malibu. This constraint was used to avoid potential for adverse flood-induced impacts associated with the ecosystem restoration measures considered for Rindge Dam and the impounded sediment. Existing and future without-project condition level of flood risks were used as a basis for comparison to the action alternatives. The flood risks were understood to be a concern to downstream residents. Potential downstream sedimentation and flood risk impacts associated with the No Action and action alternatives were evaluated in the IFR and described in detail in Appendix B, Hydrology, Hydraulics, and Sedimentation, Section 19 - Flood Risk Comparison.</p>
		<p>Soils in the Malibu Creek watershed are highly erodible. Flows originating in the upper watershed proceed at high velocities through narrow and steep portions of the area, carrying a sediment load. Rindge Dam reached capacity for trapping and impounding sediment many decades ago. Sediment transported by storms during and after storm events will pass over the dam spillway or over the crest of the dam arch during high flow events. It is estimated that it will take approximately 20-100 years before pre-dam natural transport is restored to the lower reaches of the Malibu Creek watershed below Rindge Dam, and the lagoon and shoreline.</p>
		<p>Hydraulic and sediment transport modeling conducted for the No Action plan (Alternative 1) indicates that watershed sediment eroded and transported downstream during storm events would continue to deposit in the lower reaches of Malibu Creek over a 75-year period of analysis, generally raising the creek bed elevation by several feet and increasing the flood risk to populated reaches. The current ecosystem restoration study and action alternatives are not charged with reducing the flood risk that is projected to occur under the No Action Alternative, and not attributable to action alternatives.</p>
		<p>The NER plan and the LPP, the Recommended Plan, were formulated to minimize potential increases in flood risks to Malibu Creek reaches below Rindge Dam during and after construction activities. During each construction year, the Rindge Dam impounded sediment</p>

		<p>would be mined at a rate equal to the lowering of the dam concrete arch. By following this approach, the remaining volume of impounded sediment would be at the same height as the remaining portion of dam arch each interim storm season throughout the construction timeframe. Other alternatives that involved natural transport of sediment were shown to result in substantial deposition downstream, requiring structural measures (floodwalls) to offset the flood risk impacts. The natural transport alternatives were not recommended for implementation.</p> <p>Although the Alternative 2 options, including the NER plan and the LPP, avoid the significant impacts of the natural sediment transport alternatives, the feasibility-level modeling for Alternative 2 options indicates some increase in creek bed and water surface elevation in some downstream reaches. Over the period of analysis, the creek bed elevation may increase by an additional 0.3 to 1 foot compared to the No Action alternative in some portions of the populated reaches. Similarly, the modeling also shows that when comparing the Alternative 2 options to the No Action Alternative for the 1% chance exceedence flood event (100-yr storm), the same reach of Malibu Creek could experience a 0.5 to 1.2-foot increase in water surface elevation. Appendix B contains further analysis and discussion of related issues. It is possible that model calibration uncertainties, the conservative downstream boundary condition (referenced in Section 1.10.10), and procedures associated with stopping and starting the sediment transport model to provide outputs during interim years over the period of analysis are driving factors in some or all of the differences identified in bed and water surface elevation when comparing Alternatives 1 and 2.</p> <p>Because the feasibility level modeling for Alternative 2 options show increases in creek bed elevations compared to the No Action Alternative, Environmental Commitment WR-4 would be implemented. Additional modeling would occur during the PED phase as described in Section 4.4.2 of the IFR. If such modeling shows a difference in bed elevation compared to the No Action Alternative, project construction would include non-structural measures, anticipated to consist of targeted sediment removal during or at the conclusion of construction, as needed to address the increase in bed elevation.</p>
<b>GR-B</b>	Traffic Congestion, Control, and Damages Due to Trucks	<p>Traffic is a significant concern in the project area along Pacific Coast Highway, Malibu Canyon Road, and other regional roadways. Potential traffic impacts could occur due to the increased traffic along haul routes, as well as from the potential need for new traffic signals at the construction exit on Malibu Canyon Road, or near the Malibu Pier parking lot under the NER plan. The USACE and CDPR have committed to performing a detailed traffic analysis during the Pre-Construction Engineering and Design phase (Section 5.9 Environmental Commitment T-1). This up-to-date analysis would be used to develop a traffic management plan, which will be</p>

		coordinated with the appropriate local agencies. In addition, a Road Repair Plan would be developed to ensure proper maintenance and repair of utilized roadways occurs if any significant construction-related damage were caused by heavy vehicles or machinery associated with the project (Section 5.9 Environmental Commitment T-2).
<b>GR-C</b>	Federal Funding	Congressional authorization of the recommended plan and appropriation of funds will be required prior to construction. Subsequent to authorization, the Federal government and non-Federal sponsor must enter into a Project Partnership Agreement (PPA), pursuant to which the Federal government would contribute 65 percent of the total first cost for construction of the NER plan (Section 12.6.1 Federal Responsibilities). The non-Federal sponsor would provide 35 percent of the total first cost of the NER plan and all incremental costs of the LPP. The sponsor must also agree to operate and maintain the project in perpetuity and comply with applicable Federal laws and policies (see Section 12.6.2 of the IFR).
<b>GR-D</b>	Water Quality	No significant impacts to water quality are expected as a result of the project. As indicated in the IFR and as required by the Clean Water Act, during the Pre-construction Engineering and Design (PED) phase USACE would seek and obtain (or deem a waiver of) section 401 Water Quality Certification. In addition, the construction contractor would develop and implement a Stormwater Pollution Prevention Plan (SWPPP) during construction in accordance with section 402 of the Clean Water Act. The SWPPP includes all necessary erosion and sediment control measures and best management plan implementation, monitoring, and reporting. Implementation of the terms of the 401 WQC, unless waived, and the SWPPP would ensure the project remains in compliance with all substantive Clean Water Act requirements.
<b>GR-E</b>	Air Quality	The air quality data and discussions presented in the draft IFR, as well as the associated air quality appendix, have been updated to clarify the methods used to calculate emissions. In particular, a detailed description of the labeling discrepancies between the body of the IFR and Appendix L, as well as the methods used to update Appendix L data, has been provided in the Supplemental Air Quality Analysis at the front of Appendix L. Air quality environmental commitments have been incorporated into the project description to reduce emissions from mobile sources and minimize air quality impacts to the extent practicable (Section 5.12.3; AIR-1 to AIR-8). These include the requirement to use model year 2023 engines for all construction years beyond 2027, and the requirement to use Tier 3 or higher engines.
<b>GR-F</b>	Sediment Quality	As described in Section 5.4.2, initial testing of sediment grain size and quality has been performed. This testing was coordinated with the Southern California Dredged Material Management Team (SC-DMMT) and the preliminary results indicate that a quantity of the impounded sediment is beach-compatible. In addition, this section of the IFR contains an environmental commitment to perform additional sediment testing prior to and during excavation

		(see ER-3). This testing would be coordinated with the SC-DMMT to ensure that the excavated sediment is compatible with beach and/or nearshore placement, as appropriate.
<b>GR-G</b>	Transport, Placement and Use of Rindge Dam Impounded Sediment	<p>Measures considered for the array of alternatives described in the IFR considered multiple uses and means of transport for the sediment impounded behind Rindge Dam, including consideration of where the sediment would have gone without the dam in place. Transport methods of the Rindge Dam impounded sediment included consideration of storm flows transporting sediment to lower reaches of Malibu Creek and the Malibu coastal area, or removal of some or all of the impounded sediment through use of trucks, slurry pipelines, conveyors, or combinations thereof. Based on years of coordination with members of the Technical Advisory Committee (TAC), and associated evaluation and comparison of alternative plans, it was concluded that natural transport of large volumes of the Rindge Dam impounded sediment downstream during storms would have significant adverse impacts to aquatic habitat and species, in addition to potential detrimental impacts to downstream development. Use of conveyors and pipelines to transport the impounded sediment to the coastal environment and other locations also had significant adverse impacts to aquatic habitat and species, and were not carried into the final array of alternatives. Hauling sediment from behind the dam to various destinations using trucks (Alternatives 2a1, 2b1, 2c1, 2d1, 4a1, 4b1, 4c1, 4d1) were more preferable than natural transport of large volumes of the impounded sediment, and include the NER plan (Alt 2d1). Hauling and transporting sediment using a combination of trucks and barges (Alternative 2a2, 2b2, 2c2, 2d2, 4a2, 4b2, 4c2, 4d2), was ultimately the most preferable and selected combination of transport methods for the impounded sediment, including the Recommended Plan (LPP), Alternative 2d2.</p> <p>Traffic safety at construction sites and transportation impacts along Malibu Canyon Road, Las Virgenes Road, and other thoroughfares are also analyzed in the IFR with measures provided to minimize potential adverse effects. While both the LPP and NER plan use trucks to transport two-thirds of the volume of the impounded sediment from the dam area to the Calabasas Landfill, the LPP shifts hauling of the remaining one-third volume of sands to Highway 101 and the Ventura Harbor, transferring from there to barges, followed by placement in the Malibu nearshore environment, downcoast of the Malibu Pier. The NER plan utilizes trucks only for hauling and placement of the remaining one-third volume of impounded sediment, and different hauling routes. A portion of the remaining impounded sediment is temporarily placed at an upland storage area (Site F) near CDPR Headquarters. This material, and the remaining volume of sand layer of impounded sediment is hauled to the Malibu shoreline using trucks travelling through the lower portion of the watershed along Malibu Canyon Road and the PCH to the shoreline placement site by the parking lot downcoast of the Malibu Pier.</p>

		<p>During the feasibility study, chemical and bioassay test results showed that all of the impounded sediment could be used for a variety of coastal and inland beneficial purposes. The sand-rich layer of impounded sediment, about one-third of the total volume, was evaluated and adopted for placement at either the shoreline (NER) or nearshore environment (LPP). While various options to beneficially utilize the remaining two-thirds volume of sediment impounded behind Rindge Dam were formulated and discussed with the TAC members and other interests, no commitments for other uses of the sediment could be secured during the feasibility study process. Therefore, the Calabasas Landfill was selected for placement of this remaining volume of impounded sediment and analyzed for Alternatives 2 and 4. Moving forward, the Pre-Construction Engineering and Design Phase allows for an opportunity to revisit assumptions on other potential uses of Rindge Dam impounded sediment, beyond the sand-rich layer of sediment that is already identified to be placed in the coastal environment.</p>
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## RESPONSES TO AGENCY COMMENTS

1. US Department of Interior		
Commenter: Whitlock, Janet L. – Regional Environmental Coordinator		
Comment Number	Response	Location in IFR
1	Thank you for your comments.	

2. US Department of Commerce – National Oceanic and Atmospheric Administration – National Marine Fisheries Service		
Commenter: Thom, Barry A. – Regional Administrator		
Comment Number	Response	Location in IFR
SS	Thank you for your statement of support of the LPP.	N/A
1	The language in Section 1.7.1 has been revised to more clearly reflect the federal interest related to contributing to the recovery of steelhead.	Section 1.7.1
2	The language in Section 1.10.2 has been revised as suggested.	Section 1.10.2
3	The paragraph of the IFR being referenced in this comment discusses the choice of steelhead as a keystone species for the purposes of this study. This choice was made	N/A



	based on existing information, and this choice was made prior to the suggested references. While we appreciate the suggested references as providing additional important information pertinent to this study, they are not appropriate for inclusion in the referenced discussion in the IFR.	
4	Concur. The project does not alter natural features that may impede fish passage under low flow conditions.	N/A
5	The text in Table 2.7-1 has been revised as suggested. The USACE anticipates addressing NMFS's specific concerns during formal consultation to be initiated during the Pre-construction Engineering and Design phase.	Section 2.7, Table 2.7-1
6	The bullet has been revised as suggested.	Section 2.7
7	The suggested information referencing the extension of the DPS to the Tijuana River has been added.	Section 2.7
8	The suggested revision to the citation to the NMFS Steelhead Recovery Plan has been implemented.	Section 3.3.4
9	The reference to potential use of Malibu Lagoon has been revised to indicate potential use based on the known importance of estuarine habitats to a broad range of salmonid species, as well as observations from local experts.	Section 3.4.5
10	The suggested reference to extension of the protected range of steelhead has been added.	Section 3.4.9
11	We have reviewed the references provided, and added additional information and a citation relevant to the current status of steelhead in Malibu Creek.	Section. 3.4.9
12	Reference to NMFS's previous analysis of the potential impacts of climate change on west coast salmonids has been added.	Section 3.12.5
13	A brief discussion has been added to describe potential operational and maintenance difficulties associated with maintaining fish passage through a facility during high flow events.	Section 4.1.8
14	The language in this section has been clarified to indicate that institutional knowledge, and not a detailed cost analysis, was used in considering the cost versus benefits associated with removal of Century Dam.	Section 4.1.8
15	Thank you for indicating your concurrence that the removal of upstream barriers would increase the benefits associated with the proposed project.	N/A

### 3. US Department of Commerce - National Oceanic and Atmospheric Administration – National Marine Fisheries Service

Commenter: Yates, Chris – Assistant Regional Administrator

Comment Number	Response	Location in IFR
1	As described in Section 5.4 of the IFR, the recommended plan now includes nearshore marine surveys for rocky reef and surf grass (Environmental Commitment BIO-16). This requirement will provide for the avoidance of these habitats during construction, and further includes an approach to monitor and address any potential impacts to rocky reef or surf grass.	Section 5.4.1
2	Thank you for your support of the LPP. The USACE has responded to EFH Conservation Recommendations by separate correspondence, dated June 21, 2017, pursuant to EFH consultation regulations. A copy of the EFH correspondence is provided as Appendix A.	No change.

#### 4. US Environmental Protection Agency – Region 9

##### Commenter: Goforth, Kathleen Martyn – Manager, Environmental Review Section

Comment Number	Response	Location in IFR
SS	Thank you for your statement of support for the ecosystem restoration actions evaluated in the IFR.	
1	The air quality data and discussions presented in the IFR, as well as the associated air quality appendix, have been updated to clarify the methods used to calculate emissions. In particular, a detailed description of the labeling discrepancies between the body of the IFR and Appendix L, as well as the methods used to update Appendix L data, has been provided in the Supplemental Air Quality Analysis at the front of Appendix L. The measures originally identified as mitigation measures in the analyses contained in Appendix L were incorporated as part of the project description, as described in Section 5.12.1 and detailed in the Supplemental Air Quality Analysis. As such, those alternatives that were referred to in the main volume of Appendix L as “mitigated” are equivalent to the current unmitigated alternatives as displayed in the IFR and detailed in the Supplemental Air Quality Analysis. The measures to reduce emissions which are included as project elements are not discretionary, and therefore, no conformity determination is needed.	Section 5.12.1 and Appendix L
2	Table 5.12-3 has been corrected as suggested and further updated to reflect the current attainment status of the South Coast Air Basin.	Section 5.12.3
3	The IFR has been updated to include the suggested mobile source controls as environmental commitments incorporated into the project description (AIR-1 to AIR-8; Section 5.12.1), with the exception of the 3 “best available emissions control technologies” commitments. The first of these commitments requires using model year	Sections 5.12.1 and 9.2.10

	<p>2010 or newer on-highway vehicles. However, incorporated into the project description (Section 5.12.1) is the requirement to use model year 2023 for all construction years beyond 2027. The project is anticipated to begin construction in 2025 at the earliest, and therefore the existing requirement is likely to be more stringent than that proposed. The second of these commitments requires USEPA Tier 4 vehicles. The project requires Tier 3 or higher vehicles, as described in Section 5.12.1. The construction fleet utilized during construction phase of this project would be representative of the overall regional construction fleet and while required to use Tier 3, would also include a mix of Tier 4 vehicles representative of the existing fleet during construction.</p> <p>To date, no air quality minimization measures have been rejected due to economic infeasibility (Administrative Control #1). As described above, the IFR currently contains environmental commitments to include Tier 3 or higher vehicles, and vehicles model 2023 or newer. The construction fleet is anticipated to be representative of the available and modern emissions technology being utilized in the region, which is likely to include a mix of Tier 4 vehicles. As such, add-on emissions controls and alternative fuel vehicles are not anticipated to be necessary (Administrative Control #2). The IFR also contains an environmental commitment to develop a transportation management plan (Section 5.9.1). This plan would address traffic and parking management, to include measures to minimize traffic and maintain traffic flow, and therefore meets the intent of the suggested Administrative Control #3.</p>	
4	As described in Section 5.4 of the IFR, the recommended plan now includes nearshore marine surveys for surf grass prior to the placement of sediment in the nearshore environment (Environmental Commitment BIO-16). This requirement will provide for the avoidance of surfgrass during construction. BIO-16 further includes an approach to monitor sediment placement and implement adaptive management to avoid potential impacts to surfgrass.	
5	Monitoring of sediment placement in the marine environment would be performed during construction as described in Environmental Commitment BIO-16 in Section 5.4.1. Adaptive management, as described in the MAMP, follows the requirements of Section 2039 of WRDA 2007 and Section 1161 of WRDA 2016, and is limited to monitoring required to evaluate success and implement adaptive management related to achieving project objectives. The MAMP does not cover monitoring associated with avoiding or minimizing impacts. However, both monitoring and adaptive management of nearshore placement is included in BIO-16.	Section 5.4.1

6	Section 5.2.1 of the IFR contains an environmental commitment to perform additional sediment testing prior to and during excavation (Environmental Commitment ER-3). This commitment also specifies that this testing would be coordinated with the SC-DMMT.	Section 5.2.1
7	The IFR has been revised to align what was originally referred to as a Habitat Restoration Program with the Revegetation and Planting Plan, and is described as Environmental Commitment BIO-8 (see Section 5.4.1). This plan is largely a design function and as such would be prepared during PED phase and would not be available for inclusion in the Final IFR. However, the requirements of the revegetation plan and restoration targets are adequately described in the IFR and associated MAMP (Appendix I). This includes restoration goals and targets, monitoring periods and metrics, and decision criteria and processes for adaptive management.	Section 5.4.1, Appendix I
8	Consultation is addressed in detail in Appendix K, and has been updated to include all consultation and coordination that has occurred since circulation of the draft IFR. The distribution list for the Final IFR will include all tribes to which copies of the Final IFR will be sent.	Appendix K

5. California Coastal Commission		
Commenter: Street, Joseph – Environmental Scientist		
Comment Number	Response	Location in IFR
SS	Thank you for your support of the goals and objectives of the Malibu Creek ecosystem restoration study.	
1	The USACE has prepared a consistency determination, which was transmitted to the California Coastal Commission on 1 October 16, 2017, requesting concurrence that the project is consistent to the maximum extent practicable with the enforceable policies of California's approved Coastal Management Plan. The CCC unanimously concurred with USACE's consistency determination on March 9, 2018.	
2	While the USACE has not yet developed exact quantitative estimates of temporary habitat loss that would occur during construction in relation to potential net habitat gain that will result from project completion, the purpose of the project is ecosystem restoration with a resulting increase in habitat function. By design, the project is anticipated to result in a net gain in habitat function and quantity. Pursuant to USACE policy, the USACE does not provide wildlife or habitat mitigation for impacts resulting from ecosystem restoration projects, and therefore the project must ensure that restoration efforts result in no net loss of sensitive or protected habitats, such as wetlands. Detailed quantitative estimates of specific habitat types will be developed	

	during the PED phase in order to document consistency with this policy. As a result, no net loss of sensitive habitats, including wetland habitat, would occur as the result of the proposed project.	
3	The USACE will prepare a detailed Revegetation and Planting plan during PED as specified in Environmental Commitment BIO-8. This plan will include a program for invasive and non-native species management during construction. During PED, the USACE will also prepare an operations, maintenance, repair, replacement and rehabilitation plan to address the maintenance required. The USACE and CDPR are responsible for carrying out the monitoring and adaptive management plan (MAMP) after construction of each project phase/component until ecological success criteria are met, but for no more than ten years. While the CDPR is undertaking maintenance, the cost-shared monitoring for ecological success by the USACE would be initiated and continue for five years or until ecological success is achieved as defined by established success criteria, but for no longer than ten years (MAMP monitoring period). Should a feature be determined not to be functioning as intended, adaptive management measures would be implemented to address the issue. Currently, the USACE and CDPR anticipate that ecological success can be achieved in five years.	Section 12
4	As described in Section 5.4.1 as Environmental Commitment BIO-4, potential nesting habitat and vegetation would be removed from the project area prior to the bird nesting season to the maximum extent possible. If vegetation removal during nesting season cannot be avoided, a biologist would be present during vegetation removal to further monitor construction and establish buffers, as necessary, to avoid impacts to nesting birds. In addition, Environmental Commitment BIO-1 requires construction to be overseen by a biologist to ensure compliance with pertinent regulations. Compliance efforts would include ensuring that unauthorized take under the Migratory Bird Treaty Act does not occur.	Section 5.4.1
5	Monitoring of sediment placement in the marine environment will be performed during construction, as specified in Environmental Commitments WR-2 and BIO-16. These commitments require the monitoring of potential effects to sensitive marine habitat and adjustment of placement locations and methods as necessary.	Sections 5.3.1 and 5.4.1
6	As described in Section 5.4.2, initial testing of sediment grain size and quality has been performed. In addition, Section 5.2.1 of the IFR contains the commitment to perform additional sediment testing prior to and during excavation (Environmental Commitment ER-3). This commitment includes coordination of testing with the SC-DMMT.	Sections 5.4.2 and 5.2.1
7	The habitats at both the beach and nearshore placement locations are expected to be characteristic of open coast nearshore invertebrate populations. Common species	

	include polychaetes ( <i>Apoprionospio pygmaeus</i> and <i>Nemertea</i> sp.), bean clams ( <i>Donax gouldii</i> ), and amphipods (such as <i>Mandibulophoxus unocistrostratus</i> ). The plan currently recommended for implementation, the LPP, includes nearshore placement. This would temporarily bury invertebrates at the placement site, but would only gradually add sands to the beach with no direct impacts to beach invertebrates or the food chain dependent on them. Indirect impacts would be negligible as the invertebrate community would be expected to burrow as sand is deposited in a manner similar to natural seasonal aggradation.	
8	While the IFR mentions that barges would allow for the placement of a greater range of materials offshore (i.e. boulders), this is currently not part of the recommended plan. If changes to the project description to include placement of such material are implemented in the future, such changes would be accompanied by appropriate analysis, coordination, and permitting, as necessary.	N/A
9	Currently, the LPP is being recommended for implementation. Unlike the NER plan, the LPP does not require any temporary closure of parking in Malibu along the PCH, as materials would be placed offshore using a barge. As such, no parking mitigation is considered necessary. In the unlikely event that the NER plan were to be authorized instead of the LPP, requiring temporary closure of parking along PCH at the Malibu Pier parking lot, the need for additional parking would be coordinated with the city of Malibu and others, and evaluated in the Traffic Management Plan as described in Section 5.9.1 under Environmental Commitment T-1, with details provided to the Coastal Commission.	
10	Thank you for making us aware of the Coastal Commission enforcement actions adjacent to the project footprint. If beach placement at the NER site is chosen for implementation, close coordination with the Coastal Commission will occur to ensure compatibility with the ongoing enforcement actions.	N/A



<b>6. California Department of Fish and Wildlife</b>		
<b>Commenter: Courtney, Betty J. – Environmental Program Manager I, South Coast Region</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>1</b>	Pursuant to USACE policy, the USACE does not provide wildlife or habitat mitigation for impacts resulting from ecosystem restoration projects, and therefore the project must ensure that restoration efforts result in no net-loss of sensitive or protected habitats. The Revegetation and Planting Plan (See IFR, Environmental Commitment BIO-8), to be developed during the Pre-Construction Engineering and Design phase, will ensure no net loss in habitat quality or quantity results from implementation of the project. In addition, and as described in Appendix I of the IFR, a monitoring and adaptive management plan will be implemented after construction is complete to ensure successful establishment of the restoration area, and to adaptively manage the restoration area if restoration goals are not being achieved.	Section 5.4.2, Section 9.2.1 Appendix I
<b>2</b>	Upland Site F is not a component of the LPP, which is the plan being recommended for implementation. However, if Upland Site F were to be required for construction, pre-construction surveys for Lyon's pentachaeta will be conducted as required by Environmental Commitment BIO-15. If the species is present and may be affected by the project, the USACE would consult with USFWS as required under the Endangered Species Act. In addition, Section 5.4.2 has been updated to indicate that if the species is discovered, CDPR would consult with CDFW as appropriate.	Section 5.4.1
<b>3</b>	Information from the existing marine surveys performed by the USACE was utilized to select both beach and nearshore placement areas in order to avoid impacts to marine resources to the maximum extent practicable. The marine surveys are discussed in Section 1.10.9 of the IFR, and the results are displayed in Figure 1.10-2.	Section 1.10.9
<b>4</b>	The IFR contains specific discussion of southern steelhead, California grunion, and California least tern (Section 3.4.9 and Section 5.4.2). Of the other sensitive resources mentioned in the comment, abalone, Pismo clam, and sea palm are not present at either of the analyzed placement sites. One sand dollar bed was identified during the nearshore surveys, but this bed will be avoided during placement and no direct or indirect impacts are anticipated. Rocky reef and kelp are also present in the general region, but as described in the IFR placement locations have been identified based on marine surveys to specifically avoid impacts to sensitive marine resources (see response #3 above). While California brown pelicans are present along the coast, they are no longer a listed species under the ESA or CESA and no impacts to this species are anticipated.	Sections 3.4.9, 4.9.2, and 5.4.2

	In addition, the IFR now includes Environmental Commitment BIO-16, which requires monitoring of potential effects to sensitive marine habitat and adjustment of placement locations and methods as necessary.	
5	As described under response #4 above, Environmental Commitment BIO-16 includes marine monitoring during sediment placement actions, which will allow for monitoring of potential effects to sensitive marine habitat and adjustment of placement locations and methods as necessary. In addition, neither Pismo clam nor abalone were identified in the project area during the nearshore surveys performed. Since the placement location is in an area of high erosion, this is anticipated to preclude the establishment of Pismo clam beds in the vicinity. As a result, further surveys for these species are not considered necessary.	Section 5.4.1
6	Environmental Commitments have been updated to include that any relocation efforts covering state or federally protected species will be coordinated with USFWS and/or CDFW, as appropriate.	Section 5.4.1

<b>7. California Department of Transportation — Office of Transportation Planning</b>		
<b>Commenter: Watson, Dianna – IGR/CEQA Branch Chief</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
1	If any work is required to be performed within the State Right-of-Way, CDPR will obtain appropriate rights from Caltrans prior to construction. If any state facilities require modification, these modifications will be designed to meet all mandatory design standards and specifications. No such modifications have been identified at this time.	N/A
2	The USACE is aware of the sensitivity relative to storm water run-off. As specified in Environmental Commitment WR-1, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared prior to construction to ensure storm water is managed appropriately. This SWPPP would be prepared by the construction contractor, in coordination with the USACE, and implementation of the SWPPP will be required during construction in accordance with section 402 of the Clean Water Act.	Section 5.3.1, Section 9.2.2
3	Prior to the use of any oversized or heavy construction equipment on State highways, appropriate Caltrans permits will be acquired by the construction contractor. As described in Section 5.9.1, construction traffic would be limited to the off-peak hours of 9am – 3pm (or 9am to 2pm during school season) in order to meet Los Angeles County traffic requirements.	Section 5.9.1
4	As described in Section 5.9.4 and Environmental Commitment T-1, a Transportation Management Plan would be prepared during the Pre-Construction Engineering and	Section 5.9.4, Section 9.2.8

	Design phase of the project in order to address transportation related issues and reduce traffic impacts to the maximum extent practicable.	
5	Although the CEQA guidelines have been updated to reflect SB 743, the provisions of section 15064.3 apply prospectively as described in section 15007, and do not apply statewide until July 1, 2020. The IFR is expected to be finalized before this section goes into effect.	N/A

8. California Department of Water Resources		
Commenter: Jones, Shawn O. – Regional Engineer		
Comment Number	Response	Location in IFR
1	The project does not include any alternatives that would result in restoration of an impoundment behind Rindge Dam, and therefore it is anticipated that Rindge Dam will remain outside of CDWR's jurisdiction.	N/A

9. California State Clearinghouse		
Commenter: Morgan, Scott – Director		
Comment Number	Response	Location in IFR
1	Thank you for your comments.	N/A

10. California State Lands Commission		
Commenter: Oggins, Cy R. – Chief, Division of Environmental Planning and Management		
Comment Number	Response	Location in IFR
1	The CDPR will coordinate with the CSLC to obtain necessary rights for nearshore placement within CSLC jurisdiction during the construction phase. Thank you for providing the information regarding jurisdiction in the proposed project area, the existing CDPR lease information, and the point of contact.	
2	Emissions from barging and associated support vessels have been calculated and are now included in the emissions data contained in Section 5.12. Section 5.12.1 contains specific details in the subsection Barge and Support Vessels. Details of these calculations can also be found in the updated Supplemental Air Quality Analysis in Appendix L.	Section 5.12.1, Tables 5.12-4 and 5.12-8, Appendix L
3	The project area is located above the range of tidal effects on Malibu Creek and would not be affected by sea level rise, with the exception of the beach and nearshore	

	placement sites. Project activities at those sites will be limited to beach nourishment activities that will be too short in duration and volume to be affected by sea level rise.	
4	Pre-construction surveys for special status plant species shall note the presence of non-native, invasive plant species. In addition, post-construction monitoring of the restoration area (as described in Appendix I of the IFR), would include identification and removal of non-native vegetation in order to meet restoration goals. As noted in Section 12.1.2 of the IFR, CDPR has significant knowledge on invasive pests present along Malibu Creek due to decades of work along it. The presence of red swamp crayfish, New Zealand mud snail, golden clam, and other invasives is well documented. With the presence of a qualified biologist during construction, as required under Environmental Commitment BIO-1, removal of the dam is not expected to result in the introduction of any new non-native, invasive plant species to the Pacific shoreline.	
5	The USACE determined that the project would have no effect on these species as described in the IFR. Sections 3.4.6 and 5.4.2 describe grunion use of the area, potential impacts to grunion due to the project, and describe the anticipated beneficial effects to this species. Under beach placement alternatives, sand would be distributed on the beach in fall and winter, outside of the grunion season, and outside of plover and tern breeding season. Sand placed in the nearshore under the LPP and other plans with nearshore placement would be placed during grunion season, but is not expected to have any effect on grunion spawning because the beaches nearest to the placement site are unsuitable for grunion spawning due to narrowness of the beach and the lack of dry sand above MHHW. Section 5.4.2 details the USACE's no effect determinations for both western snowy plover and its critical habitat and California least tern. Because the USACE has determined that the project will have no effect on either of these species or designated critical habitat for the plover, no mitigation measures are considered necessary for these species.	Section 3.4.6 and Section 5.4.2
6	Language referencing the state lands jurisdiction over cultural resources found on tidal lands has been incorporated into the regulatory setting discussion of the cultural resources section (Section 3.5.1).	Section 3.5.1
7	Consultation with the SHPO is complete. The status of such consultation is described in Sections 9.1.7 and 11.1.9 of the IFR.	Section 9.1.7 and Section 11.1.9
8	As described in Section 5.2.2 of the IFR, based on core samples, a preliminary determination was made that there is a layer that contains grain sizes typical of the coastal environment that is suitable for beach and/or nearshore placement. Sands in the Malibu Creek watershed are a source of sands for the downcoast beaches. As such, the color of sands to be taken from the material behind Rindge Dam are expected to match	

	<p>nourished beaches in both grain size and color. Therefore, matching native color of beach material would not be necessary. Additionally, the sands would be placed into the nearshore environment (Recommended Plan), the volume of material being placed is minor, and would be readily subject to transport and intermixing with existing sediment, making it quickly indistinguishable from existing sands after placement and migration to the downcoast shoreline.</p> <p>Suitability of this material for beach nourishment was discussed with the Southern California Dredged Material Management Team (SC-DMMT) which concurred in the USACE's initial determination that the materials were suitable for beach nourishment. Section 5.2.1 of the IFR contains an Environmental Commitment to perform additional sediment testing prior to and during excavation (ER-3). This testing would be coordinated with the SC-DMMT to ensure that the excavated sediment is compatible with beach and/or nearshore placement as appropriate.</p>	
9	<p>The potential impacts of sand deposition in this area are discussed in Section 5.4 of the IFR. The USACE has determined that the project would not affect the lagoon or the coastal areas offshore of Surfrider Beach, so that the project would have no effect on surfing conditions, as discussed in Section 4.5 of Appendix O of the IFR (Coastal Engineering). As stated in Appendix O, some placed sediment may temporarily move to the west from the placement area, but it would eventually travel east and away from the primary surfing area. The shoreline change model shows some increased beach width near Malibu Lagoon but would return to the normal levels by the end of the placement window. This increased beach width would not alter the waves at Malibu Point but may cause the waves to break slightly further offshore for a short period of time.</p>	

11. County of Los Angeles - Department of Beaches and Harbors		
Commenters: Jones, Gary – Director; Kelly John – Deputy Director		
Comment Number	Response	Location in IFR
1	For the Recommended Plan, no access to County-owned beaches, or beach/parking closures are anticipated to be required. These impacts were confined to plans including beach placement of sediments. If a plan with the beach placement option were to be chosen for implementation, all appropriate coordination and permitting associated with County-owned lands would be finalized prior to construction.	N/A
2	The Recommended Plan does not utilize PCH for trucking, hauling, or material placement. As such, no impacts to the County-owned Surfrider beach would occur.	N/A

3	This location is not utilized as part of the Recommended Plan, and review and approval of plans by the County will not be required.	
4	Additional analyses as proposed are not required, as potential downstream sedimentation and flood risk impacts were evaluated in the IFR (described in detail in Appendix B: Hydrology, Hydraulics, and Sedimentation). Based on the analyses performed, the Recommended Plan would not result in a significant increase in downstream sedimentation or flood-risk relative to baseline conditions. As such, associated mitigation measures are not necessary. The IFR already requires the construction contractor to develop a Hazardous Substances Control and Emergency Response Plan (see environmental commitment HAZ-2 in Section 5.13.1), which will cover actions taken in the event that storms or high creek flows compromise the site.	Appendix B
5	As described in the IFR (Section 5.2.3) and as required in Environmental Commitment ER-1 (Section 5.2.1), additional slope stability and geotechnical evaluations will be performed during PED. These analyses will be used to develop slope stabilization measures and ensure protection of adjacent resources, including Malibu Canyon Road.	

## 12. County of Los Angeles – Department of Public Works

**Commenter: Pestrella, Mark – Director; Proano, Pat – Deputy Director**

Comment Number	Response	Location in IFR
1	The USACE does not believe that additional traffic analyses are necessary at this time, as the existing traffic analyses were sufficient in scope and detail to properly characterize potential impacts as a result of the range of alternatives. While it is true that the existing traffic analysis utilized an earlier start time than those required by the county, revising the start time utilized in the traffic impacts analysis would not alter the outcomes presented in Section 5.9. The traffic analyses are based on the maximum possible traffic to determine worst case impacts, and performing new analyses to adjust the start time to 9:00 am would not alter the overall outcome of the traffic analyses. While this would reduce the number of traffic trips during AM peak hours, overall traffic analyses still show potentially significant impacts to traffic due to PM Peak Hour traffic increases and percentage based increases along Malibu Canyon Road and Pacific Coast Highway. Therefore, impacts would remain Class I even with the adjustment of start times. The remaining analyses presented in the IFR (including schedule, duration, and truck trips associated with air quality analyses) utilized the 9:00 am start time as shown in the project descriptions in Section 4.4, and it is the project's intent to adhere to the 9:00 am requirement.	N/A



	As described in the IFR, a detailed Traffic Management Plan would be developed during PED (see Section 5.9 Environmental Commitment T-1). This traffic analysis would be implemented utilizing the correct start time as required by the county. The plan would include an analysis sufficient to ensure that traffic impacts are avoided, reduced, or mitigated to the maximum extent practicable. This document would be circulated to LADPW for review.	
2	Site access would be discussed in the Traffic Control Plan, which is to be developed during PED. This plan will evaluate the entrance point to the construction area off of Malibu Canyon Road. A copy of the plan will be provided to LADPW prior to initiation of construction.	
3	Environmental Commitment T-2 requires the construction contractor to prepare a road repair plan prior to construction. This plan will address project-induced impacts to the surface of Malibu Canyon Road in the vicinity of the Rindge Dam impounded sediment area access ramps. A copy of the plan will be provided to LADPW prior to initiation of construction.	Section 5.9.2, T-2
4	It is the intent of the CDPR to provide replacement bridges for the two private Malibu Meadows Road Crossing (CC2) and the Crater Camp Road Crossing (CC3). The CDPR will conduct such activities in compliance with Title 26 of the Los Angeles County Building Code.	Section 5.2.3
5	The current Geotechnical Engineering Appendix to the IFR (Appendix D) includes references to all items listed in the minimal requirements for a geotechnical report. These items will be addressed during PED, and/or prior to the onset of any construction. For canyon wall stability during and after unloading, see Section 4 - Geotechnical and Geologic Constraints (pp. D22-23), and Section 5.6 - Stability of Canyon Slopes (D-38). For dam stability, see Appendix C-Civil and Structural, and Appendix D Section 4 (D-23), and Section 5.5 - Dam Stability during Deconstruction (D37-38). For road stability: Section 5.6 (D-38). For erosion and scour changes after dam removal: Section 4 (D-23), Section 5.6 (D-39), and Section 7.7 - Stability of Canyon Slopes (D-44). For landslides: Section 3.3.2- Landslides (D-19), and Section 7.7 (D-44). For haul roads: see Appendix C, Appendix D Section 4 (D-22), and Section 7.6 - Current Haul Ramp Concept (D-44).	Appendix D
6	Further geotechnical investigations will occur during PED.	Section 5.2.3
7	All access roads will be designed to withstand flows over the life of the project.	
8	The USACE is not subject to County stormwater codes. However, as described in Section 5.3, the construction contractor would develop and implement a SWPPP during construction in accordance with section 402 of the Clean Water Act.	Section 5.3

<b>9</b>	The city of Calabasas will be coordinated with in regards to LV3 and LV4.	
<b>10</b>	The information related to Trancas Canyon has been clarified in the IFR.	Section 3.3.5
<b>11</b>	See GR-A and GR-D.	Appendix H
<b>12</b>	Corrections associated with the listed miscellaneous comments have been made in the IFR.	
<b>13</b>	Specific plans for each of the upstream barriers will not be available until the PED phase. USACE and CDPR will coordinate with Los Angeles County on County-owned upstream barriers during the PED phase, and will provide additional details, sketches and draft-final plans and specifications, as requested.	
<b>14</b>	The USACE and CDPR have further evaluated the bridge's weight capacity and determined the bridge has sufficient design strength to support the construction-related traffic for the life of the project. Road repairs, which would include bridges, are covered by Environmental Commitment T-2.	Section 9.2.1, Section 5.9.1
<b>15</b>	Project funding would be cost-shared as established in existing regulations and as discussed in the Section 12. 3 of the IFR.	Section 12.3

**13. County of Los Angeles – Fire Department**  
**Commenter: Vidales, Frank – Chief, Forestry Division**

<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>1</b>	The IFR contains consideration of potential impacts to rare and endangered species, vegetation, archeological and cultural resources, and erosion control. As described in Section 5.13, the project area has been proposed as a Very High Fire Hazard Severity Zone. As a result, Environmental Commitment HAZ-1 requires the construction contractor to prepare a fire prevention and response plan to reduce the risk of fires. This plan will require approval by the Los Angeles County Fire Department prior to implementation.	Section 9.2.1, Section 5.13

**14. City of Malibu**

**Commenter: Brager, Robert L. – Public Works Director/City Engineer/Floodplain Administrator**

<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>1</b>	The Locally Preferred Plan, or LPP, is a term in USACE policy that identifies a plan that the non-Federal sponsor requests be recommended instead of the plan the Federal	

	government would otherwise select based on Federal criteria. For this study, the non-federal sponsor is California Department of Parks and Recreation.	
2	Section ES-2 describes the need for the proposed project, while Section ES-3 discusses problems and opportunities which the study addresses. These sections do not contain any discussions of project related impacts. For the executive summary of potential impacts, please see ES-5, or for detailed discussions on project-related impacts, refer to Section 5.	
3	The discussion referenced describes how Rindge Dam has slowed baseflow velocity upstream due to changes in slope associated with the sediment impoundment. This section does not reference alterations to flow velocity downstream of Rindge Dam at the Cross Creek Bridge area. The commitments of the recommended plan related to addressing flood risk are discussed in Response GR-A.	See GR-A.
4	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR.	See GR-A
5	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR.	See GR-B.
6	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR.	See GR-E
7	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR.	See GR-D
8	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR.	Section 5.11
9	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR. The Serra floodwall is not impacted by the recommended plan.	Section 4.9, Section 5.5.2 , Section 5.6.2
10	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR. The number of truck trips per day vary within the estimated range provided in the IFR due to the amount of operating hours available for hauling each day, the composition of the sediment being excavated at that time, and different hauling distances for the various sediment placement sites over the construction period.	Section 5.9 Appendix C Appendix F
11	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR. See Response GR-A.	See GR-A
12	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR.	See GR-B

<b>13</b>	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR. The recommended plan does not include placement of sand on the beach.	Section 4.9, Section 5.8.2
<b>14</b>	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR.	See GR-B
<b>15</b>	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR.	N/A
<b>16</b>	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR.	N/A
<b>17</b>	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR. The Calabazas Landfill has the capacity to accept the estimated volume of impounded sediment.	Section 5.14.2
<b>18</b>	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR.	Table 4.2-1
<b>19</b>	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR. The recommended plan does not include shoreline placement of sand.	Section 4.9, Section 5.9
<b>20</b>	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR.	See GR-B
<b>21</b>	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR. The recommended plan does not include shoreline placement of sand.	Section 4.9
<b>22</b>	The question is in reference to the Executive Summary. Full details regarding this aspect of the project can be found in the main text of the IFR. See Environmental Commitment T-1, T-2 and T-3.	Section 9.2.1
<b>23</b>	The reference to line 21 incorrectly quotes the IFR by omitting key portions of the sentence. This section actually states “If not handled properly, dam removal can pose a substantial though temporary flood risk”. This section does not state that removal of the dam, under all scenarios, will result in flood risk.	See GR-A
<b>24</b>	The statement is incorrect in that the dam does not currently restrict the flow of sediments, nor would it restrict the flow of sediments in the future if left in place or removed. See Appendix B for additional information. Lagoon water levels will not increase due to implementation of the recommended plan. Climate change and predicted sea level changes will affect lagoon water surface elevations (See Section 8 of Appendix B and Appendix O). For the California coast south of Cape Mendocino sea levels are estimated to rise by 1.6 to 11.8 in by 2030 above 2000 levels, 4.7 to 24 in by	Section 3.3.4 Appendix B Appendix O

	2050, and 16.5 to 65.7 in by 2100 (IFR Section 3.3.4). Sediment deposition in the lagoon will occur in future years with or without a project. Under the No Action alternative (Alt 1), about 2 feet of deposition would occur in the lagoon based on the sediment modeling of the 50-year period of record (see Appendix B, Section 16.2.2). For the recommended plan (LPP) and the NER plan, the model results for the period of record show up to 3.25 feet of deposition would occur (Appendix B, Section 16.3.1).	
25	The use of suitable sands for beach nourishment is a small part of the overall project. The major benefits are to migratory fish in the creek by reestablishing both an aquatic and terrestrial wildlife corridor that have proven benefits.	
26	This reference does not accurately represent the information contained in the IFR, and the word speculative is not used. The IFR states that “Rindge Dam sediments to nourish the shoreline and the nearshore environment creates a unique ‘win-win’ ecological and economic nexus that may achieve multiple public benefits”. The IFR does not state in any location that downstream flooding is a certainty. All project alternatives include measures or commitments to ensure compliance with the study constraint regarding project-induced flood risk.	See GR-A
27	Silt and sediment are currently being deposited along the creek and to the ocean and the project would have no substantial effect on this process. Since this sedimentation is the result of native material in the Malibu Creek system, removal of Rindge Dam is not anticipated to change roughness.	See GR-A
28	See GR-A.	Appendix H
29	Use of 20 cubic yard trucks to remove materials as well as the use of the nearshore placement site as part of the LPP will minimize truck traffic. In addition, hours of operation will restrict truck traffic to acceptable times. The IFR also contains an environmental commitment (T-1) to develop a transportation management plan (Section 5.9.1). This plan will evaluate traffic flow and potential traffic impacts, and traffic control measures will be developed, for implementation during construction, to minimize impacts to traffic to the maximum extent practical.	Section 9.2.1, Section 5.9.2, Section 5.9.4
30	Chemical and bio-assay tests were conducted on the impounded sediment during the study. In addition, the USACE will conduct a Sampling and Analysis Program, in consultation with the Southern California Dredged Material Management Team, to evaluate the suitability of sands for beach nourishment (see Environmental Commitment ER-3 in Section 9.2.1).	GR-F Section 4.2, Section 4.9.2, Section 9.2.1
31	The nearshore placement site (recommended plan) and beach nourishment site (NER plan) are not located near the kelp beds mentioned and have no potential for adversely affecting those kelp beds.	Figure 4.9-5 Appendix O

<b>32</b>	The IFR states that for the California coast south of Cape Mendocino, sea levels are estimated in the NRC study to rise by 1.6 to 11.8 in by 2030 above 2000 levels, 4.7 to 24 in by 2050, and 16.5 to 65.7 in by 2100.	Section 3.3.4
<b>33</b>	See GR-A.	Appendix B
<b>34</b>	See GR-A. Rindge Dam has no storage capacity left to trap flood flows and does not slow down flow velocity or otherwise attenuate flows during moderate to large storm events.	Section ES.5.1 Appendix B
<b>35</b>	Bank erosion occurs during storm events under the No Action (Alt 1) condition. The recommended plan (LPP) and the NER plan do not present an increased erosion risk to private property, utility lines, or structures in Malibu Creek reaches below Rindge Dam.	Appendix B
<b>36</b>	See GR-A.	Appendix B
<b>37</b>	See GR-A.	Appendix B
<b>38</b>	See GR-A.	Appendix B
<b>39</b>	<p>As described in Section 5.2.2 of the IFR, based on core samples, a preliminary determination was made that there is a layer that contains grain sizes typical of the coastal environment is suitable for beach and/or nearshore placement. Suitability of this material for beach nourishment was discussed with the Southern California Dredged Material Management Team (SC-DMMT) which concurred in the USACE's initial determination that the materials were suitable for beach nourishment. A Sampling and Analysis Plan will be performed in the PED. The Sampling and Analysis Plan, the Sampling and Analysis Plan Report, and the USACE's final suitability determination will be presented and discussed with the SC-DMMT.</p> <p>In addition, Section 5.3.1 of the IFR also describes that a SWPPP will be developed prior to, and implemented during, construction. The SWPPP will address the transport and control of sediment as required by the Clean Water Act.</p>	Section 5.2.2; 5.3.1
<b>40</b>	As described in the IFR (Section 5.2), additional slope stability and geotechnical evaluations will be performed during the PED as required in Environmental Commitment ER-1. These analyses will be used to develop slope stabilization measures and ensure protection of adjacent resources, as well as incorporated as necessary into the project SWPPP.	Section 4.9.5, Section 5.2
<b>41</b>	See response #40 above.	Section 4.9.5, Section 5.2
<b>42</b>	See GR-A.	GR-A
<b>43</b>	See response to comment 24	Section 3.3.4 Appendix B Appendix O



44	Silt deposits would occur in areas well above the effects of any sea level change in the creek.	Appendix B
45	Hydrologic, hydraulic, and sediment transport modeling conducted for this study are not to be used to update FEMA floodplain maps.	Appendix B
46	The recommended plan (LPP) and NER plan do not increase storm flow velocities in the lower reaches of Malibu Creek that include the Cross Creek bridge and Malibu Creek bridge. The model results do not show and risk of scour in the bridge locations for either of these plans.	GR-A Appendix B
47	The statement referenced in this comment is specific to Criterion 1 of the traffic analysis, while the table referenced covers all significance criteria for traffic. Under Criterion 1, the impacts to traffic on this road segment are not significant as the initial analyses indicated that the increase in traffic will not result in an increase in the level of service. As such, this section is accurate and does not require revision. See Environmental Commitments T-1 and T-3.	Section 5.9, Section 9.2.1
48	The existing traffic analyses in the IFR resulted in a finding that there would potentially be significant impacts to traffic as a result of both the LPP and NER plan. As such, additional details about the requested intersections would not result in a change in the decision-making, documentation, or level of impacts expected. However, the USACE has also committed to performing a detailed traffic analysis during PED. See GR-B for additional details.	GR-B
49	See response #48 above.	N/A
50	Details regarding this aspect of the project can be found in the main text of the IFR. See Environmental Commitments T-1 and T-3.	Section 4.9, Section 5.9, Section 9.2.1
51	See Environmental Commitments T-1 and T-3.	GR-B Section 9.2.1
52	The recommended plan (LPP) will not alter tidal patterns.	Appendix O
53	The risk to access to from the Cross Creek Road Bridge to the Serra Canyon Property Owners Association does not change when comparing the No Action (Alt 1) condition to the recommended plan (LPP).	GR-A
54	See Environmental Commitments T-1 and T-3.	Section 5.9, Section 9.2.1
55	Repairs would be based on actual damages incurred as a result of the increased truck traffic and would not be limited to spot patching. See Environmental Commitment T-2.	GR-B, Section 9.2.1
56	While the parking lots would be closed, access would be maintained to local businesses. The IFR contains additional discussion of parking (Section 5.9.3). This closure would also take place during the off-season for beach recreational uses, so that impacts would be minimal. In addition, this parking closure is limited to the NER plan. Currently, the LPP	Section 5.9.3

	is being recommended for implementation. The LPP does not require use of this parking area.	
57	See GR-A.	Appendix B
58	Options to allow for natural transport of sediment were evaluated in the IFR under Alternatives 3 and 4. As discussed in the IFR, natural sediment transport would require the construction of floodwalls in areas below Rindge Dam to address increases in flood risk. The impacts associated with floodwall construction were significant, and included cultural, biological, aesthetic, water and noise impacts. As a result, these alternatives were not recommended for implementation.	GR-A
59	Any impacts to water quality would be highly localized and are not expected to extend downstream to any city facilities. In addition, Section 5.3.1 of the IFR also describes that a SWPPP will be developed by the contractor prior to, and implemented during, construction. The SWPPP will address the transport and control of sediment as required by the Clean Water Act.	Section 5.3.2
60	The reference has been deleted from Appendix H	GR-A
61	Adverse changes would be highly localized and short term in duration. Beach placement increases would not be discernible over background wave-induced turbidity. Nearshore turbidity would dissipate within one hour of each placement event. In addition, the USACE has committed to monitoring off-shore sediment placement under the recommended plan (LPP) in order to ensure short-term or minor impacts are further minimized to the maximum extent practicable. See Environmental Commitment ER-3.	Section 9.2.1 Appendix O
62	See response to comment 30.	GR-F Section 4.2, Section 4.9.2, Section 9.2.1
63	The Los Angeles Regional Water Quality Control Board (LARWQCB) is a member of the TAC and is fully aware of the project. The USACE has received a letter of support for the project from the LARWQCB, and is committed to applying for a Water Quality Certification under Section 401 of the Clean Water Act during PED.	Section 5.3.2
64	The Malibu Creek ecosystem restoration project does not consist of any development in the floodplain, nor will it result in any development within the floodplain. Therefore, the floodplain associated approvals and permits are not applicable.	N/A
65	The Malibu Creek ecosystem restoration is a federal project taking place within the coastal zone of California. The USACE has obtained concurrence with its consistency determination from the California Coastal Commission in accordance with section 307(c) of the Coastal Zone Management Act. A Coastal Development Permit (CDP) from the city of Malibu is not applicable to the USACE, however, CDPR will obtain a CDP.	N/A

<b>66</b>	See GR-A.	GR-A
<b>67</b>	Sediment transport has been modeled for all action alternatives considered in the IFR. Neither the NER plan nor the LPP are expected to result in substantial changes to sediment flow in the creek.	See GR-F
<b>68</b>	Traffic would be two-way.	See GR-B
<b>69</b>	See GR-B.	See GR-B

<b>15. South Coast Air Quality Management District</b>		
<b>Commenter: Sun, Lijin – Program Supervisor, CEQA IGR</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>1</b>	In order to properly evaluate emissions in accordance with the CEQA thresholds established in the IFR (Section 5.12.2), the IFR has been revised to include daily emissions from barging and associated support vessels. These calculations are now included in the emissions data contained in Section 5.12, and evaluated in comparison to the established CEQA thresholds. Details of these calculations can also be found in the updated Supplemental Air Quality Analysis in Appendix L.	Section 5.12.1, Tables 5.12-4 and 5.12-8, Appendix L
<b>2</b>	Appendix L does contain labeling discrepancies compared to the IFR language with regards to the construction schedule as specified in your comment. Including revised labels and headings in Appendix L would have required re-running the entirety of the initial analyses to generate a new copy of the document, which was not feasible from a cost or schedule perspective. Therefore, a detailed Supplemental Air Quality Analysis has been provided at the front of Appendix L to thoroughly explain all of the labeling discrepancies, including the construction start date discrepancies, between tables in the IFR and those in the main volume of the Appendix.	Section 5.12, Appendix L
<b>3</b>	The original emissions analyses were completed prior to the availability of EMFAC 2014 and In-Use Off-Road Equipment 2011. The USACE believes that utilizing the updated software modules would not result in significantly different results, nor would it result in different determinations than those described in the existing air quality analyses. The air quality analyses methods performed in 2011 are very similar to calculations available in the specified software updates. Therefore, the cost increase and time delay associated with performing updated air quality analyses utilizing new software is not justified given that such results are not likely to result in a different analytical outcome or decision.	N/A
<b>4</b>	The lower half of Table 5.12-4 in the draft IFR referenced the incorrect data. This table has been corrected in the final IFR. The correct data resulted in NO <sub>x</sub> emissions exceeding SCAQMD thresholds and all other emissions remaining under the SCAQMD	Table 5.12-4

	thresholds. This is the same outcome as the original air quality analyses, which were based on the incorrect data originally included in Table 5.12-4.	
<b>5</b>	<p>The table format suggested by SCAQMD is not feasible due to project specific issues. The localized daily emissions calculated for alternatives, including the removal of upstream barriers, results in emissions at numerous different locations within the watershed occurring in different construction years. In order to appropriately track these emissions with clarity, this information is displayed as separate tables in Section 5.12. In addition, the IFR was structured to analyze each alternative in a separate section. Therefore, to remain consistent with formatting throughout the IFR, the emissions from each alternative are split into the appropriate analysis sections. Combining emissions as suggested would both remove the ability to track separate emissions components, and would be inconsistent with the remainder of the IFR's structure.</p> <p>To alleviate the difficulty of following the air quality analyses as contained in the draft IFR and Appendix L, an updated Supplemental Air Quality Analysis has been added to Appendix L, which clearly describes the process by which data from Appendix L was summarized, updated, and displayed in the IFR.</p>	Section 5.12, Appendix L
<b>6</b>	SCAQMD Rule 1403 is now described in Section 5.12.2, and associated Environmental Commitment AIR-6 is now in Section 5.12.1.	Section 5.12.2 and 5.12.3
<b>7</b>	As required in Environmental Commitment AQ-7, the use of Tier 3 vehicles is required as part of the project description. In addition, construction efforts beyond 2027 will be required to use model 2023 or newer engines as specified in Environmental Commitment AQ-8. These are included as features within the project description and as such are not necessary as mitigation measures. As discussed in Section 5.9.4, Environmental Commitment T-1 includes development of a Transportation Management Plan prior to construction. This plan will determine what traffic control methods are appropriate. The Transportation Management Plan will address traffic flow and signal synchronization, in part reducing unnecessary idling and traffic trips through traffic flow improvement, as required to partially fulfill Environmental Commitment AQ-1. Due to the limited access points to the project area, construction efforts cannot be re-routed. In addition, several feasible Environmental Commitments reducing emissions from mobile sources have now been included in Section 5.12.3, as suggested by the USEPA.	Section 5.12.3

<b>16. American Fisheries Society – California-Nevada Chapter</b>		
<b>Commenter: Merz, Joseph – President and Certified Fisheries Professional</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>SS</b>	Thank you for your statement of support for the removal of Rindge Dam. As described throughout the analyses and mitigation measures contained in the IFR, impacts to aquatic and riparian species are being minimized to the maximum extent practicable.	N/A
<b>1</b>	Surveys show no Pacific lamprey or red-legged frogs in the project area, although recent surveys for red-legged frog have confirmed the species presence upstream of the project footprint on Las Virgenes Creek. The USACE has determined that the project would not affect tidewater goby or red-legged frog. However, pre-construction surveys will be performed for red-legged frogs and, if discovered, the USACE will revisit its effects determination and consult with the USFWS under section 7 of the Endangered Species Act with the USFWS, if required.	

<b>17. Blue Planet United</b>		
<b>Commenter: Hempel, Marilyn – Executive Director</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>1</b>	Thank you for your comments.	N/A

<b>18. California Trout – Southern California Regional Office</b>		
<b>Commenter: Meneghin, Candice – Conservation Program Manager</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>SS</b>	Thank you for your comments and written support of the study and Locally Preferred Plan.	N/A

<b>19. EcoMalibu</b>		
<b>Commenter: Purvey, Bob – President</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>SS</b>	Thank you for your comments and written support of the study and Locally Preferred Plan.	N/A

1	As described throughout the IFR, a variety of alternatives were analyzed, including a range of natural transport options under Alternatives 3 and 4. Based on the evaluation process described in the IFR and potential impacts of each alternative, natural transport of sediment is not currently being proposed. The plan being recommended for implementation is the LPP.	
2	While night trucking has the potential to reduce the total construction timeframe by allowing mining operations to occur over a longer period each day, extensive early coordination with the County of Los Angeles during preparation of the IFR indicated that consideration of night trucking would be problematic. There are a variety of existing local, regional and state regulations that govern considerations of reasonable truck traffic operations in the project area. These regulations include specific hours when hauling and sediment delivery and placement is permitted in the project area, and currently do not allow for night trucking. Lighting necessary for Rindge Dam sediment mining and hauling operations at night would also have negative effects on biological communities in the area. Productivity at night would be slower than daytime operations, increasing mining and hauling costs. As a result of the regulatory restrictions, biological impacts, and additional costs, night trucking was not considered to be a viable option for this feasibility analysis. Based on comments from the CDPR and others, the inclusion of sediment mining and hauling measures in the Rindge Dam area will be revisited during PED to reassess the regulatory viability, and associated beneficial and detrimental biological and cost impacts.	Section 3.9

#### 20. Endangered Habitats League

Commenter: Silver, Dan – Executive Director

Comment Number	Response	Location in IFR
SS	Thank you for your comments and written support of the study.	N/A

#### 21. Heal the Bay

Commenters: Pease, Katherine – Watershed Scientist; Kampalath, Rita – Science and Policy Director

Comment Number	Response	Location in IFR
SS	Thank you for your statement of support for the LPP.	
1	The spillway exists currently, and is therefore part of the baseline condition. While continued unauthorized use of the spillway may result in continued habitat degradation in minimal areas, this is not an impact caused by the project but a pre-existing condition.	N/A

	As such, these impacts cannot be attributed to the project action alternatives that don't remove the spillway.	
2	Sediment placement locations have been chosen to avoid direct impacts to surfgrass, and only indirect impacts due to tidal transport of sediments would occur. The potential indirect impacts to nearby surfgrass are expected to be negligible. In addition, monitoring will be conducted during sediment placement to ensure there are no significant impacts to surfgrass or other protected marine habitats (see Environmental Commitment BIO-16 in Section 5.4.1).	Section 5.4.1
3	<p>Section 4.4.2 of the IFR (Alternative 2 Options), provides a summary of upland and shoreline options considered for the Rindge Dam impounded sediment during this study, including beneficial reuse of all of the sediment (refer to the subsection on Upland Site – Rindge Dam Impounded Sediment Placement Options). The USACE, the California Department of Parks and Recreation (CDPR), and the Technical Advisory Committee collaboratively discussed options for beneficial use of the impounded sediment for several years, both within and outside of the watershed, but were not able to obtain necessary commitments from land owners and other oversight agencies on other uses of the remaining 2/3 volume of sediment that would be placed in the Calabasas Landfill.</p> <p>The remaining 2/3 volume of the impounded sediment did not meet compatibility criteria for beach nourishment. Natural transport of this material to downstream reaches of Malibu Creek would have potentially significant adverse effects to the environment, along with the potential to increase the flood risk to downstream communities if the larger grain-sized sediment were released downstream during storm events (see Section 4.4.3 – Alternative 3 – Natural Transport of Impounded Sediment in the IFR).</p>	Sections 4.4.2 and 4.4.3
4	As discussed in Appendix O of the IFR (Coastal Engineering), the nearshore placement site immediately downcoast of Malibu Pier, and adjacent shoreline area that would temporarily benefit from nourishment, are areas that would typically be expected to receive sand nourishment from an unimpeded Malibu Creek. The primary goal was to place sands as close as possible to where they would have been in the absence of Rindge Dam without adversely impacting sensitive habitat areas to the west of the pier (see Figure 4.11-3 – Nearshore Placement Area), and surfing at Surfrider Beach. Although it is recognized that other beaches also face shortfalls and need sand, as discussed in Section 4.4.2 of the IFR, the volume of sand present in the area behind the dam is not sufficient to also address the needs of other beaches.	Section 4.4.2 and Appendix O
5	The primary consideration in the final selection of a placement area was selecting a site that would have received the material naturally in the absence of Rindge Dam. In	

	addition, sites were chosen to further avoid potential impacts to sensitive aquatic habitats. As described in response #4 above, the volume of material present is also not enough to remedy the sediment shortfalls at other beaches in the region, and these beaches also do not meet the primary consideration to choose a location where the sediment would have naturally been deposited from the watershed.	
6	Sand transport was modeled as part of the study. Details are available in Appendix B, Section 15 of the IFR (Hydrology, Hydraulics and Sedimentation) and in Sections 4.3.2 and 4.3.3 of Appendix O (Coastal Engineering).	Appendix O and Appendix B
7	Removal of Rindge Dam and the accumulated sediments as well as construction work on upstream barriers will be preceded by removal of all vegetation, including any non-native species. Revegetation of impacted areas will include provisions for the control and removal of invasive species during the post-construction monitoring and adaptive management period after planting of native species has been completed. In addition, CDPR will continue efforts to control invasive species within Malibu Creek State Park.	
8	<p>The USACE has incorporated all necessary BMPs to limit the spread of invasive species into the project area, as specified in Environmental Commitment BIO-3. The contractor would be required to meet standard contract requirements for limiting the spread of non-native species, including cleaning of all equipment before it is used on-site to prevent the spread of species from previous work. The contractor would be required to thoroughly clean all construction equipment at the prior job site in a manner that ensures all residual soil is removed and that egg deposits from plant pests are not present. The contractor would be required, as necessary, to consult with the USDA Plant Protection and Quarantine (USDA - PPQ) jurisdictional office for additional cleaning requirements that may be necessary.</p> <p>All sediments to be used for beach nourishment would be tested for grain size compatibility as well as contaminants to ensure any material placed in the marine environment is compatible. However, there is no need to test this material for non-native seedbank as this material would either be placed off-shore or in the Calabasas Landfill, and not in any upland location where potential invasive seeds could establish. Similarly, while invasive invertebrates have the potential to also be present (i.e., New Zealand mud snail), these species are not capable of survival in either the off-shore marine environment or at the Calabasas Landfill and no additional testing or treatment is anticipated to be necessary.</p>	Section 5.4
9	While specific water quality monitoring parameters have not yet been established, the IFR clearly commits the USACE to applying for 401 Water Quality Certification prior to	N/A



	<p>construction, completing a SWPPP under section 402 of the Clean Water Act, and complying with all substantive Clean Water Act requirements. The specific monitoring, BMPs, and reporting associated with the water quality certification or NPDES permit will not be known until PED, but will be implemented, as required.</p> <p>In addition, the IFR contains a Monitoring and Adaptive Management Plan (Appendix I), which addresses success metrics to be evaluated and adaptive responses to be implemented immediately after construction to ensure restoration goals are achieved.</p>	
10	The TMDL reference has been updated, although the numeric thresholds have not changed since the 2003 TMDLs.	Section 3.3.8
11	Editorial corrections made to the referenced figure number.	Figure 3.3.7
12	While we are aware the data in the EIS is not the most recent, conditions within the watershed have not changed significantly since the initial data was gathered for the IFR. Reviews of updated data available from Heal the Bay and USEPA reveals that the ranges cited in Section 3.8.3 are still representative of the ranges of conditions in more recent data sets and remains valid. Therefore, updating the tables, figures, and data within the document would not serve to better inform decision making or substantively change any of the information presented.	N/A
13	The coliform discussions in Section 3.8.3 have been updated as suggested.	Section. 3.8.3
14	Thank you for your comment. As described in the IFR, beneficial use of sediment within the watershed is being implemented to the extent practicable.	

## 22. Kern River Conservancy

Commenter: Ananian, Gary – Executive Director

Comment Number	Response	Location in IFR
SS	Thank you for your comments and written support of the Locally Preferred Plan.	

## 23. Mountains Restoration Trust

Commenter: Smith, John “Jack” – Project Manager

Comment Number	Response	Location in IFR
SS	Thank you for your comments and written support.	

<b>24. San Fernando Valley Audubon Society</b>		
<b>Commenters: Osokow, Mark B. – Member of the Board of Directors; Weeshoff, David A. – Conservation Chair</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>1</b>	Neither the Recommended Plan (the LPP) nor the NER plan require floodwalls. Floodwalls are only included in variations of Alternative 3 and 4. The impacts associated with these alternatives are described throughout Section 5 associated with each resource. While alternatives requiring floodwalls were evaluated in the IFR, these are not being recommended for implementation.	
<b>2</b>	While Alternative 3 was evaluated in the IFR as one option in the array of alternatives, it is not being recommended for implementation.	
<b>3</b>	While Alternative 3 was evaluated in the IFR as one option in the array of alternatives, it is not moving forward for authorization.	
<b>4</b>	While Alternatives requiring floodwalls were evaluated as an option in the array of alternatives, they are not being recommended for authorization. The Recommended Plan does not require floodwalls. Floodwalls are only included in variations of Alternative 3 and 4. The impacts associated with these alternatives are described throughout Section 5.	
<b>5</b>	Sands to be used for beach nourishment would be tested prior to placement for grain size compatibility as well as the presence of contaminants.	See GR-F
<b>6</b>	As described in Section 3.9 of the IFR, truck traffic would be limited to hours outside of rush hour, including the avoidance of trucking during high traffic times and around school hours.	Section 3.9, See GR-B
<b>7</b>	The USACE and CDPR have committed to implementing methods to minimize potential impacts to nesting birds. As described in the IFR in Section 5 under Environmental Commitment BIO-4, the clearing of vegetation would take place outside nesting season to the extent possible. If vegetation removal during nesting season cannot be avoided, a biologist would be present during vegetation removal to further monitor construction and establish buffers, as necessary, to avoid impacts to nesting birds. In addition, Environmental Commitment BIO-1 requires construction to be overseen by a biologist to ensure compliance with pertinent regulations. This includes compliance with the Migratory Bird Treaty Act and Endangered Species Act. This monitoring will ensure that appropriate avoidance and minimization efforts are implemented during construction.	Section 5.4.4

<b>25. Santa Monica Bay Restoration Commission</b>		
<b>Commenters: Ford, Tom – Executive Director; Topel, Jack – Environmental Scientist</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>1</b>	While night trucking has the potential to reduce the total construction timeframe by allowing mining operations to occur over a longer period each day, extensive early coordination with the County of Los Angeles during preparation of the IFR indicated that consideration of night trucking would be problematic. There are a variety of existing local, regional and state regulations that govern considerations of reasonable truck traffic operations in the project area. These regulations include specific hours when hauling and sediment delivery and placement is permitted in the project area, and currently do not allow for night trucking. Lighting necessary for Rindge Dam sediment mining and hauling operations at night would also have negative effects on biological communities in the area. Productivity at night would be slower than daytime operations, increasing mining and hauling costs. As a result of the regulatory restrictions, biological impacts, and additional costs, night trucking was not considered to be a viable option for this feasibility analysis. Based on comments from the CDPR and others, the inclusion of sediment mining and hauling measures in the Rindge Dam area will be revisited during the Pre-construction Engineering and Design phase to reassess the regulatory viability, and associated beneficial and detrimental biological and cost impacts.	Section 3.9
<b>2</b>	While the New Zealand mud snail has been found throughout much of the Malibu Creek watershed, project activities are not expected to contribute to the spread of this species. Sediment from the creek would be placed at either the Calabasas Landfill or in the nearshore marine environment. The New Zealand mud snail cannot survive in either of these environments, and therefore would not spread as the result of sediment placement. During development of construction details during Pre-construction Engineering and Design phase, the USACE will further evaluate the status of New Zealand mud snail and other invasive invertebrates in the project area.	

<b>26. Santa Monica Mountains Conservancy</b>		
<b>Commenter: Edelman, Paul – Deputy Director for Natural Resources and Planning</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>SS</b>	Thank you for your comments and written support of the Locally Preferred Plan.	

<b>27. Surfrider Foundation – West Los Angeles, Malibu Chapter</b>		
<b>Commenters: Sekich-Quinn, Stefanie – HQ Coastal Preservation Manager; Hamilton, Graham – West LA/Malibu Chapter Coordinator</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>1</b>	Compared to the overall volume of sediment impounded behind Rindge Dam, the quantity of sediment that is beach compatible is relatively low, based on the initial sampling and analysis performed during the IFR study period. Combining the two placement methods would be prohibitively expensive and would not be beneficial given the small volumes of sands being considered usable for beach nourishment purposes.	
<b>2</b>	Alternative beach and nearshore placement sites were considered during the initial Feasibility Study Phase of this project. The sites selected were based on habitat type (avoiding sensitive resources, including submerged aquatic vegetation), the need for beach nourishment, and the location downcoast from the mouth of Malibu Creek, which is where the sand would have been transported naturally if the dam had not been in place.	Section 4.4.2, Figures 4.4-5 to 4.4-8
<b>3</b>	The USACE considered using Broad Beach as a beach placement site, however, given the construction schedule for this project (construction starting in 2025, removal of sand layer in 2028) that site does not work. Work at Broad Beach is expected to be completed prior to the start of construction on Malibu Creek.	
<b>4</b>	See GR-G.	
<b>5</b>	As described in Section 4.4.2 of the IFR, alternative beach and nearshore placement sites were considered during the initial Feasibility Study Phase of this project. The sites selected were based on habitat type (avoiding sensitive resources, including submerged aquatic vegetation), the need for beach nourishment, and the location downcoast from the mouth of Malibu Creek, which is where the sand would have been transported naturally if the dam had not been in place.	Section 4.4.2
<b>6</b>	While Alternatives requiring floodwalls were evaluated as an option in the array of alternatives, these are not being recommended for authorization. The Recommended	

	Plan does not require floodwalls. Floodwalls are only included in variations of Alternative 3 and 4. The impacts associated with these alternatives are described throughout Section 5.	
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28. Trout Unlimited		
Commenters: Strickland, Jessica D. – California Field Coordinator; Noble, Cindy – Council Chair; Blankenship, Robert – Chapter President		
Comment Number	Response	Location in IFR
SS	Thank you for your comments and written support of the Locally Preferred Plan.	

## RESPONSES TO PUBLIC COMMENTS

29.		
Commenter: Adams, Robert		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Malibu Creek Restoration Study.	

30.		
Commenter: Adams, Bo		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

31.		
Commenter: Agnew, Joe		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

32.		
Commenter: Allen, Dr. Larry G.		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

33.		
Commenter: Atkinson, Glen		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

34.		
Commenter: Barabe, Russell		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

35.		
Commenter: Bell, Sean		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

36.		
Commenter: Bell, Donald		
Comment Number	Response	Location in IFR
1	Thank you for your support of the project.	

37.		
Commenter: Bellon, Robert J.		
Comment Number	Response	Location in IFR
SS	Thank you for your support of the project.	

38. Malibu Surfing Association		
Commenter: Blum, Michael		
Comment Number	Response	Location in IFR
1	Addressing erosion issues on Surfrider Beach is not one of the project purposes. However, as described in Section 4.4.2 of the IFR, alternative beach and nearshore placement sites were considered during the initial Feasibility Study Phase of this project. The sites selected were based on habitat type (avoiding sensitive resources, including submerged aquatic vegetation), the need for beach nourishment, and the location downcoast from the mouth of Malibu Creek, which is where the sand would have been	Section 4.4.2

	transported naturally if the dam had not been in place. Ultimately, the placement areas utilized in the final array of the IFR best met the project's study objectives while maximizing benefits and minimizing costs.	
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39.		
Commenter: Boller, Scott		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

40.		
Commenter: Brady, D. H.		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

41.		
Commenter: Briscoe, Don L.		
Comment Number	Response	Location in IFR
1	See GR-A.	

42.		
Commenter: Bubar, Lorraine		
Comment Number	Response	Location in IFR
1	Thank you for your comments.	

43.		
Commenter: Bubenik, Justin J.		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	



44.		
Commenter: Budenholzer, Joe		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

45.		
Commenter: Burns, Jim		
Comment Number	Response	Location in IFR
1	Thank you for your comments.	

46.		
Commenter: Byer, John		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

47.		
Commenter: Cinadr, Brian		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

48.		
Commenter: Cook, N.		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

49.		
Commenter: Coradeschi, Andy		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan, as well as the verbal comments provided during the public meeting.	

50.		
Commenter: Cozard, David		
Comment Number	Response	Location in IFR
1	As described in Section 4.1 of the IFR, a variety of sediment removal options were considered during initial formulation. Based on a variety of screening processes, only mechanical and natural transport were carried forward to the final array analyzed in the IFR.	

51.		
Commenter: Cronin, Paul		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

52.		
Commenter: Cullip, Richard		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

53.		
Commenter: Dahlstrom, Berl D.		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

54.		
Commenter: Dauksis, Russell Peter		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

55.		
Commenter: De La Rosa, Edward J.		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

56.		
Commenter: DeGregori, Randy		
Comment Number	Response	Location in IFR
1	See GR-G.	
2	Options to allow for natural transport of sediment were evaluated in the IFR under Alternatives 3 and 4. These options are similar to the dam-notch proposed in your letter. As discussed in the IFR, natural sediment transport would require the construction of floodwalls in areas below Rindge Dam. The impacts associated with floodwall construction were significant, and included cultural, biological, aesthetic, water and noise impacts. In addition, the additional impacts associated with Alternatives 3 and 4 resulted in these alternatives not qualifying as the Least Environmentally Damaging Practicable Alternative under Section 404 of the Clean Water Act. As a result of the additional impacts associated with variations of Alternative 3 and 4, these alternatives were not recommended for implementation.	See Sections 5.2 through 5.5 for discussion on impacts of floodwalls. See Appendix H for Clean Water Act Section 404 discussion.

57.		
Commenter: Deshotels, Robert		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	
1	As described in the IFR in Section 5.5.3, mitigation measure CR-1 includes installation of interpretive signs at the Sheriff's Honor Camp site. These signs would explain the	Section 5.5.3

	cultural significance of the area, the dam, and the purposes behind removal and restoration.	
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58.		
Commenter: Dexter, Glenn		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	
1	As described in Section 4.4.2 of the IFR, alternative beach and nearshore placement sites were considered during the initial Feasibility Study Phase of this project. The sites selected were based on habitat type (avoiding sensitive resources, including submerged aquatic vegetation), the need for beach nourishment, and the location downcoast from the mouth of Malibu Creek, which is where the sand would have been transported naturally if the dam had not been in place.	Section 4.4.2

59.		
Commenter: Distler, Gabriele		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

60.		
Commenter: Distler, Robert		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

61.		
Commenter: Doebel, Linda		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

62.		
Commenter: Driscoll, Dr. Lawrence		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	
63.		
Commenter: DuKet, Thomas P.		
Comment Number	Response	Location in IFR
1	Thank you for your comments.	
64.		
Commenter: Edwards, Rev Doug		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	
65.		
Commenter: Esgate, Steve		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	
66.		
Commenter: Fiduk, Steve		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

67.		
Commenter: Fitzgerald, Eric		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

68. Serra Canyon Property Owners Association		
Commenter: Follert, R Jeffrey		
Comment Number	Response	Location in IFR
1	See GR-A. Although the United States cannot provide indemnification due to the Antideficiency Act's prohibition against obligations in advance and in excess of appropriations, the recommended plan includes additional hydraulic and sediment modeling during the PED phase, along with measures for avoiding an increase in flood risk if shown by the modeling to be needed.	

69.		
Commenter: Foster, Dave		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

70.		
Commenter: Gautrey, Gerlinde		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

71.		
Commenter: Goldbloom, Erwin		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

<b>72.</b>		
<b>Commenter: Grisanti, Paul</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>1</b>	As described in the IFR, Alternative 3 would require the construction of floodwalls below Rindge Dam. The impacts associated with floodwall construction were significant, and included cultural, biological, aesthetic, water and noise impacts. In addition, the additional impacts associated with Alternatives 3 resulted in this alternative not qualifying as the Least Environmentally Damaging Practicable Alternative under Section 404 of the Clean Water Act. As a result of the additional impacts associated with variations of Alternative 3, these alternatives were not recommended for implementation.	See Sections 5.2 through 5.5 for discussion on impacts of floodwalls. See Appendix H for CWA 404 discussion.
<b>2</b>	See GR-G.	
<b>3</b>	As described in the IFR (Section 5.2.3), additional slope stability and geotechnical evaluations would be performed during the Pre-construction Engineering and Design phase. These analyses will be used to develop slope stabilization measures and ensure protection of adjacent resources, including Malibu Canyon road.	Section 5.2.3

<b>73.</b>		
<b>Commenter: Hamm, Kelly</b>		
<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
<b>1</b>	Options to allow for natural transport of sediment were evaluated in the IFR under Alternatives 3 and 4. These options are similar to the dam-notch method proposed in your letter. As discussed in the IFR, natural sediment transport would require the construction of floodwalls in areas below Rindge Dam. The impacts associated with floodwall construction were significant, and included cultural, biological, aesthetic, water and noise impacts. In addition, the additional impacts associated with Alternatives 3 and 4 resulted in these alternatives not qualifying as the Least Environmentally Damaging Practicable Alternative under Section 404 of the Clean Water Act. As a result of the additional impacts associated with variations of Alternative 3 and 4, these alternatives were not recommended for implementation.	See Sections 5.2 through 5.5 for discussion on impacts of floodwalls. See Appendix H for CWA 404 discussion.
<b>2</b>	See GR-G	

74.		
Commenter: Hand, Lesley D.		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the study.	

75.		
Commenter: Hart, Michael		
Comment Number	Response	Location in IFR
1	The IFR does not state that fish lifts do not work for steelhead. As described in Section 4.1.5 of the IFR, a variety of fish passage options were considered to provide passage over the dam without removing it. The IFR describes how fish passage facilities can be highly effective under the right circumstances. However, these options were not considered feasible in Malibu Creek due to extreme difficulty and cost associated with operating and maintaining such facilities, and the difficulty accessing and developing infrastructure in the Project Area due to topographic and land use constraints.	Section 4.1.5

76.		
Commenter: Hill, R. Scott		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

77.		
Commenter: Hilton, Lisa		
Comment Number	Response	Location in IFR
1	Thank you for your comment.	
2	While some habitat does exist above Rindge Dam in the impounded sediment area, this habitat does not exist in a natural state due to the existence of the dam. The aquatic habitat is disconnected from the downstream watershed, blocking passage of any native aquatic organisms upstream. The dam also acts as a barrier or detriment to most terrestrial organisms. While the existing habitat above Rindge Dam would be temporarily	



	impacted during construction, the outcome of the project would result in significantly improved habitat quality and connectivity in the Project Area.	
3	See GR-B.	
4	Temporary facilities developed during construction include parking, staging, and work areas and would be removed after the project is complete. Water and plumbing needs would be provided by temporary measures during construction, such as portable toilets and/or water trucks. New permanent facilities to be developed as part of the project are limited to interpretive signage and some short-term parking spaces within the existing paved portion of Sheriff's Overlook. No new permanent parking lots, water or plumbing facilities would be added to this area.	
5	Implementation of the project would provide significant benefits to residents of California, as well as the nation as a whole. As summarized in Table 2.7-1 of the IFR, the Project Area contains significant valuable resources, and restoration efforts in the watershed would benefit most of these resources. Numerous Federal agencies have indicated that removal of Rindge Dam would provide significant benefit to scarce and sensitive natural resources. Implementation of the project would restore connectivity to the watershed, providing significant benefits to the endangered steelhead, and potentially benefiting other protected species by restoring natural processes to the watershed. Other protected species occupying the watershed include the California red-legged frog and western pond turtle.	Section 2.7
6	Steelhead are adapted to high gradient mountain streams across the west coast of North America. The National Marine Fisheries Service, the Federal agency tasked with recovery of the steelhead, has identified Malibu Creek as a critical recovery area for steelhead. Furthermore, NMFS has provided the USACE with a letter stating their support for our goal of restoring Malibu Creek. Given the significant expertise on steelhead found within the NMFS and USACE, the USACE is confident that the uphill nature of the creek would not hinder steelhead from colonizing areas above Rindge Dam, if the dam were to be removed.	
7	As described in Section 5.4.2, initial testing of sediment grain size and quality has been performed. This testing was coordinated with the SC-DMMT, the multi-agency team that oversees the placement of sediment in the ocean in southern California. Preliminary results indicated that some quantity of the impounded sediment would be beach-compatible, and as a result would be appropriate for beach/nearshore placement. In addition, the IFR contains a commitment to perform additional sediment testing prior to and during excavation in Environmental Commitment ER-3. This testing would be	Sections 5.4.1 and 5.4.2

	coordinated with the SC-DMMT to ensure that the excavated sediment is compatible with beach and/or nearshore placement as appropriate.	
8	As described in the IFR, the purpose of the project is to restore the Malibu Creek ecosystem. The project did not evaluate any recreation related development or alternatives. Upon completion of the project, the local sponsor would be required to maintain the restored area for the life of the project. Maintenance of the restored area would target ensuring that the restored ecosystem continues to support the high quality habitat it was designed to restore. Developing the area for other recreational uses would directly conflict with the restoration goals. As described in response #4 above, no new parking, plumbing, or water facilities are being developed for this project.	Section 1.3
9	The Project Delivery Team utilized past studies, field investigations, experts from multiple fields of science and technology, and models and other tools to advance the decision-making process, with an understanding of the geography and dynamics that have formed the Malibu Creek watershed. Costs are reflective of the planning process and array of alternatives investigated.	
10	The USACE has performed substantial analyses to determine what would happen once the dam is removed. These include analysis of existing geotechnical and biological conditions, and hydrology and hydraulic modeling to look at current, future without project, and future with project scenarios. In addition, the USACE has committed to further analyses during PED. As a result, the USACE disagrees with the comment that there is no way to tell what would happen when the dam is removed.	

78.		
Commenter: Hoffberg, Neal		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

79.		
Commenter: Hunt, Timothy		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

80.		
Commenter: Huntley, Steven E.		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

81.		
Commenter: Jester, Lee		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

82.		
Commenter: Johnson, Richard		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

83.		
Commenters: Kipner, Steve; Kipner, Lizzie		
Comment Number	Response	Location in IFR
1	See GR-A. Although the United States cannot provide indemnification due to the Antideficiency Act's prohibition against obligations in advance and in excess of appropriations, the recommended plan includes additional hydraulic and sediment modeling during the PED phase, along with measures for avoiding an increase in flood risk if shown by the modeling to be needed.	

84.		
Commenter: Klamerus, Sonny		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

85.		
Commenter: Knight, Christopher		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

86.		
Commenter: Knur, Reinard		
Comment Number	Response	Location in IFR
1	As described in the IFR, extensive further geotechnical investigations are planned for PED to better characterize the existing risk for activation of a landslide in the Rindge Dam and impounded sediments area, and future risks based on implementation of a project. The slope stability (landslide) risks are characterized throughout the IFR (Appendix D – Geotechnical Engineering; IFR Sections 3.2.5, 4.4.2, 4.9.3, 5.2.1, 5.2.2, 5.2.3, 12.1.2; Appendix F - Cost Engineering). Significant costs and schedule considerations have been added for investigations during the Pre-construction Engineering and Design phase that would further evaluate landslide risk and slope stability. A more detailed list of the scope of these geotechnical investigations is provided in Appendix F and the cost-schedule risk analysis prepared by the Project Delivery Team. This information will be used to design and implement any measures necessary to protect Malibu Canyon road during PED, and reduce potential for slope failure in the Rindge Dam and impounded sediment area during and after construction.	
2	As described in the IFR, the project includes removal of numerous upstream barriers in addition to Rindge Dam, resulting in approximately 18 miles of aquatic habitat being opened to steelhead use upon completion of the project. While Tunnel Falls does represent a barrier during dry conditions, this barrier is passable to steelhead under moderate and higher flows. Steelhead in southern California have evolved to migrate at specific times of year, triggered by rainfall and high flow events, which coincides with when passage over Tunnel Falls would be available. Such migration patterns are typical of steelhead in southern California drainages, and are not unique to Malibu Creek.	
3	Although it is recognized to be a costly financial investment, from the perspective of CDPR, and many other local, regional, national public and non-profit agencies, and public interests, there is support in moving forward with the recommended plan (LPP) to provide the restoration benefits to the Malibu Creek watershed ecosystem. The study supports Federal interest in moving forward, but will require the endorsement from the	

	USACE Chief of Engineers, and Congress to ultimately decide to authorize and fund this project.	
4	The estimated cost of the Malibu Creek project is commensurate with the complexity and challenges associated with the project. Federally-led ecosystem restoration projects with similar, or significantly greater costs, are not uncommon when addressing complex and large-scale restoration needs. For example, in this region the USACE worked with multiple interests to complete an ecosystem restoration study for an 11-mile stretch of L.A. River. Implementation of the authorized project is estimated at \$1.3 billion, with around \$500 million of this representing construction costs. Beyond southern California, the USACE has ongoing restoration efforts in the Florida Everglades with an estimated total project cost of \$14 billion. Other examples of similar scope and cost include the Chesapeake Bay and the Kissimmee River restoration projects, and the Elwha and Glines Canyon Dams removal (led by the National Park Service). In addition, the USACE expends significant funding annually on conservation efforts associated with steelhead and other salmonids.	

87.		
Commenter: Kotin, Muriel S.		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

88.		
Commenter: Kuchenski, Steve		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

89.		
Commenter: Kwon, Suzy		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

90.		
Commenters: Lee, Priscilla; Lee, Mel; Lee, Celene		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

91.		
Commenter: Leibowitz, Rose		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

92.		
Commenter: Leski, Dennis		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

93.		
Commenter: Luddy, William		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

94.		
Commenter: Malnar, Peggy		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

95.		
Commenter: Marcus, Ben		
Comment Number	Response	Location in IFR
1	Thank you for your comments.	

96.		
Commenter: Martin, Joel W.		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

97.		
Commenter: Matus, David		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

98.		
Commenter: McCollum, Jan		
Comment Number	Response	Location in IFR
SS	Thank you for your comments.	

99.		
Commenter: McDonald, John		
Comment Number	Response	Location in IFR
1	<p>The article quoted does not accurately represent the status of steelhead or other upstream barriers. While Tunnel Falls exists above Rindge Dam, it only represents a barrier when flows are low. Steelhead do not migrate during low flow conditions. Steelhead in southern California have evolved to migrate at specific times of year, triggered by rainfall and high flow events, which coincides with when passage over Tunnel Falls would be available. Such migration patterns are typical of steelhead in southern California drainages, and are not unique to Malibu Creek.</p> <p>The recommended plan is expected to provide significant ecosystem benefits to a variety of species and habitats, not just steelhead. Using an estimate of 100 fish to compare costs to benefits relative to steelhead does not accurately portray the benefits of the project. With restoration of connectivity to 18 additional miles of habitat, steelhead are expected to reproduce in the system, resulting in increased population sizes. Therefore comparing the number of steelhead to the total project cost is not a reasonable method for comparing costs to benefits.</p>	
2	See GR-B.	Section 5.9
3	As described in the IFR, options to lower the dam sequentially and allow for natural transport were evaluated (Alternatives 3 and 4). While natural transport alleviates some of the trucking and traffic impacts, it creates significant additional downstream impacts due to sediment transport and the need to build floodwalls. This results in significant additional impacts to cultural and water resources (Sections 5.3.2 and 5.5.2), as well as noise impacts to adjacent communities. In addition, due to the need for floodwalls that are not required under variations of Alternative 2, Alternatives 3 and 4 cannot be considered the Least Environmentally Damaging Practicable Alternative as required under the Clean Water Act (Appendix H; Section III).	Section 5.5.2, Section 5.3.2, Appendix H.



100.		
Commenter: McMorrow, John		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

101.		
Commenter: McWha, Bill		
Comment Number	Response	Location in IFR
1	The National Environmental Policy Act requires Federal agencies examine a reasonable range of alternatives prior to the significant commitment of resources on a project. In addition, numerous other state and Federal regulations require appropriate analysis and disclosure of potential impacts. The Endangered Species Act requires that a Biological Assessment be prepared for any major construction activity by a Federal agency that has the potential to effect listed species. As a result, USACE and CDPR disagree with the statement that the study is useless.	

102.		
Commenter: Menzies, Jim		
Comment Number	Response	Location in IFR
1	Please see GR-A. The Recommended Plan was designed to avoid increase in flood risk, including through the methods for removing the dam and sediment in stages. See Sections 4.9.5 and 5.2.2 of the IFR regarding landslides, liquefaction and debris flow risks associated with construction-related impacts. Section 9.2.1 of the IFR contains several Environmental Commitments (ER-1 and WR-4) to further analyze slope stability and flood risks associated with the recommended plan (LPP).	
2	See GR-B.	
3	Please see response GR-A. Although the United States cannot provide indemnification due to the Antideficiency Act's prohibition against obligations in advance and in excess of appropriations, the recommended plan includes additional hydraulic and sediment modeling during the PED phase, along with measures for avoiding an increase in flood risk if shown by the modeling to be needed.	

103.		
Commenter: Miller, Michael		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

104.		
Commenter: Mirman, Alan		
Comment Number	Response	Location in IFR
1	See GR-A.	

105.		
Commenter: Moses, Jeff		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

106.		
Commenter: Mowlavi, Patricia		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

107.		
Commenter: Nelson, Greg		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

108.		
Commenter: Nelson, Pam		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

109.		
Commenter: Neubeiser, Timothy		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

110.		
Commenter: Nourish, Bruce		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

111.		
Commenter: O'Brien, Jess		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

112.		
Commenter: O'Kelly		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

113.		
Commenter: Olson, Glenn		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

114.		
Commenter: Orellana, Carlos A.		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

115.		
Commenter: Parker, Nat		
Comment Number	Response	Location in IFR
1	As detailed in the IFR, the currently proposed plan would place beach-compatible materials (sands and similar grain sizes) just offshore of Malibu Pier area, which is the same vicinity where natural deposition of such sediments would have occurred in the absence of Rindge Dam.	

116.		
Commenter: Payan, Wenda		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

117.		
Commenter: Payne, Anne		
Comment Number	Response	Location in IFR
1	The USACE did not use the terms “potential downstream flooding” during the public meeting. However, the USACE did state that formulation of alternatives occurred in a manner to specifically address and avoid creating any increased flood risk to the Serra Canyon community.. The USACE discussed the deposition of sediment below Rindge Dam and described that, under the natural transport options of Alternatives 3 and 4, modelling indicated deposition below the dam would increase and that the deposition would potentially increase flood risk. However, this impact is a primary reason Alternatives 3 and 4 were not proposed for implementation. The Alternative being proposed for implementation is Alternative 2, which does not result in similar downstream	See GR-A

	impacts. Please see GR-A for further information. Transcripts of the meeting are included in this Appendix.	
2	Please see response GR-A and GR-B. Although the United States cannot provide indemnification due to the Antideficiency Act's prohibition against obligations in advance and in excess of appropriations, the recommended plan includes an Environmental Commitment and Mitigation Measure for development and implementation of a traffic management plan, which includes addressing any significant construction-related damage to roadways as discussed in GR-B. See GR-A for more information related to addressing flood risk.	
3	As discussed in the IFR and response GR-A, a primary constraint of the study is to avoid adverse flood induced impacts in downstream reaches of Malibu Creek from the ecosystem restoration measures. Alternatives that showed significant flood risk impacts were not recommended for implementation. The recommended plan includes additional hydraulic and sediment modeling during the PED phase, along with measures for avoiding an increase in flood risk if shown by the modeling to be needed.	
4	Potential impacts to birds, as well as potential benefits to birds from restoration, are discussed in Sections 3.4 and 5.4 of the IFR.	
5	See GR-A. Based on the modeling conducted to date, the downstream habitat impacts during storms would not change between the No Action and the project (LPP).	

**118.****Commenter: Payne, John**

<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
1	See comment response #117 above.	

**119.****Commenter: Petit, Steven**

<b>Comment Number</b>	<b>Response</b>	<b>Location in IFR</b>
SS	Thank you for your written support of the project.	

120.		
Commenter: Radanovich, Kevin		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

121.		
Commenter: Ramsey, Christopher		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the TSP.	
1	See GR-A.	

122.		
Commenter: Rees, Brenda		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

123. Santa Barbara Flyfishers		
Commenter: Riffle, Lew		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

124. a		
Commenter: Rindge, Ronald L.		
Comment Number	Response	Location in IFR
1	Tunnel Falls, the “ten-foot high waterfall” just above Rindge Dam referred to in this comment is not an impassable barrier, as stated. Tunnel Falls, as described in Section 2.2.1 of the IFR, is a series of pools and small falls formed by a bedrock outcropping. While Tunnel Falls does represent a barrier during dry conditions, under moderate and higher flows, this barrier is passable to steelhead. Steelhead in southern California have	Section 2.2.1, Section 3.4.9

	<p>evolved to migrate at specific times of year, triggered by rainfall and high flow events, which coincides with when passage over Tunnel Falls would be available. Such migration patterns are typical of steelhead in southern California drainages, and are not unique to Malibu Creek. Malibu Creek is within the natural range of the steelhead, and published evidence exists documenting likely steelhead presence above Rindge Dam. While the references to previous stocking and recovery of fish remains are useful information, neither prove that steelhead did not naturally occur in the upper watershed.</p> <p>In 2005, an archival records review of steelhead trout in the Santa Monica Mountains documented trout presence upstream of Rindge Dam (Dagit, R. B. Meyer and S. Drill. 2005). This includes a 1916 article in the Los Angeles Times, noting that William Sartor caught a 30" trout in Cold Creek. In the 1920s there were reports of 6.5kg steelhead caught migrating upstream in the lower reaches of Las Virgenes and Cold Creek (Titus, et al 1997).</p> <p>Archaeological records show signs of steelhead (<i>O. mykiss</i>) being eaten by Chumash upstream of Rindge Dam. At least two <i>O. mykiss</i> vertebrae were found in the Talepop site (CA-LAN 229) located near the entrance of Malibu Creek State Park, and vertebrae were reported in two separate studies (John Johnson, 1982 and Ken Follett, 1969).</p> <p>The reason freshwater fish consumption may not have been identified in earlier studies referenced by the commenter is likely due to the size of the screens used. The 1960s excavation was largely conducted using ¼" screen, although 1/8" mesh was used for a couple of excavation units. Due to the small size, ¼" screens would result in the loss of a significant portion of smaller fish remains.</p>	
2	The steelhead of southern California are particularly adapted to arid, hot, and variably flowing watersheds of the region, as described in the final listing of the ESU by NMFS in 1997. All watersheds near human habitation in the U.S. are subject to potential spills and pollution from proximity to human activities. This is not a unique situation for Malibu Creek, nor does the USACE view this as a reason to not pursue restoration in the watershed.	
3	The USACE has consulted with the Advisory Council on Historic Preservation, the State Historic Preservation Officer, Indian Tribes and communities, other interested parties, and the public pursuant to the requirements of the National Historic Preservation Act (NHPA) and NEPA. As described in Section 3.5.3 of the IFR, the USACE recognizes the cultural and historic importance of Rindge Dam, as it is a prime	Section 3.5.3

	<p>example of engineering and an intrinsic part of the rich history of the SMMNRA, beginning with the Chumash, the Spanish explorers, early settlers and homesteaders, and later, literary and visual artists. The dam and its associated components, the spillway and water distribution pipeline, have been determined eligible for listing on the National Register of Historic Places (NRHP) under Criterion C as a rare and well-preserved example of a privately funded reinforced concrete arch dam in the Santa Monica Mountains. Also as noted in the comment, while being NRHP eligible (or listed) provides certain legal protections from demolition, these protections are not solely preventive. NRHP eligibility requires that preservation of property not under the jurisdiction or control of the Federal agency, but potentially affected by Federal agency actions, is given full consideration in planning (NHPA at 54 USC section 306102(b)(2)), including the opinions of all contributors. That consideration has been carried out through the NEPA process and also under the regulations implementing Section 106 of the NHPA (36 C.F.R. Part 800), which provide a consultative process to determine a course of action to assess and resolve adverse effects, which can range from avoidance to mitigation. Based on comments and concerns received from other members of the public, agencies, and consulting parties, the USACE and CDPR have elected to remove the dam.</p>	
4	<p>As discussed in response #2 above, the USACE is aware of the bedrock outcropping at Tunnel Falls. While Tunnel Falls does represent a barrier during dry conditions, under moderate and higher flows, this barrier is passable to steelhead.</p>	
5	<p>Rindge Dam has no storage capacity left to trap flood flows and does not slow down flow velocity or otherwise attenuate flows during moderate to large storm events. The vertical drop in elevation from the upper boundary of the impounded sediment footprint to just below Rindge Dam would be the same with the No Action or LPP. The gradient and flow of flood waters in reaches below the dam is not impacted by the presence or absence of the dam.</p>	ES.5.1
6	<p>The USACE recognizes there are geotechnical concerns associated with removal of the impounded sediment behind Rindge Dam. As described in the IFR (Section 5.2.1), additional slope stability and geotechnical evaluations will be performed during PED. These analyses will be used to develop slope stabilization measures and ensure protection of adjacent resources, including Malibu Canyon Road.</p>	Section 5.2.1
7	<p>Dam removal would have a localized effect on velocities in Malibu Creek with grade (slope) changes in the former dam and impounded sediment area. Other reaches of Malibu Creek would not experience an increase in velocity or force of flood waters with removal of the dam.</p>	



8	While the water table has been raised in the impounded sediment footprint due to the presence of Rindge Dam, the larger aquifer in this portion of the watershed would not be destroyed by the removal of Rindge Dam. The water table would drop within the boundary of the impounded sediment area behind Rindge Dam, and would lower back to the pre-dam alluvium level of the creek. Pumping groundwater for use for firefighting is not within the scope of this study or project.	
9	Thank you for your comment. Setting aside lands for a wilderness preserve is not within the scope of this study or project.	
10	There is no evidence to suggest that toxic spills are a significant concern in the future, nor that leaving the dam in place would help to contain such spills.	

124. b		
Commenter: Rindge, Ronald L.		
Comment Number	Response	Location in IFR
1	Thank you for submitting a copy of May 22, 1998 letter to USACE on Century Ranch fish remain studies.	

124. c		
Commenter: Rindge, Ronald L.		
Comment Number	Response	Location in IFR
1	Thank you for the exhibits from the early 1900's.	

124. d		
Commenter: Rindge, Ronald L.		
Comment Number	Response	Location in IFR
1	Thank you for the February 26, 2017 letter. Actions were taken to delete the noted reference in your February 23, 2017 letter, as requested.	

124. e		
Commenter: Rindge, Ronald L.		
Comment Number	Response	Location in IFR
1	Thank you for the March 24, 2017 letter and attachments on cultural aspects of the study, including information on 1892 water rights in Malibu Canyon; the 1993 and 1994 letters about County of Los Angeles on applications to register Rindge Dam as a state point of historical interest; the August 21, 2002 letter on historical events; the April 18, 2006, May 26, 2006 and August 14 letters about a suggested historical district in Malibu Canyon; and information on the 1853 grizzly bear encounters.	

124. f		
Commenter: Rindge, Ronald L.		
Comment Number	Response	Location in IFR
1	Thank you for the March 27, 2017 letter and corrections associated with the prior March 24, 2017 letter.	

124. g		
Commenter: Rindge, Ronald L.		
Comment Number	Response	Location in IFR
1	Thank you for your March 19, 2017 letter and attachments on steelhead trout.	

124. h		
Commenter: Rindge, Ronald L.		
Comment Number	Response	Location in IFR
1	Thank you for the February 27, 2017 notification of your comment letter and exhibits.	

125.		
Commenter: Roma, Mattt		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

126.		
Commenter: Rose, Loretta		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

127.		
Commenters: Rosenfeld, Jean; Rosenfeld, Judy		
Comment Number	Response	Location in IFR
1	Thank you for your comments.	

128.		
Commenter: Rosenfeld, Jean L.		
Comment Number	Response	Location in IFR
1	As described in GR-A, Rindge Dam is currently filled to capacity with sediment and does not provide any downstream flood protection benefits. See GR-B for discussion of traffic related concerns. As described in the IFR (Section 5.2.1), additional slope stability and geotechnical evaluations will be performed during the pre-construction engineering and design phase. These analyses will be used to develop slope stabilization measures and ensure protection of adjacent resources, including Malibu Canyon Road. There is no evidence to suggest that toxic spills are a significant concern in the future, nor that leaving the dam in place would help to contain such spills.	See GR-A, GR-B, Section 5.2.1

129.		
Commenter: Rosenfeld, Joan		
Comment Number	Response	Location in IFR
1	See response GR-B for discussion and reference to impacts to roads due to traffic, and road repair. See response GR-A relative to flooding concerns.	See GR-A, GR-B
2	See response GR-A. During the PED	

130.		
Commenter: Sharpton, Debra		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

131.		
Commenters: Simons, Mr. and Mrs. John		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

132.		
Commenter: Speck, Bill		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

133.		
Commenter: Suwara, John		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

134.		
Commenter: Swenson, Ramona		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

135.		
Commenter: Thille, George R.; Thille, Carol H.		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

136.		
Commenter: Thompson, Jan		
Comment Number	Response	Location in IFR
1	As required under NEPA and CEQA, the potential impacts of this project on the Serra Retreat neighborhood have been studied in detail, as discussed throughout the IFR. USACE designed alternatives and Environmental Commitments, and as necessary included mitigation measures, to minimize potential impacts as described throughout the IFR.	See Sections 3 & 5 of the IFR

137.		
Commenter: Tobin, John		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

138.		
Commenter: Treeves, Bill		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

139.		
Commenter: Tsuda, Jim		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

140.		
Commenter: Vodantis, Stephen		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

141.		
Commenters: Knur, Hans W.; Knur, Anneliese		
Comment Number	Response	Location in IFR
1	As described in the IFR, and summarized in response GR-A, Rindge Dam is entirely filled with sediment. It does not currently provide any flood protection nor does it impound water. Currently, whatever water flows into the impoundment area behind Rindge Dam also flows out. Therefore, removal of Rindge Dam will not result in an increase in the volume of water flow downstream.	See GR-A
2	See GR-B.	
3	As described in the draft IFR, benefits are expected to extend beyond just benefits to steelhead. With restoration of connectivity to 18 additional miles of habitat, steelhead are expected to reproduce in the system, resulting in increased population sizes. However, in addition to these benefits, the project will provide benefits to additional sensitive species, and scarce and diverse habitats. Other protected species occupying the watershed that will potentially benefit from restoration include the California red-legged frog and western pond turtle. While not quantified in this study, benefits to area beaches and nearshore areas are also likely to occur as sediment transport cycles are restored to pre-dam conditions.	

142.		
Commenter: Wald, Steph		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

143.		
Commenter: Waterman, Chuck		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

144.		
Commenter: Waycott, Ralph		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

145.		
Commenter: Wesshoff, Dave		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the project.	

146.		
Commenter: Weigand, Michael		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

147.		
Commenter: Weisberg, Steven		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

148.		
Commenter: Wolhaupter, Charles		
Comment Number	Response	Location in IFR
1	As shown in this appendix, a large number of citizens, clubs, organizations, and state and Federal agencies are in support of the removal of Rindge Dam and other components of the proposed restoration of Malibu Creek. This includes the local sponsor, California Department of Parks and Recreation, as well as the National Marine Fisheries Service, the Federal agency charged with protecting sensitive marine resources, as well as the endangered steelhead. In addition, many members of the local community have written letters of support for the project.	

149.		
Commenter: Wollner, Jackie		
Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

150.		
Commenter: Yeuell, Dr. Paul		
Comment Number	Response	Location in IFR
1	See GR-B. The USACE has committed to evaluating traffic impacts in greater detail, implementing measures to reduce traffic impacts to the maximum extent practicable, and implementing a road repair plan to fix any damage potentially caused as the result of project-related traffic.	
2	While recreation measures were initially considered in the Rindge Dam area, CDPR determined that direct recreational access to the restored area would likely result in conflict with the project's restoration goals, and could potentially result in a reduction of	



	the project's projected ecosystem benefits. Trails in this area were not included as viable measures.	
3	See GR-B. While the pier parking lot was proposed for use under the NER plan, the plan currently being proposed for implementation is the LPP, which does not require use of the pier parking lot.	
4	<p>In 2005, an archival records review of steelhead trout in the Santa Monica Mountains documented trout presence upstream of Rindge Dam (Dagit, R. B. Meyer and S. Drill. 2005). This includes a 1916 article in the Los Angeles Times, noting that William Sartor caught a 30" trout in Cold Creek. In the 1920s there were reports of 6.5kg steelhead caught migrating upstream in the lower reaches of Las Virgenes and Cold Creek (Titus, et al 1997).</p> <p>Archaeological records show signs of steelhead (<i>O. mykiss</i>) being eaten by Chumash upstream of Rindge Dam. At least two <i>O. mykiss</i> vertebrae were found in the Talepop site (CA-LAN 229) located near the entrance of Malibu Creek State Park, and vertebrae were reported in two separate studies (John Johnson, 1982 and Ken Follett, 1969).</p>	

## 151.

Commenter: Zagarella, Jeremy

Comment Number	Response	Location in IFR
SS	Thank you for your written support of the Locally Preferred Plan.	

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# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
333 Bush Street, Suite 515  
San Francisco, California, 94104

IN REPLY REFER TO:  
(ER 17/0052)

*Filed Electronically*

March 27, 2017

Mr. Jesse Rey  
United States Army Corps of Engineers  
Los Angeles District  
915 Wilshire Blvd  
Los Angeles, CA 90017

Subject: Draft Environmental Impact Statement (EIS) by the Army Corps of Engineers for the Malibu Creek Ecosystem Restoration Study - Los Angeles and Venture Counties, California

Dear Mr. Rey;

The Department of the Interior has received the subject document and has no comments.

Thank you for the opportunity to review this project.

Sincerely,

Janet L. Whitlock  
Regional Environmental Officer

Cc: OEPC Staff Contact: Cheryl Kelly; - 202-208-7565;Chery\_Kelly@ios.doi.gov



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

West Coast Region  
777 Sonoma Avenue, Room 325  
Santa Rosa, California 95404

FEB 27 2017

Eduardo T. D. Mesa  
Chief Planning Division  
U.S. Army Corps of Engineers  
Los Angeles District  
911 Wilshire Boulevard, Suite 14007  
Los Angeles, California 90017

Re: Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report with  
Environmental Impact Statement/Environmental Impact Report (EIS-EIR), Los Angeles and  
Ventura Counties, California (January 2017)

Dear Mr. Mesa:

Enclosed with this letter is NOAA's the National Marine Fisheries Service's (NMFS) comments on the Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report and related EIS-EIR (hereafter "Report").

The draft Report assesses the feasibility of removing Rindge Dam and a number of upstream fish-passage barriers on Malibu Creek for the purposes of restoring natural ecosystem processes, including steelhead (*Oncorhynchus mykiss*) access to historical spawning and rearing habitats upstream of the dam. Malibu Creek is one of three "Core 1" watersheds within the Santa Monica Mountains Biogeographic Population Group identified in NMFS Southern California Steelhead Recovery Plan. Core 1 watersheds must be protected and restored if the federally endangered southern California steelhead are to be recovered.

NMFS' Southern California Steelhead Recovery Plan identifies as a critical recovery action for Malibu Creek the removal of Rindge Dam and Malibu Dam, and the physical modification of road crossings, to allow natural migration of steelhead to upstream spawning and rearing habitats and passage of smolts and kelts downstream to the estuary.

While there are numerous specific issues that must be addressed with any of the various alternatives identified in the draft study, the "Likely Locally Preferred Plan" appears to most fully achieve this critically important recovery action. NMFS is, therefore, supportive of efforts to implement this recovery action through the removal of Rindge Dam and removal or modification of upstream fish-passage barriers. The specific issues raised by the project

SS-1



components can best be addressed during formal consultation with NMFS in accordance with Section 7 of the U.S. Endangered Species Act, when an alternative has been selected and a complete project description has been developed.

NMFS appreciates this opportunity to comment on this important planning effort. If you have a question regarding this letter or the enclosed comments, please contact Mr. Mark Capelli in our Santa Barbara Office (805) 963-6478 or [mark.capelli@noaa.gov](mailto:mark.capelli@noaa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Barry A. Thom", followed by a small flourish.

Barry A. Thom  
Regional Administrator

Enclosure

cc: Brian, Cluer, NMFS, ESB  
Rick Bush, NMFS, CCO  
Bryant Chesney, NMFS, PRD  
Roger Root, USFS  
Suzanne Goode, CDPR  
Mary Larson, CDFW  
Rosi Dagit, RCDSMM  
Administrative File: 151422WCR2017CC00026

Enclosure

**Comments of NOAA's National Marine Fisheries Service on the Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report with Environmental Impact Statement/Environmental Impact Report (EIS-EIR), Los Angeles and Ventura Counties, California (January 2017)**

**February 22, 2017**

The following represents NOAA's National Marine Fisheries Service's (NMFS) comments and recommendations for revision regarding the Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report and related EIS-EIR (hereafter "Report").

**Integrated Feasibility Report**

**1.8 Likely Locally Preferred Plan**

Pg. ES-15

As noted in the cover letter, the "Likely Locally Preferred Plan" appears to most fully achieve the critically important recovery action identified in NMFS' Southern California Steelhead Recovery Plan of completely removing Rindge Dam, as well as several fish-passage barriers. Removal of the barriers upstream of Rindge Dam triples the amount of aquatic habitat that would be available to steelhead and other migratory species. The removal of the Rindge Dam spillway, as the analysis in the draft Report noted, would effectively eliminate the use of the spillway by unauthorized persons and the related disturbance to critical pool habitat for steelhead at the base of the spillway. Additionally, the barge method of transporting sediment stored behind Rindge Dam to the near shoreline would have the benefit of avoiding an area of sensitive surf grass.

**1.10 Next Steps in the Planning Process**

Pg. ES-19

Following a selection of a project alternative and the feasibility level design and full project description, the specific issues raised by the project can be addressed during formal consultation under Section 7 of the U.S. Endangered Species Act with NMFS.

**1. Introduction**

**1.1 Background**

Pg. 21, paragraph 2. Another important effect of dams, which preclude access to steelhead spawning and rearing habitats, involves reducing the diversity of habitats available to steelhead; this habitat diversity, in addition to contributing to the amount of habitat, enhances the variety of



selective pressures that drive the evolution of the species and contributes to the species diversity, which is a major factor in the species long-term resilience.

#### 1.7.1 Reconnaissance Study

Pg. 27, paragraph 2. Suggest rephrasing the nature of the Federal interest in the project regarding steelhead as “contributing to the recovery of the federal-listed endangered species (limited) through implementation of the Southern California Steelhead Recovery Plan . . .”

1

#### 1.10.2 Malibu Creek Watershed Aquatic/Riparian Habitat Species

Pg. 33, paragraph 2. Suggest changing the sentence beginning “Malibu Creek is one of the last remaining habitats . . .” to “Malibu Creek is one of the few remaining watersheds in southern California that continues to support small but persistent runs of the federally endangered steelhead trout.” Also, the range of the federally listed Southern California Distinct Population Segment is incorrectly described. It should be characterized as: “The federally listed southern California Steelhead Distinct Population Segment includes all the freshwater habitats up to the existing limits of anadromy, extending from the from the Santa Maria River at the boundary between Santa Barbara and San Luis Obispo County, south to the Tijuana River at the U.S.-Mexico border.”

2

Pg. 33, paragraph 3. Regarding the information regarding the steelhead population in Malibu Creek, the final report should reflect and include citation to the results of the most recent completed studies. These include:

3

Dagit, R. 2016. 2015. Annual Report Summary Southern Steelhead Trout. Resource Conservation District of the Santa Monica Mountains. NMFS Permit 15390. CDFW Permit SC-000604.

Dagit, R. (ed.) 2015. Summary of Anadromous Adult *O. mykiss* Observed in the Southern California Distinct Population Segment. Resource Conservation District of the Santa Monica Mountains. Poster Presented at the 2015 Salmonid Restoration Federation Conference, Santa Rosa Conference, 13 March 2015.

#### 1.10.4. Rindge Dam

Pg. 36, paragraph 3. As noted in the Draft Feasibility Report, the Rindge Dam spillway has acted as a conduit to unauthorized use of the dam by recreationists and led to chronic disturbance of the critical refugia steelhead habitat immediately below the dam. Its removal as part of the project would be an effective solution to this issue, and is supported by the dam owner (California Department of Parks and Recreation).

Page 38, paragraph 1. The removal of the small fish passage barriers (check dams, concrete aprons, and culverts under bridges) upstream of Rindge Dam is an important component of the “Likely Locally Preferred Plan” and the “National Ecosystem Restoration Plan.” Combined with the complete removal of Rindge dam, removing the smaller barriers would restore steelhead

access (and other migratory aquatic species) to 18 miles of waterway and spawning and rearing habitats that exist there (8.5 miles in the mainstem of Malibu Creek, and 9.5 miles in Cold Creek and Las Virgenes Creek).

## 2.0 Resource Significance, Problems and Opportunities, Need for and Objectives of the Project, and Constraints

### 2.2.1 Public Concerns

#### Extent of Historic Runs

Page 50, paragraph 10. Regarding the issue of the upstream historic extent of steelhead migration in Malibu Creek, it should be recognized, that the fish-passage conditions at various natural impediments such a step pools or falls can vary considerably under changing flow conditions. Because coastal watersheds are comprised of complex geological formations, steelhead regularly encounter a multitude natural impediments to upstream migration; as a result, the species has evolved migratory behavioral patterns that enable them to take advantage of migratory opportunities that are associated with higher flows that mitigate or eliminate natural impediments to passage. The amount, duration and rate of change of flows controls the degree of impediment to fish passage, making definitive generalizations difficult, both geographically and temporally. However, the presence of juvenile progeny of sea-run steelhead in the uppermost reaches of most southern California watersheds is strong evidence for the ability of adult steelhead to periodically reach upstream reaches that exhibit a variety of temporary natural impediments to fish passage under low flow conditions (Adadia-Cardoso *et al.* 2016, Garza *et al.* 2014, Girman and Garza 2006).

4

#### Table 2.7.-1 Resources Significance

#### Institutional Recognition

Page 59, National Marine Fisheries Service. Change the sentence “The NMFS strongly supports the project.” to “NMFS strongly supports the removal of Rindge Dam, and the modification or removal of upstream road crossing and other fish passage impediments.” As noted previously, NMFS is supportive of efforts to implement the critical recovery action for Malibu Creek identified in the Southern California Steelhead Recovery Plan (the removal of Rindge Dam and upstream fish-passage barriers). The specific issues raised by the project components can best be addressed during the Section 7 formal consultation with NMFS, when an alternative has been selected and a complete project description has been developed.

5

Page 60, paragraph 3. Suggest changing the bulleted heading beginning “Malibu Creek is one of the last . . .” to “Malibu Creek is one of the few remaining watersheds in southern California that continues to support small but persistent runs of the federally endangered steelhead trout.”

6

Page 60, paragraph 4. After the first sentence, beginning “Steelhead in Malibu Creek were considered . . .” add the sentence, “In 2002, after documenting additional populations south of

7



Malibu Creek, NMFS extended the Southern California Steelhead Distinct Population Segment southward to the Tijuana River at the U.S. Mexico border (FR Notice 67 FR 21586)".

Pg. 82, paragraph 4. The references to "(NMFS 2012)" should be cited as "(NMFS 2012, and references therein)."

8

### 3.4.5 Freshwater Estuary Fish

Pg. 106, paragraph 2. The use of estuaries by southern California steelhead has not been studied in detail. While the presence of steelhead in southern California estuaries has been documented, their pattern of use has not been (Kelley 2008). Studies farther north along the central coast have documented complex patterns of estuarine use by juvenile steelhead, including multiple migrations during a single year between the estuary and the upstream freshwater habitat and multiple emigration and reentry of the estuary (Hayes et al. 2008, 2012). However, similar potential behavioral patterns have not been studied in any southern California estuary. The statement that "Steelhead smolts pause in the lagoon to grow prior to entering the ocean." should be replaced with "Steelhead smolts have been documented in southern California estuaries, but the use of such estuaries by juveniles have not been studied systematically. While the southern California estuaries may have the potential to play a similar role as comparable estuaries further north, the complex behaviors observed in these more northern estuaries have yet to be investigated in estuaries such as the Malibu Lagoon."

9

### Fish

#### Southern California Steelhead – Southern California DPS (*Oncorhynchus mykiss*)

Pg. 115, paragraph 1. Place a period after the phrase "on August, 1997". And add the following sentence, "In 2002, after documentation of additional populations south of Malibu Creek, NMFS extended the Southern California Steelhead Distinct Population Segment south to the include watersheds down to the Tijuana River at the U.S. Mexico border (FR Notice 67 FR 21586)".

10

Pg. 116, paragraphs 2 and 3. Regarding the steelhead run size in Malibu Creek, add the following current references:

11

Dagit, R. 2016. 2015. Annual Report Summary Southern Steelhead Trout. Resource Conservation District of the Santa Monica Mountains. NMFS Permit 15390. CDFW Permit SC-000604.

Dagit, R. (ed.) 2015. Summary of Anadromous Adult *O. mykiss* Observed in the Southern California Distinct Population Segment. Resource Conservation District of the Santa Monica Mountains. Poster Presented at the 2015 Salmonid Restoration Federation Conference, Santa Rosa Conference, 13 March 2015.

National Marine Fisheries Service. 2016. South-Central/Southern California Coast Steelhead Recovery Planning Domain. 5-Year Review: Summary and Evaluation of Southern California

Coast Steelhead Coast Steelhead Distinct Population Segment. National Marine Fisheries Service. West Coast Region. California Coastal Office, Long Beach, California.

### 3.125 Climate Change

Pgs. 188-197. Climate change and its relevance to steelhead freshwater and marine ecology have been recently addressed in NMFS most current 5-Year Status Review for Southern California Steelhead (cited above). The discussion contained in the draft Report should be revised to reflect this discussion where appropriate. See in particular the following sections in NMFS' 5-Year Status Review: 2.3.5.1 Environmental Variability; and 2.2.2.5.2 Climate Effects ("Projected Impacts of Future Climate Change on West Coast salmon", "Historical Climate Trends", "Projected Climate Changes, Impacts on Salmon and Steelhead, 2012-2015", "Drought Impacts on West Coast Salmon and Steelhead Habitat, 2014-2015", "Exceptionally Warm Ocean Conditions in the Northwest Pacific", "Expectations for Future Climate Risks and Impacts Already in the Pipeline for West Coast Salmon and Steelhead", and "Summary"), pp. 44 – 54.

12

### 4.1.5 Fishways

Pg. 205-207. The discussion of the various fishway designs provides a reasonably clear discussion of the basic features and uses. One fundamental point that applies to all of the artificial means of providing fish passage over impediments and barriers such as Rindge Dam is that the maintenance of these facilities is often required during high storm events when maintenance is often difficult and dangerous, but the successful operation of such facilities is most critical to assure passage of steelhead when they are most likely to be migrating, and when other natural fish-passage impediments are temporarily rendered passable because of the high flows. Delays in fish passage at these facilities can effectively result in delays at subsequent upstream locations because of the short-lived nature of high flows in southern California watersheds such a Malibu Creek. This is one of the reasons that NMFS has emphasized the restoration of volitional fish passage and, where feasible, as in this instance, the complete removal of Rindge Dam, rather than reliance on an artificial fishway.

13

### 4.1.8 Restore Connectivity to Upstream Aquatic Habitat (partial barriers above Rindge Dam)

Pg. 209, paragraph 1. The draft Report indicates that "Malibu Creek habitat quality above Century Dam is good to excellent, but is a large financial investment to address for a limited increase in connectivity between the next barriers (Malibu Dam)." Since no analysis has been conducted for the Century Dam, this sentence should be modified to read "Malibu Creek habitat quality between Century Dam and Malibu Dam has been rated as good to excellent, but no analysis of the options and respective costs for providing fish passage at these facilities has been performed as part of this Feasibility Study."

14

As noted above, the Southern California Steelhead Recovery Plan contains the following Critical Recovery Action for Malibu Creek: "Remove Rindge and Malibu dams and physically modify road crossing, to allow natural migration of steelhead to upstream spawning and rearing habitats and passage of smolts and kelts downstream to the estuary and the ocean."



## Alternatives Evaluation Criteria – Completeness, Effectiveness, Efficiency and Acceptability

Pg. 274, paragraph 4. The Draft Feasibility Study notes that the inclusion of modification of upstream barriers in alternatives 2-4 b, and d triples the amount of aquatic habitat that would be available to steelhead and other migratory species once connectivity is reestablished at the Rindge Dam site. NMFS concurs that removal or remediation will contribute to the habitat benefits to steelhead from the complete removal of Rindge Dam.

### References cited:

- Adadia-Cardoso, A. D. E. Pearse, S. Jacobson, J. Marshall, D. Dalrymple, F. Kawasaki, G. Ruiz-Campos, and J. C. Garza. 2016. Population genetic structure and ancestry of steelhead/rainbow trout (*Oncorhynchus mykiss*) at the extreme southern edge of their range in North America. Conservation Genetics DOI 10.1007/s10592-061-0814-9.
- Dagit, R. 2016. 2015. Annual Report Summary Southern Steelhead Trout. Resource Conservation District of the Santa Monica Mountains. NMFS Permit 15390. CDFW Permit SC-000604.
- Dagit, R. (ed.) 2015. Summary of Anadromous Adult *O. mykiss* Observed in the Southern California Distinct Population Segment. Resource Conservation District of the Santa Monica Mountains. Poster Presented at the 2015 Salmonid Restoration Federation Conference, Santa Rosa Conference, 13 March 2015.
- Garza, J. C., L. Gilbert-Horvath, B. Spence, T. H. Williams, J. Anderson, and H. Fish. 2014. Population structure of steelhead in coastal California. Transactions of the American Fisheries Society 143:134-152.
- Girman, D. and J. C. Garza. 2006. Population structure and ancestry of *O. mykiss* populations in South-Central California based on genetic analysis of microsatellite data. Final Report for California Department of Fish and Game Project No. P0350021 and Pacific States Marine Fisheries Contract No. AWIP-S-1.
- Hayes, S. A., M. Bond, C. V. Hanson, and E. V. Freund. 2008. Steelhead Growth in a Small Central California Watershed: Upstream and Estuarine Rearing Patterns. Transactions of the American Fisheries Society 137:114-128.
- Hayes, S. A. C. V. Hanson, D. E. Pearse, M. H. Bond, J. C. Garza, and R. B. MacFarlane. 2012. Should I Stay or Should I Go? The Influence of Genetic Origins on Emigration Behavior and Physiology of Resident and Anadromous Juvenile *Oncorhynchus mykiss*. North American Journal of Fisheries Management 32:4, 772-780.
- Kelley, E. 2008. Steelhead Trout Smolt Survival in the Santa Clara and Santa Ynez River Estuaries. Prepared for the California Department of Fish and Game. University of California, Santa Barbara.

National Marine Fisheries Service. 2012. Southern California Steelhead Recovery Plan. Southwest Regional Office. National Marine Fisheries Service. Long Beach, CA.

National Marine Fisheries Service. 2016. South-Central/Southern California Coast Steelhead Recovery Planning Domain. 5-Year Review: Summary and Evaluation of Southern California Coast Steelhead Coast Steelhead Distinct Population Segment. National Marine Fisheries Service. West Coast Region. California Coastal Office, Long Beach, California.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802-4213

March 28, 2017

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers  
Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Mr. Demesa:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report with Environmental Impact Statement / Environmental Impact Report (EIS) and the 2016 Malibu Creek Nearshore Habitat Characterization Study (Habitat Characterization). NMFS previously submitted comments on February 27, 2017, pursuant to the Endangered Species Act and our steelhead recovery efforts. NMFS is providing additional comment pursuant to our responsibilities under the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

### **Proposed Project**

The EIS analyzed a range of measures and alternatives to restore aquatic habitat connectivity along Malibu Creek and tributaries, establish a more natural sediment regime from the watershed to the shoreline, and restore aquatic habitat of sufficient quality along Malibu Creek and tributaries to sustain or enhance indigenous populations of aquatic species (e.g., steelhead). Two alternative plans have been proposed that would satisfy project objectives. The National Ecosystem Restoration (NER) plan is identified as Alternative 2d1, with removal of the Rindge Dam arch concurrent with trucking of the impounded sediment to several placement sites over 7 years. Approximately 276,000 cubic yards (cy) of shoreline-compatible sediment would be temporarily stockpiled at an upland location until delivery to the shoreline in front of the Malibu Pier parking lot using trucks during non-peak use times, after Labor Day and before Memorial Day, for three consecutive construction years. Material not compatible with shoreline placement would be disposed of at the Calabasas Landfill. Several aquatic habitat barriers along the Cold Creek and Las Virgenes Creek tributaries would be modified or removed to provide access to additional miles of quality habitat. The Locally Preferred Plan (LPP) is Alternative 2b2, and differs from the NER plan by including removal of the Rindge Dam spillway in addition to the dam arch over approximately 8 years. In addition, shoreline compatible sediment would be trucked directly to Ventura Harbor with transport by barge to the nearshore environment off the coast of the Malibu Pier parking lot.



The proposed sediment disposal locations are both downcoast of the mouth of Malibu Creek, which closely match locations that would be subject to natural sedimentation from the watershed if the dam was not present. The sediment disposal location for the “National Ecosystem Restoration Plan” is on the shoreline adjacent and to the east of the Malibu Pier. Alternatively, the sediment disposal location for the LPP is in the nearshore (shallower than -20 feet Mean Lower Low Water, but seaward of the surf/swash zone) to the east of the Malibu pier. Sediment placement would take place over a period of three years of the total seven-to-eight year construction window, during the late fall to early spring months. Based on construction scheduling for removal of impounded sediment at Rindge Dam, up to 120,000 cy would be transported to these sites for the second of three years, and much less for the other years (60,000 to 80,000 cy each).

### **Magnuson-Stevens Fishery Conservation and Management Act Comments**

#### Action Area

The Project’s sediment disposal activities occur within EFH for various federally managed fish species within Coastal Pelagic Species and Pacific Coast Groundfish Fishery Management Plans (FMPs). In addition, the project occurs within areas designated as habitat areas of particular concern (HAPC) for various federally managed fish species within the Pacific Groundfish FMP. HAPC are described in the regulations as subsets of EFH which are rare, particularly susceptible to human-induced degradation, especially ecologically important, or located in an environmentally stressed area. Designated HAPC are not afforded any additional regulatory protection under MSA; however, federal projects with potential adverse impacts to HAPC will be more carefully scrutinized during the consultation process. As defined in the Pacific Groundfish FMP, the project vicinity contains the following types of HAPC: seagrass, rocky reef and canopy kelp.

#### Effects of the Action

Sediment disposal on the beach or in the nearshore may adversely affect EFH by 1) impacting or destroying benthic communities; 2) impacting adjacent sensitive habitats; 3) creating turbidity plumes and 4) introducing contaminants and/or nutrients. Of most concern to NMFS is the effect of indirect sedimentation on rocky reef and surfgrass HAPC.

The transport of the sand has been modeled at the shoreline site in order to characterize the timing and extent of distribution. The dispersion of sediment at the nearshore site was not modeled, but similar trends associated with the timing and extent of distribution are expected. The model results show a relatively rapid redistribution of sands stretching downcoast, with an approximate 70-100 foot increase in beach width for the first four years after initial placement, tapering off to background levels within 9 years. The downcoast influence would extend approximately a mile from the placement sites. The shoreline placement site conditions are expected to return to approximate pre-project conditions at the beginning of each construction season over the estimated three year fall-to-spring placement timeframe.

Beach and nearshore placement will only occur in areas where the natural habitat is sandy bottom. As the placed material is dispersed by natural wave action, some temporary burial of downcoast low relief rocky reef habitat is expected. This temporary burial of sediment should not remain for more than a few years. According to the EIS and Habitat Characterization, the adjacent intertidal and subtidal habitats that are at most risk of burial impacts are primarily sand influenced low relief rocky reef and cobble/gravel. Some temporary adverse impacts on the low relief rocky reef are likely, but no permanent effects are expected given the absence of highly sensitive habitats and that sediment will naturally move further downcoast. However, the EIS acknowledges an increased risk of adverse impacts to surfgrass associated with the shoreline placement alternative. In response to this risk, the EIS indicated that the Project Delivery Team (PDT) considered monitoring and adaptive management sufficient to address any increased risk to surfgrass. The EIS also indicated that the LPP alternative has the benefit of avoiding an area of sensitive surfgrass.

Although the Habitat Characterization provided areal estimates for the various habitat types in the project vicinity, the EIS did not provide an aerial estimate of low relief rocky reef that occurs within the modeled burial footprint. Thus, the EIS does not provide a quantifiable estimate of the impact area of low relief rocky reef habitat affected by indirect sedimentation. NMFS recommends that the final EIS provide an estimated area of this temporary burial based upon the modeling described in Appendix O. In addition, the modeled burial impacts should be depicted on a map overlaid with the habitat characterization data.

1

#### EFH Conservation Recommendations

As described in the above effects analysis, NMFS has determined that the proposed action would adversely affect EFH for various federally managed fish species within the Coastal Pelagic Species and Pacific Coast Groundfish FMPs. Therefore, pursuant to section 305(b)(4)(A) of the MSA, NMFS offers the following EFH conservation recommendations to avoid, minimize, mitigate, or otherwise offset the adverse effects to EFH.

1. If feasible, the LPP alternative should be implemented to minimize the risk of adverse impacts to surfgrass HAPC. This is consistent with our February 27, 2017, letter in which we indicated the LPP alternative appears to most fully achieve a critical recovery action identified in NMFS' Southern California Steelhead Recovery Plan.
2. A nearshore monitoring plan should be developed in consultation with NMFS to verify no permanent loss of rocky reef and/or surfgrass HAPC. In addition, a complementary habitat characterization survey should be conducted for the lower intertidal as the Habitat Characterization used to inform the EIS was based upon subtidal acoustic surveys and was not able to adequately characterize nearshore habitats in the lower intertidal.
3. An adaptive management plan should be developed to address any potential loss of rocky reef or surfgrass HAPC quality or quantity. If available within the impounded material behind Rindge Dam, the placement of impounded large boulders within the lower intertidal and/or shallow subtidal may offset any functional loss associated with sedimentation. Based upon the Habitat Characterization, boulder and large cobble habitat

2

appears most at risk, so placement of similar size rocks from behind the dam would provide an in-kind offset for any sedimentation impacts.

#### Statutory Response Requirement

Please be advised that regulations at section 305(b)(4)(B) of the MSA and 50 CFR 600.920(k) of the MSA require your office to provide a written response to this letter within 30 days of its receipt and at least 10 days prior to final approval of the action. A preliminary response is acceptable if final action cannot be completed within 30 days. Your final response must include a description of measures to be required to avoid, mitigate, or offset the adverse impacts of the activity. If your response is inconsistent with our EFH conservation recommendations, you must provide an explanation of the reasons for not implementing those recommendations. The reasons must include the scientific justification for any disagreements over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects.

#### Supplemental Consultation

Pursuant to 50 CFR 600.920(l), the USACE must reinitiate EFH consultation with NMFS if the proposed action is substantially revised in a way that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS' EFH conservation recommendations.

Thank you for considering our comments. Please contact Mr. Bryant Chesney at (562) 980-4037, or via email at [Bryant.Chesney@noaa.gov](mailto:Bryant.Chesney@noaa.gov), if you have any questions concerning our EFH comments.

Sincerely,



Chris Yates  
Assistant Regional Administrator  
for Protected Resources

cc: Administrative File: 150316WCR2017PR00079





DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
915 WILSHIRE BOULEVARD, SUITE 930  
LOS ANGELES, CALIFORNIA 90017

June 21, 2017

Environmental Resources Branch

Mr. Chris Yates  
Assistant Regional Administrator for Protected Resources  
National Oceanic and Atmospheric Administration  
Fisheries West Coast Region  
501 West Ocean Boulevard, Suite 4200  
Attention: Mr. Bryant Chesney  
Long Beach, California 90802-4213

Dear Mr. Yates:


This letter is our statutory required response (50 CFR 600.920(k)) to your letter (reference 150316WCR2017PR00079) dated March 28, 2017, that provided Essential Fish Habitat (EFH) comments and Conservation Recommendations from your agency on the Draft Integrated Feasibility Report with Environmental Impact Statement / Environmental Impact Report for the Malibu Creek Ecosystem Restoration Study, Los Angeles County, California. The purpose of the proposed project is to restore aquatic habitat connectivity along Malibu Creek and tributaries, establish a more natural sediment regime from the watershed to the shoreline, and restore aquatic habitat of sufficient quality along Malibu Creek and tributaries to sustain or enhance indigenous populations of aquatic species (e.g., steelhead).

The March 28, 2017, EFH Consultation letter contained three EFH Conservation Recommendations. The Corps plans to study the three measures and implement where the selected alternative warrants inclusion. See the attached for a complete discussion of all Conservation Recommendations and the rationale behind the Corps' intended actions.

If you have any questions regarding the project, please contact Mr. Larry Smith, project biologist, at 213-452-3846 or via email at [lawrence.j.smith@usace.army.mil](mailto:lawrence.j.smith@usace.army.mil).

Thank you for your attention to this document.

Sincerely,

  
Eduardo T. De Mesa  
Chief, Planning Division

Enclosure

Corps Response to NMFS EFH Conservation Recommendations:

**EFH Conservation Recommendation #1.**

1. If feasible, the LPP alternative should be implemented to minimize the risk of adverse impacts to surf grass HAPC. This is consistent with our February 27, 2017, letter in which we indicated the LPP alternative appears to most fully achieve a critical recovery action identified in NMFS' Southern California Steelhead Recovery Plan.

**Corps Response to EFH Conservation Recommendation #1.**

1. The Corps is considering two alternatives that each include use of impounded sands for beach nourishment. The National Economic Restoration (NER) Plan includes placement of sand onto the beach adjacent to the surf grass in the area. This Plan seeks to avoid impacts to surf grass by placing the sand up coast of the surf grass over a three-year period minimizing chances of indirect impacts resulting from sand movement. The Locally Preferred Plan (LPP) would place the same sand in the nearshore environment off of the same beach. The Plan reduces risk to surf grass by placing the sand in deeper water thus reducing the chance of indirect burial as this sand moves onto the beach and down coast. The selected Plan will be identified in the next decision milestone for the project. NMFS's recommendation to move ahead with the LPP will be taken into consideration at that milestone by the District and upper echelon decision-makers when selecting the Plan to move ahead with into the authorization process.

**EFH Conservation Recommendation #2.**

2. A nearshore monitoring plan should be developed in consultation with NMFS to verify no permanent loss of rocky reef and/or surf grass HAPC. In addition, a complementary habitat characterization survey should be conducted for the lower intertidal as the Habitat Characterization used to inform the EIS was based upon subtidal acoustic surveys and was not able to adequately characterize nearshore habitats in the lower intertidal.

**Corps Response to EFH Conservation Recommendation #2.**

2. Prior to initial placement of sand, into either the beach or nearshore placement areas, the Corps will conduct a survey to characterize habitats in the placement area, including the lower intertidal, for purposes of determining permanent loss of rocky reef and/or surf grass habitats resulting from the placement of sand, including direct and indirect burial.

### **EFH Conservation Recommendation #3.**

3. An adaptive management plan should be developed to address any potential loss of rocky reef or surf grass HAPC quality or quantity. If available within the impounded material behind Rindge Dam, the placement of impounded large boulders within the lower intertidal and/or shallow subtidal may offset any functional loss associated with sedimentation. Based upon the Habitat Characterization, boulder and large cobble habitat appears most at risk, so placement of similar size rocks from behind the dam would provide an in-kind offset for any sedimentation impacts.

### **Corps Response to EFH Conservation Recommendation #3.**

3. An adaptive management plan will be developed along with the monitoring plan discussed above in recommendation number 2. The placement of boulders will be discussed with Los Angeles County Department of Beaches and Harbors, which has responsibility for the beach area. Their permission to place boulders in the intertidal would be needed before we can move forward to implement this recommendations. We also need to identify if boulders of sufficient size are available in the impound area. Those actions are likely to take place during the Preliminary Engineering Design (PED) phase of the project, following project authorization and funding. The Corps will include NMFS in discussions with the local sponsor, the Los Angeles County Department of Beaches and Harbors, and California Department of Fish and Wildlife prior to final design to include provisions of this recommendation into the final plans.



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

March 27, 2017

Mr. Eduardo T. Demesa  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Rey (CESPL-PD-RL)  
915 Wilshire Boulevard  
Los Angeles, California 90017

Subject: Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report with  
Environmental Impact Statement / Environmental Impact Report, Los Angeles and  
Ventura Counties, California (EIS No. 20170019)

Dear Mr. Demesa:

The U.S. Environmental Protection Agency (EPA) has reviewed the Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report with Environmental Impact Statement / Environmental Impact Report pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

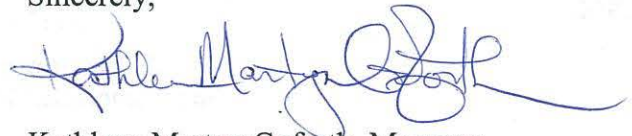
EPA supports the ecosystem restoration actions evaluated in the Draft Environmental Impact Statement (EIS), which are intended to address aquatic and riparian ecosystem habitat connectivity problems and restore a more natural regime of sediment transport within the Malibu Creek watershed to the nearby Pacific Ocean shoreline. All of the action alternatives include the removal of Rindge Dam. We focused our review on Alternative 2d1, identified as the Tentatively Selected Plan (TSP), and Alternative 2b2, which the Draft EIS presumes to be the Locally Preferred Plan (LPP). The TSP would include the removal of the dam arch only (not the spillway), mechanical transport of the impounded sediment to the Pacific shoreline and local landfills, and the removal of upstream habitat barriers. The LPP differs from the TSP by including spillway removal and shifting sediment placement from the shoreline to a nearshore environment.

SS-1

EPA has rated the two alternatives specified above and the document as *Environmental Concerns – Insufficient Information* (EC-2). Please see the enclosed "Summary of EPA Rating Definitions." Our rating is based on the need for additional information to support the document's conclusions regarding impacts to air quality, and on concerns regarding the lack of identified mitigation or best management practices to reduce the project's air emissions. The enclosed detailed comments provide recommendations to address these and other concerns.

EPA appreciates the opportunity to review this Draft EIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 972-3521, or contact Jean Prijatel, the lead reviewer for this project, at 415-947-4167 or [prijatel.jean@epa.gov](mailto:prijatel.jean@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathleen Martyn Goforth".

Kathleen Martyn Goforth, Manager  
Environmental Review Section

Enclosures: Summary of EPA Rating Definitions  
EPA's Detailed Comments

## SUMMARY OF EPA RATING DEFINITIONS\*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

### ENVIRONMENTAL IMPACT OF THE ACTION

#### *"LO" (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### *"EC" (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### *"EO" (Environmental Objections)*

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### *"EU" (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### ADEQUACY OF THE IMPACT STATEMENT

#### *"Category 1" (Adequate)*

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### *"Category 2" (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### *"Category 3" (Inadequate)*

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.



EPA DETAILED COMMENTS ON THE MALIBU CREEK ECOSYSTEM RESTORATION STUDY DRAFT  
INTEGRATED FEASIBILITY REPORT WITH ENVIRONMENTAL IMPACT STATEMENT /  
ENVIRONMENTAL IMPACT REPORT, LOS ANGELES AND VENTURA COUNTIES, CALIFORNIA – MARCH  
27, 2017

## Air Quality

### *General Conformity*

General conformity requirements, pursuant to the Clean Air Act, are intended to ensure that actions taken by federal agencies in nonattainment and maintenance areas do not interfere with the state's plans to meet the national standards for air quality. General conformity is a two-step process that begins with an assessment of applicability, per 40 CFR 93.153. If general conformity is applicable to a federal action, EPA's regulations provide several criteria by which a federal action may be demonstrated to conform to the applicable state implementation plan.

The air quality analysis in the Draft EIS uses the general conformity *de minimis* thresholds to determine the level of significance for impacts under NEPA. Page 453 of the document states that total oxides of nitrogen (NOx) emissions would be 7.0 tons per year (tpy) for the tentatively selected plan (TSP) and 8.0 tpy for the locally preferred plan (LPP). It is unclear how these numbers were derived. In addition, the Air Quality Appendix L provides analysis of Alternatives 2a and 2b with mitigated and unmitigated figures, and states that unmitigated NOx emissions for Alternative 2b (the closest scenario to the TSP or LPP) would be 12.3 tons per year, with mitigated NOx emissions being 7.1 tpy. The Draft EIS does not address the discrepancy between the numbers on page 453 versus those in the Appendix, nor does it discuss any mitigation measures that may have been modeled to reduce NOx emissions to below the *de minimis* level of 10 tons per year. The discussion in the Draft EIS concludes that a general conformity analysis is not required for the TSP or LPP because emissions would be below *de minimis* thresholds. It is unclear whether this conclusion was reached appropriately. Because there is no guarantee that mitigation measures will be adopted in an agency's record of decision, mitigation measures cannot be considered in an applicability analysis for general conformity. Only when measures are incorporated as elements of the project such that they are not discretionary, can the emissions reduction resulting from such measures be considered in the general conformity applicability analysis.

**Recommendation:** In the Final EIS, include a discussion of the mitigation measures used to model NOx emissions that are below the *de minimis* thresholds. Clarify whether or not these measures are included in the project description and are the basis for the general conformity applicability determination. If the mitigation measures are not included in the project description and it is determined that a conformity determination is needed, include the draft conformity determination in the Final EIS.

### *De minimus Thresholds*

Table 5.12-3 in the Draft EIS states that the project is in a maintenance area for nitrogen dioxide (NO<sub>2</sub>) as an Ozone (O<sub>3</sub>) precursor, with a *de minimis* threshold of 10 tons per year. While it is correct that the project is in a maintenance area for NO<sub>2</sub>, please note that the applicable *de minimis* threshold for NO<sub>2</sub> is 100 tons per year. The project is in an extreme nonattainment area for oxides of nitrogen (NOx), an O<sub>3</sub> precursor, for which the *de minimis* threshold is 10 tons per year. Please note also that the *de minimis* threshold for particulate matter 2.5 microns (PM<sub>2.5</sub>) in serious nonattainment areas was recently updated to 70 tons per year.<sup>1</sup>

<sup>1</sup> 40 CFR 93.153(b)(1)

**Recommendation:** Correct Table 5.12-3 to show that the *de minimus* threshold for PM<sub>2.5</sub> is 70 tons per year in serious nonattainment areas, NO<sub>2</sub> in a maintenance area is 100 tons per year, and that the project is in an extreme nonattainment area for NO<sub>x</sub>, for which the *de minimis* threshold is 10 tons per year.

### *Best Management Practices and Mitigation Measures*

The Draft EIS indicates that diesel and gasoline engine exhaust from on-site construction equipment, off-site truck trips, construction employee commutes, and fugitive dust emissions will result in short term air quality impacts in the project area. The Draft EIS does not identify any best management practices or mitigation measures that could reduce such emissions.

**Recommendation:** Include mitigation measures in the Final EIS to reduce exhaust emissions during construction of the project. EPA recommends the following measures to reduce reactive organic gases and NO<sub>x</sub> emissions during construction. Further recommendations are available on our Clean Diesel website:<sup>2</sup>

### Mobile Source Controls:

- Minimize use, trips, and unnecessary idling of heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies.
- Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- In general, commit to the best available emissions control technologies for project equipment:
  - *On-Highway Vehicles* - On-highway vehicles should meet or exceed the US EPA exhaust emissions standards for model year 2010 and newer heavy-duty on-highway compression-ignition engines (e.g., long-haul trucks, refuse haulers, etc.).<sup>3</sup>
  - *Nonroad Vehicles & Equipment* - Nonroad vehicles & equipment used for all covered activities should meet or exceed the US EPA Tier 4 exhaust emissions standards for heavy-duty nonroad compression-ignition engines (e.g., construction equipment, nonroad trucks, etc.).<sup>4</sup>
  - *Advanced Technology Demonstration & Deployment* – demonstrate and deploy heavy-duty technologies that exceed the latest US EPA emission performance standards for the equipment categories that are relevant for the project activities (e.g., plug-in hybrid-electric vehicles - PHEVs, battery-electric vehicles - BEVs, fuel cell electric vehicles - FCEVs, etc.).

### Administrative controls:

- Identify where implementation of mitigation measures is rejected based on economic infeasibility.

<sup>2</sup> <http://www.epa.gov/cleandiesel/clean-diesel-construction-documents>

<sup>3</sup> <http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm>

<sup>4</sup> <http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm>



- Prepare an inventory of all equipment prior to construction, and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. Where appropriate, use alternative fuels.
- Develop a construction, traffic and parking management plan that minimizes traffic interference and maintains traffic flow.

### Clean Water Act, Section 404

#### *LEDPA Determination*

The Draft EIS concludes that both Alternatives 2d1 (TSP) and 2b2 (LPP) are the least environmentally damaging practicable alternatives (LEDPA); however, while Sections 4.8 and 5.4.2 of the Draft EIS state that impacts to surf grass are possible under Alternative 2d1 (beach placement), such impacts are not predicted for Alternative 2b2 (nearshore placement). Impacts to surf grass are not discussed in the 404(b)(1) analysis in Appendix H for either alternative. Surf grass and other submerged aquatic vegetation are considered special aquatic sites under the Guidelines.

4

**Recommendation:** In the Final EIS, clarify the impacts to surf grass and other nearshore special aquatic sites that would be expected to result from the beach and nearshore placement alternatives, and explain how these impacts were considered in the LEDPA determination.

#### *Monitoring Plan*

Section 5.4.2 (page 339) of the Draft EIS states that surf grass is adapted to a high energy environment with substantial volumes of sand and that the shoreline placement alternative (2d1) would include monitoring in the nearshore deposition area to assess whether placement of sand causes adverse impacts to surf grass. The monitoring plan included in Appendix I does not address nearshore monitoring.

**Recommendation:** Revise Appendix I, Monitoring and Adaptive Management Plan, to include monitoring in the nearshore for the purpose of detecting impacts from sand placement. EPA encourages such monitoring for both the shoreline and nearshore placement alternatives.

5

#### *Sediment Testing*

The Draft EIS states that initial testing of the material behind the dam was conducted and reviewed by the Southern California Dredged Material Management Team (DMMT) in 2013 (page 338). The Corps and DMMT determined that approximately 250,000 cubic yards of the material was suitable for placement on the beach or in the nearshore. The Draft EIS also acknowledges that additional testing will be necessary before sediment is placed on the beach or nearshore to confirm the prior analysis and suitability of the material.

**Recommendation:** In the Final EIS, commit to coordinating future sediment testing through the DMMT.

6

### Revegetation

Revegetation of the project area will be critical to ensuring that the project purposes of ecosystem habitat connectivity and a more natural sediment transport regime are met. Post construction revegetation will need to occur in the Rindge Dam upland areas and riparian areas, construction areas for upstream barrier removals and modifications, and other sites such roads and staging areas. The Draft EIS largely defers details of revegetation and restoration to a future Habitat Restoration Program that will be developed in coordination with appropriate resource agencies and stakeholders during the Pre-Construction Engineering Design phase of the project (page 320).

The Draft EIS specifies a number of native species that will be used to revegetate the disturbed areas and sediment removal area. It also indicates that vegetation removal required for construction would be conducted in such a way as to allow for seed collection from native species for propagation post-construction. EPA supports these commitments.

**Recommendation:** In the Final EIS, include a draft of the Habitat Restoration Program or an outline of the key elements such a program would contain. To maximize the Program's likelihood of success, EPA encourages the Corps to consider collaborating with a local nursery early in project implementation to propagate seeds collected from on-site native species for post-construction revegetation.

7

### **Consultation and Coordination with Tribal Governments**

Executive Order 13175 "Consultation and Coordination with Indian Tribal Governments" (November 6, 2000) directs federal agencies to establish tribal consultation and collaboration processes for the development of federal policies that have tribal implications, and is intended to strengthen the United States government-to-government relationships with Indian tribes. The Draft EIS mentions that the Corps met with the Santa Ynez Band of Chumash Indians, Wishtoyo Chumash Foundation, and the Tongva Ancestral Territorial Tribal Nation. The document states that consultation thus far has indicated that the project area should be considered to be sensitive for Native American resources and that consultation is ongoing.

**Recommendation:** In the Final EIS, include details of the meetings and phone consultations with the tribes affected by the project and discuss the impacts and mitigation measures identified through that consultation. Include the tribes in the distribution list for the Final EIS and Record of Decision.

8

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
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March 27, 2017

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Subject: Draft Integrated Feasibility Report (IFR) and Environmental Impact  
Statement/Environmental Impact Report (EIS/EIR) for Malibu Creek Ecosystem  
Restoration Project

Dear Mr. Demesa:

California Coastal Commission (Commission) staff has reviewed the above-referenced Draft Integrated Feasibility Report (IFR) published by the U. S. Army Corps of Engineers (USACE) and California Department of Parks and Recreation (CDPR) for the Malibu Creek Ecosystem Restoration Project (Project). USACE and CDPR are seeking comments on the Draft IFR and its evaluation of the potential environmental effects of the proposed removal of the Rindge Dam and associated restoration work within the Malibu Creek watershed.

The California Coastal Act includes specific policies that address the protection of public access and recreation, terrestrial and marine habitat, visual resources, commercial and recreational fisheries, water quality, archaeological resources, and other resources within the coastal zone (Division 20 of the Public Resources Code). The policies of the Coastal Act constitute the statutory standards applied to regulatory decisions made by the Commission. The coastal zone, which was specifically mapped by the California Legislature, varies in width on land from several hundred feet in highly urbanized areas up to five miles in certain rural areas, including the Santa Monica Mountains; offshore the coastal zone includes a three-mile-wide band of ocean. In addition, certified Local Coastal Programs (LCPs) (provided for under Chapter 6 of the Coastal Act) govern the regulatory decisions of the City of Malibu and County of Los Angeles in their respective coastal zone jurisdictions in the Project area. A large portion of the proposed restoration project, including the site of the Rindge Dam and most of the upstream barriers proposed for removal in the Malibu Creek watershed, occurs within the coastal zone. The presence of the dam and other hydrologic and dispersal barriers adversely affects coastal resources, including water quality, coastal sediment supply, and sensitive species such as steelhead trout. Proposed project activities to remove Rindge Dam and remove or modify the upstream barriers also hold the potential to affect coastal resources. For these reasons, the Commission staff appreciates the opportunity to comment on the Draft IFR and EIS/EIR that has been prepared for the Malibu Creek Ecosystem Restoration Project.

Mr. Eduardo T. Demesa, USACE  
March 27, 2017

The Commission also has a direct role in reviewing the project pursuant to the federal Coastal Zone Management Act (CZMA).<sup>1</sup> The Commission is one of California's two designated coastal management agencies for the purposes of administering the CZMA. The CZMA gives state coastal management agencies federal consistency review authority over federal agency activities occurring within the coastal zone, or wherever they may occur (i.e., landward or seaward of the respective coastal zone boundaries fixed under state law) if the activity will affect coastal resources. As clearly documented in the Draft IFR, the proposed project will affect the coastal zone, and thus will require Commission review of a federal consistency determination from the USACE.<sup>2</sup> The consistency determination should include a finding that the project is consistent with the California Coastal Management Program (CCMP), and should contain sufficient information for the Commission to assess the activity's effect on the coastal zone and its consistency with the CCMP (see Sections 930.36 – 930.39 of the NOAA Federal Consistency Regulations for additional details on information requirements for federal consistency submittals). As such, the Coastal Commission will use the information contained in the Draft IFR in its evaluation of the project's conformity with the resource protection and use policies of the CCMP.

1

Commission staff strongly supports the broader goals and objectives of the Project, including the restoration of habitat connectivity and more natural sediment transport along Malibu Creek and its tributaries. Over the long term, in combination with habitat restoration and long-term monitoring, the proposed dam removal and barrier modifications are likely to benefit coastal resources, including sensitive species and habitats, coastal sediment supply, and public access and recreation. Commission staff agrees with the Draft IFR's conclusion that Alternative 2, involving the mechanical removal of impounded sediment from behind Rindge Dam and placement of beach-suitable sands along the Malibu shoreline, would provide the most favorable balance of environmental benefits versus potential impacts. However, as described in more detail below, Commission staff recommends that additional information and analysis be included in the Draft IFR to allow for a more complete evaluation of the Project's potential effects on coastal resources, including sensitive terrestrial habitats and species, marine resources, and coastal access and recreation.

SS-1

### **Environmentally Sensitive Habitat Areas, Wetlands & Sensitive Species**

The Draft IFR identifies a number of potential impacts to existing terrestrial biological resources, including environmentally sensitive habitat areas (ESHA), wetlands, and sensitive species, primarily related to construction activities associated with the removal of Rindge Dam and the excavation of the impounded sediments. The Coastal Act includes policies protecting ESHA (Section 30240), wetlands and riparian areas (Sections 30231, 30233) from significant disruption and strictly limiting the types of activities and development that may occur in these areas. In the very limited circumstances where impacts to these sensitive habitats are permissible, the Commission requires compensatory mitigation which accounts for both the spatial and temporal impacts to habitat values.

The Draft IFR states that approximately 28 acres of riparian, aquatic and wetland habitat occur along Malibu Creek between Rindge Dam and the confluence with Cold Creek. This total includes

<sup>1</sup> 16 U.S.C. Section 1456, with implementing regulations at 15 CFR Part 930

<sup>2</sup> In previous communications with Commission staff, the USACE has discussed the possibility that a non-federal entity, such as Los Angeles County or the City of Malibu, could carry out the proposed sand placement activities in the Corps' stead. If this were to occur, a regular Coastal Development Permit (CDP) from the Commission and/or local government would be required, pursuant to the Coastal Act, for this portion of the project.

Mr. Eduardo T. Demesa, USACE  
March 27, 2017

undisclosed areas of riparian woodland, wetland, and aquatic habitat that have, over previous decades, developed in the impounded sediment area behind the dam and would be completely removed as part of the proposed project. Additionally, the construction of access ramps from Malibu Creek Road to the dam site would require the clearing and removal of an undisclosed area of native chaparral. The Draft IFR considers these habitat impacts to be “temporary”, to be mitigated through the restoration and replanting of the affected areas following project completion, and concludes that “no substantial net loss of habitat or habitat values” would occur. However, quantitative estimates of habitat losses in relation to habitat gains in these specific areas were not provided. In order to facilitate the evaluation of project impacts to Coastal Act-protected ESHA and wetlands, and the potential need for additional mitigation, the Draft IFR should be revised to include the following:

2

- (1) A delineation of areas within the impounded sediment area and at other project locations (e.g., upstream barrier sites) meeting the Coastal Act definition of a wetland (*see* Section 30121 and 14 Cal. Code Regs. 13577) that would be affected by project activities;
- (2) Estimates of the total areas of riparian woodland habitat that would be (a) removed or significantly disturbed, and (b) restored as a result of the proposed project, including both the Rindge Dam and upstream barrier sites;
- (3) An estimate of the total area of native chaparral and other sensitive upland habitats that would be removed or significantly disturbed as a result of the proposed project (especially during construction of the access ramps);
- (4) A discussion of the potential timeframe(s) for full restoration of the affected habitat areas, including factors that could facilitate or hinder restoration efforts.

Commission staff notes that the avoidance of long-term impacts and the achievement of the benefits of the proposed project will depend, to a large degree, on the successful restoration of the dam and reservoir site, including the re-establishment of native riparian vegetation. Although the Draft IFR references future restoration work, including a forthcoming Revegetation and Planting Plan, only a brief discussion of this crucial aspect of the project is provided. A finding of consistency with applicable Coastal Act policies protecting ESHA and wetlands will require the preparation and implementation of a detailed restoration plan that includes clear performance criteria, long-term monitoring, and contingency measures to ensure that the assumed environmental benefits will be achieved. Monitoring and/or restoration work extending beyond the five- to ten-year post-project window identified in the Draft IFR may be necessary in order to assure complete restoration and the achievement of the environmental benefits assumed in the Draft IFR. Additionally, based on the widespread presence of invasive, non-native species (e.g., fountain grass) in the impounded sediment area, inclusion of a rigorous weed removal and abatement program will be critical to the success of post-project restoration.

3

The alteration of existing habitats associated with the Project would necessarily result in some degree of disturbance to sensitive wildlife species. Although the Draft IFR provides an overview of the pre-project surveys and avoidance and impact minimization measures that would be implemented to protect such species, a finding of consistency with Coastal Act ESHA policies will require the development of more detailed protection plans (in consultation with U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW)).

Mr. Eduardo T. Demesa, USACE  
March 27, 2017

The Draft IFR indicates that dam removal and other construction activities would generate noise levels in excess of 80 dBA (at a distance of 50 ft), which would have the potential to result in significant disturbance to sensitive wildlife species, in particular to nesting birds. The Draft IFR should include mitigation measures to protect bird species from construction-related noise disturbance during the nesting season, including avoidance (where possible), pre-construction surveys, and, as necessary, abatement measures to reduce noise exposure below critical thresholds as identified by the USFWS and CDFW.

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**Marine Resources**

Coastal Act marine resources policies provide for the maintenance and enhancement of biological productivity, populations of marine organisms, and coastal water quality (Sections 30230 – 30233). In general, the proposed project is expected to enhance marine resources, in particular through the restoration of spawning habitat for southern steelhead and resumption of a more natural sediment transport regime in the Malibu Creek watershed. However, the proposed placement of excavated sandy sediment along the shoreline has the potential to adversely affect marine habitats and species.

The project alternatives identified as the National Ecosystem Restoration (NER) plan (Alt. 2d1) and the likely Locally Preferred Plan (LPP) (Alt. 2b2) differ in how sandy sediment excavated from behind Rindge dam would be placed along the shoreline. Under the NER plan, sand would be trucked from the upland storage site to the shoreline and placed along the narrow, eroded beach immediately to the east of Malibu Pier. Under the likely LPP, sand would be trucked to Ventura Harbor, transported down the coast via barge, and placed off of the beach in the nearshore zone. Modeling contain in Appendix O to the Draft IFR indicates that both placement options would result in temporary increases in the width of the beach berm east of the Pier, with gradual eastward dispersal in the local littoral cell. Thus, both options would benefit beach access at the Pier site and modest nourishment to local shoreline sand supply. However, the Draft EIR does not provide any detailed comparative analysis of the potential impacts to marine biological resources from the two sand placement options. In order to allow for the full evaluation of project impacts to marine resources, the Draft IFR should be revised to include the following:

- (5) More detailed analysis of the “downcoast” fate of sediments placed on the beach or in the nearshore zone, and in particular of the potential for the burial of nearby hard substrate seafloor habitats. If impacts to nearby sensitive seafloor habitats are uncertain, the Draft IRF describe the implementation of a monitoring program to determine if adverse effects are occurring during and following sand placement, as well as contingency measures to minimize and mitigate for impacts;
- (6) More detailed information on the suitability/compatibility of the sandy sediments (e.g., grain size, chemical composition) from behind the dam for placement on the beach east of the Pier or in the nearshore zone;
- (7) An analysis of potential changes to the beach ecosystem, including both infauna and species (e.g., seabirds) dependent on beach invertebrates as a food source, following sand placement activities.

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Additionally, page 240 of the Draft IFR includes the statement that “use of barges may allow for a greater volume of the impounded sediment to be placed in the nearshore environment ...” Any such modification of the type or volume of sediment to be placed in the nearshore zone would need to be

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Mr. Eduardo T. Demesa, USACE  
March 27, 2017

accompanied by an analysis of the potential for impacts to marine resources, including from increased water column turbidity and/or burial of sensitive seafloor habitats.

### Coastal Access & Recreation

As described in the Draft IFR, disposal of the “mostly sand” portion of the impounded sediment on the beach east of Malibu Pier (under Alternative 2) would involve the complete closure of the pier parking lot from “after Labor Day though before Memorial Day.” While the seasonal timing of this closure would avoid the summer period when the demand for beach recreation is at its peak, this parking lot is heavily used on a year-round basis by recreational users of the beach and pier, and by customers of recreational fishing charter boats that depart from the pier. Combined with the relative shortage of other parking options in the immediate area, the proposed closure of the parking lot for an extended period of time would result in significant, though temporary, impacts to public access and recreation. Mitigation Measure AES-6, which would require that the use of public parking areas for construction equipment storage be minimized, would neither avoid nor compensate for these impacts, and additional mitigation measures would likely be necessary in order to achieve consistency with Coastal Act policies protecting coastal access and recreation (e.g., insert). Commission staff recommends that the Draft IFR be revised to include discussion of potential mitigation measures, such as the provision of temporary off-site parking and/or shuttle service, which could offset the anticipated impacts to public access.

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Additionally, the beach area adjacent to Malibu Pier is the site of two Coastal Commission enforcement projects, including (a) the planned installation of two new beach access stairways, and (b) the installation of a signal-controlled pedestrian crosswalk. Depending on timing, sand placement operations under the NER alternative could interfere with these important public access projects, and will require coordination with Commission staff.

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Thank you for the opportunity to comment on the Draft IFR. Please contact me at [joseph.street@coastal.ca.gov](mailto:joseph.street@coastal.ca.gov) or at (415) 904-5249 should you have questions regarding these comments or the federal consistency process.

Sincerely,



Joseph Street  
Environmental Scientist  
Energy, Ocean Resources and Federal  
Consistency Division

cc: CCC – South Central Coast District





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**EDMUND G. BROWN JR., Governor**  
**CHARLTON H. BONHAM, Director**



6 - CDFW

March 24, 2017

Mr. Eduardo T. De Mesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Rey (CESPL-PD-RL)  
915 Wilshire Blvd.  
Los Angeles, California 90017  
Email: [Malibu.Creek@usace.army.mil](mailto:Malibu.Creek@usace.army.mil)

Dear Mr. De Mesa:

MALIBU CREEK ECOSYSTEM RESTORATION STUDY DRAFT INTEGRATED FEASIBILITY  
REPORT (PROJECT) DRAFT JOINT ENVIRONMENTAL IMPACT  
REPORT/ENVIRONMENTAL IMPACT STATEMENT (DEIR/DEIS)  
SCH# 2002051135

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR/DEIS from the United States Army Corps of Engineers (USACE) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup> The lead agency responsible for implementing CEQA is the California Department of Parks and Recreation (CDPR). CDFW has regularly participated in a multi-year Technical Advisory Committee in coordination with the USACE, CDPR, other resource agencies and interest groups, to review a range of measures and preliminary alternatives that were developed during the feasibility study process.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California's fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

#### CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.



CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game

## PROJECT DESCRIPTION SUMMARY

The USACE is the lead Federal agency for this study under NEPA. CDPR is the lead agency under CEQA. The USACE and CDPR are preparing this document as a joint DEIS/DEIR, in the interest of efficiency and to avoid duplication of effort.

The primary purpose of the Project is to restore aquatic habitat connectivity along Malibu Creek and tributaries; establish a more natural sediment regime from the watershed to the shoreline; and restore aquatic habitat of sufficient quality along Malibu Creek and tributaries. The Project is designed to sustain or enhance indigenous populations of aquatic species within the next several decades, allowing for migratory opportunities to about 15 miles of aquatic habitat that have been unreachable for many decades in this Los Angeles and Ventura Counties, California watershed. The Project presents a summary of the planning process that describes the affected environmental resources and evaluates the potential impacts to those resources as a result of constructing, operating and maintaining the Malibu Creek Ecosystem Restoration Study.

There are four primary alternatives included in the focused array:

- Alternative 1: No Action (Alternative 1)
- Alternatives 2 with variations includes removal of the Rindge Dam concrete arch and impounded sediment removal using traditional mining methods, and consideration of various shoreline and upland placement options for the impounded sediment. The mostly sands layer of the impounded sediment, an estimated 276,000 cubic yards, would be placed along the Malibu shoreline or nearshore area using trucks (shoreline placement) or a combination of trucks and barges (nearshore placement). Other variations for the Alternative 2 options include removal of the dam spillway and the modification or removal of other upstream aquatic barriers on Cold Creek and Las Virgenes Creek tributaries. The overall construction timeframe is estimated to take 7-8 years to complete.
- Alternative 3, and 4 with multiple variations include removal of the Rindge Dam (Dam) concrete arch and impounded sediment over many decades, allowing for storms to erode controlled volumes of the impounded sediment before implementing the next incremental notching of the dam arch, repeating the cycle until the dam arch and sediment is removed. The costs for these alternative options are less than other alternatives and use far less trucks, but there are much greater uncertainties about the time needed to complete construction and potential adverse downstream effects of incremental releases of the impounded sediment, including an increased flood risk to downstream communities. Other variations for the Alternative 3 options include removal of the dam spillway and the modification or removal of upstream barriers. The overall construction timeframe is estimated to take at least two decades, but more likely multiple decades to a century to complete. The large range for construction completion is based on the uncertainties associated with the frequency of storm events of sufficient

magnitude that allow for the next cycle of incremental dam concrete arch notching, followed by the timeframe for storms that mobilize and naturally transport the next layer of exposed impounded sediment.

- Alternative 4 options are similar to the Alternative 2 options, except the Rindge Dam concrete arch would be lowered an additional 5-ft each winter storm season during the 7-8 year construction cycle to allow opportunities for a controlled volume of the impounded sediment to erode downstream during the storm seasons between mining season operations. These alternative options potentially reduce the number of trucks needed to transport the impounded sediment, but increase the risk of detrimental impacts to downstream reaches of Malibu Creek compared to Alternative 2 options. Other variations for the Alternative 4 options include removal of the dam spillway and the modification or removal of upstream barriers. The overall construction timeframe is estimated to take 7-8 years to complete.

The National Ecosystem Restoration Plan variation is identified as Alternative 2d1, with removal of the Dam arch concurrent with trucking of the impounded sediment to several placement sites over 7 years. Shoreline-compatible sediment would be temporarily stockpiled at an upland location until delivery to the shoreline in front of the Malibu Pier parking lot using trucks during non-peak use times, after Labor Day and before Memorial Day, for 3 consecutive construction years. Material not compatible with shoreline placement would be disposed of at the Calabasas Landfill. Several aquatic habitat barriers along the Cold Creek and Las Virgenes Creek tributaries would be modified or removed to provide access to additional miles of quality habitat.

The Locally Preferred Plan variation is Alternative 2b2 and differs from the NER plan by including removal of the Dam spillway in addition to the dam arch over approximately 8 years. In addition, shoreline compatible sediment would be trucked directly to Ventura Harbor with transport by barge to the nearshore environment off the coast of the Malibu Pier parking lot.

There were many environmental, social and economic tradeoffs to consider in the array of alternatives, with the common assumption that the removal of Dam and impounded sediment was the key factor to effectively address the planning objectives. Using traditional mining techniques to remove the impounded sediment allows for completion of the project within 7-8 years, but requires many trucks to travel along Malibu Canyon/Las Virgenes Road and other locations (Alternative 2 and 4 options) at a higher cost than natural sediment transport (Alternative 3 options), that takes many more decades to complete and results in low habitat unit outputs. Adding the modification and/or removal of upstream barriers significantly increased the benefits for a relatively low additional cost. As a result of these considerations and others, USACE identified Alternative 2d1 as the National Ecosystem Restoration Plan, which is the Tentatively Selected Plan (TSP) in the absence of an approved Locally Preferred Plan. The non-federal sponsor (CDPR) has indicated plans to formally request consideration of Alternative 2b2 as the Locally Preferred Plan.

Both the NER Plan and likely LPP restore a total of 18 miles of aquatic habitat connectivity within the watershed, from the Pacific Ocean to 8.5 miles upstream on Malibu Creek (at Century Dam), and an additional 9.5 miles of aquatic habitat along Cold Creek and Las Virgenes Creek. Both plans provide an estimated increase of 152.5 average annual habitat units when compared to the No Action alternative. Both remove the Dam concrete arch and the impounded sediment, and modify or remove other upstream barriers in a similar 7-8 year timeframe.

**Location:** Malibu Creek and tributaries in Los Angeles and Ventura County and the Malibu shoreline, City of Malibu, Santa Monica Mountains. Focuses on the lower portion of the watershed, specifically, areas upstream and downstream of an obsolete water supply dam on Malibu Creek known as Dam.

**Timeframe:** The overall construction timeframe is estimated to take 7-8 years to complete for Alternative 2. Alternative 3 may take several decades to complete. Alternative 4 is expected to take 7-8 years to complete.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Lead Agency in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish, wildlife and botanical (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

### Impacts to Riparian Resources

The DEIR/DEIRS states on page 322: "Vegetation at the sediment impoundment area behind Rindge Dam consists of riparian woodland, including native and non-native species. Much of the vegetation has colonized the impounded sediment as well as the riparian corridor behind the Dam and would be removed during Dam and sediment removal. Upon completion of sediment removal, the natural channel would be restored to pre-Dam contours to the extent possible, and the riparian corridor would be re-vegetated with native species. "

COMMENT #1: CDFW has concern that the acreages of native riparian woodlands removed by the Project may not be effectively restored on site and in-kind following dam and sediment removal and resumption of natural flows through the Project area.

COMMENT #2: CDFW recommends that CDFW review and approve any revegetation plan proposed for mitigation for riparian vegetation communities during further consultation with CDFW under Fish & G. Code, § 1600 et seq. The mitigation for unavoidable impacts to riparian woodland should strive to result in in-kind superior habitat quality and quantity than was originally impacted by the Project to account for the several growing seasons that may be required to achieve any revegetation measure success criteria. This could include a larger mitigation ratio area occupied by targeted riparian vegetative communities.

If mitigation for loss of riparian woodlands is not feasible behind the former Dam impoundment area due to constraints such as a limited area or high scour factors, the Project should consider mitigation locations elsewhere in the watershed that would accommodate successful implementation of mitigation goals for riparian woodland habitat.

### Impacts to Wildlife and Botanical Resources

The DEIR/DEIS states on page 339. "Beach placement of sands requires temporary stockpiling at Site F, an upland area, prior to transportation to the beach for placement. Impacts at Site F include burial of flora and fauna similar to the project site. Lyon's pentachaeta (*Pentachaeta lyoni*) may occur at Site F. If beach placement is selected, a pre-construction survey of Site F will be conducted to look for this listed species (FE, CE, 1B). If not present, no further conservation measures are required. If present, mitigation will be worked out in consultation with USFWS, including removal and return following the end of construction. The site will be revegetated with California native species, following the completion of construction."

COMMENT #1: CDFW conceptually concurs with the survey and mitigation components for special status plants described in the DEIR/DEIS. However, CDFW is concerned that the DEIR/DEIS does not reference CDFW in further consultation efforts under CESA for Project impacts and mitigation measures for the state endangered Lyon's pentachaeta. It is important to assure consistency throughout the DEIR/DEIS when discussing state regulatory compliance for species listed under CESA.

COMMENT #2: CDFW recommends that the DEIR/DEIS be further reviewed to assure consistency for impact assessments, avoidance and mitigation measures for all species considered of special status by CDFW including species that may require incidental take authorization from CDFW under CESA.

2 cont

### Impacts to Marine Biological Resource

The DEIR/DEIS describes that the diverse, beach, intertidal, and subtidal ecosystems near the Malibu Pier and Surfrider Beach provide habitats for many species of marine plants, fish, invertebrates, seabirds, marine reptiles and mammals. These Malibu coastal areas includes rocky/cobble/boulder reefs and sandy shallow sub-tidal habitats, which support invertebrates, fish communities, kelp and sea grass beds.

The Feasibility Study further describes that sediments will likely be placed either directly onto Surfrider Beach (Alternative 2d1), or placed in the nearshore (Alternative 2b2) off Surfrider Beach. Both of these alternatives may cause direct and indirect burial, scouring and turbidity impacts. The shoreline placement (Alternative 2d1) of sediments may cause indirect burial and scour of the boulders, surfgrass and invertebrate communities, which will indirectly affect local fish habitat. The nearshore sediment placement (Alternative 2b2) may cause direct or indirect burial of Pismo clams (*Tivela stultorum*) beds, other invertebrates, seagrass spp. and Sand Dollar (*Dendraster* spp.) if present.

COMMENT #1: CDFW recommend that the final chosen alternative for sediment placement be located and designed to avoid direct and indirect marine life resources impacts to the maximum extent feasible. Unavoidable sensitive habitat or species losses seen during or after construction will require appropriate compensatory mitigation. Mitigation measures and species protection plans should be discussed, developed and implemented to avoid and minimize all potential marine life impacts predicated on comprehensive baseline biological surveys.

3

COMMENT #2: In order to better evaluate Project impacts to marine life resources and further develop avoidance and mitigation measures, CDFW recommends the Final Feasibility Study clearly identify species currently in or adjacent to areas that are chosen for the preferred Project including species that are considered: state and federally listed; part of state and federal fishery management plans and locally sensitive or rare. Marine habitats that exist or was historically present in the Project sediment impact area should also be described.

Sensitive marine species potentially occurring within identified sediment disposal areas may include but are not limited to: southern steelhead (*Oncorhynchus mykiss*); California grunion (*Leuresthes tenuis*); abalone (*Haliotis* spp.); California least tern (*Sternula antillarum browni*), California brown pelican (*Pelecanus occidentalis*) and other birds and Pismo clam beds. Sensitive marine habitats within the Project area may include intertidal and subtidal soft and hard substrates such as boulder, cobble and rocky reef bottom which support attached seagrasses or algal mats, giant kelp (*Macrocystis porifera*), understory Kelp species: southern sea palm (*Eisenia arborea*); surf grass spp. beds; and sand dollar beds.

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COMMENT #3: CDFW recommends that the Final Feasibility Study include a discussion of the development of a comprehensive marine biological resources mitigation and monitoring program which includes a monitoring plan to assess impacts during and after construction and to evaluate effectiveness of any mitigation measures. The monitoring plan should include an updated comprehensive marine resources baseline component that will be used to compare before, during and after construction impacts to the identified marine life and their habitats. Pre-construction baseline marine surveys should be conducted at the appropriate time of year to determine the presence/absence, location, and abundance of sensitive marine plants and animal species described above which may occur within the Project area. Baseline surveys should also include potential no take marine fish species that may be present as well as the vulnerable or sensitive non-listed marine species, such as Pismo clams and Abalone spp.

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### **Aquatic Species Survey, Relocation and Protection Measures**

Page 317 of the DEIR/DEIS describes proposed protective measures for fish species during Project activities and states. "During work within channels where arroyo chub could occur (including upstream tributaries), measures would be taken to avoid or reduce impacts on arroyo chub under the supervision of a qualified fisheries biologist and in coordination with USFWS and CDFW. Surveys will be conducted within the sediment and dam removal areas. If needed, a fish rescue and relocation effort plan will be developed prior to commencing work in areas where this species occurs and exclusion barriers are needed to divert flow around the work area. The fish rescue and relocation will be conducted under the supervision of a qualified biologist and will entail measures to reduce effects to arroyo chub and other fish associated with in-water construction activities. If needed, a fish rescue and relocation effort plan will be developed in consultation with the USFWS and CDFW prior to commencing work in areas where this species occurs and exclusion barriers are needed to divert flow around the work area."

Page 318 further discusses steelhead relocation and states. "Catch, transport, and relocation will be conducted in consultation with the NMFS and will be repeated each year prior to the initiation of construction activities for that year."

COMMENT #1: CDFW recommends consistent clarifying language in the DEIR/DEIS regarding protective measures for aquatic species to specify that CDFW shall receive results of aquatic species survey reports and review and approve any relocation of arroyo chub, steelhead and other special status aquatic species. This clarification of CDFW approval of relocation plans should be added into the mitigation measure BIO-10.

6

Aquatic species survey reporting should be submitted to CDFW, attention:

Jennifer Pareti, Environmental Scientist  
Inland Fisheries Program, South Coast Region  
California Department of Fish and Wildlife  
4665 Lampson Ave Suite C  
Los Alamitos, CA 90720  
(562) 342-7173  
[Jennifer.Pareti@wildlife.ca.gov](mailto:Jennifer.Pareti@wildlife.ca.gov)

COMMENT #2: CDFW recommends consistent clarifying language in the DEIR/DEIS regarding relocation of steelhead and other special status aquatic species to specify that catch, transport, and relocation will be conducted in consultation with the NMFS and CDFW and will be repeated each year prior to the initiation of construction activities for that year.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

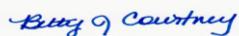
## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the Draft EIR/EIS to assist the Lead Agency in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Mr. Scott Harris, Environmental Scientist, at (805) 664-6305 or [Scott.P.Harris@wildlife.ca.gov](mailto:Scott.P.Harris@wildlife.ca.gov).

Sincerely,



Betty J Courtney  
Environmental Program Manager I  
South Coast Region

ec: Ms. Erinn Wilson, CDFW, Los Alamitos  
Ms. Loni Adams, CDFW, San Diego  
Ms. Dana McCanne, CDFW, Santa Barbara  
Ms. Jennifer Pareti, CDFW, Los Alamitos  
Ms. Kelly Schmoker, CDFW, Laguna Niguel  
Ms. Jamie Jackson, CDFW, Camarillo  
Mr. Scott Harris, CDFW, Pasadena  
Ms. Victoria Chau, CDFW, Los Alamitos  
Office of Planning and Research, State Clearinghouse, Sacramento



## DEPARTMENT OF TRANSPORTATION

## STRICT 7-OFFICE OF TRANSPORTATION PLANNING

100 S. MAIN STREET, MS 16

LOS ANGELES, CA 90012

PHONE (213) 897-8391

FAX (213) 897-1337

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Serious drought.  
Help save water!

February 28, 2017

Mr. Eduardo T De Mesa  
USACE and California Department of Park and Recreation  
915 Wilshire Blvd.  
Los Angeles, CA 90017

RE: Malibu Creek Ecosystem Restoration  
Feasibility Study  
SCH # 2002051135  
GTS # LA-2017-00573AL-DEIR  
Vic. LA-01/PM 48.20

Dear Mr. De Mesa:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The primary purpose of the proposed project is to restore aquatic and riparian habitat connectivity along Malibu Creek and tributaries, establish a more natural sediment regime from the watershed to the shoreline, and restore aquatic and riparian habitat sufficient quality along Malibu Creek and tributaries to sustain or enhance indigenous populations of aquatic and terrestrial species within the next several decades, allowing for migratory opportunities to about 15 miles of aquatic habitat that have been unreachable for many decades in this Los Angeles County, California watershed.

Please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans if the restoration is at State Right-of-way. Any modifications to State facilities must meet all mandatory design standard and specifications.

1

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facility (SR-01) without any storm water management plan.

2

Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans when transporting disposed materials. It is recommended that large size truck trips be limited to off-peak commute periods.

3

In addition, a truck/traffic construction management plan may be needed for this project when

Mr. Eduardo T De Mesa  
February 28, 2017  
Page 2

high volume of construction vehicles are working on/near by the State facility. Traffic Management Plans involving lane closures or street detours which may impact the circulation system affecting traffic to and from freeway on/off-ramps should be coordinated with Caltrans.

4

As a reminder for all future projects, Senate Bill 743 (2013) mandated that CEQA review of transportation impacts of proposed development be modified by eliminating consideration of delay- and capacity- based metrics such as level of service (LOS) and instead focusing analysis on another metric of impact. The Governor's Office of Planning and Research (OPR) is currently updating its CEQA Guidelines to implement SB 743 ([https://www.opr.ca.gov/s\\_sb743.php](https://www.opr.ca.gov/s_sb743.php)) and is proposing that vehicle miles traveled be the primary metric used in identifying transportation impacts.

5

The Lead Agency should refer the project's traffic consultant to OPR's website, guidelines on evaluating transportation impacts in CEQA if VMT methodology is used:

[https://www.opr.ca.gov/docs/Revised\\_VMT\\_CEQA\\_Guidelines\\_Proposal\\_January\\_20\\_2016.pdf](https://www.opr.ca.gov/docs/Revised_VMT_CEQA_Guidelines_Proposal_January_20_2016.pdf)

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 897-8391 and refer to GTS # LA-2017-00573AL-DEIR.

Sincerely,



DIANNA WATSON  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



FEB 21 2017

Mr. Eduardo T. De Mesa, Chief, Planning Division  
United States Army Corps of Engineers  
Los Angeles District  
915 Wilshire Boulevard, Suite 930  
Los Angeles, California 90017-3401

SCH #202051135: Draft Environmental Impact Report – Malibu Creek/Rindge Dam  
Ecosystem Restoration Feasibility Study  
Los Angeles County

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Dear Mr. De Mesa:

We have reviewed the draft environmental impact report for the above referenced project (Project) which consists of the ecosystem restoration of Malibu Creek. It is noted in the information provided that the removal of Rindge Dam is a predominant feature of the Project. Rindge Dam is known to our Division as Malibu No. 1 Dam, No. 773 and is no longer considered to be subject to State jurisdiction for dam safety.

As defined in Sections 6002 and 6003, Division 3 of the California Water Code, dams 25 feet or higher with a storage capacity of more than 15 acre-feet, and dams higher than 6 feet with a storage capacity of 50 acre-feet or more are subject to State jurisdiction. Dam height is defined as the vertical distance measured from the maximum possible water storage level to the downstream toe of the barrier. Malibu No. 1 Dam was removed from our jurisdiction on May 2, 1967, since it no longer stores more than 15 acre-feet of water; therefore, the dam is currently not subject to State jurisdiction for dam safety. A copy of our May 2, 1967 letter, is enclosed.

As long as Malibu No. 1 Dam or its reservoir, are not modified such that an impoundment of more than 15 acre-feet of water is created, the Project as described will not be subject to State jurisdiction. In the event the Project will result in changing the dam's status from non-jurisdictional to jurisdictional, a construction application, together with plans, specifications, and the appropriate filing fees must be filed with this Division prior to proceeding with the Project. All dam safety related issues must be satisfactorily addressed prior to our approval of the application. Additionally, all work must be performed under the direction of a Civil Engineer registered in California. Our Design Engineering Branch Chief is responsible for the application process and can be reached at (916) 227-9800.

Mr. Eduardo T. De Mesa

FEB 21 2017  
Page 2

If you have any questions or need additional information, you may contact Area Engineer Rick Draeger at (916) 227-4755 or me at (916) 227-4600.

Sincerely,



Shawn O. Jones, Regional Engineer  
Southern Region  
Field Engineering Branch  
Division of Safety of Dams

Enclosure

cc: Ms. Nadell Gayou, Resources Agency Project Coordinator  
Environmental Review Section  
Division of Statewide Integrated Water Management  
901 P Street  
Sacramento, California 95814

Governor's Office of Planning and Research  
State Clearinghouse  
Post Office Box 3044  
Sacramento, California 95812-3044

May 2, 1967

Mr. R. G. Henderson, General Manager  
 Malibu Water Company  
 22821 Pacific Coast Highway  
 Malibu, California

Subject: Malibu Dam, No. 773

Dear Mr. Henderson:

On March 2, 1967, Engineer J. J. Heneghan, from our Los Angeles office, and Mr. Finley, of your staff, conducted a periodic examination of Malibu Dam.

The inspection revealed that the dam no longer impounds 15 acre-feet of water and therefore, as defined by Division 3 of the Water Code, it is no longer a dam within jurisdiction of the Division of Safety of Dams. No further action concerning this dam will be taken by this Division nor will be required of you.

You should obtain prior approval in writing from this office before taking action in the future to return this dam to jurisdiction.

Sincerely yours,

Original Signed by  
 Robert B. Jansen

Robert B. Jansen  
 Division Engineer  
 Division of Safety of Dams

JJHeneghan:kcm  
 Certified Mail

cc: Mr. R. E. Stephenson  
 Los Angeles

MAY 15 '67 D.W.

SURNAME  
 FORM DWR 540

*Heneghan*  
 5/8/67

*Stephenson*

*McClure*

*Jansen*

4. Work will result in no change in the reservoir storage level.  
 No change in, raising, lowering

5. Work is recommended by Engineer 1047



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

March 28, 2017

Eduardo T De Mesa  
USACE and CA Dept of Parks and Recreation  
915 Wilshire Blvd  
Los Angeles, CA 90017

Subject: Malibu Creek Ecosystem Restoration Feasibility Study  
SCH#: 2002051135

Dear Eduardo T De Mesa:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 27, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency



# Document Details Report

## State Clearinghouse Data Base

**SCH#** 2002051135  
**Project Title** Malibu Creek Ecosystem Restoration Feasibility Study  
**Lead Agency** Parks and Recreation, Department of

**Type** EIR Draft EIR  
**Description** Note: Review Per Lead

The project consists of ecosystem restoration of Malibu Creek. The predominant project feature is removal of Rindge Dam. Alternatives analyzed include various methods for removing impounded sediment and different sediment placement options. The project also includes removal of other aquatic barriers on two tributaries to Malibu Creek, Las Virgenes Creek and Cold Creek.

### Lead Agency Contact

**Name** Eduardo T De Mesa  
**Agency** USACE and CA Dept of Parks and Recreation  
**Phone** 213-452-3811 **Fax**  
**email**  
**Address** 915 Wilshire Blvd  
**City** Los Angeles **State** CA **Zip** 90017

### Project Location

**County** Los Angeles  
**City** Malibu  
**Region**  
**Lat / Long** 34° 3' 52" N / 118° 41' 56" W  
**Cross Streets** Malibu Canyon Rd and Pluma Rd  
**Parcel No.** 4456034902  
**Township** 1S **Range** 17W **Section** **Base**

### Proximity to:

**Highways** Pacific Coast Hwy  
**Airports**  
**Railways**  
**Waterways** Malibu Creek  
**Schools** Pepperdine, Webster  
**Land Use** California State Park

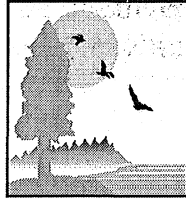
**Project Issues** Geologic/Seismic; Toxic/Hazardous; Water Quality; Traffic/Circulation; Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Vegetation; Water Supply; Wetland/Riparian

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 5; Department of Fish and Wildlife, Marine Region; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; Caltrans, District 7; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; State Lands Commission

**Date Received** 01/23/2017 **Start of Review** 01/23/2017 **End of Review** 03/27/2017

**CALIFORNIA STATE LANDS COMMISSION**

100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



*Established in 1938*

JENNIFER LUCCHESI, *Executive Officer*  
(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

**Contact Phone: (916) 574-1890**  
**Contact FAX: (916) 574-1885**

March 27, 2017

File Ref: SCH #2002051135

Eduardo T. De Mesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
915 Wilshire Boulevard, Suite 930  
Attention: Mr. Jesse Ray (CESPL-PDR-L)  
Los Angeles, CA 90017-3401

**Subject: Draft Environmental Impact Statement/Environmental Impact Report  
(EIS/EIR) for Malibu Creek Ecosystem Restoration Study, Draft  
Integrated Feasibility Report, Los Angeles and Ventura Counties**

Dear Mr. De Mesa:

The California State Lands Commission (Commission) staff has reviewed the Draft EIS/EIR for the Malibu Creek Ecosystem Restoration Study, Draft Integrated Feasibility Report (Project). The California Department of Parks and Recreation (State Parks), as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), and the U.S. Army Corps of Engineers (Corps) is the lead agency under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on sovereign land, the Commission will act as a responsible agency.

**Commission Jurisdiction and Public Trust Lands**

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all

people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Portions of the Project are located on ungranted sovereign land and are subject to Commission Lease No. PRC 2589.9, a General Lease – Public Agency Use, issued to State Parks. Based on information submitted in the Draft EIS/EIR, Commission staff has determined that elements of the proposed Project extend into the Pacific Ocean and will be located on State sovereign land under Commission jurisdiction. Therefore, authorization for the Project is required from the Commission. An application to request an amendment to Lease No. PRC 2589.9 should be submitted to Commission staff in a timely manner to avoid any Project delays. Please contact Sandra Avila, Public Land Management Specialist (see contact information below) for further information about Commission jurisdiction and application requirements.

1

### **Project Description**

The lead agencies propose to restore Malibu Creek through removal of lower watershed creek barriers for restoration of hydrologic function, sedimentation processes, and aquatic biological habitats to the Pacific Ocean within the next several decades. The Project objectives and needs are:

- Establish a more natural sediment transport regime from the watershed to the Southern California shoreline in the vicinity of Malibu Creek;
- Reestablish habitat connectivity along Malibu Creek and tributaries to restore migratory access to former upstream spawning areas for indigenous aquatic species, and allow for safe passage of terrestrial species from the ocean to the watershed and broader Santa Monica Mountains National Recreation Area; and
- Restore aquatic habitat of sufficient quality along Malibu Creek and tributaries to sustain or enhance indigenous populations of aquatic species.

The EIS/EIR evaluates four alternatives, with multiple sub-alternatives (page 4 of Executive Summary and Section 4). The alternatives propose a combination of methods to remove structures and materials within the lower watershed, such as removal of Rindge Dam, the spillway, accumulated sediment and culverts, and installation of flood control structures. Depending on the specific alternative selected, the Project could include the following activities with potential to occur on or affect State sovereign land:

- Placement of sand sediment retrieved from behind Rindge Dam on Surfrider Beach adjacent to Malibu Pier;
- Offshore placement of sediments via barge adjacent to Surfrider Beach;

- Increased sediment discharge from Malibu Creek into the Pacific Ocean; and
- Temporary loss of public parking at Malibu Pier and public access to Surfrider Beach during beach nourishment construction activities.

The EIS/EIR explains that the Corps has identified Alternative 2d1 as the tentatively selected plan in the absence of a Locally Preferred Plan (LLP). State Parks has indicated plans to formally request consideration of Alternative 2b2 as the LLP.

### **Environmental Review**

Commission staff requests that the Corps and State Parks consider the following comments on the Project's EIS/EIR.

#### **Air Quality and Climate Change**

1. **Emissions Analysis:** It is unclear if the emissions analysis in the EIS/EIR includes air quality and greenhouse gas emissions associated with use of vessels during offshore sediment placement. Please include this information and identify where the vessel and barge originate from and the proposed route to the Project site.
2. **Sea-Level Rise (SLR):** The EIS/EIR identifies that removal of Rindge Dam is anticipated to increase sedimentation to the lower reaches of Malibu Creek, which could increase flooding potential for surrounding urban land uses compared to baseline conditions. Although the EIS/EIR provides some discussion of SLR on page 44, the document should also consider the combination of SLR and flooding potential from increased sedimentation and whether proposed mitigation measures for flood control structures are adequate in consideration of SLR.

Commission staff recommends this updated information in the EIS/EIR to facilitate staff's evaluation of the proposed Project for leasing purposes. Note that the State of California released the final "Safeguarding California: Reducing Climate Risk, an Update to the 2009 California Climate Adaptation Strategy" (Safeguarding Plan), on July 31, 2014, to provide policy guidance for State decision-makers as part of continuing efforts to prepare for climate risks. The Safeguarding Plan sets forth "actions needed" to safeguard ocean and coastal ecosystems and resources as part of its policy recommendations for State decision-makers. In addition, Governor Brown issued Executive Order B-30-15 in April 2015, which directs State government to fully implement the Safeguarding Plan and factor in climate change preparedness in planning and decision making. Please note that when considering lease applications, Commission staff requires the following information:

- Request information from applicants concerning the potential effects of SLR on their proposed projects;
- If applicable, require applicants to indicate how they plan to address SLR and what adaptation strategies are planned during the projected project life; and
- Where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from SLR, including adverse impacts on public access.



In light of the above information, Commission staff recommends the EIS/EIR address how the Project will be consistent with the Safeguarding Plan and other State plans and policies pertaining to SLR.

### Biological Resources

3. Invasive Species: Figure 1.7-1 of the EIS/EIR identifies the surface layer of the impounded sediment removal area as covered with an assortment of existing vegetation. The existing vegetation may include numerous non-native invasive plant species and other aquatic invasive species (AIS), including benthic species within the sediments upstream of Rindge Dam. The EIS/EIR should include a survey or discussion of all existing non-native aquatic and terrestrial invasive species along and within Malibu Creek upstream of Rindge Dam, and within the proposed sediment removal area. Non-native species could include plants, fish, amphibians, reptiles, and invertebrates that occur within or along Malibu Creek. The Biological Resources section should assess potential for introduction of new non-native species and/or proliferation of existing non-native species to the Pacific shoreline with removal of Rindge dam, restoration of Malibu Creek to the ocean, proposed beach nourishment, and offshore sand placement. For potentially significant impacts, the EIS/EIR should include mitigation measures to avoid or minimize the severity of impacts. For non-native invasive plants within the proposed sediment removal area, the EIS/EIR should include mitigation measures for the removal of these species prior to placement of the sediment on Surfrider Beach or offshore.

AIS can also be transported to the Project area via watercraft (such as proposed use of a barge for offshore sediment placement) and construction equipment that have been in contact with other infested waterways (e.g., via biofouling of watercraft and from construction equipment that has not been cleaned, drained, and dried). Possible mitigation could include contracting with vessels and barges from nearby, requiring contractors to perform a certain degree of hull-cleaning, and ensuring that all construction equipment and watercraft are cleaned, drained, and dried prior to contact with Project area waterways and following completion of construction activities. The California Department of Fish and Wildlife's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (see information at [www.dfg.ca.gov/invasives/](http://www.dfg.ca.gov/invasives/)). Commission staff recommends the EIS/EIR include an analysis of this information, and if applicable, include mitigation measures to avoid or minimize associated impacts.

4. Sensitive Species Mitigation: With regard to proposed placement of sediment on Surfrider Beach, the EIS/EIR identifies periods of biological sensitivity for species such as Western snowy plover, California least tern, and grunion. However, mitigation measures such as work windows to avoid periods of sensitivity for these species, a pre-construction field survey for presence of these species, or retention of a biological monitor during beach nourishment construction are not identified to ensure avoidance and support impact determinations for these species. Commission staff recommends inclusion of such mitigation measures if impacts are significant.

### Cultural Resources

5. Submerged Resources: Page 362 the EIS/EIR identifies the potential for remnants of the American Boy Shipwreck within the vicinity of the sediment placement area offshore. The Commission maintains a shipwrecks database that can assist with this analysis. Other than the American Boy Shipwreck, the Commission's shipwrecks database does not note any potential shipwrecks near the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant. Commission staff requests that the Corps and State Parks contact Commission Attorney Jamie Garrett (see contact information below) with any additional questions regarding shipwrecks data and Commission records for the Project site.
6. Title to Resources: The EIS/EIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). Commission staff requests that the Corps and State Parks consult with Attorney Jamie Garrett should any cultural resources on State lands be discovered during construction of the proposed Project. In addition, Commission staff requests that the following statement be included in the EIR's Mitigation and Monitoring Plan: "The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the Commission must be approved by the Commission."
7. Surfrider Beach at Malibu: Page 362 of the EIS/EIR identifies that the proposed beach nourishment requires evaluation of effects to contributing factors for the National Register eligibility of Surfrider Beach at Malibu, such as long, consistent, and well-shaped waves. This discussion states that consultation with the State Historic Preservation Office and other consulting parties will be required concerning eligibility and assessment of effects. Commission staff recommends that this consultation be referenced in the EIS/EIR, rather than deferring assessment and potential mitigation until after the Final EIS/EIR is completed.

### Geologic Resources

8. Sediment Compatibility for Beach Nourishment: The EIS/EIR identifies that sediment materials proposed for placement on Surfrider Beach have been tested for contaminants, but there is no assessment of whether the physical properties of the sediment are compatible with the native beach sand. For example, the EIS/EIR does not identify the median grain size of the native beach sand, and whether the proposed sediment has a similar median grain size to avoid adverse impacts to coastal processes and biological resources. There is also no assessment of whether the proposed sediment will match the existing color of native beach sand. Commission staff recommends the EIS/EIR identify this information, and if applicable, include mitigation measures to ensure compatibility of the proposed sediment with the native beach sand. For grain size compatibility, a potential

mitigation measure could include sieving the proposed sediment source for retention of sediments that match the median grain size of the native beach sand.

### Recreation

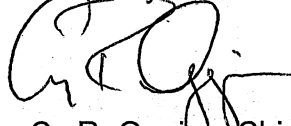
9. Page 44 of the EIS/EIR identifies Surfrider Beach as a world renowned surfing destination. The EIS/EIR identifies that removal of Rindge Dam will increase sedimentation through Malibu Creek to the Pacific Ocean, and proposes installation of flood control structures to minimize flooding impacts with surrounding urban land uses at the lower reaches of the creek. Specific Project alternatives also propose beach nourishment or offshore placement of sediments. **The EIS/EIR should assess whether increased sedimentation, proposed flood control structures, changes to discharge characteristics at the mouth of Malibu Creek, beach nourishment, and offshore placement of sediments have potential to affect wave characteristics and the quality of surf conditions for surfing offshore of Surfrider Beach. If impacts are potentially significant, the lead agencies should explore alternatives or mitigation measures to avoid or minimize associated impacts to surfing.**

9

Thank you for the opportunity to comment on the EIS/EIR for the Project. As a responsible and trustee agency, the Commission will need to rely on the Final EIS/EIR for the issuance of an amended lease as specified above, and therefore we request that you consider our comments prior to certification of the EIS/EIR.

Please send copies of future Project-related documents, including electronic copies of the Final EIS/EIR, Mitigation Monitoring and Reporting Program, Notice of Determination, CEQA Findings, and if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist, at (916) 574-1814 or via e-mail at [jason.ramos@slc.ca.gov](mailto:jason.ramos@slc.ca.gov). For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Attorney Jamie Garrett, at (916) 574-0398 or via e-mail at [jamie.garrett@slc.ca.gov](mailto:jamie.garrett@slc.ca.gov). For questions concerning Commission leasing jurisdiction, please contact Sandra Avila, Public Land Management Specialist, at (916) 574-0282 or via e-mail at [sandra.avila@slc.ca.gov](mailto:sandra.avila@slc.ca.gov).

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
J. Ramos, CSLC  
S. Avila, CSLC  
J. Garrett, CSLC





March 23, 2017

Caring for Your Coast

**Gary Jones**  
Director**Kerry Silverstrom**  
Chief Deputy**John Kelly**  
Deputy Director**Brock Ladewig**  
Deputy Director

Mr. Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
Attn: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, CA 90017

Dear Mr. Demesa:

**MALIBU CREEK ECOSYSTEM RESTORATION FEASIBILITY STUDY**

The County of Los Angeles Department of Beaches and Harbors (DBH) has completed its review of the draft integrated feasibility report and environmental documents for the Malibu Creek Ecosystem Restoration Study. After considering the proposed alternatives and potential impacts, DBH has determined that the following comments and/or conditions be considered prior to approval of the study.

**Alternative 1 – No Project**

No impacts to DBH property. No comment.

**Alternative 2 (a1, b1, c1, d1) National Ecosystem Restoration Plan**

A Right of Entry Permit (ROE) shall be obtained from DBH before any work takes place along the County-owned Surfrider Beach shoreline. The ROE shall include specific project details, such as, but not limited to, annual project dates, daily hours of operation, existing condition, copies of all permitted plans, and proposed mitigation and/or repair of County property affected by the project.

Please provide anticipated beach closure areas and proposed methods to keep the public away from the work area during construction activities.

Any staging areas, construction staff parking, and/or other storage space needs on County property shall be resolved before the ROE permit is obtained.

Traffic impacts due to frequent daily truck trips from Malibu Canyon Road to the Malibu Pier parking lot must accommodate safe public access to the County's Surfrider Beach parking lot. This highly used parking lot will likely be subject to increased demand during construction due to closure of the Malibu Pier lot. The proposed traffic control plan for Pacific Coast Highway must be reviewed and approved by DBH to minimize impacts to our nearby beach facilities and to ensure the safety of those visiting Malibu Surfrider Beach.

1

2

## Malibu Creek Ecosystem Restoration Feasibility Study

March 22, 2017

Page 2

Traffic impacts due to frequent daily truck trips on Malibu Canyon Road must accommodate safe public access to the County beaches and accessways. This highly used road will experience significant traffic delays during construction over several years, thus impeding the public's ability to conveniently visit the coastline. The proposed traffic control plan for Malibu Canyon Road must be reviewed and approved by DBH to minimize impacts to our nearby beach facilities and to ensure the safety of those visiting the coast.

DBH must also review and approve plans for the offloading of sediment at the Malibu Pier lot, and the transport of sand from the parking lot over the rock revetment to be deposited on the shoreline.

3

Further investigation of potential flood risk and impacts to existing development and natural areas must be performed to account for the potential of sediment leaving the construction site and moving downstream of Rindge Dam. Fully mitigating this risk will be critical not only during the dry season when construction activities are taking place, but even more so during the wet season when construction activity has been demobilized leaving the project's erosion control devices to perform on their own. Mitigation must include emergency mobilization and response plans in the event that storms and the associated high creek flows compromise the site's ability to contain the event. Catastrophic life safety, economic and environmental consequences could result if proper planning and redundancies are not implemented.

4

It is highly recommended that the project include a slope stability assessment report to identify potential risks along Malibu Canyon Road. The proposed removal of significant levels of sediment, as well as Rindge Dam and spillway, may pose slope destabilization risks to abutting hillsides. Any potential destabilization of slopes may be further aggravated by higher vehicular traffic generated by the project. Access to public beaches in Malibu via Malibu Canyon Road is essential to ensure that road conditions remain safe and stable for inland residents and visitors.

5

### **Alternative 2 (a2, b2, c2, d2) Locally Preferred Plan (LPP)**

DBH prefers the LPP since it may result in lower impacts to public beach access in Malibu and lesser impacts to nearshore ecosystems.

Traffic impacts due to frequent daily truck trips on Malibu Canyon Road must accommodate safe public access to the County beaches and accessways. This highly used road will experience significant traffic delays during construction over several years, thus impeding the public's ability to conveniently visit the coastline. The proposed traffic control plan for Malibu Canyon Road must be reviewed and approved by DBH to minimize impacts to our nearby beach facilities and to ensure the safety of those visiting the coast.

Similar to the National Ecosystem Restoration Plan, DBH believes that further investigation of potential flood risk and impacts to existing development and natural areas must be performed to account for the potential of sediment leaving the construction site and moving



## Malibu Creek Ecosystem Restoration Feasibility Study

March 22, 2017

Page 3

downstream of Rindge Dam. Fully mitigating this risk will be critical not only during the dry season when construction activities are taking place, but even more so during the wet season when construction activity has been demobilized leaving the project's erosion control devices to perform on their own. Mitigation must include emergency mobilization and response plans in the event that storms and the associated high creek flows compromise the site's ability to contain the event. Catastrophic life safety, economic and environmental consequences could result if proper planning and redundancies are not implemented.

It is highly recommended that the project include a slope stability assessment report to identify potential risks along Malibu Canyon Road. The proposed removal of significant levels of sediment, as well as Rindge Dam and spillway, may pose slope destabilization risks to abutting hillsides. Any potential destabilization of slopes may be further aggravated by higher vehicular traffic generated by the project. Access to public beaches in Malibu via Malibu Canyon Road is essential to ensure that road conditions remain safe and stable for inland residents and visitors.

**Alternative 3 (a,b,c,d)**

See comments for Alternative 2 and 3, above. This alternative may result in lesser overall impacts due to the extended project duration and reduced scope of work each year.

**Alternative 4**

See comments for Alternative 2 and 3, above. This alternative may result in lesser overall impacts due to the extended project duration and reduced scope of work each year.

Please feel free to contact me at (310) 305-9532, or [JKelly@bh.lacounty.gov](mailto:JKelly@bh.lacounty.gov), or my staff, Ismael Lopez, at (310) 822-4639, [ILopez@bh.lacounty.gov](mailto:ILopez@bh.lacounty.gov), if you have any questions related to DBH review and comments provided.

Very truly yours,

GARY JONES, DIRECTOR



John Kelly, Deputy Director

GJ:JK:il



MARK PESTRELLA, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

March 30, 2017

IN REPLY PLEASE

REFER TO FILE:

**RM-3**

Mr. Eduardo T. Demesa, Chief  
United States Army Corps of Engineers  
Los Angeles District  
915 Wilshire Boulevard, Suite 930  
Los Angeles, CA 90017

Attention Mr. Jesse Ray

Dear Mr. Demesa:

### **MALIBU CREEK ECOSYSTEM RESTORATION FEASIBILITY STUDY**

Thank you for the opportunity to review the draft Integrated Feasibility Report and Environmental Impact Statement/Environmental Impact Report for the Malibu Creek Ecosystem Restoration Feasibility Study. Enclosed for your consideration are comments of the County of Los Angeles Department of Public Works.

If you have any questions regarding this matter or require additional information, please contact Mr. Greg Even, Principal Engineer, Road Maintenance Division at (310) 348-6448 or at [geven@dpw.lacounty.gov](mailto:geven@dpw.lacounty.gov).

Very truly yours,

MARK PESTRELLA  
Director of Public Works

PAT PROANO  
Deputy Director

GE:ldr  
P:\RMHOME\ADMIN\MD3\LETTERS\MCERFS

Enc.

**DRAFT INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL IMPACT  
STATEMENT/ENVIRONMENTAL IMPACT REPORT  
MALIBU CREEK ECOSYSTEM RESTORATION FEASIBILITY STUDY  
COMMENTS OF COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS**

Following are comments for your consideration from the County of Los Angeles Department of Public Works (LACDPW):

Transportation

The Draft Integrated Feasibility Report (DIFR) should include a more comprehensive traffic impact analysis with sufficient detail to fully evaluate potential impacts to roads under the jurisdiction of County of Los Angeles (County). Please submit the following for review and approval by LACDPW to minimize traffic impacts:

1

1. **Revise and submit the Traffic Impact Analysis** to address the following:
  - Level of service with project trips at the study intersections for the following scenarios:
    - Highest one-hour volume on weekdays.
    - Highest one-hour volume on weekends.
    - Highest one-hour volume on summer weekdays.
    - Highest one-hour volume on summer weekends.
  - An analysis of the following intersections shall include:
    - Las Virgenes Road at Lost Hills Road
    - Las Virgenes Road at Mulholland Highway
    - Las Virgenes Road at US 101 Freeway, Northbound Ramps
    - Las Virgenes Road at US 101 Freeway, Southbound Ramps
    - Lost Hills Road at US 101 Freeway, Northbound Ramps
    - Lost Hills Road at US 101 Freeway, Southbound Ramps
    - Malibu Canyon Road at Pacific Coast Highway
    - Malibu Canyon Road at Piuma Road
    - Malibu Canyon Road at Project Entrance
  - Queue analysis for freeway off-ramps.
  - County hauling hours in this area are from 9 a.m. to 3 p.m. on weekdays and 9 a.m. to 2 p.m. during school sessions. **Please note that the "Construction Traffic Trip Generation" analysis starting on Page 394 does not conform to the 9 a.m. start time.**



Draft Integrated Feasibility Report and  
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2. Submit a Site Access Plan for review and approval by LACDPW which depicts the following:

- The Project's specific access point along Malibu Canyon Road.
- Proposed truck queuing areas.

3. Submit a Traffic Management Plan (T-1) for review and approval by LACDPW which provides specific measures to address the following:

see  
response  
to 1

- Accommodate truck trips along the proposed haul routes and during the planned hours of operations.
- Address truck access to project site (refer to the County's Access Management Study guidelines – see attached copy) and the need for traffic control.
- Address slow-moving, project-related trucks along mountain roadways. Provide additional turnouts for haul trucks.
- Ensure trucks do not queue into the public right of way.
- Accommodate the travel needs of pedestrians and bicyclists along the proposed haul routes.
- Accommodate detoured traffic during the closure of the Crag's Road Culvert Crossing, Crater Camp Road Bridge, Malibu Meadow Road Bridge, and Piuma Road.
- Address congestion during peak hours from large number of workers arriving to and leaving the project site at the beginning and end of work shifts.
- Address impacts of installing a temporary traffic signal on Malibu Canyon Road at the intersection with the access ramp(s).
- Include restrictions to keep contractors from using road shoulders or existing stockpile areas for placement of any project materials.
- Provide schedules for regular street sweeping of hauling routes to maintain road cleanliness and provide dust and debris control.
- Obtain haul permits from the County prior to commencement of the project construction.

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- Obtain encroachment permits for any alterations within the road right of way.
  - Prepare mitigation plans for emergency events including rock falls, slope instability, traffic accidents, spilled loads, and any other event that would significantly impact traffic on County roadways that are affected by the project.
4. Submit a Road Repair Mitigation Plan (T-2) for review and approval by LACDPW which includes the following:
- Perform pre-construction, annual, and post-construction pavement assessments on County roads utilized for haul routes and submit the report to the LACDPW Geotechnical and Materials Engineering Division (GMED) for review and approval.
  - Complete all necessary repairs, resurfacing, and/or reconstruction as needed to maintain road pavements along haul routes within conditions acceptable to the County.
  - Provide mitigation for any damage to slopes, guardrails, signs, drainage facilities, striping, and other public roadway facilities.

☐

Geotechnical

1. The proposed project appears to have serious potential geotechnical impacts to private property. All proposed construction on private property or that impacts private property, must comply with Title 26 of the Los Angeles County Building Code. Adverse impacts to private property must be mitigated.
2. A geotechnical report that addresses and evaluates the site and the proposed development is required and must be submitted to GMED. The report must comply with the provisions of the County of Los Angeles Department of Public Works Manual for Preparation of Geotechnical Reports. The Manual is available at the following website:  
<http://dpw.lacounty.gov/gmed/permits/docs/manual.pdf>.
3. The geotechnical report shall include, at a minimum, the following items: geologic map; geologic cross sections depicting the existing and proposed conditions; slope stability analyses of adjacent natural slopes; scour analyses to address potential changes in creek flow characteristics and potential destabilization of canyon walls and reactivation of landslides; and stability of

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☐

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- the existing infrastructure along Malibu Canyon Road, including retaining walls, foundations, roadways, and utility lines.
4. Slope stability analyses must be performed for critical cross-sections in areas affected by the proposed project. These areas include, but are not limited to, grading of over-steepened slopes along Malibu Canyon Road for the proposed temporary access ramps; removal of the dam structure currently acting as a buttress for adjacent slopes; removal of sediment currently acting as a buttress for adjacent slopes; and placement of fill in areas subject to potential instability. ☐
  5. The geotechnical impacts affecting the County and the Los Angeles County Flood Control District (LACFCD) right-of-way must be evaluated and mitigation recommendations must be provided in the report. This includes, but is not limited to, reconstruction of two LACFCD culverts and two County road culverts/bridges in the project area.
  6. The proposed deconstruction of the dam and removal of sediment is anticipated to take place over a period of 5 to 8 years, with complete demobilization of the site being required before each storm season, leaving graded slopes and access roads vulnerable to hazards. All access roads and interim grading cannot be considered temporary when it comes to factors of safety, drainage, and erosion control. Access roads and interim grading will need to be designed for anticipated storm water flows and drawdown conditions in Malibu Creek. ☐
  7. All construction must comply with Title 12, Section 12.80 of the County Code "Stormwater and Runoff Pollution Control." ☐

### Water Resources

1. Coordinate with the City of Calabasas regarding LV3 and LV4. ☐

The City of Calabasas is proposing to modify two culverts along Las Virgenes Creek at Lost Hills Road and Meadow Creek Lane as part of the Las Virgenes Creek Restoration Phase 2 Project. These culverts are owned by the LACFCD and identified in the DIFR as upstream barriers "LV3" and "LV4". The LACFCD is currently reviewing the City's permit request. The LACFCD recommends that the Corps and City of Calabasas coordinate closely with each other to ensure that the City's project is consistent with and will meet the objectives of the Malibu Creek Ecosystem Restoration Project.

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2. Verify information regarding Trancas Canyon.

The document appears to overstate the influence of the "Trancas Canyon debris basins" on the total sediment delivery rate to the beaches. The document (Section 3.3.4) states that: Trancas Canyon "debris basins" and Caltrans' "catch basins" trap a total of 185,000 cubic yards of material, of which approximately 46,000 cubic yards is "beach quality" material. The County and LACFCD have no debris facilities in Trancas Canyon with capacities that approach these stated volumes. The LACFCD has a few small debris inlets that are located at the very bottom of the Trancas Canyon watershed and capture sediment from only a few side drainages that are a very small portion of the canyon's total watershed. The inlets combined capacity is minimal in relation to the magnitudes discussed in the document. The DIFR's listed references (Section 16) do not include any documentation from LACFCD which has jurisdiction over these inlets. It is recommended the project team contact LACDPW to obtain the design plans for these debris inlets and review the plans to revise the estimated impact of County or LACFCD facilities on the sediment delivery rate of Trancas Canyon.



3. Potential downstream flood risk and other impacts

Further investigation of potential flood risk and impacts to existing development and natural areas should be performed to account for the potential of sediment leaving the construction site and moving downstream of Rindge Dam. Fully mitigating this risk is critical not only during the dry season when construction activities are taking place, but even more so during the wet season when construction has been demobilized, leaving the project's erosion control devices to perform on their own. Mitigation should include emergency mobilization and response plans in the event that storm runoff compromises the site's ability to contain the event.



4. Miscellaneous Comments:

- Most of table numbers do not match the numbers stated in the text of the DIFR. Examples: Table 12.1-1 versus Table 12-1; Table 12.1-3 versus 12-3, etc.
- Table 13.4-1 is referenced twice, once on Page B-45 and again on Page B-46. Should the text on Page B-46 reference Table 14-1
- Plate 19.1-1 and Plate 19.1-2 are the same.



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- Add the column that shows the 100-year water surface elevation for the initial (present) condition on Table 19-1, Section 19.0, Flood Risk Comparison, Appendix B.
- Add the 100-year water surface profile for the initial (present) condition on plate 19.1-1, 19.1-2, 19.2-2 to evaluate and address the hydraulic impact to the interior drainage system, Project No. 9302 in Reach 2a.
- Page 41: There is a typographical error in Table 1.10-1, Barrier Description for LV4.
- Page 245: Remove the white rectangular block from photograph 4.4-9.

### Structural

1. The following comments pertain to County-owned upstream barriers:

- Piuma Road over Cold Creek, County BR No. 3216 (CC1 per the DIFR):
- The DIFR proposes the construction of a new bridge with a new foundation and channel invert. Please provide additional details and preliminary sketches of the proposed work. The new bridge must be designed and constructed per the latest American Association of State Highway and Transportation Officials Load Resistance Factor Design Code with the latest Caltrans amendments. The new bridge should be constructed with reinforced concrete with a concrete invert under the bridge.
- Cold Canyon Road over Cold Creek, County BR No. 3437 (CC5 per DIFR): The DIFR proposes that a concrete lining, including a low-flow channel be constructed over the existing corrugated pipe invert. Please provide additional details and preliminary sketches of the proposed work.
- Lost Hills over Las Virgenes Creek, County BR No. 3608 (LV3 per DIFR): The DIFR proposes a low-flow channel to be constructed over the existing reinforced concrete box invert. Please provide additional details and preliminary sketches of the proposed work.
- Meadow Lane over Las Virgenes Creek, County BR No. 3609 (LV4 per DIFR): The DIFR proposes a low flow channel to be constructed over the existing reinforced concrete box invert. Please provide additional details and preliminary sketches of the proposed work.

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2. The DIFR proposes a hauling operation that will transport excavated sediment materials in 20 cubic yard dump trucks, totaling to approximately 80 to 100 trucks per day (average one truck per 4 minutes within the operating hours of 9 a.m. to 3 p.m.) for several years. The following comments pertain to potential impacts to County-owned bridges within the proposed haul routes:

- Malibu Canyon Road Bridge over Malibu Creek (County BR No. 989) is located north of the Rindge Dam. This bridge has a truck load capacity of 23 tons. A 20 cubic yard dump truck including payload generally has a total weight over 30 tons, which exceeds the 23-ton truck load limit of the bridge. Continuously overloading the bridge with such a large load will likely damage the structure. The project shall use smaller trucks or include an analysis to strengthen the bridge.
- Las Virgenes Road Bridge over Stokes Canyon (County BR No. 3476) is also located north of the Rindge Dam, and it has a truck load capacity of 36 tons. Although, the proposed load is within the load limits of the bridge, continuously loading the bridge up to its upper load limit is not recommended. The project shall use smaller trucks or include an analysis to strengthen the bridge.
- Bridge decks that are utilized for the haul route must have pre-construction and post pavement assessments and must be restored or repaired as specified in the encroachment/haul route permits.

#### Project Funding

The DIFR discusses the costs of various components of the project; however, it does not specify which entity or entities will fund the project. Please clarify to the extent feasible the various sources of funding for the project.





# COUNTY OF LOS ANGELES

## FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY  
FIRE CHIEF  
FORESTER & FIRE WARDEN

March 1, 2017

Eduardo De Mesa, Chief Planning Division  
USACE and California Department of Parks and Recreation  
Planning Division  
915 Wilshire Boulevard  
Los Angeles, CA 90017

Dear Mr. De Mesa:

**DRAFT ENVIRONMENTAL IMPACT STATEMENT, DRAFT ENVIRONMENTAL IMPACT REPORT, "MALIBU CREEK ECOSYSTEM RESTORATION FEASIBILITY STUDY," CONSISTS OF RESTORATION OF MALIBU CREEK, THE PREDOMINANT PROJECT FEATURE IS REMOVAL OF RINDGE DAM, ALTERNATIVES ANALYZED INCLUDE VARIOUS METHODS FOR REMOVING IMPOUNDED SEDIMENT AND DIFFERENT PLACEMENT OPTIONS, ALSO INCLUDES THE REMOVAL OF OTHER AQUATIC BARRIERS ON TWO TRIBUTARIES, MALIBU CANYON ROAD AND PIUMA ROAD, MALIBU, FFER 201700019**

The Draft Environmental Impact Statement, Draft Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department.

The following are their comments:

### **PLANNING DIVISION:**

We have no comments.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS  
ARTESIA  
AZUSA  
BALDWIN PARK  
BELL  
BELL GARDENS  
BELLFLOWER

BRADBURY  
CALABASAS  
CARSON  
CERRITOS  
CLAREMONT  
COMMERCE  
COVINA

CUDAHY  
DIAMOND BAR  
DUARTE  
EL MONTE  
GARDENA  
GLENORA  
HAWAIIAN GARDENS

HAWTHORNE  
HIDDEN HILLS  
HUNTINGTON PARK  
INDUSTRY  
INGLEWOOD  
IRWINDALE  
LA CANADA-FLINTRIDGE

LA HABRA  
LA MIRADA  
LA PUENTE  
LAKEWOOD  
LANCASTER  
LAWDALE  
LOMITA

LYNWOOD  
MALIBU  
MAYWOOD  
NORWALK  
PALMDALE  
PALOS VERDES ESTATES  
PARAMOUNT

PICO RIVERA  
POMONA  
RANCHO PALOS VERDES  
ROLLING HILLS  
ROLLING HILLS ESTATES  
ROSEMEAD  
SAN DIMAS  
SANTA CLARITA

SIGNAL HILL  
SOUTH EL MONTE  
SOUTH GATE  
TEMPLE CITY  
WALNUT  
WEST HOLLYWOOD  
WESTLAKE VILLAGE  
WHITTIER

Eduardo De Mesa, Chief Planning Division  
March 1, 2017  
Page 2

**LAND DEVELOPMENT UNIT:**

This project does not propose construction of structures or any other improvements at this time. Therefore, until actual construction is proposed the project will not have a significant impact to the Fire Department's Land Development Unit. The County of Los Angeles Fire Department's Land Development Unit appreciates the opportunity to comment on this project.

**FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:**

The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed.

1

**HEALTH HAZARDOUS MATERIALS DIVISION:**

The Health Hazardous Materials Division of the Los Angeles County Fire Department has no comments or requirements for the project at this time.

If you have any additional questions, please contact this office at (323) 890-4330.

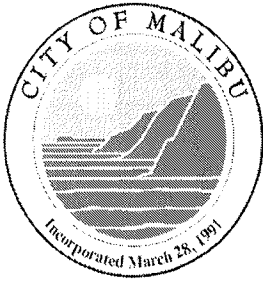
Very truly yours,



FRANK VIDALES, CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

FV:ac





# City of Malibu

23825 Stuart Ranch Road ♦ Malibu, California ♦ 90265-4861  
Phone (310) 456-2489 ♦ Fax (310) 317-0950 ♦ [www.malibucity.org](http://www.malibucity.org)

March 27, 2017

Mr. Eduardo T. De Mesa  
Chief, Planning Division  
US Army Corps of Engineers  
Los Angeles District  
915 Wilshire Boulevard, Suite 930  
Attn: Mr. Jesse Ray (CESPL-PDR-L)  
Los Angeles, CA 90017-3401

**SUBJECT: DRAFT INTEGRATED FEASIBILITY REPORT FOR THE MALIBU CREEK ECOSYSTEM  
RESTORATION STUDY  
REVIEW COMMENTS**

Dear Mr. De Mesa,

Thank you for providing the City of Malibu the opportunity to submit comments regarding the Draft Integrated Feasibility Report for the Malibu Creek Ecosystem Restoration Study (Draft IFR). The City's comments are enclosed.

In general, the City's comments focus on flood risk, traffic congestion, roadway damage, and water quality impacts. The City is particularly concerned with the project's potential to increase the risk of flooding in the lower reaches of the Malibu Creek. Specifically, how the removal of the Rindge Dam and the release of additional silt and sediments will increase the flow rates of the stream, raise the streambed elevation, and eventually change the existing FEMA Base Flood Elevations. A change to the existing Base Flood Elevation may result in widespread flooding in the Serra Retreat, Malibu Lagoon, and Civic Center areas of Malibu. Such flooding would cause an untold amount of flood related damage which would be devastating to the residents, property owners and business owners who currently live and work in the lower reaches of Malibu Creek.

The traffic related impacts of the proposed project are also significant. Given the amount of truck traffic proposed, traffic congestion and damage to various roadways are a great concern to the City, its residents, and the 15 million visitors who travel to Malibu annually. Egress and ingress into Malibu is limited and must be protected.

Malibu is committed to environmental stewardship and the City continues to implement projects and programs to promote water quality. The City is concerned that releasing thousands of tons of sediment debris into Malibu Creek has the potential to negatively impact water quality in Malibu




Creek, Malibu Lagoon and the Santa Monica Bay. The Los Angeles Regional Water Quality Control Board (LARWCB) should have the opportunity to review and provide comments on the project's potential to impact water quality. Ultimately, LARWCB approval should be required as part of the project initiation phase.

Please refer to the enclosure for more detailed comments on the Draft IFR.

In closing, the City appreciates the opportunity to comment on the Draft IFR before it is finalized and looks forward to receiving your responses to the City's concerns.

If you have any questions or require further clarification, please contact me at (310) 456-2489 ext. 247 or [bbrager@malibucity.org](mailto:bbrager@malibucity.org).

Sincerely,



Robert L. Brager, PE, JD  
Public Works Director/City Engineer/Floodplain Administrator

Enclosure

cc: Mayor La Monte and Honorable Members of the Malibu City Council  
Reva Feldman, City Manager  
Craig George, Environmental Sustainability Director  
Bonnie Blue, Planning Director  
Rob Duboux, Assistant Public Works Director

## City of Malibu

3-27-17

### Malibu Creek Ecosystem Restoration Feasibility Study Draft IFR Review Comments

1. Page 1 line 37: The LPP is called the Locally Preferred Plan. However, what local person, group or entity is being represented? 1
2. Page ES-2 line 27: An additional impact that should be listed for this study should include the negative impact of downstream flooding with any alternative. 2
3. Page ES-2 line 40: This sentence states the Rindge Dam lowered the base flow velocities. With that said, what mitigation measures will take place to prevent resultant higher flow velocities from damaging downstream improvements like the Cross Creek Bridge and existing residential/commercial property embankment protection after the dam is removed? 3
4. Page ES-5 line 1: How is downstream flood risk eliminated or mitigated? 4
5. Page ES-9 Table 1.5-2 indicates Significant Impacts to Traffic. How will this be eliminated or mitigated? 5
6. Pages ES-9 & 10 Table 1.5-2 indicates Significant Impacts to Air Quality. How will this be eliminated or mitigated? 6
7. Pages ES-9 & 10 Table 1.5-2 indicates Significant Impacts to Water Quality. How will this be eliminated or mitigated? 7
8. Pages ES-9 & 10 Table 1.5-2 indicates Significant Impacts to Noise. How will this be eliminated or mitigated? 8
9. Pages ES-9 & 10 Table 1.5-2 indicates Significant Impacts to Serra Floodwall. How will this be eliminated or mitigated? 9
10. Page ES-9, Table 1.5-2: This table shows that alternative 2b2 would result in adding 30 to 80 truck trips per day and alternative 2d1 would result in adding 25 to 115 truck trips per day. Why is there such a large range in the number of truck trips per day for each alternative and what number was determined to be used in the traffic analysis? How was this determination made? 10
11. Page ES-11, 12 and 13 Table 1.5-3 indicates increased flood risk downstream of the Rindge Dam. How will this be eliminated or mitigated? 11
12. Page ES-11, 12 and 13 Table 1.5-3 indicates an increase in truck traffic in the community. PCH already has approximately 45 thousand vehicles per day in this area and an increase in truck traffic will exacerbate the already congested roadway. How will this be eliminated or mitigated? 12
13. Page ES-11, 12 and 13 Table 1.5-3 indicates impacts to beach access. The City of Malibu enjoys approximately 15 million visitors a year. How will the Coastal Commission and the Malibu community be assured that coastal access by residents and visitors be 13

maintained for the duration of this project and during placement of the sands on the beach? How will this be eliminated or mitigated?

14. Page ES-11, 12 and 13 Table 1.5-3 indicates a significant increase in truck traffic in the Calabasas, Hwy 101, and Ventura Harbor areas. This increased truck traffic will lower the level of service for these areas. How will this be eliminated or mitigated? 14
15. Page ES-14 line 13: What entity is being represented by the locally preferred plan (LPP)? 15
16. Page ES-14 line 20: Where exactly is the upland storage site (Site F)? Who owns this property? 16
17. Page ES-14 line 22: Does the Calabasas Landfill have the capacity to accept the nearly two-thirds of the remaining impounded sediments for disposal? 17
18. Page ES-14 line 18: Why doesn't this alternative include removal of the spillway? 18
19. Page ES-14 line 23: During the time sand is being transported to the pier parking lot, and modifications to the upstream barriers are being conducted simultaneously, Malibu Canyon Road is being occupied by additional construction truck traffic. How can this roadway sustain this excessive truck traffic and still maintain an ongoing level of service to support the existing daily traffic traveling to and from Freeway 101 and PCH? How will this severe negative impact to traffic and traffic congestion be eliminated or mitigated? 19
20. Page ES-15 line 3: This line indicates trucks will be delivering sand from Site F to the pier parking lot. With approximately 16 trucks per hour delivering sand and 16 truck per hour leaving the site simultaneously, this equates to about one truck every four minutes entering and leaving the pier parking lot. As a result, this will heavily impact the traffic on PCH. How will this severe negative impact to traffic and traffic congestion be eliminated or mitigated? 20
21. Page ES-15 line 4: This line states that the delivered sand will be placed and stockpiled in front of the pier parking lot. During windy days, how will this sand be controlled so that it does not blow onto adjacent properties, businesses, and/or the highway? 21
22. Page ES-17 line 8: This line states the USACE has selected the NER plan as their tentatively selected plan. For this plan, extremely excessive truck traffic will destroy the existing pavements on Malibu Canyon Road, Lost Hills Road, and PCH in one season of work. Based on the heavy loads and frequency of use, it is expected that these roadways will experience severe degradation and require repaving the entire pavement sections (not just the road surface) after each season of work. How will this work be included in the yearly work plan? And was the cost of this work considered in the overall project cost? 22
23. Page 21 line 41: This sentence states the dam removal will pose a substantial risk in flooding from the downstream movement of sediments. How will this impact be eliminated or mitigated? How will the floodplain elevation downstream not be impacted? 23
24. Page 21 lined 45: This sentence states that the dam restricts the flow of sediments downstream, and without the dam, its sediments will freely flow down the creek to the 24

shoreline. Since the beach berm currently restricts flow to the ocean, it would appear that new sediments will settle into the recently dredged Malibu Lagoon and eventually raise the water levels in that area resulting in potential, but realistic, flooding in the Lagoon, Colony, Adamson house, Civic Center businesses, and Serra Retreat areas of Malibu. How will this project prevent the realization of downstream flooding?

25. Page 21 lines 47: This sentence states that the Rindge Dam sediments will nourish the shoreline and create a win-win ecological and economic nexus that **may achieve** multiple public benefits. Since this project is said to cost upwards of about a quarter billion dollars, shouldn't the State Parks and Army Corp be a little more convinced before speculatively spending the public's money on a project that just **"may achieve"** public benefits? Before spending upwards of a quarter billion dollars of the public's money, what previously constructed projects are examples that will ensure this type of project will work?

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26. Page 21 line 48: This sentence states that this project will create a unique "win-win" situation. However, in the same sentence it also states this "win-win" benefit is speculative. In that respect, how can a project be prematurely deemed a "win-win" project when there is no evidence that the project goals can or will be achieved and that there is certainty that the project will cause flooding and damage to the Malibu community (such as Serra Retreat, Malibu Civic Center area residents and businesses, Malibu Colony, Malibu Lagoon, Surfrider Beach, Adamson House, etc.) that lie downstream of the dam. How will this severe negative impact to the downstream community of Malibu be eliminated or mitigated?

26

27. Page 21 lines 45-46, Page 52 lines 20-23, and Page 53 lines 9-11: There are discussions of silt and sediment being deposited along the creek to the ocean. How has this negative effect on the Manning "n" coefficient been mitigated? How has the negative impact on the increase in velocity and flow been mitigated?

27

28. Page 27 line 39: This sentence discusses the Malibu Legacy Park Project. However, this document does not mention, discuss, and/or address issues that may be directly related to the City's Civic Center Wastewater Treatment Facility project. This city project has been under design since 2006 and is currently under construction. How will issues that negatively impact this critically important and costly City project be eliminated or mitigated? This area needs additional study and research.

28

29. Page 30 line 7: This sentence identifies Malibu Canyon Road as one of **the only major traffic arteries** through the Santa Monica Mountains that connects the coastal PCH and the valley Hwy 101 routes. Affirming that Malibu Canyon Road is an important and significant thoroughfare connecting two major highways in southern California, how will traffic related issues negatively impacted by this project be eliminated or mitigated?

29

30. Page 37 line 33: This sentence states that materials that are sufficiently contaminant free will be used for beach nourishment. However, since this material has not been unearthed for more than 90 years, and there has only been minimal test samples taken of the sediments behind the dam. What assurances are there that these materials will

30

not negatively affect the current Malibu Creek TMDLs? or in general, the current overall Malibu Creek water quality?

31. Page 42 line 32: This sentence identifies giant kelp beds located in the shoreline and nearshore vicinities of the Malibu Creek outlet as Habitat Areas of Particular Concern (HAPC) for Fisheries Management Plan Species. How will this important and protected habitat area be protected from the negative effects of this projects? How will these negative affects be eliminated or mitigated? 31
32. Page 44 line 16: This sentence states that the shoreline is expected to remain fairly stable in the future without project condition and that the climate change and sea level rise is not expected to significantly alter the lagoon or the shoreline boundary. This statement is in contradiction to the Open Pacific Coast Study/California Coastal Analysis and Mapping Study currently being performed by FEMA. Has this FEMA Study of sea level and flood elevation rise been considered? Please comment. 32
33. Page 46 line 5: Increased flood risk is very important to the Malibu community. How will this project eliminate or mitigate the increased stated and confirmed flood risk if this project moves forward? 33
34. Page 50 line 11: This sentence states that the existence of the Rindge Dam does not provide attenuation of water flows relative to flooding. Since its construction, the Rindge Dam not only provided a water supply source for the Rindge family and others, it also acted as an energy dissipater reducing the damaging effects of the creek water as it flows down to the lower reaches of Malibu Creek. This is especially helpful during high rainfall events. Although energy dissipation may not have been a major concern at the time the dam was built, it is critically important today as it serves as a flood control and creek embankment protection structure to the Malibu community downstream of the dam. If this important flood control structure is removed, how will the flood risk downstream of the dam be eliminated or mitigated? 34
35. Page 50 line 20: This sentence raises concerns relating to bank erosion and failure as a result of the removal of the dam. How will this negative impact be eliminated or mitigated? 35
36. Page 52 line 14: With other dams (such as the Century Dam) and barriers removed from the creek and its upstream tributaries, during high rainfall events, the overall stream velocity of the creek will increase significantly and result in increased creek erosion and sedimentation buildup downstream causing increased flood risks. How will these negative impacts be eliminated or mitigated. 36
37. Page 55 line 11: This sentence discusses avoiding the potential of adverse flood-induced impacts and flood risk for the lower reaches of Malibu Creek within the Serra Retreat residential community and businesses in the City of Malibu. How will this project eliminate or mitigate these serious negative impacts. 37
38. On page 59, lines 8-10: This sentence states creek bed elevations are to rise over time. How has this negative impact of raising the flow surface that can cause flooding along the entire creek and adjacent properties been mitigated? 38

39. Page 64 line 35: This sentence states that only eight boring sites were chosen for soils testing. Eight boring samples do not appear to be a reasonable representation for soil sampling and testing knowing that it will represent more than three quarters of a million cubic yards of sediment behind the dam. Why hasn't a more representative sample of the impounded sediments been tested? Also, how will the transport of pollutants and unsuitable materials flowing down with the silt and sediments be mitigated to prevent them from eventually settling in and contaminating the Malibu Lagoon and ocean waters?
40. Page 68 line 10: This paragraph discusses the area's vulnerability for landslides and that the dam is in a landslide risk zone and that increased rainfall can result in reactivation of the existing landslides in the area. As a result, the dam resultantly stabilizes the area. If the dam were to be removed, how will this project eliminate or mitigate the increased risk of landslides in the area?
41. Page 69 line3: This paragraph discusses the landslide and liquefaction zones in the Malibu Creek Watershed and indicates it is a threat in the project area. Since it states that liquefaction can cause permanent ground displacement in the project areas, how will this project eliminate or mitigate the increased risk of liquefaction?
42. Page 70 line 29: This sentence states that water flowing upstream and downstream of the Rindge Dam flows through its canyons at high velocities and then reduce velocity in lower reaches below the dam where it has a high potential of sediment deposition. With all the creek barriers (including the Rindge Dam) removed from the creek system, how will this project eliminate or mitigate the negative impacts caused by the increased risk of creek bank erosion, streambed deposition, and the resulting flooding that will likely occur in the lower reaches of the creek and cause damage to the Cross Creek Bridge, Serra Retreat residential properties, Malibu Civic Center area and business properties, Malibu Lagoon, Malibu Creek Bridge, Malibu Colony, and the areas around the Adamson House property?
43. Page 76 line 1: This paragraph discusses the recent costly improvements to the Malibu Lagoon and its importance to the area. If sediments are released back into the Cross Creek area, what impacts to the Malibu Lagoon Habitat Enhancement Project will occur? It would seem that if channeling of the lagoon was needed previously to aid in tidal circulation, further channeling and/or lagoon redesign would be required upon sediment release to control, among other things, streambed meandering. Also, several homes along the eastern edge of the Malibu Colony may face potential flooding issues as well. How will this project eliminate or mitigate these negative impacts?
44. Page 79 line 29: There is discussion of the rise in the sea level. How has this effect on silt deposits been incorporated?
45. General Comment: With regards to the existing FEMA Flood plain elevations, after the release of sediments down the creek, how will the established FEMA Flood Elevations be affected by the silt and sediment deposits along the entire creek and adjacent properties? How will this project eliminate or mitigate this negative impact?

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46. General Comment: In regards to Cross Creek Bridge and Malibu Creek Bridge, how will the increase in streambed sediments and velocities affect bridge pier and abutment scouring and the capacity of water to sufficiently flow beneath the bridges during excessively high stream flow rain events and burn and bulk flows?
47. Page 403, Lines 14 and 15: The text states that LOS would remain the same even with potential increase in traffic but does not conclude that there would be a significant impact as identified in Table 5.9-11. The text should be revised to reflect the significant impact. In addition, appropriate mitigation measures should be identified to mitigate this significant impact on Malibu Canyon Road. What are they?
48. Page 403, Table 5.9-11: The table as well as the analysis does not include intersection analysis. Only the roadway segment analysis is included. While it is true that Alternative 2d1 does not result in addition of traffic to Malibu Canyon Road and PCH within the City of Malibu limits, alternative 2b2 (locally preferred alternative) does add truck traffic to City of Malibu intersections namely PCH/Malibu Canyon, PCH/Webb Way, and PCH/Cross Creek. These intersections are currently operating at LOS E/F and any small addition of truck traffic could potentially have a significant impact. The analysis should include intersection LOS calculations in addition to roadway segment analysis. Please provide.
49. Appendix N (traffic analysis), section "Most Recent Traffic Counts" - The date of the traffic counts used in the analysis shows that counts were taken in March 2013. There has been significant increase in traffic levels over the last 3 years. It is recommended that new traffic counts be collected for the analysis to reflect current traffic conditions.
50. General Comment: It is unclear on how trucks would access the dam area from Malibu Canyon Road. An existing maintenance pathway to the dam may not be suitable to permanently use for extensive use of haul trucks and may result in ingress and egress conflicts with existing normal traffic. Safety concerns and appropriate mitigation should be included in the analysis. Please provide.
51. Page 150 lines 15-17, Page 150 lines 29-30, and Page 168, lines 7-8: These statements mention transport of the export materials on the roadways. Malibu Canyon Road is a major commuter route known as the "Z" traffic that takes commuters to and from Highway 101 to Pacific Coast Highway. Lost Hills Road interchange is used for this "Z" traffic.
- How will the negative impact of utilizing Malibu Canyon Road for eight (8) continuous years for construction traffic be mitigated?
  - How will the negative impact of utilizing large dump trucks on Malibu Canyon Road, and other roadways, as haul routes that will overload and destroy the roadway pavement structure be eliminated and/or mitigated?
  - How will the negative impact of loose materials dropping from loaded dump trucks onto the pavements as a result of 8 years of hauling sediment debris on the roadways be mitigated?

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- How will the negative impacts of dust and debris entering the atmosphere during the eight years of transporting sediments be eliminated and/or mitigated?
  - How will the increase of truck traffic noise be mitigated?
  - How has the increase in traffic using Lost Hills interchange for eight (8) years of construction been studied and/or mitigated?
  - How has the increase in traffic on Pacific Coast Highway, especially at the Cross Creek Road signal, to the Malibu Pier parking lot, for eight (8) years of construction been studied and/or mitigated?
52. General Comment: Statements in the report such as sediments flowing into Surfrider beach may have dispersed naturally had Rindge dam not been constructed. However, will the expected release of sediments result in changes to tidal patterns and/or marine habitat?
53. General Comment: The Serra Retreat area has two accesses for ingress and egress during emergency situations. With the increased risk in downstream flooding as a result of increased sediment deposition, there is a high probability that the Cross Creek Road Bridge will be not be operable or damaged by the high water debris. As a result, emergency vehicle access serving the Serra Retreat residents of Malibu will be severely affected. How will the negative impacts of this project be eliminated or mitigated.
54. Page F-10 line 17: This paragraph states that the existing "Sheriff's Overlook" on Malibu Canyon Road will be utilized as a staging area for construction teams. With the planed 16 dump trucks per hour using Malibu Canyon Road, how will the negative impacts of additional traffic on Malibu Canyon Road be eliminated or mitigated? Also, were construction personnel traffic included when calculating the overall traffic LOS?
55. F-14 line 7: This paragraph discusses the methods roadways will be repaired after being subjected to heavy construction traffic. This paragraph implies that "spot patching" will probably be the nature of the road repairs. However, when roadways are subjected to 16 truck trips per hour for eight hours a day for six days a week for a season period between April and October, the entire pavement sections will be destroyed after the first season. As such full-depth pavement repair, not "spot patching," would be the applicable repair method. How will the negative impacts caused by this project on the local roadways be eliminated or mitigated? Since this work is very expensive, has full-depth pavement repair costs been included in the overall cost of the project?
56. Page H-26 line 46: This paragraph states that during beach nourishment activities portions of the beach and Malibu Pier parking lot would be closed to the public. What are the negative financial impacts to the surrounding businesses as a result of these closures? How will these negative impacts be eliminated or mitigated?
57. Page H-11 line 39: This paragraph states that modeling results show an average of 4 feet of sediment deposition in some downstream areas including Malibu Lagoon, Malibu Creek, Serra Retreat, and City of Malibu areas. It also states the potential risk of flooding would increase in residential communities and commercial areas along Malibu Creek. Knowing this project will result in flooding in the Malibu communities downstream of the dam, how will

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the negative impacts of this project, such as flooding and changing the flood plain elevation, be eliminated or mitigated?

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|---|----|
| 58. Page H-12 line 13: This paragraph describes installing floodwalls along Malibu Creek for selective alternatives and how installing these floodwalls will further impact habitats in the creek. This appears to be in conflict with the supposed intent of the project which is to restore and improve the Malibu Creek habitat. How will the negative impacts of this project, such as existing habitat destruction, be eliminated or mitigated?    | 58 |
| 59. Page H-18 line 47: This sentence states that there will be impacts to water quality. Since the City's Civic Center Wastewater Treatment Facility Project requires ocean water monitor testing which will negatively affect the water quality testing results. How will the negative impacts caused by this project as it relates to the City's ocean water monitoring program be eliminated or mitigated?   | 59 |
| 60. Page H-20 line 7: This paragraph describes that there will be impacts to the river stage and normal water levels for the 7 to 8 year duration of this project within the Malibu Creek. As such, how will the negative impacts of this project as it relates to downstream flooding and flood plain elevation rise be eliminated or mitigated.   | 60 |
| 61. Page H-21 line 44: This paragraph states that placement of sediments on the beach or nearshore locations will adversely change the turbidity of the water. How will the negative impacts caused by this project as it relates to the City's ocean water monitoring program be eliminated or mitigated?  | 61 |
| 62. General Comment: Decades of substances from point sources and non-point sources that could be toxic and pollutants have been accumulating in the sediments behind the dam. Will sediments be tested for toxics and pollutants and then cleaned of these substances before being removed, stockpiled where they cannot be blown around, transported and placed offshore? What measures will be put in place to ensure the safety of these sediments? | 62 |
| 63. General Comment: The proposed project will have an impact to water quality in the Malibu Creek Watershed, Malibu Creek and ocean. The proposed project must obtain approval and project oversight from the Los Angeles Regional Water Quality Control Board.  | 63 |
| 64. General Comment: The proposed project must obtain approval from the City and FEMA in regards to development within FEMA Flood Zone.   | 64 |
| 65. General Comment: Since this project consists of development within the City of Malibu, the applicant must obtain a Coastal Development Permit from the City of Malibu.  | 65 |

1 I ask is if you do proceed and remove the dam, do you  
2 accept the liability for any of the consequences that  
3 occur downstream, either foreseen or unforeseen?

4 I thank you for the opportunity to ask these  
5 questions.

6 Thank you.

7 COL KIRK GIBBS: Thank you, Jim.

8 SUSIE MING: Thank you. Next up, Bob Brager, and  
9 after that, Katherine Pease.

10 BOB BRAGER: Good evening. My name is  
11 Bob Brager, I'm the public works director and the city  
12 engineer for the City of Malibu, and also, I am the  
13 City's flood plain manager. And Jim, that was a good  
14 presentation. I appreciate that. It seems like I've  
15 been to these meetings for years, which I believe I  
16 have, and Suzanne and Craig and Susie and Jamie, I  
17 appreciate all your hard work. However, I do have some  
18 concerns with the project. And basically, my concerns  
19 are with the effect of the project. You know, what does  
20 the project -- what is it going to do after it's -- or  
21 during construction and after construction? And one of  
22 my issues or concerns is -- actually, the number one is  
23 flooding. You know, in your report, it did indicate  
24 that there is going to be flooding. I appreciate you  
25 mentioning that because that's a real effect that it

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1 will have over our community, is flooding. And flooding  
2 for, just as this gentleman said, that Cross Creek  
3 Bridge. It's an important bridge that connects, you  
4 know, their neighborhood there to the rest of the  
5 community. It's important that that does not get  
6 damaged. It's important that that whole area doesn't  
7 get flooded out. You have residents there; you have  
8 also businesses there in that whole area. And that's my  
9 number one concern.

10 My other concerns are, is what's coming down --  
11 once the dam is removed, what's coming down; all the  
12 sediment that's coming down there? You know, that  
13 sediment has been there behind the dam for 90-some  
14 years. What's in it? Who knows what effect it's going  
15 to have as it goes down the creek and finally ends up in  
16 not only the beaches, but also in the creek.

17 Another thing is during construction, you  
18 mentioned that there was 16 -- you know, in the  
19 neighborhood of about 16 trucks an hour. That is a lot  
20 of truck traffic. Now, is that just one way, or is it  
21 both? I'm assuming it would be both ways. So,  
22 basically, you would have down Malibu Road two trucks,  
23 or any other roadway that you're taking, 32 trucks an  
24 hour. That's a lot of trucks. And you know down  
25 Malibu Road, our canyon road here, you have one little

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1 accident or you even just have a slow truck, it really,  
2 really impacts the traffic going to and from, from  
3 Malibu. So, that's a problem. And we, you know, also  
4 have narrow roads. And so, it's the trucks and the  
5 impact that it's going to have on the traffic. And  
6 then, also, that many trucks per hour is going to cause  
7 a lot of damage to the roadways. Have you addressed  
8 that? Who's going to pay for those roads that are going  
9 to be damaged during that process?

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10 So, those are the things I'm really, really  
11 concerned about. And I really appreciate -- and I am  
12 going to make some comments, written comments and  
13 supplemental comments.

14 So, again, for the record, flooding is the  
15 biggest thing I'm concerned with. And I hope -- you  
16 know, you guys are very smart scientists and engineers  
17 and planners, you know, I'm sure you could come up with  
18 a solution to try to minimize or hopefully eliminate  
19 that.

20 So, that's our concern. So, thank you very much.  
21 I appreciate it.

22 COL KIRK GIBBS: Thank you, Bob.

23 SUSIE MING: Thank you. Next up, Katherine  
24 Pease, and after that, Paul Grisanti.

25 KATHERINE PEASE: Good evening. My name is



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

SENT VIA USPS AND E-MAIL:

March 24, 2017

[malibu.creek@usace.army.mil](mailto:malibu.creek@usace.army.mil)

Mr. Eduardo T. De Mesa, Chief, Planning Division

Attn: Mr. Jesse Ray (CESPL-PDR-L)

U.S. Army Corps of Engineers – Los Angeles District

915 Wilshire Boulevard, Suite 930

Los Angeles, CA 90017

## **Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report (IFR) with Environmental Impact Statement/Environmental Impact Report (EIS/EIR)**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIS/EIR.

### Project Description

The Lead Agency proposes to establish a more natural sediment transport regime from the watershed to the Southern California shoreline in the vicinity of Malibu Creek. Restoration alternatives include the No Action (Alternative 1) and three action alternatives, each with variations, as follows:

1. Alternative 2 with eight (8) variations: Removal of the Rindge Dam concrete arch and impounded sediment removal using traditional mining methods, and consideration of various shoreline and upland placement options for the impounded sediment
2. Alternative 3 with four (4) variations: Removal of the Rindge Dam concrete arch and impounded sediment over many decades, allowing for storms to erode controlled volumes of the impounded sediment before implementing the next incremental notching of the dam arch, repeating the cycle until the dam arch and sediment is removed
3. Alternative 4 with eight (8) variations: Similar to Alternative 2, except the Rindge Dam concrete arch would be lowered an additional 5-feet each winter storm season during the 7-8 year construction cycle to allow opportunities for a controlled volume of the impounded sediment to erode downstream during the storm seasons between mining season operations

As shown in Table 1.5-3 of the Draft EIS/EIR, Alternative 2b2 is one of the eight variations of Alternative 2. Alternative 2b2 includes the method of transport and placement of the mostly sands, using trucks and barges for nearshore placement, and adding the removal of the Rindge Dam spillway. Alternative 2b2 is identified as the likely Locally Preferred Plan (LPP) in the Draft EIS/EIR.

All alternatives involving the mechanical removal of sediment (excavation and hauling) exceed the SCAQMD's air quality NO<sub>x</sub> CEQA thresholds and were determined to be significant and unavoidable. No mitigation measures are proposed in the Draft EIS/EIR.

### Air Quality Analysis

The SCAQMD staff has concerns about the air quality analysis. The SCAQMD staff found that there were inconsistencies between project air emissions shown in Section 5.12 and Appendix L, *Air Quality*

*Analysis.* Additionally, the SCAQMD staff found that the air quality analysis was difficult to follow and understand. The goal of an EIR is to inform other governmental agencies and the public generally of the environmental impacts of a proposed project (CEQA Guidelines Section 15003(c)). As the EIR is an informational document, it should follow a clear format as set forth in CEQA Guidelines Sections 15006(r), 15120, and 15121. The Final EIS/EIR should correct the inconsistencies and provide the information to facilitate public disclosure. Details are included in the attachment.

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final EIS/EIR. SCAQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Jack Cheng, Air Quality Specialist, CEQA Section, at (909) 396-2448, if you have any questions regarding the enclosed comments.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

JW:LS:JC

LAC170127-05

Control Number

## ATTACHMENT

Air Quality Analysis

1. The Locally Preferred Plan (LPP) – Alternative 2b2 proposes to transport 276,000 cubic yards of sediment via truck to Ventura Harbor and barging to the Malibu Pier parking lot coast. However, Appendix L, *Air Quality Analysis*, does not include emissions from barging. In the event Alternative 2b2 is selected as the proposed project, the Draft EIS/EIR has likely underestimated the project's air quality impacts. The SCAQMD staff recommends calculating barge emissions and including them in the Final EIS/EIR. 1
  
2. As stated on page 428 in Section 5.12, *Air Quality and Global Climate Change*, it states that construction is anticipated to begin in 2025. However, Appendix L, *Air Quality Analysis*, analyzes construction scenarios starting in 2016. The SCAQMD staff recommends that the Lead Agency clarify the construction scenario and update the air quality analysis based on one construction scenario consistent throughout the Final EIS/EIR and technical appendices. 2
  
3. The Lead Agency used EMFAC2011 and OFFROAD2007 to generate emission factors. Available since December 30, 2014, EMFAC2014<sup>1</sup> is the most recent available version that has superseded EMFAC2011. OFFROAD2007 has now been replaced with the In-Use Off-Road Equipment 2011 Inventory Model<sup>2</sup> since December 2011<sup>3</sup>. While the Lead Agency may choose to use EMFAC2011 and OFFROAD2007, given that both were available at the time when the Notice of Preparation for the proposed project was published in or around 2002, the SCAQMD staff recommends that the Lead Agency revise the air quality analysis and use EMFAC2014 and Off-Road Equipment 2011 Inventory Model in the Final EIS/EIR. 3
  
4. Based on a review of Section 5.12, *Air Quality and Global Climate Change*, and the supporting Appendix L, *Air Quality Analysis*, the SCAQMD staff found that there were inconsistencies in the project emissions. For example, emissions shown in Table 5.12-4 – Alternative 2 Maximum Daily Emissions (pounds per day), on page 437, do not match the emission calculations for Alternative 2 and its variations as shown in Appendix L (See Tables 1 and 2). The emissions in the Draft EIS/EIR are less than those in Appendix L. Therefore, the SCAQMD staff finds that the Draft EIS/EIR has likely under-estimated the air impacts. It is recommended that the Lead Agency address these inconsistencies in the Final EIS/EIR and update the air quality emissions estimates and tables. 4

<sup>1</sup> EMFAC2014. Available at: <https://www.arb.ca.gov/emfac/2014/>.

<sup>2</sup> Mobile Source Emissions Inventory – Categories. Available at: <https://www.arb.ca.gov/msei/categories.htm>.

<sup>3</sup> In-Use Off-Road Diesel Vehicle Regulation. Available at: <https://www.arb.ca.gov/msprog/ordiesel/whatsnew/2011.htm>.



Table 1

Copy of Table 5.12-4 Showing Inconsistencies in Air Emission Estimates and Tables  
Table 5.12-4 - Alternative 2 Maximum Daily Emissions (pounds per day)

Pollutant	Original	Updated	SCAQMD (CEQA) Significance Threshold
	2a1 and 2c1	2a2 and 2c2	
Carbon Monoxide, CO	96.2	100.9	550
Reactive Organic Gas, ROG	18.7	19.7	75
Nitrogen Oxides, NO <sub>x</sub>	125.7	154.8	100
Sulfur Dioxide, SO <sub>2</sub>	0.4	0.5	150
Inhalable Particulate Matter, PM <sub>10</sub>	13.3	14.3	150
Fine Particulate Matter, PM <sub>2.5</sub>	3.6	3.9	55
	2b1 and 2d1	2b2 and 2d2	
Carbon Monoxide, CO	133.0	137.4	550
Reactive Organic Gas, ROG	18.7	19.7	75
Nitrogen Oxides, NO <sub>x</sub>	153.6	182.3	100
Sulfur Dioxide, SO <sub>2</sub>	0.5	0.6	150
Inhalable Particulate Matter, PM <sub>10</sub>	13.3	14.2	150
Fine Particulate Matter, PM <sub>2.5</sub>	4.2	4.5	55

Source of Original Data: CDM Smith 2013, SCAQMD 2011.

Alternative 2a  
NO<sub>x</sub> MaximumAlternative 2b  
NO<sub>x</sub> Maximum

Table 2

Copy of Emissions Summary in Appendix L Showing Inconsistencies in Air Emissions and  
Tables

## Emissions Summary

## Alternative 2a - Dam Removal with Mechanical Transport

## Emissions Summary by Year - Daily

Year	Unmitigated Daily Emissions (pounds per day)						Mitigated Daily Emissions (pounds per day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	VOC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2016	2	33	12	0	5	1	1	23	10	0	4	1
2017	10	134	69	0	14	6	4	58	55	0	10	2
2018	15	224	109	0	17	8	9	126	96	0	11	3
2019	11	142	85	0	13	6	7	82	78	0	10	3
2020	8	106	71	0	12	5	6	67	68	0	10	3
2021	20	111	83	0	16	6	19	81	82	0	13	4
Maximum	20	224	109	0	17	8	19	126	96	0	13	4

Alternative 2a  
NO<sub>x</sub> Maximum

## Emissions Summary

## Alternative 2b - Dam Removal with Mechanical Transport and Upstream Barrier Removal

## Emissions Summary by Year - Daily

Year	Unmitigated Daily Emissions (pounds per day)						Mitigated Daily Emissions (pounds per day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	VOC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2016	2	33	12	0	5	1	1	23	10	0	4	1
2017	10	134	69	0	14	6	4	58	55	0	10	2
2018	22	269	165	1	20	10	16	172	152	1	14	5
2019	16	199	122	0	16	8	12	138	115	0	13	5
2020	11	136	89	0	14	6	9	97	86	0	11	4
2021	20	111	83	0	16	6	19	81	82	0	13	4
Maximum	22	269	165	1	20	10	19	172	152	1	14	5

Alternative 2b  
NO<sub>x</sub> Maximum

5. Section 5.12 of the Draft EIS/EIR and Appendix L are difficult to follow and understand. The SCAQMD staff recommends that the Lead Agency, at a minimum, present the information for each alternatives and their variations in a table format. An example is provided as Table 3.

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Table 3

Alternative	Pollutant	Regional Daily Emissions (lbs/day)			Localized Daily Emissions (lbs/day)		
		Maximum	SCAQMD's Threshold	Significant?	Maximum	SCAQMD's Threshold	Significant?
2a	VOC	19	75	No			
	NOx	126	100	Yes			
	CO	96	550	No			
	SO2	0	150	No			
	PM10	13	150	No			
	PM2.5	4	55	No			
2b	VOC	19	75	No			
	NOx	172	100	Yes			
	CO	152	550	No			
	SO2	1	150	No			
	PM10	14	150	No			
	PM2.5	5	55	No			
3a	...						
3...							

### Compliance with the SCAQMD Rule 1403

6. Since the proposed project includes demolition, the Lead Agency must comply with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities. Please provide additional information to demonstrate compliance with SCAQMD Rule 1403 in the Final EIS/EIR.

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### Mitigation Measures

7. The Lead Agency states that Alternative 2 – Mechanical Transport would result in significant and unavoidable air quality impacts. Mitigation measures were not proposed to minimize air quality impacts. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and/or operation to minimize any significant impacts. Information on potential mitigation measures as guidance to the Lead Agency are available on the SCAQMD CEQA Air Quality Handbook website.<sup>4</sup> Examples of additional potential mitigation measures for the Lead Agency to consider include the following:

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- All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- Require the use of 2010 and newer diesel or alternatively fueled haul trucks (e.g., material delivery trucks and soil import/export).

<sup>4</sup> SCAQMD CEQA Air Quality Handbook. Available at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>

- c. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- d. Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean-up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/home/programs/business/business-detail?title=vehicle-engine-upgrades>
- e. Require the use of electricity from power poles rather than temporary diesel or gasoline power generators.
- f. All construction vehicles both on- and off-site shall be prohibited from idling in excess of 5 minutes.
- g. Traffic speeds on all unpaved roads to be reduced to 15 mph or less.
- h. Limit soil disturbance to the daily amounts analyzed in the Draft EIS/EIR.
- i. Improve traffic flow by signal synchronization.
- j. Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas.
- k. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.
- l. Provide dedicated turn lanes for movement of construction trucks and equipment on-and off-site.
- m. Reroute construction trucks away from congested streets or sensitive receptor areas.



Joseph Merz, Ph.D.  
American Fisheries Society  
California-Nevada Chapter  
P.O. Box 72653  
Davis, Ca. 95617-2653

March 24, 2017

Mr. Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Mr. Eduardo T. Demesa:

I am writing on behalf of the American Fisheries Society (AFS), California-Nevada Chapter (AFS Cal-Neva Chapter). The AFS is an international organization founded in 1870, with the mission to improve conservation and sustainability of fishery resources and aquatic ecosystems by advancing fisheries and aquatic science and promoting the development of fisheries professionals. The AFS Cal-Neva Chapter, founded in 1966, is one of the largest chapters with over 400 members.

The AFS recognizes dams and associated aquatic communities provide many important societal benefits but that river blockages may also cause adverse environmental impacts and societal costs. Net costs and benefits of dams should be compared to traditional values that were affected by altered habitat and ecology. Dam removal can be a legitimate alternative to mitigate adverse environmental effects of dams and their operation and dam removal decisions should rely on best available science and give full, objective consideration to local costs and benefits and broader, regional considerations.

Our chapter supports dam removal when it is determined that removal benefits outweigh the costs associated with societal, cultural, environmental, economic, engineering, and technical issues; dam removal is the best approach to restore habitat and the fish populations and fisheries they supported. Removal decisions should be selected with full stakeholder involvement.

When deemed the preferred alternative, dam removal should minimize impacts to aquatic and riparian resources. The AFS recognizes that adverse impacts to fisheries and impounded ecosystems are an unavoidable consequence of dam removal, but a well-designed removal can minimize short-term impacts. Over the longer term, removal is often warranted where temporary impacts are outweighed by the long-term benefits of dam removal.

Mr. Eduardo T. Demesa

March 24, 2017

Page 2

The AFS Cal-Neva Chapter strongly supports efforts to remove Rindge Dam and other barriers to fish passage on Malibu Creek. The planning process under the Malibu Creek Ecosystem Restoration Study is a much-needed and long-anticipated step on the path to restoring aquatic habitat for southern California's threatened natural heritage.

SS-1

The Southern California Steelhead (*Oncorhynchus mykiss*) Distinct Population Segment (DPS) is a federally listed (endangered) species. It is the southernmost anadromous (ocean-going) salmonid in the United States. The Southern California Steelhead Recovery Plan identified Malibu Creek as a Core 1 population, one of the populations that are the highest priority for recovery actions (National Marine Fisheries Service 2012). From the Santa Clara River (Ventura County) south to the Mexican border, only Malibu Creek and San Mateo Creek (San Diego County) have recent records of steelhead entering and spawning (Camm Swift, personal communication, 3/24/2017). Malibu Creek drains a 110 square-mile watershed in the Santa Monica Mountains, and flows into the Pacific Ocean at Malibu Lagoon State Beach. The lower 3 miles of Malibu Creek are critical habitat for southern California steelhead, which have been blocked from accessing former habitat due to Rindge Dam, a 100-foot high decommissioned water supply dam, and other smaller barriers on upstream tributaries. The Recovery Plan identifies only one "critical recovery action" for Malibu Creek: "Remove Rindge and Malibu dams, and physically modify road crossings, to allow steelhead natural rates of migration to upstream spawning and rearing habitats, and passage of smolts and kelts downstream to the estuary and ocean." It should also be mentioned that other native species, such as Pacific Lamprey (*Entosphenus tridentatus*), Tidewater Gobies (*Eucyclogobius newberryi*), and Redlegged frogs (*Rana draytonii*) rely on this watershed.

1

The Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report outlines alternatives for restoration. The primary purpose of the proposed project is to restore aquatic habitat connectivity along Malibu Creek and tributaries, establish a more natural sediment regime from the watershed to the shoreline, and restore aquatic habitat of sufficient quality along Malibu Creek and tributaries to sustain or enhance indigenous populations of aquatic species. The Plan includes removal of Rindge Dam, as well as several other much smaller barriers upstream of the dam. This will restore migratory opportunities to about 15 miles of aquatic habitat that have been unreachable for many decades in this watershed.

The AFS Cal-Neva Chapter encourages the Corps and the California Department of Parks and Recreation to follow through on the Integrated Feasibility Report process, and develop and implement a plan to remove Rindge Dam and other barriers to fish passage in Malibu Creek.

Sincerely,



Joseph Merz, Ph.D. President and Certified Fisheries Professional  
American Fisheries Society California-Nevada Chapter

**From:** [Blue Planet United](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam  
**Date:** Thursday, February 09, 2017 4:52:02 PM

---

Dear Sirs,  
Please undam Malibu creek; remove the Rindge Dam. Restore southern California steelhead habitat.

Sincerely,

Marilyn Hempel  
Executive Director  
Blue Planet United  
PO Box 7918  
Redlands, CA 92375  
909-307-0787  
Blockedwww.blueplanetunited.org <Blockedhttp://www.blueplanetunited.org>



California Trout  
Southern California Regional Office  
701 E. Santa Clara Street, Suite 12-13  
Ventura, CA 93001  
March 27, 2017

Eduardo T. D. Mesa  
Chief Planning Division  
U.S. Army Corps of Engineers  
Los Angeles District  
911 Wilshire Boulevard, Suite 14007  
Los Angeles, CA 90017

*Delivered Via E-mail:* [Malibu.Creek@usace.army.mil](mailto:Malibu.Creek@usace.army.mil)

**Re: Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report with Environmental Impact Statement/Environmental Impact Report (EIS/EIR), Los Angeles and Ventura Counties, California (January 2017)**

Dear Mr. Mesa:

Thank you for this opportunity to comment on the Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report with Environmental Impact Statement/Environmental Impact Report (Report).

Rindge Dam, located on Malibu Creek in Southern California, has been an obsolete facility for over sixty years. It serves no beneficial functions, such as flood control, water supply, or hydropower generation, because it completely filled with sediment in 1955. To the contrary, it stores approximately 800,000 cubic yards of materials critically needed to replenish the eroding and economically important beaches of the Santa Monica Bay, while restricting one of the most important runs of steelhead along the Pacific coast to a small fraction of the total potential habitat within the Malibu Creek watershed.

In 1997 the Southern California steelhead (anadromous *Oncorhynchus mykiss*) was listed as endangered by National Marine Fisheries Service, under the federal Endangered Species Act (Federal Register 1997). In 2002, this was expanded to include all the freshwater habitats up to existing limits of anadromy, extending from the Santa Maria River at the boundary of Santa Barbara and San Luis Obispo County, south to the Tijuana River at the U.S.-Mexico border (FR Notice 67 FR 21586) after documenting populations south of Malibu Creek. The annual run of Malibu Creek steelhead historically was a wild, self-sustaining population, which required no stocking (Busby et al, 1996). The stream also supported a popular recreational fishery (Kreider, 1948). Steelhead runs in Malibu Creek are now greatly reduced from historic levels. The



population is estimated to be in the dozens (Franklin and Dobush 1989), with fewer than 20 individuals seen in 2016 (Rosi Dagit, Resource Conservation District of the Santa Monica Mountains, pers. comm. 2017), whereas historic runs in the creek have been estimated as high as 1,000 steelhead (Nehlsen et al. 1991). Given this decline, their current high risk of extinction, and the desire to recover steelhead populations, potential opportunities for achieving significant enhancements to steelhead habitat is welcome, if not overdue.

The key to restoring southern steelhead in Malibu Creek is to remove Rindge Dam and allow these fish, for the first time since 1926 when the dam was completed, to gain access to their historic spawning and rearing habitat. The Feasibility Report provides an important opportunity to achieve potential long-term enhancements, recovery of steelhead in the Malibu Creek, and support the ultimate goal of delisting.

California Trout (CalTrout) is a longstanding advocate of Rindge Dam removal. We co-authored the 2002 *Rindge Dam Removal A Review of Regional Ecological and Economic Benefits and Options for Removal* Report, as well as the 2006 *Assessing Steelhead Restoration to the Santa Monica Mountains* Report that identified and prioritized steelhead restoration actions within 13 focal watersheds of the Santa Monica Mountains. In addition to identifying keystone barrier restoration activities, the 2006 report found a variety of opportunities to aid and possibly accelerate steelhead recovery in the region. Malibu Creek watershed is a top priority for restoration, with Rindge Dam the keystone barrier to adult steelhead spawning migration within the watershed.

National Marine Fisheries Service released the Southern California Steelhead Recovery Plan in 2012, which identifies Malibu Creek as one of two Core 1 waters within the Santa Monica Mountains Biogeographic Population Group. Core 1 waters have the highest intrinsic potential to aid recovery, and must be protected and/or restored to ensure steelhead recovery. The Recovery Plan also lists “remove Rindge and Malibu dams, and physically modify road crossings, to allow natural migration of steelhead to upstream spawning and rearing habitats and passage of smolts and kelts downstream to the estuary and the ocean” as a the critical recovery action for Malibu Creek.

We believe that the Locally Preferred Plan (LPP Alt2B2) best meets the recommendations identified by the 224,000 member Southern California Steelhead Coalition in 2002, *Assessing Steelhead Restoration to the Santa Monica Mountains* report of 2006, and NMFS’ critical recovery action identified in the 2012 Recovery Plan.





LPP Alt2B2 removes the entire concrete dam structure, including the Rindge Dam spillway, which would eliminate the unauthorized use and risk associated to recreational users of the spillway. During the stakeholder process the Army Corps of Engineers did note that leaving the spillway would offer a California Historic Landmark, however it seems more judicious to address the history through signage, and limit the risk of injury to recreational users and associated steelhead refugia habitat disturbance.

Our 2006 report also identified the removal of smaller fish passage barriers (check dams, culverts, etc.) upstream of Rindge Dam, and is consistent with LPP Alt 2B2, and would reconnect existing critical steelhead habitat with an additional 18 miles of existing spawning and rearing habitat. Dam removal is a costly investment and coupling the additional barriers into an ecosystem restoration program is a prudent approach and offers an economy of scale.

CalTrout is a longstanding member of the Matilija Coalition that is supporting the Matilija Dam Removal Ecosystem Restoration Project on the Ventura River. With funding from the Resources Legacy Fund's Open Rivers Fund, we have been tasked with completing a Funding Plan for Dam removal and the associated project components on the Ventura River watershed. Local and State Funding is proving to be an integral component to implementation, and will be for Rindge Dam removal too. The U.S. Army Corps of Engineers has historically selected an alternative for Matilija Dam removal, congress approved this alternative, yet funding was never committed towards the Matilija effort. The Malibu Creek Ecosystem Restoration project has already seen extended delay. By supporting LPP Alt 2B2, we know we will have state and local support, which is critical to project implementation. Not supporting LPP Alt 2B2, does insert the risk of funding delay and associated implementation delay. Southern steelhead are resilient and do persist, but under drought and climate change, time is of the essence and any potential for delay should be avoided at all cost.

Southern steelhead persist at the southern edge of the salmonid' range and are on the front line of climate change impacts to salmonids. They are a valuable resource in themselves, and as case studies of adapting to warmer conditions and more extreme weather patterns. They will be exposed to periods of higher water temperature and flow variability, possibly outpacing their ability to adapt and persist in the future. Without building resilience through: population size; genetic, phenotypic, life history diversity; enhancing habitat and allowing access to habitat, climate change will reduce long-term viability of salmonids throughout California. We need to protect species from extinction due to catastrophic disturbance such as drought, flooding and wildfires by having viable population in dispersed, diverse and representative



watersheds. As the Conservation Program Manager for Southern California, I am tasked with recovery regionally. The Malibu Creek Ecosystem Restoration project is a critical key to building resilience for the species in the Santa Monica Mountains BPG and the Southern California steelhead DPS – and LPP Alt 2B2 is an integral part of that recovery strategy.

CalTrout appreciates this opportunity to comment on this priority steelhead recovery effort. If you have any follow up questions and/or clarification(s) regarding this letter, please contact myself on the information provided below.

Sincerely,

Candice Meneghin  
 Conservation Program Manager, Southern California Region  
 Office: (805) 665-6203  
 Mobile: (310) 890-2834  
 Email: [cmeneghin@caltrout.org](mailto:cmeneghin@caltrout.org)

*Santa Clara River Steelhead Coalition Chair*  
*California Fish Passage Forum member (2014 – Present)*  
*West Fork San Gabriel River Working Group (2012 – Present)*  
*Matilija Dam Removal Funding Committee (2016 – Present)*  
*IUCN Commission on Ecosystem Management member (October 2011 - Present)*  
*IUCN Mediterranean Type Ecosystem Thematic Group member (October 2011 - Present)*  
*IUCN World Commission on Protected Areas – North America and Caribbean member (October 2011 - Present)*  
*Go4BioDiv Ambassador for Cape Floral Region & California Floristic Province (October 2010 & February 2011 – Present)*  
*Sierra Pacific Fly Fishing Federation Member (2015 – Present)*  
*Save Open Space and Agricultural Resources (SOAR) Volunteer (March 2016)*  
*Malibu Resident*



03-27-2017

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Mr. Demesa

EcoMalibu has reviewed the Malibu Ecosystem Restoration Study Draft Integrated Feasibility Report (MERSIFR) and we offer the following comments:

EcoMalibu whole heartedly supports the removal of Rindge dam. We believe that dam removal will benefit the public by increasing beach sand at Malibu Beach, expanding habitat for steelhead trout and other wildlife, and reducing the risks of catastrophic failure, which would impact life and property downstream. EcoMalibu has serious concerns about the proposed cost of the project and we do not believe that it is tenable or reasonable to disrupt traffic on Malibu Canyon Road for seven years or more.

Ridge dam is over 90 years old and is located in a geologically active canyon that is subject to high stream flows, earthquakes, and fires all of which could hasten failure of this structure. We just witnessed how large stream flows devastated the Orville dam spillway and forced the evacuation of hundreds of thousands of residents living near the dam. Orville dam is inspected on a daily basis while Rindge Dam is rarely inspected. A large natural event could cause Rindge Dam to fail, which could jeopardize the health and safety of people near the dam and downstream property.

Of the options put forth in the MERSIFR, EcoMalibu reluctantly supports option 2b2 full removal of the dam and spillway and near shore placement of sediment. We believe this option offers the most flexibility and best opportunity for the beneficial reuse of sediment and rocks that are trapped behind the dam to enhance near shore conditions. Option 2b2 would allow for placement of both small and larger material that could be used to enhance near shore reef habitat and replenish our beaches with badly needed sand.

EcoMalibu believes that all the options put forth in the MERSIFR do not best serve the public, southern steelhead trout, or the ecosystem. EcoMalibu offers the following suggestions that would better serve the ecosystem, the public and steelhead trout.

We strongly recommend that sediment and rocks trapped behind Rindge dam be transported naturally to the maximum extent possible. This could be done by designing gates and/or valves that can be opened and closed based on stream flows and the ability of the stream to move sediments out to the ocean. This should be combined with a monitoring program that measures increases in bed elevation at certain locations between the dam and the ocean. If bed elevation increases above a predetermined height, the valves/gates would be closed until the bed elevations return to their previous height. At that point the gates/valves could be reopened during the next storm event to transport additional material downstream. This method could be further refined as we learn the volume of sediment that can be fully transported during various size storm events. No flood walls would be necessary for this method if properly designed and implemented. Additionally, this method would



dramatically reduce traffic trips on Malibu Canyon Road, significantly lower the costs of the project, and allow the sediments to replenish beach sands and near shore environment at Malibu beach, where they would have gone historically.

**EcoMalibu also recommends that trucking be conducted at night when it would least impact the public.**

Currently, when large road construction is being conducted on Malibu Canyon Road one lane is closed for repair and vehicles are escorted around the construction area alternating between northbound and southbound traffic. This method works well as it does not impact commuters and the public will use alternate roads at night when construction is ongoing. It allows materials to be staged during the day and transported uninterrupted during the night time hours using the closed lane. We believe this would allow for material to be transported more quickly and reduce traffic impacts on the public.

EcoMalibu strongly supports the removal of Rindge dam. We believe that option 2b2 is the best alternative put forth in the Malibu Ecosystem Restoration Study Draft Integrated Feasibility Report (MERSIFR. EcoMalibu urges the Army Corps of Engineers and State Parks to dramatically increase the use of natural sediment transport without flood walls to significantly lower the project costs and reduce traffic impacts to the public. Finally, we believe that material transport should be conducted during night time hours to increase the amount and speed at which materials can be moved and to reduce the traffic impacts on the public.

We appreciate the opportunity to comment.

Sincerely,

Bob Purvey  
President, EcoMalibu

**From:** [Dan Silver](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu Creek Ecosystem Restoration Feasibility Stud  
**Date:** Friday, February 10, 2017 4:35:08 PM

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Gentlepersons:

Endangered Habitats League supports this study and urges the removal of Rindge Dam.

Sincerely,

Dan Silver, Executive Director  
Endangered Habitats League  
8424 Santa Monica Blvd., Suite A 592  
Los Angeles, CA 90069-4267

213-804-2750  
dsilverla@me.com <<mailto:dsilverla@me.com>>  
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March 27, 2017

Mr. Eduardo T. De Mesa  
Chief, Planning Division  
US. Army Corps of Engineers  
Los Angeles District  
915 Wilshire Boulevard, Suite 930  
Attention: Mr. Jesse Ray (CESPL-PDR-L)  
Los Angeles, California 90017-3401  
*Submitted via email to:* [Malibu.Creek@usace.army.mil](mailto:Malibu.Creek@usace.army.mil)

**Re: Comments on Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report (IFR) with Environmental Impact Statement/Environmental Impact Report (EIS/EIR) Los Angeles and Ventura Counties, California.**

Dear Mr. De Mesa:

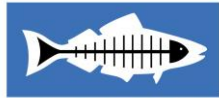
On behalf of Heal the Bay, an environmental organization with over 15,000 members dedicated to making the coastal waters and watersheds of greater Los Angeles safe, healthy, and clean, we submit the following comments on the the Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report (IFR) with Environmental Impact Statement/Environmental Impact Report (hereafter, “draft EIS/EIR”).

Heal the Bay has been actively working in the Malibu Creek Watershed since 1998. During this period we have collected extensive data showing that Malibu Creek and many of its tributaries are impaired for numerous pollutants including water quality and physical habitat parameters, such as barriers. Heal the Bay’s 2013 report on the state of the Malibu Creek Watershed<sup>1</sup>, presented results from our 2005 Stream Walk surveys where we mapped over 70 miles of streams in the Malibu Creek Watershed. We found and mapped 201 potential barriers for fish and prioritized the top 10 barriers that needed to be removed to improve habitat and watershed health. Rindge Dam was at the top of that list.

Further, Heal the Bay has been actively engaged in barrier removal in the watershed, removing a Texas Crossing in Malibu Creek State Park in 2006 in order to improve habitat and access for aquatic organisms. The removal of stream barriers provides benefits to fish, invertebrates, and other aquatic life that live in the watershed by providing additional access to habitat. These restoration activities also allow natural sediment transport downstream. Barriers restrict the

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<sup>1</sup> Sikich S et al. (2013) Malibu Creek Watershed: An Ecosystem on the Brink. Heal the Bay, Santa Monica, CA.



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natural flow of sediment downstream, causing downstream waters and streambanks to become sediment starved, resulting in a net increase in downstream erosion. Removing stream barriers throughout the Malibu Creek Watershed will help restore natural flows, improve habitat quality, and re-establish a more normal sediment regime.

**Heal the Bay strongly supports the removal of Rindge Dam and we urge your support for the Locally Preferred Plan (LPP), Alternative 2b2, with some additional suggestions as described below.**

**Specifically, we support the following aspects of Alternative 2b2:**

- Removal of Rindge Dam arch *and* spillway:** The removal of Rindge Dam arch will provide significant benefits to endangered Southern California steelhead trout as well as other aquatic and terrestrial organisms that utilize the riparian corridor. The dam currently blocks access to high-quality habitat upstream for many species. Southern California steelhead trout are a keystone species; they are federally endangered and are listed as a distinct population unit. In urban Southern California, there are few lagoons, estuaries, and streams where steelhead are able to persist, largely due to development and habitat loss and alteration, including barriers and dams. Southern California steelhead are known to exist in Malibu Creek below Rindge Dam and restoring access to upstream portions of spawning habitat is a critical step in the persistence and recovery of this important species. Further, removal of the dam arch will restore a more natural hydrologic and sediment regime to the creek. This opportunity to restore Malibu Creek for numerous native species while also improving and restoring ecosystem services is unprecedented.

Heal the Bay also supports the removal of the Dam spillway in addition to the arch. While the removal of the spillway does not improve habitat directly, we believe that it improves habitat indirectly and in important ways. As stated in the draft EIS/EIR, if the spillway is not removed, there will be future needs to repair and maintain the spillway, necessitating access roads and disturbance to natural resources. Further, the spillway will likely continue to be an attraction for visitors, despite it being officially closed to the public, as it currently is. This will cause continued habitat degradation through establishment of social trails and water quality impacts from trash and human waste. These indirect effects of the spillway will lead to a reduction in habitat quality. **These indirect impacts are not accounted for in the alternatives that leave the spillway in place; we request that indirect ecological impacts of the spillway be assessed and discussed in the final EIS/EIR.**



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- Mechanical transport of sediment to maintain high quality habitat and prevent the need for floodwalls:** Heal the Bay supports the mechanical removal and transport of the impounded sediment behind Rindge Dam. While natural methods of transport would, theoretically, be preferred, the amount of development in the downstream portions of the watershed preclude this alternative from being supported by Heal the Bay. Sediment removal through natural transport (Alternatives 3 and 4) would negatively impact water quality and would necessitate floodwalls in the Serra Retreat/Cross Creek communities. We understand the need for floodwalls in these alternatives but cannot support them. Removing one barrier only to increase hardening and barriers in another portion of the watershed is not the best alternative. The floodwalls would act as a barrier themselves to many species and the hardening of streambanks almost always leads to scour, erosion, and a reduction of stream habitat quality. Therefore, Heal the Bay supports the mechanical removal and transport of the sediment behind Rindge Dam. We do acknowledge that there are significant impacts associated with this option (such as traffic); however, we believe that it is the method that will result in the best habitat quality in the long-term.
- Removal of upstream barriers in Las Virgenes and Cold Creeks:** Heal the Bay also strongly supports the removal of barriers upstream of Rindge Dam. The benefits of the removal of these smaller barriers are great, opening up additional miles of high-quality habitat. Further, the costs of removing these upstream barriers is relatively small and taken together with the removal of Rindge Dam, provides for a comprehensive watershed restoration project.
- Sediment placement to avoid risk to surf grass habitat:** Heal the Bay supports the placement of sediment in areas where impacts to natural resources are avoided. Therefore, given that shoreline sand placement, as proposed in the Tentatively Selected Plan (TSP)/National Ecosystem Restoration (NER) plan, Alternative 2d1, may have impacts to surf grass (p. 275), Heal the Bay supports the LPP in which sand is placed nearshore. **The potential impacts to the surf grass habitat are not quantified in the alternatives which consider shoreline sand placement. We ask that the impacts be quantified and mitigated for in those alternatives, should they be chosen for implementation.** Heal the Bay supports Alternative 2b2, which places sand nearshore, avoiding impacts to surf grass habitat. Surf grass is a highly productive habitat<sup>2</sup>,

<sup>2</sup> Ramirez-Garcia P et al. (2002) Distribution and nutrient limitation of surfgrass, *Phyllospadix scouleri* and *Phyllospadix torreyi*, along the Pacific coast of Baja California (México). *Aquat Bot* 74:121–131.





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providing shelter for many species<sup>3</sup> and serving as nursery habitat for fishes and invertebrates.<sup>4</sup> Impacts to this important habitat should be avoided.

**We ask that the EIR/EIS also consider:**

- Reuse of the impounded sediment as much as possible; beach nourishment should be prioritized at areas that are in need of nourishment due to erosion:** We are concerned that only 1/3 of the impounded sediment will be reused (p. 229), while 2/3 of it will go to the Calabasas landfill. This material would have all stayed in Malibu Creek or gone to the ocean if Rindge Dam had not been there and we would like to see it reused in the watershed or in local areas. We urge the ACOE to explore additional beneficial reuse of impounded material throughout the project. This would also provide a benefit of reducing tipping fees for disposal of sediment. We urge the ACOE to work with local groups and agencies to identify projects that are in need of material as project planning and implementation is underway. We are also concerned that the sand that is being reused for beach nourishment is not benefitting beaches that are in the most need of nourishment. Similar to the Habitat Evaluation analysis in the draft EIS/EIR, we would like to see a quantitative analysis of impacts and benefits to beaches from nourishment, with need for nourishment factored in to that analysis. We recommend that the findings from the 2010 Coastal Sediment Management Working Group's "California Beach Erosion Assessment Survey"<sup>5</sup> and the 2016 Los Angeles County Public Beach Facilities "Sea-level Rise Vulnerability Assessment"<sup>6</sup> be utilized to identify and prioritize beaches for nourishment. We also recommend that the transport of sand be modeled at both shoreline and nearshore sites (p. 234) to identify which areas will be impacted from the sediment placement, both positively and negatively.
- Implementation of best management practices to minimize spread of invasive species:** Unfortunately, invasive species are widespread throughout the Malibu Creek Watershed. These include such species as red swamp crayfish, New Zealand mudsnails, *Arundo donax*, and many others. We recommend that specific provisions and mitigation measures be included to ensure that the project does not contribute to the spread of these invasive species. These provisions should cover the construction as well as any possible beneficial reuse of sediment. During construction, equipment should be thoroughly cleaned and decontaminated before and after entering the creek bed/project area. The

<sup>3</sup> Stewart JG & Myers B (1980) Assemblages of algae and invertebrates in Southern California *Phyllospadix*-dominated intertidal habitats. *Aquat Bot* 9:73-94.

<sup>4</sup> Engle JM (1979) Ecology and growth of juvenile California spiny lobster, *Panulirus interruptus* (Randall). Ph.D. Dissertation, University of Southern California.

<sup>5</sup> [http://dbw.ca.gov/csmw/pdf/CBEAS\\_Final\\_10252010a.pdf](http://dbw.ca.gov/csmw/pdf/CBEAS_Final_10252010a.pdf)

<sup>6</sup> [http://file.lacounty.gov/SDSInter/dbh/docs/247261\\_LACO\\_SLR\\_Vulnerabilty\\_FinalReport\\_19Apr2016.pdf](http://file.lacounty.gov/SDSInter/dbh/docs/247261_LACO_SLR_Vulnerabilty_FinalReport_19Apr2016.pdf)



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draft EIS/EIR addresses possible contaminants that could get into the creek during construction (p. 302) but does not consider biological contaminants. We suggest that an additional mitigation measure be added to specifically address procedures to prevent and minimize the spread of invasive species, including Hazard Analysis and Critical Control Point (HACCP) planning. We also recommend that the impounded sediment be treated as possibly contaminated with invasive biological material, until deemed uncontaminated. In addition to testing the sediment for chemical contaminants (p. 292), we recommend testing for biological contaminants. If the sediments contain any invasive species, a plan should be developed and followed to ensure that the beneficial reuse or disposal of those sediments does not spread invasive species. Further, we recommend that biological contaminants be discussed in the section of the draft EIS/EIR on known contaminants in the watershed (p. 199).

8

- Monitoring throughout the project to assess and detect impacts to water quality, biological health, and physical habitat and ultimately to quantify impacts of the dam removal on watershed health:** Monitoring will be a critical element to a successful project, both to detect impacts during construction as well as assess project success and long-term impacts. The draft EIS/EIR states that water quality will be monitored during construction (p. 302); however, water quality will need to be monitored during the wet season too when construction is not occurring. Monitoring after the first storm of the season in the off-construction period would be particularly important to determine if there are impacts to the creek and whether those impacts need to be mitigated. Further, we recommend that monitoring occur prior to the project in order to set a baseline against which future values could be compared, both during and after construction. Biological surveys of fish, amphibians, benthic macroinvertebrates, and invasive species before, during, and after the project would also be needed to assess impacts, and successes of the project. The monitoring and adaptive management plan (MAMP) (p. 507-509) is a good start but only focuses on vegetation and physical habitat. We recommend that this plan include additional water quality and biological monitoring and also start prior to construction.

9

We also submit the following comments on specific aspects of the draft EIS/EIR:

- The draft EIS/EIR should be updated with the most current regulatory information.** For instance, there is a newer TMDL to address nutrients in the Malibu Creek Watershed than the 2003 nutrient TMDL referenced in the draft EIS/EIR (p. 88, 91), namely the 2013

10



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EPA Malibu Creek and Lagoon TMDL for Sedimentation and Nutrients to address Benthic Community Impairments.<sup>7</sup>

- The figure on page 88 is labeled as 3.3-7 but the reference to it on page 87 is for Figure 3.3-6. 11
- We appreciate the inclusion of data from Heal the Bay's Stream Team (p. 87 on); however, we recommend that the most current data be included given that the most recent in the draft EIS/EIR is from 2004. We would be glad to share more recent water quality data; additionally the data are available online at: [www.streamteam.healthebay.org](http://www.streamteam.healthebay.org) 12
- *Enterococcus* levels are discussed as TMDL levels (p. 93, lines 21-25); however, the EPA levels for recreational water quality are not equivalent to TMDL levels and the bacteria TMDL for Malibu Creek does not have any limits for *Enterococcus* for fresh water.<sup>8</sup> Please clarify whether the mean levels of *Enterococcus*, *E. coli*, and total coliform (p. 93, 94) are geometric means or standard means. Geometric means should be used for bacteria and are how limits are given in TMDLs. Finally, the EPA's standards for recreational water quality were updated in 2012<sup>9</sup> and should be updated in the draft EIS/EIR. Finally the total coliform limits are only applicable to marine waters and not fresh water; this should be clarified in the draft EIS/EIR (p. 94). 13

As expressed above, we urge the Army Corps to support the Locally Preferred Plan, Alternative 2b2, with additional considerations on sediment reuse and placement and invasive species.

We thank you for your consideration of these comments. Please feel free to contact us at (310) 451-1500 with any questions.

Sincerely,

Katherine Pease, Ph.D.  
Watershed Scientist

Rita Kampalath, Ph.D., P.E.  
Science and Policy Director

<sup>7</sup> <https://www3.epa.gov/region9/water/tmdl/malibu/2013-07-02-malibu-creek-lagoon-tmdl-signed.pdf>

<sup>8</sup> [http://63.199.216.6/bpa/docs/R12-009\\_RB\\_BPA.pdf](http://63.199.216.6/bpa/docs/R12-009_RB_BPA.pdf)

<sup>9</sup> <https://www.epa.gov/wqc/2012-recreational-water-quality-criteria>

1 accident or you even just have a slow truck, it really,  
2 really impacts the traffic going to and from, from  
3 Malibu. So, that's a problem. And we, you know, also  
4 have narrow roads. And so, it's the trucks and the  
5 impact that it's going to have on the traffic. And  
6 then, also, that many trucks per hour is going to cause  
7 a lot of damage to the roadways. Have you addressed  
8 that? Who's going to pay for those roads that are going  
9 to be damaged during that process?

10 So, those are the things I'm really, really  
11 concerned about. And I really appreciate -- and I am  
12 going to make some comments, written comments and  
13 supplemental comments.

14 So, again, for the record, flooding is the  
15 biggest thing I'm concerned with. And I hope -- you  
16 know, you guys are very smart scientists and engineers  
17 and planners, you know, I'm sure you could come up with  
18 a solution to try to minimize or hopefully eliminate  
19 that.

20 So, that's our concern. So, thank you very much.  
21 I appreciate it.

22 COL KIRK GIBBS: Thank you, Bob.

23 SUSIE MING: Thank you. Next up, Katherine  
24 Pease, and after that, Paul Grisanti.

25 KATHERINE PEASE: Good evening. My name is

1 Katherine Pease. I'm here representing Heal the Bay.  
2 I'm the watershed scientist at Heal the Bay. Heal the  
3 Bay has been engaged in the Malibu Creek Watershed for  
4 many years, both through water chemistry testing as well  
5 as watershed health monitoring, and we've been involved  
6 in this process, looking at the removal of Rindge Dam  
7 for many years; before my time, for sure. So, needless  
8 to say, we're very excited about this project. We're  
9 really looking forward to the benefits that removal  
10 would provide to habitat and ecosystem, including  
11 specific species, as well as restoring a sediment regime  
12 that's more natural, and then seeing those benefits  
13 downstream at our beaches.

14 So, we are in the process of reviewing the EIR,  
15 and we'll definitely submit detailed comments. We'll be  
16 specifically looking at issues of water quality,  
17 biological resources. I think it's also important that  
18 we think about climate change, and how this project will  
19 be -- you know, how impacts to climate change will be  
20 affected -- or this project will be affected by possible  
21 future impacts.

22 So, I think a couple immediate things that we're  
23 excited about are the inclusion of the upstream  
24 barriers. So, that's definitely something we'd love to  
25 see happen. I think removing Rindge Dam is obviously

1 great, but if we can have those additional benefits  
2 upstream, we would love to see that.

3 As well, I think we would love to see a  
4 beneficial reuse of those different sediments that are  
5 impounded as much as possible, as well as keeping some  
6 of those resources within the watershed where they would  
7 have naturally gone.

8 I believe most of the sediment has been tested  
9 and is clean. So, of course, you know, to the extent  
10 that it's possible, we would love to see that reused  
11 within the watershed.

12 So, again, like I said, we will definitely look  
13 forward to submitting detailed comments, but we're  
14 excited about this and the benefits that it will bring  
15 to the watershed.

16 Thank you.

17 COL KIRK GIBBS: Thank you, Katherine.

18 SUSIE MING: Thank you. Paul Grisanti, and up  
19 next, Reinard Knur.

20 PAUL GRISANTI: Hi. My name is Paul Grisanti.  
21 I'm a public works commissioner at Malibu, but I'm  
22 speaking as a private citizen.

23 I am very much in favor of option 3. Option 3  
24 has a huge benefit to the community of Malibu, in that  
25 there's an awful lot less impact for trucks. I don't



Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

03/27/2017

Via Email: Malibu.Creek@usace.army.mil

Dear Mr. Ray:

On behalf of the Kern River Conservancy, we are pleased to submit this letter of strong support for the Rindge Dam Removal Project on Malibu Creek.

Specifically, we are endorsing Locally Preferred Plan (LPP Alt 2B2) as the best alternative for carrying out this important ecosystem restoration project.

We believe that the goals that the LPP Alt 2B2 alternative will achieve are especially vital because Malibu Creek is one of the last remaining habitats in the Los Angeles region that supports steelhead.

While the focus of our restoration efforts is on the Kern River which flows from Mt. Whitney, we share the mutual goal of preserving and improving the growth of native steelhead in our natural ecosystems. In addition, many of our active members and volunteers are residents of the Malibu Creek area and direct stakeholders in this project.

Moreover, LPP Alt 2B2, a multi-benefit project achieving not just dam removal but also better natural sediment transport (and sand restoration at the Malibu Pier), and integrated aquatic habitat restoration (including removal of upstream barriers to enhance habitat connectivity) provides the best alternative among the options offered in achieving the ambitious goals of this restoration project.

Thank you for giving us the opportunity to comment on this very important ecosystem project. Please keep us informed of further developments.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Ananian", written in a cursive style.

Gary Ananian  
Executive Director

**From:** [John Smith](#)  
**To:** [Malibu Creek](#)  
**Subject:** [Non-DoD Source] Support for LPP Alt2B2  
**Date:** Monday, March 27, 2017 10:02:48 AM

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Hello sir,

I am writing to support the removal of Rindge Dam and other upstream barriers, including those around lower Cold creek. This work will allow native fish to return to their historic spawning grounds and will enhance the area overall. Thank you for your consideration!

John "Jack" Smith  
Project Manager  
Mountains Restoration Trust  
Cell (714) 348-7800  
jsmith@mountainstrust.org <<mailto:jsmith@mountainstrust.org>>





## San Fernando Valley Audubon Society

Incorporated as California Audubon Society 1913  
P.O. Box 7769 Van Nuys, CA 91409-7769

*"For nature education and the conservation of wildlife"*

March 29, 2017

**Eduardo T. Demesa**

Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

**Re: San Fernando Valley Audubon Society Comments on Malibu Creek Restoration/Feasibility Study and Draft Environmental Impact Statement**

Dear Mr. Demesa:

The purpose of this letter is to submit supplemental comments regarding the Malibu Creek Restoration and Feasibility Study on behalf of the San Fernando Valley Audubon Society (SFVAS). Brief comments in support of the removal of Rindge Dam and barriers on Cold Creek and Las Virgenes Creek were submitted on behalf of SFVAS by David A. Weeshoff on March 27, 2017. This letter affirms and expands on those comments.

### **INTRODUCTION AND BACKGROUND**

SFVAS is an approximately 1,800 member chapter of the National Audubon Society, and was founded in 1906. The chapter is organized under Section 501(c)(3) as a non-profit and has been involved in efforts to preserve bird and wildlife habitat since its founding. Some members reside in the vicinity of the current project, and natural areas, such as Malibu Lagoon and Malibu Creek State Park, are frequently visited by members of the chapter, which actively participates in preservation efforts at both locations and sponsors regularly scheduled bird walks at the latter. Undoubtedly other areas of the Malibu Creek watershed impacted by the current project would be visited by chapter members, if access was available, and, it is hoped, that such access will result from the project. Therefore, SFVAS has an abiding interest in the success of the project.

### **SFVAS POSITION REGARDING THE PROJECT**

Members of SFVAS attended the recent public hearing on the project and expressed concerns then. However, these comments are based on a more careful review of the environmental documents since that time.

SFVAS has grave concerns about the viability of Alternative sets 3 and 4. Both sets of

alternatives involve the construction and maintenance of tall flood walls with deep foundations on both sides of Malibu Creek. **It is believed that the flood walls, as well as associated construction and maintenance activities, including access provisions, would have serious adverse impacts on wildlife in this riparian area and would lead to degradation of the creek itself.** A number of these adverse impacts are described in the Draft EIS; therefore, we see no need to reiterate or elaborate upon these impacts at the present time. We will be happy to do so, if the need arises.

1

**In addition, Alternative set 3 has the disadvantage of necessitating an extremely lengthy period of construction or modification. According to the Draft EIS, this would be a minimum of twenty years and, possibly, as much as one hundred years. We find this completely unacceptable.**

2

Given that a primary purpose of the project is to restore habitat connectivity for wildlife, in particular on behalf of the endangered southern steelhead trout, **we find that the extended length of time for completion of the project in accordance with Alternative set 3 would actually endanger the survival of this species.** The more time passes, the greater is the threat that the species will disappear even before the project is completed. Severe adverse impacts to the remaining spawning areas of the species in Malibu Creek will be increasingly likely to occur from a multiplicity of sources.

3

**Therefore, SFVAS supports a version of Alternative 2** that will enable the project to be completed in the comparatively short period of time of seven or eight years without consequential adverse impacts from flood walls. As stated in Mr. Weeshoff's earlier communication, SFVAS also supports the removal of barriers to fish and wildlife passage from Cold Creek and Las Virgenes Creek. Such actions will provide the greatest opportunity for the survival of the southern steelhead trout and for other species in the Malibu Creek watershed.

### **CLOSING STATEMENT**

SFVAS wishes to thank the Army Corps of Engineers and California State Parks for undertaking this effort and providing a thorough, if not exhaustive, analysis of the issues affecting this project. We look forward to the timely initiation and completion of the project and believe that it can have substantial benefits for fish, wildlife and for human environment.

Sincerely,

[Original signed by]

Mark B. Osokow  
SFVAS Member of the Board of Directors  
Chair, San Fernando Valley Bird Observatory

[Original signed by]

David A. Weeshoff  
SFVAS Conservation Chair

1 note that the presentation that you gave tonight is on  
2 the web page, and also, the posters behind us, the NER  
3 posters and likely preferred plan.

4 I'm just going to call two, so you know who is up  
5 next.

6 First up, Mark Osokow -- and I apologize if I'm  
7 pronouncing these wrong -- and on deck, Jim Menzies.

8 Thank you.

9 MARK OSOKOW: Mark Osokow with the San Fernando  
10 Valley Audubon Society. Because the San Fernando Valley  
11 Audubon Society hasn't yet taken a position on this,  
12 I'll be speaking for myself, but with the idea that I  
13 will be recommending some of these comments that I'm  
14 about to make as a way to proceed in the San Fernando  
15 Valley Audubon Society's decision.

16 I have several concerns about this. A couple of  
17 the alternatives involve putting a wall up to protect  
18 the downstream areas from flooding. Those would have  
19 some very serious environmental consequences. And I  
20 would certainly oppose those alternatives for that  
21 reason. I tend to favor a more natural approach. On  
22 the other hand, the other alternative, Alternative 2,  
23 involves transporting a lot of sand or other materials  
24 to various locations for deposition. And I have some  
25 concerns about the nature of that material being

4

5

1 transported, whether or not it would contain toxic  
2 materials, for example. The number of trucks that would  
3 be necessary to transport that material would be rather  
4 large. If I remember correctly, over 700,000 cubic  
5 yards. It wasn't mentioned how many truck trips would  
6 be necessary to transport that material at the rate  
7 of 6 to 16 trucks per day, I think was the number  
8 mentioned, trying to get onto Malibu Canyon Road. I  
9 would strongly recommend avoiding rush hours for that  
10 transport. That would cause a major headache and lots  
11 of hazards on Malibu Canyon Road. For the time frame  
12 involved, April 1st through October 15th, I have some  
13 very serious concerns about the possible impact on bird  
14 nesting during that period of time. I presume that  
15 whatever alternative is decided upon -- Alternative 2  
16 preferably, in my opinion -- we will take into  
17 consideration the methods to minimize or eliminate  
18 totally the impact on nesting birds.

19 You mentioned a couple of endangered species  
20 there, and they would certainly be affected by the noise  
21 and movement of people, and other things.

22 So, those are just some of the things I thought  
23 of. I haven't had a chance to review the entire  
24 document, unfortunately. I wish I had done that in  
25 advance of this presentation. I would have a much

6

7

1 better understanding about what to say here, but I will  
2 be reviewing that document in the next few weeks and  
3 will be submitting some pretty detailed comments.

4 Thank you.

5 COL KIRK GIBBS: Thank you, Mark.

6 PARTICIPANT: Is there a hard copy of the  
7 document?

8 SUZANNE GOODE: Yes. We have some at our office  
9 at 1925 Las Virgenes Road, and there are copies also --  
10 Jamie and --

11 JAMIE KING: At the Calabasas Library and the  
12 Malibu Library, and it's also available online for  
13 review via the web site for download.

14 SUSIE MING: Next up, Jim Menzies and, after  
15 that, Bob Brager.

16 JIM MENZIES: I'm Jim Menzies. I thank you for  
17 your presentation and the information that you provided.  
18 It's refreshing to know that it's all online, and we can  
19 review it in depth after just receiving a firsthand look  
20 at it. But I guess what I'm looking at are more  
21 questions than answers. I'm looking for answers.  
22 I would like to know whether or not you've really done  
23 a close study of how this will impact the Cross Creek  
24 Bridge, which is an emergency fire access to and from  
25 the residents of the Serra Canyon Homeowners Association



# bay restoration commission

STEWARDS OF SANTA MONICA BAY

santa monica bay restoration commission 320 west 4<sup>th</sup> street, ste 200; los angeles, california 90013  
213/576-6615 phone 213/576-6646 fax www.smbrc.ca.gov

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)

Subject: Review of the Malibu Creek Ecosystem Restoration Feasibility Study - Draft Integrated Feasibility Report (IFR) with Environmental Impact Statement/ Environmental Impact Report, Los Angeles County, California.

Dear Mr. Demesa,

Thank you for the opportunity to comment on the Draft Integrated Feasibility Report (IFR) with Environmental Impact Statement/ Environmental Impact Report. The staff of the Santa Monica Bay Restoration Commission (SMBRC) appreciates the effort put forth by the Army Corps of Engineers, the California Department of Parks and Recreation (CDPR), and the Technical Advisory Committee that have resulted in the production of this document.

Our staff has the following comments and recommendations to offer:

SMBRC staff supports the Locally Preferred Plan (LPP) Alternative 2b2. We agree with the California Department of Parks and Recreation that this alternative is superior to the National Ecosystem Restoration (NER) plan, Alternative 2d1, which is the Tentatively Selected Plan (TSP). We do not support alternatives 3 or 4 and associated variations, as they will have negative downstream impacts within the creek corridor.

SMBRC staff supports the LPP for the following reasons:

- The LLP includes removal of the spillway as well as the dam arch, while the NER keeps the spillway in place. In recent years there have been a number of serious injuries and fatalities associated with dangerous activities at the dam and spillway. These activities have resulted in hazardous and expensive rescue operations that put first responders in danger. They also create environmental damage including trash and human waste that must be removed. Allowing this “attractive nuisance” to remain in place will put the public and first responders in jeopardy, and create serious liability issues for CDPR.
- Under the NER plan, beneficial reuse of sediment is limited to “shoreline compatible” material, mostly sand, that would be directly deposited on Surfrider Beach. The use of barging as recommended in the LLP allows for the possibility of additional, larger material to be placed offshore for other uses such as rocky





reef and kelp forest restoration, an SMBRC priority. Barging the material also eliminates hundreds if not thousands of truck trips southbound on Malibu Canyon Road and directly through the City of Malibu.

- The beneficial reuse of a larger range of sediment size-classes would significantly reduce the amount of material sent to the Calabasas landfill and the associated fees, while also reducing truck traffic through residential neighborhoods.

Furthermore, the SMBRC recommends that both the Corps of Engineers and CDPR work with the County of Los Angeles and reconsider the potential for at least some construction to occur at night. Night construction could significantly reduce the project schedule, and ease traffic impacts on Malibu Canyon Road and the 101 Freeway.

1

Finally, the invasive New Zealand mudsnail has been found throughout the Malibu Creek watershed. SMBRC recommends that both the NER plan and the LPP contain an analysis of the potential to spread this highly invasive species during construction activities, along with recommended Best Management Practices to limit the potential of introducing the species into additional watersheds.

2

The Locally Preferred Plan (removal of Rindge dam and spillway, along with additional upstream barriers), represents a unique opportunity to reconnect an important wildlife corridor for both aquatic and terrestrial species, enhances recreational opportunities, and improves public safety.

On behalf of the staff of the Santa Monica Bay Restoration Commission, thank you for your consideration of our comments and recommendations.

Sincerely,

Tom Ford  
Executive Officer  
Santa Monica Bay Restoration Commission

Jack Topel  
Environmental Scientist  
Santa Monica Bay Restoration Commission





*our mission: to restore and enhance the santa monica bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, and protect the bay's benefits and values*





**SANTA MONICA MOUNTAINS CONSERVANCY**

RAMIREZ CANYON PARK  
5750 RAMIREZ CANYON ROAD  
MALIBU, CALIFORNIA 90265  
PHONE (310) 589-3200  
FAX (310) 589-3207  
WWW.SMMC.CA.GOV



March 27, 2017

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Jesse Ray (CESPL-PD-RL)  
915 Wilshire Boulevard  
Los Angeles, California 90017

**Malibu Creek Ecosystem Restoration Project Integrated Feasibility Report and  
Draft Environmental Impact Statement/Draft Environmental Impact Report**

Dear Mr. Demesa:

Santa Monica Mountains Conservancy staff supports the Locally Preferred Plan to remove the Rindge Dam arch and spillway, with trucking of the sediment to Ventura and transport by barge to Malibu. The project opens up about 15 miles of spawning and rearing habitat for federally listed southern California steelhead trout and supplies much-needed sand to the coast. We must not miss this critical opportunity to reestablish habitat connectivity and restore aquatic habitat for multiple species in this regionally significant area.

Thank you for your consideration. I can be reached by phone at (310) 589-3200, ext. 128 or by email at [edelman@smmc.ca.gov](mailto:edelman@smmc.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Edelman".

PAUL EDELMAN  
Deputy Director for  
Natural Resources and Planning



Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017  
Email: Malibu.Creek@usace.army.mil

March 23, 2017

Submitted electrically via email to: Malibu.Creek@usace.army.mil

**RE: Surfrider Foundation Recommendations for Malibu Creek Ecosystem  
Restoration Project**

Dear Mr. Demesa,

Please accept this letter on behalf of the Surfrider Foundation Headquarters, and the West Los Angeles, Malibu Chapter of the Surfrider Foundation ("Surfrider"). We welcome this opportunity to provide public comment on the Malibu Creek Ecosystem Restoration Draft Integrated Feasibility Report (IFR) with Environmental Impact Statement/ Environmental Impact Report and Appendices.

The Surfrider Foundation is a global 501(c)(3) non-profit organization that is dedicated to the protection and enjoyment of the world's oceans, waves and beaches through a powerful activist network. Our members consist of recreationalists, conservationists, fishermen, coastal property owners, and business owners who support our mission.

In coastal areas around the country, beach erosion has become a serious problem threatening public and private properties, recreational values and the economies of coastal communities. **In many of these areas, beach sand supplies have been critically reduced by dams which impede natural processes that transport sediment from coastal watersheds to the shoreline.**

At the same time, many dams have been rendered obsolete by heavy siltation, structural defects and development of alternative water supplies. Dams are directly responsible for endangering the ecosystems of coastal watersheds, drastically reducing salmonid populations and causing the near extinction of the southern California populations of the federally endangered steelhead trout.

For several years, Surfrider has participated in the Technical Advisory Committee (TAC) for the Malibu Creek Ecosystem Restoration Project and we have enthusiastically supported the removal of Rindge Dam in order to restore the hydrologic regime of the Malibu Creek system and reestablish hydraulic connectivity from the Santa Monica Mountains to the Pacific Ocean—ultimately building more resilient coastal beaches.

Surfrider is pleased both the U.S. Army Corps of Engineers (USACE) and the California Department of Parks and Recreation (CDPR) have spent a significant amount of time analyzing this important project and engaging the local community and interested stakeholders.

While there are two alternatives that have emerged as the most feasible, Surfrider's comments will specifically focus on the Locally Preferred Plan (LPP). We have chosen to support the LPP over the National Ecosystem Restoration (NER) plan because we strongly believe ***it is imperative the entire dam and spillway are removed***. While we support the LPP over the NER, we are concerned the LPP does not strategically deposit impounded sediment in areas that suffer from chronic erosion.

### SPECIFIC RECOMMENDATIONS FOR THE LPP

It is fundamental to Surfrider that the impounded sediment trapped behind the dam is viewed as a **beneficial and not as burdensome**. If this view is taken, we believe the sediment can, and should be, used strategically to replenish starving beaches. **Therefore, we are concerned that only 1/3 of the impounded sediment will be reused and 2/3 of it will be deposited into the Calabasas landfill.**

Given the fact that many beaches within Los Angeles county have been deemed chronically eroded we think more thought should be given to utilizing all the sediment at different beaches throughout the region. In 2010, the Coastal Sediment Management Working Group conducted a Beach Erosion Assessment Survey<sup>1</sup> and identified Beach Erosion Concern Areas (BECA), where current or historical erosion is of concern. The BECAs identified in the Santa Monica Mountains area include Leo Carrillo State Beach; Dan Blocker County Beach; Nicholas Canyon County Beach; Surfrider Beach; and Topanga State Beach.

Unfortunately, the LPP overlooks how impounded sediment can be used for BECAs—in fact, only one out of five beaches will realize the benefits of the LPP. As proposed, impounded sediment would be barged from Ventura Harbor and placed within nearshore environment east of Malibu Pier. **Surfrider suggests a combination of**

<sup>1</sup>Coastal Sediment Management Working Group Assessment of Beach Erosion Concern Areas  
[http://dbw.ca.gov/csmw/pdf/CBEAS\\_Final\\_10252010a.pdf](http://dbw.ca.gov/csmw/pdf/CBEAS_Final_10252010a.pdf)

**barging and shoreline placement of impounded sediment.** Surfrider is concerned that depositing sediment east of Malibu Pier will not help solve long term erosion problems. **In fact, we think an entirely new analysis of barged sediment should be conducted.**

See above  
response

### Additional Barging Analysis

Surfrider strongly encourages both USACE and CDPR to analyze depositing sediment further west of the Malibu pier. Again, it is important to stress further analysis must be conducted to better understand **alternative deposition sites east of Malibu Pier.** We also want to stress that any analysis of alternative barge locations must consider protection of sensitive habits (i.e. Areas of Special Biological Significance and Marine Protected Areas).

Perhaps sediment is barged offshore to a location west of Pepperdine University and east of Corral Canyon Park. **Surfrider thinks that sediment deposited further offshore (as opposed to nearshore, but not *too* far offshore that sediment is lost) might be beneficial** and help with sediment transportation to chronically eroding beaches.

**We also think that larger grains should be utilized when deposited offshore.** Again, we are speculating and we encourage further analysis of alternative options. **Perhaps several additional offshore barge locations should be examined.** Of course, it is extremely important to Surfrider that all sediment deposition is closely studied to ensure protection of sensitive marine habitats.

As mentioned in the Integrated Feasibility Report the sediment budget for the nearshore study area is not well understood due primarily to the lack of coastal process data west of Topanga Canyon and the history of frequent shoreline modifications that have occurred in Santa Monica Bay since the early 1900s.<sup>2</sup>

***Multiple barge locations should be further analyzed to better understand how ocean currents can distribute sediment to BECA beaches.***

2

### Alternative Onshore Sediment Deposition

For nearly 15 years, the Surfrider Foundation has been monitoring and commenting on the chronic erosion at Broad Beach. Recently the Coastal Commission approved a 300,000-cubic yard sand replenishment project at Broad Beach. **Surfrider believes that sediment from Rindge Dam can be used to replenish the area.** In fact, we provide a creative alternative for materials that are slated to be taken to the landfill. As mentioned in the Integrated Feasibility Report:

3

<sup>2</sup>Malibu Creek Ecosystem Restoration Feasibility Study pg 85  
<http://www.spl.usace.army.mil/Missions/Civil-Works/Projects-Studies/Malibu-Creek-Study/>

“Calabasas Landfill has been identified as the only feasible receiver site available to dispose of any of the larger sized material (gravel, cobble, boulders) and fines (silts and clays) impounded at Rindge Dam.”<sup>3</sup>

Specifically, for Broad Beach, Surfrider urges the USACE and CDPR to analyze using larger materials to build a cobble berm that can be buried with sediment from Rindge Dam. Of course, any sediment utilized must be beach-compatible grains. We speculate some type of washing mechanism would be needed to separate the fines from beach sand.

4

Once the fines have been separated, Surfrider urges the USACE and CDPR to locate agriculture areas that would benefit from fines (i.e. farmlands that have deteriorated and are dominated by coarse sediment would benefit from the fines).

**Finally, we strongly recommend that USACE and CDPR study directly depositing sediment at the 5 BECAs identified for chronic erosion.**

5

## Floodwalls

Surfrider objects to proposed floodwalls. Hardening of streambanks could lead to increased erosion and scour and reduce the productivity of stream habitat (one of the very reasons for removal of the dam). Surfrider appreciates the need to reduce flood risk, but it is important to highlight that ‘topping of sediment’ has already occurred at Rindge without increased flood implications. The following statements from the Integrated Feasibility Report illustrate the uncertainty of flooding implications and reiterate that sediment topping is already occurring.

“While model results show a potential increase in the flood risk to downstream communities, it is more difficult to differentiate between impacts from mobilization a portion of the impounded sediment for these alternatives and the much greater volume of sediment generated from the entire watershed during storm runoff.”<sup>4</sup>

“Rindge Dam reached capacity for trapping and impounding sediment that is transported downstream during storm events many decades ago.”<sup>5</sup>

## Conclusion

<sup>3</sup> Malibu Creek Ecosystem Restoration Feasibility Study pg 201

<http://www.spl.usace.army.mil/Missions/Civil-Works/Projects-Studies/Malibu-Creek-Study/>

<sup>4</sup> Malibu Creek Ecosystem Restoration Feasibility Study pg 253

<http://www.spl.usace.army.mil/Missions/Civil-Works/Projects-Studies/Malibu-Creek-Study/>

<sup>5</sup> Malibu Creek Ecosystem Restoration Feasibility Study pg 52

<http://www.spl.usace.army.mil/Missions/Civil-Works/Projects-Studies/Malibu-Creek-Study/>

The removal of Rindge dam presents a great occasion to **opportunisticly utilize impounded sediment**. Surfrider urges USACE and CDPR to conduct further analysis to creatively use sediment deposition strategically offshore and onshore. Considering beaches along the west coast are increasingly eroding and sea levels are rising due to climate change, we strongly believe impounded sediment ought to be used wisely and not wasted. Once again, thank you for the opportunity to comment and for your efforts to involve stakeholders in this very exciting restoration project.

Respectfully,



Stefanie Sekich-Quinn  
Surfrider Foundation, HQ  
Coastal Preservation Manager



Graham Hamilton  
Surfrider Foundation, West LA/Malibu  
Chapter Coordinator

1 that divides the water. There's not much room there on  
2 the banks for water to raise. So, increased sediment  
3 coming downstream to us I think will really raise the  
4 level in the seabed in the bed of the creek such that we  
5 don't have much clearance already at the bridge that we  
6 have. The pictures that were submitted show the amount  
7 of incredible -- "beaver dam" was a nice word for it,  
8 and the destruction that happened of the wood sides of  
9 the bridge. So, I'm very concerned about sediment  
10 flowing down. I don't have an answer for the trucks and  
11 the amount of traffic on Malibu Canyon, but I'm very  
12 concerned about the sediment filling up the creek.

13 So, thank you.

14 COL KIRK GIBBS: Thank, you sir.

15 SUSIE MING: Thank you. Graham Hamilton.

16 GRAHAM HAMILTON: Good evening. My name is  
17 Graham Hamilton. I'm here on behalf of the Surfrider  
18 Foundation's West L.A./Malibu Chapter.

19 I would like to thank you all for all of the work  
20 that you've put into this project. It's been going on  
21 for a long time. Much before my time. The Surfrider  
22 Foundation is in support of the removal of Rindge Dam.  
23 We will be submitting detailed comments before  
24 March 27th. But I would like to kind of speak just from  
25 a personal perspective.

1           It's really great to hear the varying opinions.  
2   And the cost benefit analysis is a critical argument to  
3   have. In all of these issues, the cost benefit analysis  
4   can really only take us so far. I think it's very  
5   difficult to assess what impact steelhead migrating up  
6   the watershed might have for our communities and for our  
7   environment. And I also think that just because there's  
8   five problems beyond the problem that we're currently  
9   looking at, that shouldn't preclude us from focusing on  
10   the problem that's right in front of us.

11           From a coastal preservation standpoint, I think  
12   we do have to worry about the floodplain in the Civic  
13   Center. I'm concerned about the possibility of flood  
14   walls being put in near the Civic Center. I think the  
15   first piece of property that would come under threat  
16   under a year of high flow would be the Adamson Estate  
17   because of the way that the inlet breach continues to  
18   migrate further eastward, undermining the beach in front  
19   of the Adamson Estate where there are now, I think,  
20   several new sinkholes. So, these are really, really  
21   critical issues that need to be -- that have been  
22   discussed. And I appreciate all of the attention around  
23   them.

24           From a personal perspective, I'm very thrilled at  
25   the idea of reconnecting the watershed and opening up



1 this tiny sliver of a wilderness corridor in the  
2 Malibu Creek.

3 And also, another kind of point on the cost  
4 benefit analysis is how is any type of benefit that the  
5 removal of Rindge Dam might have when it comes to  
6 mitigating the effects of climate change. If we've got  
7 700,000 cubic yards of sand or sediment impounded,  
8 that's a resource for us. And it has been tested, and  
9 we know that it's clean. And it's a resource that we're  
10 going to need in the coming years as we face storms that  
11 come unannounced and unplanned for.

12 So, I don't know how to encapsulate my comments,  
13 other than to say thank you for the work that you've  
14 done. And I look forward to continuing to be a part of  
15 the process.

16 COL KIRK GIBBS: Thank you, Greg. Is that it?

17 SUSIE MING: Yes.

18 COL KIRK GIBBS: Okay. That concludes the formal  
19 questions at the podium unless anyone would like to add  
20 to what they -- Mark?

21 MARK OSOKOW: Yes.

22 COL KIRK GIBBS: Okay. Go ahead. Two more  
23 minutes.

24 MARK OSOKOW: I don't think I need that much  
25 time.



**Jessica D. Strickland**  
*California Field Coordinator*

March 27, 2017

**Eduardo T. Demesa**  
 Chief, Planning Division  
 U.S. Army Corps of Engineers, Los Angeles District  
 ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
 915 Wilshire Blvd., Suite 930  
 Los Angeles, California 90017

*Delivered Via E-mail:* [Malibu.Creek@usace.army.mil](mailto:Malibu.Creek@usace.army.mil)

**Re: Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report with Environmental Impact Statement/Environmental Impact Report (EIS/EIR), Los Angeles and Ventura Counties, California (January 2017)**

Dear Mr. Demesa,

This letter transmits the support of Trout Unlimited (TU), Trout Unlimited of California ("California Council") and the South Coast Chapter of Trout Unlimited on the Locally Preferred Plan Alt 2B2 for the restoration of the Malibu Creek ecosystem, a critical southern steelhead trout water in the region.

California sportsmen, particularly those that reside in southern California, strongly support restoration efforts along Malibu Creek and its tributaries. The Southern California steelhead (anadromous *Oncorhynchus mykiss*) was listed as endangered by National Marine Fisheries Service, under the federal Endangered Species Act in 1997 (Federal Register 1997). The annual run of Malibu Creek steelhead historically was a wild, self-sustaining population, which required no stocking (Busby et al, 1996). The stream also supported a popular recreational fishery (Kreider, 1948). Steelhead runs in Malibu Creek are now greatly reduced from historic levels. The population is estimated to be in the dozens (Franklin and Dobush 1989), with fewer than 20 individuals seen in 2016 (Rosi Dagit, Resource Conservation District of the Santa Monica Mountains, pers. comm. 2017), whereas historic runs in the creek have been estimated as high as 1,000 steelhead (Nehlsen et al. 1991). Given this decline, their current high risk of extinction, and the desire to recover steelhead populations, potential opportunities for achieving significant enhancements to steelhead habitat is long overdue.

The key to restoring southern steelhead in Malibu Creek is to remove Rindge Dam and allow these fish, for the first time since 1926 when the dam was completed, to gain access to their historic spawning and rearing habitat. The Feasibility Report provides an important opportunity to achieve potential long-term enhancements, recovery of steelhead in the Malibu Creek, and support the ultimate goal of delisting. Rindge Dam, located on Malibu Creek in

**Trout Unlimited: America's Leading Coldwater Fisheries Conservation Organization**

California Field Office: PO Box 7399 Mammoth Lakes CA 93546

(830) 515-9917 • [jstrickland@tu.org](mailto:jstrickland@tu.org) • [www.tu.org](http://www.tu.org)

Southern California, has been an obsolete facility for over sixty years. It serves no beneficial functions, such as flood control, water supply, or hydropower generation, because it completely filled with sediment in 1955. To the contrary, it stores approximately 800,000 cubic yards of materials critically needed to replenish the eroding and economically important beaches of the Santa Monica Bay, while restricting one of the most important runs of steelhead along the Pacific coast to a small fraction of the total potential habitat within the Malibu Creek watershed. The National Marine Fisheries Service released the Southern California Steelhead Recovery Plan in 2012, which identifies Malibu Creek as one of two Core 1 waters within the Santa Monica Mountains Biogeographic Population Group. Core 1 waters have the highest intrinsic potential to aid recovery, and must be protected and/or restored to ensure steelhead recovery. The Recovery Plan also lists *“remove Rindge and Malibu dams, and physically modify road crossings, to allow natural migration of steelhead to upstream spawning and rearing habitats and passage of smolts and kelts downstream to the estuary and the ocean”* as a the critical recovery action for Malibu Creek.

We believe that the Locally Preferred Plan (LPP Alt2B2) best meets the recommendations identified by the 224,000 member Southern California Steelhead Coalition in 2002, Assessing Steelhead Restoration to the Santa Monica Mountains report of 2006, and NMFS' critical recovery action identified in the 2012 Recovery Plan. LPP Alt2B2 removes the entire concrete dam structure, including the Rindge Dam spillway, which would eliminate the unauthorized use and risk associated to recreational users of the spillway. LPP Alt2B2 also identifies the removal of smaller fish passage barriers (check dams, culverts, etc.) upstream of Rindge Dam, which would reconnect existing critical steelhead habitat with an additional 18 miles of existing spawning and rearing habitat. Dam removal is a costly investment and coupling the additional barriers into an ecosystem restoration program is a prudent approach and offers an economy of scale.

We thank you again for your vision and appreciate the opportunity to comment on this priority steelhead recovery issue. Feel free to contact me at [jstrickland@tu.org](mailto:jstrickland@tu.org) or 830.515.9917 with any follow up questions regarding our support of LPP Alt2B2.

Sincerely,

Jessica D. Strickland  
California Field Coordinator  
Trout Unlimited

Cindy Noble  
Council Chair  
Trout Unlimited of California

Robert Blankenship  
Chapter President  
South Coast Chapter of Trout Unlimited

**From:** [bo@adamsappr.com](mailto:bo@adamsappr.com)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu Creek Restoration Study  
**Date:** Friday, February 10, 2017 2:22:22 PM

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Good afternoon,

I am emailing to voice my support for the Malibu Creek Restoration Study.

As a surfer I have witnessed the change in the sand movement and structure at Surfrider Beach at the mouth of the lagoon due to the hold back of sediments by the dam.

The watershed is also critical habitat for the endangered Southern California Steelhead.

Please move forward with the study and removal of Rindge Dam.

Sincerely, Robert Adams

LA resident

**From:** [bo@adamsappr.com](mailto:bo@adamsappr.com)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu Creek  
**Date:** Thursday, March 23, 2017 4:40:15 PM

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Good afternoon Mr. Demesa,  
I'm sending a quick email to voice my support for the LPP ALT 2B2 Malibu Creek drainage project.  
Please move forward with this project. Thanks for your time.  
Concerned wildlife fan and surfer,  
Bo Adams

**From:** [Joe Agnew](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam Removal  
**Date:** Thursday, March 23, 2017 1:38:39 PM

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Please do the responsible thing and remove this useless eyesore, it is a danger to the public, a filthy mess and if taken down, the chromers might even come back home!

Suport the Local Plan (LPP Alt2B2).

Thank you  
Joe Agnew

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<Blocked<https://docs.google.com/uc?export=download&id=0B72-H4asaJsJXzlHcE9Md1I3WHM&revid=0B72-H4asaJsJR2xObU9lVDZpZ3U5UXk0Y2U4b1JramdtNlbnPQ>>

If you end up with a boring miserable life because you listened to your mom, your dad, your teacher, your priest, or some guy on television telling you how to do your shit, then you deserve it.

- Frank Zappa

**From:** [Allen, Larry G](#)  
**To:** [Malibu Creek](#)  
**Cc:** [Rosi Dagit](#)  
**Subject:** [EXTERNAL] RE: URGENT Malibu steelhead support letters needed NOW  
**Date:** Thursday, March 23, 2017 12:37:47 PM  
**Attachments:** [L Steelehead Malibu Creek Allen.pdf](#)

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Please see attached letter.

\*\*\*\*\*  
Dr. Larry G. Allen  
Chair and Professor of Biology  
California State University  
Northridge, CA 91330-8303  
larry.allen@csun.edu <<mailto:larry.allen@csun.edu>>  
818-677-3356

Blocked[www.csun.edu/biology/nmfrp](http://www.csun.edu/biology/nmfrp) <Blocked<http://www.csun.edu/biology/nmfrp>>

Life's Short - Fish Hard!!!!  
\*\*\*\*\*

California State University  
**Northridge**  
Department of Biology

March 23, 2017

Mr. Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Mr. Demesa:

In 1971, I was with Dr. Camm C. Swift when we made the first LACM collections of juvenile steelhead trout in both Topanga and Malibu Canyon creeks. I was amazed that they were actually there and surviving in the intermittently running creek that went subterranean several times in just a one mile stretch. Steelhead are important legacy fish in California's water and are the most important anadromous fishes that move between marine and freshwaters south of San Francisco Bay. They have long been part of the impressive recreational fishing lore off California.

I strongly support the removal of the Rindge Dam and other fish passage barriers in Malibu. This action will greatly enhance the re-establishment of the endangered steelhead (*Oncorhynchus mykiss*) back into their former range. The barriers have been largely preventing the natural stocks from reproducing successfully for over 50 years in Malibu Canyon. Simply put, this species cannot recover unless we provide them access to high quality spawning habitat, 12 miles of which will become accessible again once the dam is removed.

In closing, steelhead are priceless, their value to our ecosystem is not easily reduced to a simple economic argument. What we do know is that these are remarkably well adapted ancestral fish, tolerant to warmer temperatures and able to navigate the erratic and difficult environmental conditions of southern California. They are the fish of the future, our chance to have steelhead populations adapt and spread even as climate shifts. Their loss would be tragic.

Sincerely,



Larry G. Allen, Ph.D.  
Chair and Professor of Biology





**From:** [Glen Atkinson](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Locally Preferred Plan 2B2  
**Date:** Thursday, March 23, 2017 10:59:37 AM

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To: Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

I am writing to you to express my support for the Locally Preferred Plan 2B2, which removes the Rindge Dam as part of the restoration of Malibu Creek.

Thank you  
Glen Atkinson

**From:** [Russell Barabe](#)  
**To:** [Malibu Creek](#)  
**Subject:** [Non-DoD Source] Rindge Dam  
**Date:** Monday, March 27, 2017 7:19:27 AM

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Dear Eduardo T. Demesa,

I am writing to express my support for removal of Rindge Dam located on Malibu Creek. Providing access to the habitat above this barrier to fish migration is the best possible way for recovery of endangered steelhead to begin. I was just up in this area two weeks ago, and I was able to see a southern steelhead in Maria Ignacio Creek, and it made my week. We need to do everything we can to provide these fish access to their historical spawning grounds.

Thank you.

Russell Barabe

**From:** [Sean Bell](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam  
**Date:** Thursday, March 23, 2017 10:04:15 AM

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I support dam removal as soon as possible.

Sent from my iPhone

**From:** [Donald Bell](#)  
**To:** [Malibu Creek](#)  
**Cc:** [Home Bell](#)  
**Subject:** [EXTERNAL] Rindge Dam Removal  
**Date:** Thursday, March 16, 2017 11:29:42 AM

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

I am Treasurer of the South Bay Flyfishers Club (a 501 (c) (3) organization). We have contributed money to efforts to remove the dam as well as volunteered at work parties focused on removing invasive species in Malibu Creek. This stream can become a living ecosystem given an opportunity to become free flowing again. The dam is now useless and a barrier to return of native steelhead and historic species habitat.

Respectfully,  
Donald Bell

41 Cavoretto Lane  
El Sobrante, Ca. 94803  
February 15, 2017

U.S. Army Corps of Engineers, Los Angeles District  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

ATTN: Chief, Planning Division

Mr. Eduardo T. Demesa,

I recently reviewed your Malibu Creek Ecosystem Restoration Feasibility Study and wanted to go on record as an advocate for all changes that, within the boundaries of law and public safety, might result in reducing or eliminating issues listed in your Problem Summary. If you can put me on a mailing list to be and stay informed on your project, please add [rbellon619@gmail.com](mailto:rbellon619@gmail.com) to that list.

As an active and motivated fly fisherman and member of CalTrout, Friends of the Rivers and Nature Conservancy I am allied with your intentions to restore damaged or depleted waterways, resources and the diversity therein. Your regard and attention to such is much appreciated.

With all regard,

A handwritten signature in blue ink, appearing to read 'R. Bellon', with a large, stylized flourish at the end.

Robert J Bellon, BFA

**From:** [michael blum](#)  
**To:** [Malibu Creek](#)  
**Cc:** [Zander\\_hartman@hotmail.com](#); [benjamin.samuel012](#); [King, Jamie](#)  
**Subject:** [Non-DoD Source] SU: Re: Comments on Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report (IFR) with Environmental Impact Statement/Environmental Impact Report (EIS/EIR) Los Angeles and Ventura Counties, California.  
**Date:** Monday, March 27, 2017 12:07:57 PM

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Mr. Eduardo T. De Mesa  
 Chief, Planning Division  
 US. Army Corps of Engineers  
 Los Angeles District  
 915 Wilshire Boulevard, Suite 930  
 Attention: Mr. Jesse Ray (CESPL-PDR- L)  
 Los Angeles, California 90017-3401  
 VIA EMAIL: [Malibu.Creek@usace.army.mil](mailto:Malibu.Creek@usace.army.mil) <<mailto:Malibu.Creek@usace.army.mil>>

Re: Comments on Malibu Creek Ecosystem Restoration Study Draft Integrated Feasibility Report (IFR) with Environmental Impact Statement/Environmental Impact Report (EIS/EIR) Los Angeles and Ventura Counties, California.

Dear Mr. De Mesa.

The Malibu Suring Association (MSA) formed in 1961 as one of California's first surfing clubs. The MSA is an all-volunteer, nonprofit organization dedicated to the fellowship of surfing and to the stewardship of our home break, world-famous Malibu Surfrider Beach. In more than 55 years since our founding, and whose membership represents over 800 cumulative years of surfing, we remain intimately associated with the past, present, and future of Malibu surfing and of Surfrider Beach.

We appreciate the opportunity to provide the following comments on the Malibu Creek Ecosystem Restoration Feasibility Study Draft Integrated Feasibility Report.

While we remain broadly aligned with organizations and other interested parties that have worked over several years, even decades, to advocate for responsibly improving, expanding, and connecting habitat throughout Malibu Creek, we do not have comments on specific aspects of ecosystem restoration proposed in the study report.

Similarly, while we share the concerns of interested parties regarding multi-season construction impacts on: residents, businesses, and institutions surrounding the project area, emergency service personnel's access to either side of the project area along Malibu Canyon Road, and visitors traveling through the project area, we do not have comments on specific aspects of the construction and traffic plans proposed in the study report.

We appreciate, and support, the project goal of restoring a natural sediment transport regime to Malibu Creek through the removal of the Rindge Dam and spillway. We believe this will ultimately deliver benefits to areas downstream of the project site, including Lower Malibu Creek and Surfrider Beach.

The remainder of our comments, then, are twofold.

First, we regard plans considered in the study report for the lens of beach-compatible sediments currently impounded behind Rindge Dam. The volume of these sediments is estimated at 270,000 cubic yards, approximately one-third of all impounded sediments. Among project alternatives, both the National Ecosystem Restoration (NER) plan and Locally Preferred Plan (LPP) deposit these sediments directly east of Malibu Pier and let them disperse downcoast (i.e., eastward) by littoral drift. The differences between the NER and LPP alternatives regard how material is transported to the dispersal site. The NER alternative is by truck, combined with nearshore placement. The LPP is by barge.

The 2010 Coastal Sediment Management Working Group's "California Beach Erosion Assessment Survey"

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<Blocked[http://dbw.ca.gov/csmw/pdf/CBEAS\\_Final\\_10252010a.pdf](http://dbw.ca.gov/csmw/pdf/CBEAS_Final_10252010a.pdf)> identified more than 50 coastline locations as Beach Erosion Concern Areas (BECA), where current or historical erosion is of concern to state, federal or local entities, or Group members. A BECA designation is not prescriptive, but intended to, "inform decision-makers of the extent and types of beach erosion problems facing the state." BECAs identified in the Santa Monica Mountains area include (west to east): Leo Carrillo SB; Dan Blocker CB; Nicholas Canyon CB; Surfrider Beach CB; and Topanga SB.

As proposed, the project has identified shoreline and nearshore placement sites east of Malibu Pier for Rindge Dam beach-compatible impounded sediments. As such, these placement sites would not nourish 4 of the 5 Santa Monica Mountains BECAs. The fifth, Topanga Beach, is approximately 2 nautical miles downcoast. As recently as this 2016-17 wet season, California State Parks required emergency measures to address severe erosion at their Adamson House (Surfrider Beach) property. **With respect to the impounded sediment, the proposed project would not address the acute erosion problems at Surfrider Beach.** Nicholas Canyon CB was also noted in the Draft Los Angeles County Coastal Regional Sediment Management Plan as an, "erosion hot spot within the County." (p 46). Like Surfrider, the proposed deposition site for beach-compatible impounded sediments would not address the acute erosion problem at Nicholas Canyon CB.

Instead of Surfrider Beach, Nicholas Canyon CB, or the other area BECAs, the Malibu Pier deposit site will nourish Malibu's Carbon/Las Flores beaches, neither of which were identified as BECAs in the 2010 survey, and historically are narrow, sediment-limited beaches not requiring nourishment. While there is benefit in delivering beach-compatible materials back to the Santa Monica Littoral Cell, the proposed plan falls well short of maximizing the material's value. **In our view, after years of planning, the project does little to value the nearly 270,000 cubic yards of beach-compatible sediment as a valuable resource.**

We also note that, while the point break waves formed at Surfrider Beach most often break further west of the pier at the First, Second, or Third Point surf breaks, waves do occasionally break east of the pier, too. As recently as August, 2014, waves broke past the end of Malibu Pier and certainly into the proposed NER and LPP deposit sites  
<Blocked<http://xgames.espn.com/xgames/gallery/11430055/image/1/welcome-malibu>  
<Blocked<http://xgames.espn.com/xgames/gallery/11430055/image/1/welcome-malibu>>.

We believe the 270,000 cubic yards of beach-compatible sediments currently impounded behind Rindge Dam is a valuable resource. Further, we believe they represent a potential nourishment source for identified BECAs within the Santa Monica Mountains or at other regional beaches. We do not believe initially dispersing the material to (historically) sediment-limited beaches delivers enough of a benefit, given project costs associated with excavation, transportation, and deposition.

We disagree with alternatives that deposit beach-compatible impounded sediment at a dispersal site adjacent to Malibu Pier, as they do not prioritize a valuable resource with nearby sediment-starved beaches in need of that resource.

Second, we note that if the 270,000 cubic yards of beach-compatible sediments are valuable, then the approximately 540,000 cubic yards of other Rindge Dam impounded sediments do, as well. Yet these sediments, which naturally are part of the Malibu Creek sediment cycle will not be reused in either the NER and LPP plans, but disposed of at the Calabazas landfill. We urge USACOE to engage area governments and agencies to more fully explore beneficial reuse of these impounded materials throughout the project area.

Thank you for the opportunity to comment on this project. Please feel free to contact me with questions.

Regards,

Michael Blum  
Stewardship Chair  
Malibu Surfing Association  
[msasurfing.org](http://msasurfing.org) <Blocked<http://msasurfing.org/>>

**From:** [Boller, Scott A](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam on Malibu Creek Environmental Impact Statement and Feasibility Study  
**Date:** Thursday, March 23, 2017 5:20:45 PM

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Sir,

I want to go on record as supporting the Rindge Dam removal project on Malibu Creek. While the Environmental Impact Statement and Feasibility Study are out for public comment I want my position on this matter to go on record. Specifically, I support the Locally Preferred Plan (LPP Alt2B2), which removes the entire concrete dam structure and barges the sand and other materials to areas that will benefit from it the most. The LPP Alt 2B2 is favored by the local resource agencies and I am choosing to support it.

As a board member of the Pasadena Casting Club, and a member of Trout Unlimited, CalTrout, and the International Federation of Fly Fishers, I desire to see the Rindge dam removed and miles of habitat opened up for fish spawning and early growth, re-establish a more natural sediment transport regime through the watershed and improve the quality of habitat connectivity.

Thank you for your consideration on this matter.

Scott Boller

7216 Dos Rios Dr.

Tujunga, CA 91042

818-813-0315 (Cellular)

sbollers@me.com <<mailto:sbollers@me.com>>



**From:** [D. Brady](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Please help save the steelhead population by removing Rindge Dam ...  
**Date:** Thursday, March 23, 2017 12:00:03 PM

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Re: Blocked<http://www.spl.usace.army.mil/Missions/Civil-Works/Projects-Studies/Malibu-Creek-Study/>

Dear Mr. Demesa and Mr. Ray

It's very important to save this special and admirably hardy species of wild fish that has survived for thousands of years and is now so threatened, among other local and migratory wildlife populations. It would be such a travesty if it were lost to future generations. Therefore, I am supporting the State Parks' locally preferred plan to remove the dam.

While there are still many details to be fine tuned regarding ultimate sediment disposal, truck traffic and logistics, this plan is the best currently proposed to remove the dam without causing downstream impacts to critical habitat in the meantime.

As a local resident, I shudder to think that Southern California could participate in the decimation of this wonderful and important variety of coastal trout and many other species likewise hampered. Please help them to recover and thrive into the future.

Thanks,

D. H. Brady  
West Los Angeles

**From:** [Don Briscoe](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] [Non-DoD Source] Opposed to the Malibu Rindge Dam Removal  
**Date:** Saturday, March 25, 2017 6:32:42 PM

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Mr. Eduardo T Demesa  
Chief, Planning Division  
US Army Corps of Engineers, Los Angeles District  
Attn: Mr Jesse Ray (CESPL-PDR-L)  
915 Wilshier Blvd. Suite 930  
Los Angeles, CA 90017

To Whom It May Concern,

As a long time resident of Malibu I have had the pleasure of hiking to and swimming above the Rindge Dam in the early 60's and am very familiar with area. There is no doubt that the dam has aged and not functioning as it once did but there is also no doubt that it helps to control the flow of the water in Malibu Creek. We have many friends who live in the Serra Canyon neighborhood and we frequent many of the commercial business properties in the Cross Creek Area. Many of these families and businesses sustained damage in the recent winter rains. The roads within Serra Retreat and the Cross Creek bridge were severely impacted causing limited emergency access and utility services. I believe the removal of the dam and the excavation of sediments will have a negative impact on all properties downstream and that these potential impacts require additional studies and mitigation measures to assure that there is no liability for damages resulting from this project. Thank you for your consideration.

Concerned Malibu Resident,

Don L Briscoe  
19040 P. C. H. , Malibu, CA 90265  
310 4592122

**From:** [Lorraine Bubar](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam Removal  
**Date:** Thursday, March 23, 2017 4:16:20 PM

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To whom it may concern,

I am writing this in support of the fish!!! The Malibu steelhead need access to quality spawning habitats, which will become accessible when the Rindge Dam gets removed.

These fish are critical to our ecosystem and need every chance we can give them to survive.

Thank you.

Lorraine Bubar  
Los Angeles, CA

**From:** [Justin Bubenik](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Support of LPP Alt2B2  
**Date:** Thursday, March 23, 2017 9:35:23 AM

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Dear Mr. Demesa:

Please let this letter serve as a letter in support of LPP Alt2B2. As an avid fly fisherman and outdoorsman who regulars the areas surrounding Malibu Creek, I believe this would be the best route for dam removal to bringing back the Malibu Creek ecosystem to a state where the endangered Southern California steelhead and other threatened species can flourish.

Sincerely,

Justin J. Bubenik  
2430 Resthaven Drive  
Los Angeles, CA 90041

**From:** [joe@budenholzer.com](mailto:joe@budenholzer.com)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Support for Removal of Rindge Dam  
**Date:** Thursday, March 23, 2017 10:09:42 AM

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Dear Mr. Demesa,

I am writing to ask you to continue with supporting the improved habitat and spawning grounds for our Southern California steelhead population by removal of the Rindge Dam and other fish passage barriers.

The Malibu Creek drainage represents one of the better opportunities to return Steelhead to Southern California. Please give these beautiful and resilient fish the opportunity to return to their native spawning grounds. It would be unfortunate to lose this species because we failed to take corrective action in a timely manner.

Thank you for your assistance in moving the state parks locally preferred plan forward.

Best Regards,

Joe Budenholzer

818 489-3669 cell

joe@budenholzer.com <<mailto:joe@budenholzer.com>>

**From:** [Jim Burns](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Letter in favor of Rindge Dam and other fish passage barriers in Malibu  
**Date:** Thursday, March 23, 2017 1:58:59 PM

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

March 23, 2017

Dear Mr. Demesa

I've blogged at [Blockedwww.lariverflyfishing](#) for the past seven years, and during that time I've become conversant in the plight of the Southern California Coast Steelhead. After all, the tagline for my blog is "fishing for carp, waiting for steelhead."

It sounds like a work of fiction to say that in just over a half-century, we've lost such a valuable resource. From what I've reported on the blog, I understand that four fish returned this season, and one died in a biologist's hands. This is a far cry from the robust numbers that used to warrant fish camps that provided for anglers needs, including food and lodging, as they pursued this magnificent fish. Here are a number of steelhead stories from my blog:

[Blockedhttps://lariverflyfishing.com/2017/03/13/endangered-so-cal-steelhead-dies-before-it-can-reproduce/](#)

[Blockedhttps://lariverflyfishing.com/2017/03/10/quick-mends-endangered-steelhead-spotted-in-ventura/](#)

[Blockedhttps://lariverflyfishing.com/2016/04/12/klamath-river-dams-agreement-puts-steelhead-back-in-the-picture/](#)

[Blockedhttps://lariverflyfishing.com/2015/09/28/measured-optimism-unites-steelhead-event/](#)

[Blockedhttps://lariverflyfishing.com/2014/06/12/new-so-cal-steelhead-book-hits-the-heart-of-the-matter/](#)

Looking at the issue purely from the fiscal side makes little sense. Corps monies are most likely stretched in many directions. Here is an opportunity to give a marker species a chance to come back. Malibu Creek is geographically and historically well-placed to facilitate in the recovery.

Sincerely,

Jim Burns

**From:** [John Byer](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam  
**Date:** Friday, March 24, 2017 4:52:18 PM

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I wanted to make my support known for the removal of the Rindge Dam. That sixty years after it has been decommissioned it is still blocking spawning steelhead is absolutely criminal.

Thank you for your time,

-John Byer

**From:** [bdcinadr@gmail.com](mailto:bdcinadr@gmail.com)  
**To:** [Malibu Creek](#)  
**Subject:** [Non-DoD Source] Dam and obstruction removal  
**Date:** Monday, March 27, 2017 5:56:10 PM

---

I am a twenty five year resident and tax payer of Topanga. I've witnessed a profound change during my time here, our impact on this beautiful and rare environment is obvious. I urge you to do everything possible to return the steelhead's habitat to its original state. The health of our ecosystem is fundamental to our humanity.

Thank You,

Brian Cinadr  
19937 Grand View  
Topanga, CA 90290  
310-455-3228



**From:** [n.cook15@gmail.com](mailto:n.cook15@gmail.com)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Dam Removal  
**Date:** Thursday, March 23, 2017 10:15:52 AM

---

Please remove this dam! It is a deadbeat and not needed. Removal will help beautify this area, allowing for better recreation and habitat restoration for endangered steelhead.

Sent from my iPhone

**From:** [Andy Coradeschi](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] I support the removal of the Rindge Dam  
**Date:** Thursday, March 09, 2017 1:16:07 PM

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Mr. Demesa,

I live in Agoura Hills and I support the removal of the Rindge Dam.

I slightly prefer the LPP plan over the NER plan.

Best,

Andy

--

Andy Coradeschi

1 flow going. And because the creek is not gouged out and  
2 cleaned out, as it was 25 years ago, as a matter of  
3 course, it was cleaned out to allow the flow, we now  
4 have a huge island which is ascending the creek  
5 widthwise and much wider than it used to be. If this  
6 was a mild storm, I shudder to think what would happen  
7 if we had the sediments and the debris from the dam  
8 removal. I think the downstream habitat needs to be  
9 looked at much more closely. I think that it's very  
10 good that the City of Malibu is involved because our  
11 resources are limited. We're a small town. And I don't  
12 think that the damage that we've seen in the last few  
13 weeks or that we saw 20 years ago warrants this kind of  
14 destruction.

15 COL KIRK GIBBS: Thank you, ma'am. Okay. The  
16 last two have gone five minutes. So, after all their  
17 comments, I will -- if anyone who stuck to their three  
18 minutes would like to say something else, you are  
19 welcome to do that.

20 SUSIE MING: And I will let you know that if you  
21 have a comment card and want to make a comment, you can  
22 pass it to the left here, and we'll grab it.

23 Last up is Andy Coradeschi.

24 ANDY CORADESCHI: Hi. My name is Andy  
25 Coradeschi. I live here in Agoura Hills. I'm an avid

1 fisherman, surfer, hiker, trail runner; I'm also a civil  
2 engineer. And I tried my best to read the EIR. It's  
3 very long. I got through as much as I could.

4 A couple things. I think I spent -- many of us  
5 are very excited about the steelhead. I think most of  
6 us are under -- you know, we understand that this is a  
7 federally protected species, and that impacts a lot of  
8 what gets done in this creek. And additionally, as a  
9 fisherman, I never actually fished for these fish  
10 because they may be off limits to all fishing, and they  
11 probably will be, which is fine.

12 I do support taking down the dam. There are  
13 three main plans that were in the EIR, if I remember  
14 correctly. Each one has drawbacks. I'm not sure --  
15 I believe that the benefits outweigh the drawbacks.  
16 I do agree with one of the previous speakers that I  
17 believe one of the options took a number of years to  
18 complete, and that seems to be, you know, a more  
19 conservative way of taking the dam down. So, I agree  
20 with that gentleman, and I would probably support the  
21 over-a-number-of-years process of taking the dam down.

22 What I'm excited about is seeing -- you know, is  
23 the possibility of seeing steelhead coming up that creek  
24 in my lifetime. It's for the ecology, for the  
25 environment; I think it's super beneficial.

1           And another gentleman brought up the fact of  
2 costs and benefits, which is also a very good point.  
3 But I guess, you know, I'm not a kid anymore. You know,  
4 I've seen a lot of federal and state spending. And I  
5 know that the money will be spent somewhere for  
6 something. And it would be nice for it to benefit us  
7 for once, and not somebody else.

8           So, that's basically my comments. Thank you.

9           COL KIRK GIBBS: Thank you.

10          SUSIE MING: Thank you. We've got Alan Mirman,  
11 and then finally, Graham Hamilton.

12          ALAN MIRMAN: Hello. And thank you for that very  
13 detailed report. I appreciated it. My name is Alan  
14 Mirman. I'm a homeowner in Serra Canyon, and I wanted  
15 to second what Ms. Payne said because I saw something  
16 also that she didn't see. I live at the top of  
17 Serra Road and look down at the Cross Creek area, and  
18 the Friday -- I guess two or three Fridays ago during  
19 the heavy rains, we saw -- my wife and I saw the creek  
20 jump the side and go ripping through backyards,  
21 including several of our neighbors. And it was a flood.  
22 We saw lawn furniture and a camper top, or whatever,  
23 come roaring through people's yards because there's  
24 enough sediment. And as Ms. Payne mentioned, it has now  
25 created an island just on the ocean side of the bridge

1           And I did want to say that I appreciate the  
2 detail that went into this presentation tonight and in  
3 the report, itself. Thank you very much for all that.

4           COL KIRK GIBBS: You were close to five minutes.

5           ANDY CORADESCHI: Again, it's Andy Coradeschi.

6           One thing I -- I have researched -- I thought  
7 about it on the drive over tonight. I probably should  
8 have researched it before I bring it up, but it seems to  
9 me that that dam is like a pool in your backyard. It's  
10 an attractive nuisance. When we have been cleaning out  
11 that -- when we've been cleaning the stream along there;  
12 I saw tons of kids walking down Las Virgenes Road with  
13 backpacks. And it's just dangerous being on the road.  
14 I'm sure -- you know, hey, I was a kid. If that was a  
15 full of beer, and a lot of other things as well, as  
16 they're jumping off that dam, then, you know, I would be  
17 very surprised. So, I'm surprised that the City of  
18 Malibu itself isn't -- well, maybe they are. That's why  
19 I haven't done research. But I guess my point is for  
20 the City of Malibu and the County, it will -- they will  
21 be less exposed to liability I think with this dam gone.

22           Thank you.

23           COL KIRK GIBBS: Thank you.

24           CRAIG S. SAP: Just a point of clarification.

25           The local plan does take the spillway down; it's the NER

**From:** [David Cozad](#)  
**To:** [Malibu Creek](#)  
**Cc:** [David Cozad](#)  
**Subject:** [EXTERNAL] IFR Rindge Dam Removal Project  
**Date:** Thursday, February 23, 2017 6:40:09 AM

---

Dear Mr. Demesa,

I've only taken a cursory look at the IFR for the proposed Rindge Dam removal project, so my observation may not be entirely on-target. Nonetheless, it seems to me that mechanical removal of the accumulated sediment from the impoundment, with subsequent trucking and manual placement of the sand for beach nourishment is terribly inefficient and costly.

A much more cost-efficient means may be the use of hydraulic suction dredging. These dredges come in a myriad of sizes and, indeed, several sizes may be needed through the course of the project due to site constraints. The discharge piping could be laid in the channel and/or immediate floodplain. This methodology allows the dredged sediment to be pumped to the beach locations in one motion, without rehandling and at a lower cost. This method can be custom tailored to work in virtually every set of site circumstances.

If you should wish to explore this further, please feel free to contact me at your convenience.

Please have these comments read into the record for this project.

Thank you.

MAINSTREAM RESOURCES

David Cozad  
(989) 662-2240 Office  
(989) 529-1659 Mobile

**From:** [Paul Cronin](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] I support the removal of the Rindge Dam  
**Date:** Saturday, March 11, 2017 10:58:37 PM

---

Dear Mr. Demesa,

I'm an avid fly fisherman here in southern California. I am all for to remove the Rindge Dam here in Malibu.

We used to have a very active steelhead population down here, and they are nearly gone.

Any effort that can be done on our part may be able to right a wrong done many years ago.

While I doubt I will ever be catching steelhead in Southern California, maybe my grandchildren will.

At the very least, we would be leaving something better than we received in my generation.

Best Regards,

Paul



**From:** [Richard Cullip](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Removal of Rindge Dam  
**Date:** Thursday, March 09, 2017 2:13:20 PM

---

to: Eduardo T. Demesa  
attn: Mr. Jesse Ray

I understand this 100 foot tall dam was built in the 1920's to provide water for a Malibu ranch, but it was completely filled in with rocks and sand by the 1950s. It has long since been decommissioned, but it continues to block the steelhead in Malibu Creek and Malibu Lagoon from many miles of up stream spawning habitats.

I support the removal of the Rindge Dam

Richard Cullip  
richard.cullip@aol.com

**From:** [berl dahlstrom](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] renege dam  
**Date:** Thursday, March 09, 2017 11:49:02 AM

---

Dear Sir,

A few notes about the dam. If it was proposed today it would be denied for environmental considerations. We need the silt (sand) from the creek to replace sand on our beaches. The dam today is an attractive nuisance. Money and lives put in danger each year to rescue young adventurers. In my youth I worked on the LA County Fire Department, stationed in Agoura. The years were 1957, 58 and 59. At that time I worked with old timers that had worked on CCC and WPA crews in the Malibu building roads and bridges. Many of the men had lived in the area, and had fished the creek before the dam. They stated they had caught salmon in the creek up to the dam at Malibu Lake area. The removal will be expensive but as time goes on it will not be cheaper. I believe the incremental removal of the dam would allow natural removal of the silt and debris behind the dam, which is a good thing for our beaches. Thank You and Good Luck. Sincerely Berl D. Dahlstrom

**From:** [Dauksis, Russell](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam Removal  
**Date:** Friday, March 24, 2017 5:08:19 PM

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To Whom It May Concern;

I fully support and hope the Rindge Dam will be removed in its fullest capacity in the locally preferred plan. This is a beautiful fish that I have been able to see and hold in my hands, and think its potential is great to expand its population and become more valuable to the state in the future. This is also how we can show the country as L.A. County that we are trying to do the right thing, and steelhead trout should be a "poster child " for conservation in a drought stricken region.

Sincerely,

Russell Peter Dauksis

--

Russell Dauksis

M.S. Student - CSUN

**From:** [Edward De La Rosa](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] I support removal of the Rindge Dam  
**Date:** Thursday, March 09, 2017 6:29:26 PM

---

Dear Messrs. Demesa and Ray:

I am a voter and longtime resident of Brentwood, in Los Angeles.

I support removal of the Rindge Dam.

Thank you,

Edward J. De La Rosa  
310-775-0884  
srockfalls@me.com <<mailto:srockfalls@me.com>>

March 04, 2017

Edwardo T. Demesa  
Chief, Planning Division,  
US Army Corps of Engineers, Los Angeles District  
Attn: Mr Jesse Ray {CESPL-PDR-L}  
915 Wilshire Blvd, Suite 930  
Los Angeles, CA 90017

Chief Demesa,

I am writing to you, as suggested in the Malibu Surfside News regarding the Malibu Rindge Dam. I have resided in Malibu since 1970 and spent my 35 year career along the shores of Malibu and the Santa Monica Bay. Since I first learned of the proposal to remove the Rindge Dam I have been pondering how this could best be done and anticipate the consequences of this undertaking.

First and foremost the sediment accumulated behind the dam rightfully belongs to the beaches of Malibu. This is the destination nature intended. It does not belong in a landfill carried on the backs of trucks degrading our roadways and endangering vehicular transportation as well as pedestrians and cyclists.

1

I know these projects are generally planned, budgeted and scheduled to be completed by a date certain. I do not think this approach is in our best interests.

The work should proceed around wet/dry weather cycles. This may take many years.

Rindge Dam page 2.

My recommendation is to create a notch in the center of the rim of the dam to a design depth. During wet weather the sediment will work it's way down stream in a controlled manner without endangering development as well as the Malibu lagoon. The Malibu Lagoon was restored at great expense, I don't think we need to do that again.

2

When the sediment level has reached the depth of the excavation the process would be repeated until the natural depth of Malibu Creek is reached. At that point the remaining structure could be removed however it could be left in place as a historical landmark while achieving the desired result of restoring steelhead habitat.

I thank you for your consideration and wish you well in this endeavor. I know how polarizing these issues are in our community, you have your work cut out for you.

Sincerely,



Randy DeGregori  
Chief Lifeguard, ret.  
Los Angeles County Fire Department

33257 Decker School Road  
Malibu, CA 90265  
(310) 457-722216

**From:** [Bob Deshotels](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu Creek Project  
**Date:** Tuesday, February 21, 2017 6:16:54 PM

---

Dear Mr. Ray:

Through my membership with CalTrout, I learned of the proposal to restore aquatic and riparian habitat, which will especially benefit the Southern California steelhead. I enthusiastically support the proposal, but would like to see a small improvement in the plan. At the end of the project, I would like to see some type of permanent poster or display explaining what was done, how that affected the habitat, and give credit to the Corps of Engineers. The work of the Corps of Engineers is only rarely noticed by the public. I think it would be great for the many visitors to Malibu Creek to occasionally see steelhead, and understand why they will be coming back in greater numbers.

1

Respectfully,

Robert Deshotels,

Retired Director of Health, Safety and Environmental Engineering at Fluor Corporation

**From:** [Glenn Dexter](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] The Rindge Dam  
**Date:** Sunday, March 12, 2017 5:07:36 PM

---

Dear Army Corps of Engineers,

I am writing in support for the removal of the Rindge Dam. My concerns are the dam's blockage of sediment going downstream and steelhead trout going upstream.

I have lived on Las Flores Beach in a house my parents built in the late 50's. Our family has lived on the same beach since the 40's. My father began visiting the beach in the early 30's. Over the years we have witnessed the continual narrowing of the beach which i feel is due to the loss of sediment from its main source, Malibu Creek. Even though the dam appears full now it is only filtering out the course material behind the dam and allowing the fine silt to flow downstream. The course material is needed for the building up of the beaches.

Growing up in Malibu in the 1950's I spent many hours hanging out at the dam. I have often seen the steelhead trout congregate in the pool at the base of the dam with nowhere to go. Even if the other three dams are not removed getting rid of the Rindge dam would open up a huge amount of watershed habitat which just does not exist below the dam.

My knowledge of local waters and beaches come not only from growing up here but from 40 years of being a L.A. County Beach Lifeguard and Baywatch Capt. until I retired into commercial sea urchin diving giving me an extensive look at our coastline from underwater.

Either plan is acceptable to me. I just think the dam should be removed and the sediment delivered to the beaches from which it was deprived. If barges are used I would like to see some of the sediment deposited to the all the local beaches in Eastern Malibu. Duke's is built on an artificial point which acts as a jetty robbing the beaches downstream of sediment. Also, the sediment must be deposited in less than 30 feet of water, any sand deeper than 30 feet is lost to the beaches forever (see Waves and Beaches by William Bascom chapters XI and XII).

The cost of the project seems reasonable considering the sand sediment is the main source of protection for billions of dollars of beach front property. Think of the property taxes alone. It also restores the public beaches since the sand in front of the houses is public and open to all.

Feel free to contact me for any questions.

Sincerely Yours,

Glenn Dexter  
310-456-9965



February 9, 2017

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Please restore Malibu Creek.

The Rindge dam has degraded Malibu Creek and native steelhead have suffered for over 90 years now. We are fortunate that they even returned at this point. The dam is one of the largest threats to trout, steelhead and salmon. Since it is no longer needed, I implore you to help. The dam limits access to high quality aquatic spawning and rearing habitat, captures sediment and alters flow, impacting the amount and quality of downstream habitat.

Please restore the Malibu Creek aquatic and terrestrial habitat as well as connectivity along a wildlife movement corridor within the watershed. Please remove the obsolete Rindge Dam which has been decommissioned since 1967. Your efforts are sincerely appreciated by the steelhead that have not been able to spawn and rear in their habitat in upper Malibu Creek and by the future generations that will be able to enjoy this gorgeous area.

Thank you for being a part of saving our planet and being proactive. Your efforts are most sincerely appreciated.

Gratefully,



Gabriele Distler  
458 Camino Elevado  
Bonita, CA 91902  
[mhgaby@gmail.com](mailto:mhgaby@gmail.com)

February 13, 2017

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Please restore Malibu Creek.

The Rindge dam has degraded Malibu Creek and native steelhead have suffered for over 90 years now. We are fortunate that they even returned at this point. The dam is one of the largest threats to trout, steelhead and salmon. Since it is no longer needed, I implore you to help. The dam limits access to high quality aquatic spawning and rearing habitat, captures sediment and alters flow, impacting the amount and quality of downstream habitat.

Please restore the Malibu Creek aquatic and terrestrial habitat as well as connectivity along a wildlife movement corridor within the watershed. Please remove the obsolete Rindge Dam which has been decommissioned since 1967. Your efforts are sincerely appreciated by the steelhead that have not been able to spawn and rear in their habitat in upper Malibu Creek and by the future generations that will be able to enjoy this gorgeous area.

Thank you for being a part of saving our planet and being proactive. Your efforts are most sincerely appreciated.

Gratefully,



Robert Distler  
458 Camino Elevado  
Bonita, CA 91902

**From:** [Linda Doebel](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Support the state parks Locally preferred plan to remove Rindge Dam  
**Date:** Thursday, March 23, 2017 3:42:01 PM

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I support the state parks Locally preferred plan to remove the dam. Steelhead can not recover if they don't have access to high quality spawning habitat and the removal of this dam would provided 12 miles. The Malibu Steelhead is remarkable in that it is tolerant of warmer temperatures and erratic and difficult environmental conditions of southern California. As the climate shifts, it is well suited to be considered the fish of the future if we give it a fighting chance.

Linda Doebel

**From:** [lawrence.driscollv@gmail.com](mailto:lawrence.driscollv@gmail.com)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] [Non-DoD Source] Malibu Creek Dam approval  
**Date:** Sunday, March 26, 2017 7:48:02 PM

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As a long standing member of Sierra Pacific Fly fishing club I fully endorse your plans to remove the dam at Malibu Creek. It can only be a boon for the wildlife and the overall environment. Use fisherman are great stewards of the environment and you can rely on us to be supportive of any measures that increase the amount of fish in the area! Best wishes and thanks, Dr. Lawrence Driscoll

Sent from Mail <Blocked<https://go.microsoft.com/fwlink/?LinkId=550986>> for Windows 10

**From:** [Thomas DuKet](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu Creek Ecosystem Restoration  
**Date:** Saturday, February 25, 2017 8:26:48 AM

---

Removing the dam is a bad idea. During the last few summer droughts the dam held the only water in the Malibu state park. I saw large pond turtles that had to migrate to that water source to survive.

--

Thomas P. DuKet  
21457 Chagall Rd  
Topanga, CA 90290  
310-403-0021 <tel:(310)%20403-0021>

**From:** [Douglas Edwards](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam on Malibu Creek  
**Date:** Sunday, February 19, 2017 2:07:00 PM

---

Dear decision maker(s):

The Rindge Dam on Malibu Creek is a historic dam that is now an obstacle to the restoration efforts across the California coastline to restore a vital resource to our state, steelhead trout. Along with efforts to restore salmon in the state, the Malibu Creek will be one of the southernmost creeks where steelhead will breed. I look forward to seeing this dam, like other dams recently removed from the area, help current efforts to bring recreational and commercial fishing to the southern California.

I urge you to remove Rindge Dam.

In Faith  
Rev Doug Edwards

**From:** [Steven Esgate](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam  
**Date:** Thursday, March 23, 2017 5:34:18 PM

---

I support complete removal of the damp or Malibu Creek.  
Steve Esgate

**From:** [Stephen Fiduk](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam Removal  
**Date:** Friday, March 10, 2017 8:51:53 AM

---

Mr. Eduardo T. Demesa & Mr. Jesse Ray,

I support the removal of the Rindge Dam on Malibu Creek.  
Please help the steelhead spawn by opening up Malibu  
Creek by removing this dam.

Steve Fiduk



**From:** [Eric Fitzgerald](#)  
**To:** [Malibu Creek](#)  
**Cc:** [Rosi Dagit](#)  
**Subject:** [EXTERNAL] State Parks Locally Preferred Plan  
**Date:** Thursday, March 23, 2017 12:55:14 PM

---

Dear Mr. Demesa

I am writing this email in support of the state parks locally preferred plan and removal of the Rindge Dam in Malibu Canyon.

I have lived in the Santa Monica Mountains all my life and I am disturbed by our vanishing wildlife. As you know biodiversity is important to all living things, humans included. Once a species like the steelhead are gone, they are gone forever. In order to protect this species, the useless Rindge Dam must be removed. This will open up one of the most critical watersheds for the steelhead and give it a chance to recover.

Please protect our natural heritage and help Malibu Creek remain a vital organ in our environment.

Thank you for your time,

Eric Fitzgerald  
20009 Sischo Drive  
Topanga, California

(310) 455-3354

**From:** [Jeff Follert](#)  
**To:** [Malibu Creek](#)  
**Cc:** [Bob Brager](#); [kpettijohn@mailcity.org](mailto:kpettijohn@mailcity.org)  
**Subject:** [EXTERNAL] SCPOA Letter Regarding Rindge Dam Removal Proposal  
**Date:** Friday, March 24, 2017 12:22:11 PM  
**Attachments:** [COE Rindge Dam SCPOA Impact LTR 032317.pdf](#)

---

Mr. Eduardo Demesa and Mr. Jesse Ray (CESPL-PDR-L),

Please find attached a letter of concern and objection to the Malibu Rindge Dam removal proposal. This letter has been reviewed and approved by the Serra Canyon Property Owners Association (SCPOA) Board of Directors. Our neighborhood is also known as "Serra Retreat".

Respectfully,

SCPOA

R Jeffrey Follert, President

310-504-3737

**SCPOA**  
**PO BOX 103**  
**Malibu, Ca 90265**

March 23, 2017

Mr. Eduardo T. Demensa; Chief, Planning Division  
US Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPC-PD-RL)  
915 Wilshire Boulevard  
Los Angeles, CA 90017

RE: SCPOA Concerns Regarding Proposed Rindge Dam Removal

To Whom It May Concern,

The purpose of this letter is to express concern with and to provide objection to the proposed plan for the removal of the Rindge Dam based upon safety concerns for a primary and required access roadway and bridge that provide ingress and egress to the Serra Canyon neighborhood.

Serra Canyon Property Owners Association (SCPOA) is a neighborhood association of approximately 110 properties. We are charged with maintaining the condition and safety of our common private roadway system. This system includes two primary easement roadways and a private bridge spanning Malibu Creek (Cross Creek Bridge). The bridge carries a main water line with service to many homes for domestic and emergency fire fighting purposes. Our neighborhood is required to maintain two means of ingress and egress in order to accommodate alternate neighborhood evacuation routes and to provide access for emergency responders.

This winter's rains resulted in severe impact to the Cross Creek Bridge, damage to the stabilization of Cross Creek Road, and damage to private properties adjacent to Malibu Creek. We are concerned that the release of additional silt materials and the acceleration of downstream flow rates may raise the elevation of the creek bottom and result in significant increases in debris flow—all potentially impacting the safety of our road system, the Cross Creek Bridge, our property owner Members, and the public at large.

If the project moves forward in any manner, we will request an indemnification and permanent liability waiver from and coverage to protect against property damage and all harms related to the impacts resulting from this work. Until the impacts of this project on our neighborhood and association are studied and mitigated, we request that you render a "no project" determination.

Sincerely,  
**SERRA CANYON PROPERTY OWNERS ASSOCIATION (SCPOA)**



R Jeffrey Follert, President

[rjfollert@gmail.com](mailto:rjfollert@gmail.com)

/rjf

**From:** [david foster](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam  
**Date:** Friday, March 10, 2017 7:05:23 PM

---

to: Eduardo T. Demesa, attn: Mr. Jesse Ray

I support the removal of the Rindge Dam

Dave Foster

**From:** [Gerlinde Gautrey](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Steelhead Trout barriers - Rindge Dam  
**Date:** Friday, March 24, 2017 11:40:54 AM

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To the Army Corps of Engineers

My understanding is that you will need to make a decision regarding the removal of Rindge Dam. Please know that I hope you decide to do just that as it will open up miles of spawning habitat for the Steelhead Trout. This is not just any old fish - their value to our area is amazing. These fish will adapt to the warming water and they will continue to be a vital part of our eco system if you allow them to spawn. First step to that is removing the dam and other barriers.

Please consider to approve this project

Sincerely  
Gerlinde Gautrey  
21437 Highvale Tr  
Topanga, CA 90290

**From:** [Erwin](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] LPP Alt2B2  
**Date:** Thursday, March 23, 2017 4:21:05 PM

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Eduardo T. Demesa:  
Chief Planning Division

U. S. Army Corps of Engineers, Los Angeles District

Attn Mr. Jesse Ray (CESPL-PDR-L)

915 Wilshire Blvd., Suite 930

Los Angeles, Ca 90017

Dear Mr. Ray:  
I support the Malibu Creek Ridge dam removal.

I feel it will open miles of habitat for spawning and early growth

Of endangered species of anadromous fish.

I am a concerned member of the community and hope you will

Do your best to give support to this project.

Erwin Goldbloom

1 great, but if we can have those additional benefits  
2 upstream, we would love to see that.

3 As well, I think we would love to see a  
4 beneficial reuse of those different sediments that are  
5 impounded as much as possible, as well as keeping some  
6 of those resources within the watershed where they would  
7 have naturally gone.

8 I believe most of the sediment has been tested  
9 and is clean. So, of course, you know, to the extent  
10 that it's possible, we would love to see that reused  
11 within the watershed.

12 So, again, like I said, we will definitely look  
13 forward to submitting detailed comments, but we're  
14 excited about this and the benefits that it will bring  
15 to the watershed.

16 Thank you.

17 COL KIRK GIBBS: Thank you, Katherine.

18 SUSIE MING: Thank you. Paul Grisanti, and up  
19 next, Reinard Knur.

20 PAUL GRISANTI: Hi. My name is Paul Grisanti.  
21 I'm a public works commissioner at Malibu, but I'm  
22 speaking as a private citizen.

23 I am very much in favor of option 3. Option 3  
24 has a huge benefit to the community of Malibu, in that  
25 there's an awful lot less impact for trucks. I don't

1

1 see -- the only disadvantage that you list in this  
2 report so far -- I'm only on the 190th page. So, maybe  
3 on the 192nd page, there will be something that tells me  
4 that I'm totally wrong. But the only benefit I've seen  
5 enumerated so far is item 3 -- plan 3, all of the  
6 Plan 3s take too long because you're waiting for natural  
7 flooding to move the stuff down the creek, which is --  
8 I think that that's the process we ought to be trying to  
9 replicate; what would have happened over the last  
10 90 years.

11 And as far as taking any of the sediments and  
12 putting them in a landfill, I think that's a terrible  
13 idea. I mean, all of that -- all of the stuff that was  
14 coming down the creek was supposed to end up on the  
15 beach and either turned into sand or turned into the  
16 cobbles that you can see right now if you walk down the  
17 beach. Since the storms pulled the sand out, you can  
18 see the cobbles. The cobbles are what hold the sand in  
19 place and assist the sand in staying in place.

20 And the other advantage of it is because it's  
21 going to be over a period of many years, you have an  
22 opportunity to monitor how fast the sediments are moving  
23 down and whether or not it's causing a flooding problem  
24 in the Serra area. You've got, I guess, about two and a  
25 half miles of creek bed before you get to the Cross

1 cont.

2



1 Creek Bridge. And it doesn't all -- it's not going to  
2 all roll down at once. And if you leave the Cross Creek  
3 Bridge and walk upstream, you'll see you've got huge  
4 cobble fields between that bridge and where you get to  
5 the base of the dam. And I think that that's a  
6 natural -- that would be the natural creek surface. So,  
7 those are what I'm in favor of. And again, I'm speaking  
8 only for myself.

9 Thanks.

10 COL KIRK GIBBS: Thank you, Paul.

11 SUSIE MING: Thank you. Reinard Knur, and up  
12 next, M.A. Payne.

13 REINARD KNUR: Hello. My name is Reinard Knur.  
14 I speak on behalf of the Serra Canyon Property Owners  
15 Association, to a degree, but also as a private citizen.  
16 I know some of you from the past. I have worked with  
17 you. And many years ago, I did a thesis on this area of  
18 the sediment transport from Point Mugu all the way down  
19 to Santa Monica. And Malibu Creek was a very big part  
20 of that thesis.

21 I'm also a geotechnical engineer and a geologist.  
22 I feel I can speak to this on a pretty good level. But  
23 however, though, the issue I want to speak about is not  
24 about those things; it's really about the cost and  
25 benefits of this. And I may go a couple minutes over.

1 COL KIRK GIBBS: Everything seems expensive these  
2 days, doesn't it? Yeah.

3 PARTICIPANT: The salmon did really well at the  
4 Elwha, which was \$350 million.

5 PAUL GRISANTI: One more question. I didn't see  
6 anything in the report that says whether or not the dam  
7 is doing anything about holding up the sides of the  
8 canyon, as far as the road being above it. Is there any  
9 chance that removing the dam is going to destabilize the  
10 road above?

11 JIM HUTCHISON: And do you mind giving your name?

12 PAUL GRISANTI: Paul Grisanti.

13 JIM HUTCHISON: Thank you.

14 COL KIRK GIBBS: We'll get that answer.

15 Okay. I thank you for your time. And again, we  
16 will be here for a little while longer; I'll say 8:15 to  
17 8:30. We've got three different areas, one out in the  
18 hallway here where you came in, to look at the posters  
19 and ask other questions. These will be off the record,  
20 but we may get some -- if the answer is easy, we will  
21 give you a quick answer.

22 Thank you for your time, and thank you for coming  
23 out tonight.

24 (Whereupon the public meeting  
25 concluded at 7:46 p.m.)

**From:** [Kelly Hamm](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge dam  
**Date:** Tuesday, March 14, 2017 2:29:58 PM

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In my opinion, rather than spending 160 million dollars on removing Rindge Dam and all the sediment behind, you should look at less costly options. One options in a simplistic form would be to lower the dam height over time allowing the sediment to naturally return back to the ocean and supply the local beaches. Another option would be to get local beachowners to buy the sand behind the dam and pay for the removal over time. I know Cross Creek and other beaches are always looking for sand. Sticking the taxpayers with a 160 million price tag that more than likely will go up 50% during construction is ridiculous. You are only removing one dam and opening up roughly 2 to 3 miles of streambed for 160 million dollars. Not a good return for the amount of money, time and damage to the roads. I am an avid environmentalist and agree with slowly returning small streams back to their native profile, but 160 million to remove this small dam is ludicrous.

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Sincerely,

Mr. Kelly Hamm, AIA

COASTAL CREATIONS Inc. Architecture-Build Services

Architecture License #C-34105 General contractors B license #860040

(310) 213-7263

website: Blockedwww.cchomedesign.com <Blockedhttp://www.cchomedesign.com/>

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**From:** [handlesley@gmail.com](mailto:handlesley@gmail.com)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu creek  
**Date:** Thursday, February 09, 2017 5:25:07 PM

---

Mr Demesa and Mr Ray

I strongly support the study to determine how to provide watershed for trout and steelhead.

I believe that native trout are important to future generations and I believe this study will address the issues and future actions necessary to accomplish these goals.

Lesley D Hand

Sent from my iPhone

**From:** [Michael Hart](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam removal  
**Date:** Wednesday, February 22, 2017 7:07:14 AM

---

Hi,

You have commented that lifting fish over the dam has proven not to work for steelhead.

This may have been true in recent past, however, it is not true anymore.

Although the mechanism at Holyoke Dam in Holyoke, MA is probably not the one to use on Malibu Creek, it does work to accomplish moving salmon.

I suggest you look at a proven system that uses water for power, which has been developed and proven to be effective for steelhead, salmon and trout in Germany. It is a system from Baumann Hydrotec called Hydro-Fisch and you can Google the company and see it in action.

1

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Michael Hart  
2090 East Lakeshore Drive  
Agoura, CA 91301

818-575-9902 home  
818-489-0151 cell  
myrealbeat@gmail.com <<mailto:myrealbeat@gmail.com>>

**From:** [Scott Hill](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Steel Head Habitat and Removal of Rindge Dam  
**Date:** Thursday, March 23, 2017 8:30:47 AM

---

Dear Aduardo Demesa,

I support the state parks locally preferred plan to remove Rindge Dam and other barriers to provide high quality spanning habitat for the endangered Santa Monica mountains Steelhead trout.

As a naturalist and consultant, working in the Santa Monica Mountains and for the county and city of Los Angeles since 1980, I have seen the terrible conditions these fish have to deal with. We have taken so much from them and other forms of nature. It is time we give something back and pay it forward to these great trout and to the generations of people and the steelhead to come.

This Steelhead species cannot recover unless we provide areas for them to live and to lay their eggs, Their value way supersedes and monetary sums.

As the planet gets hotter with the climate shift, these great fish need more water & habitat in order to survive.

Please support removal of the Rindge Dam.

Thank you,

Sincerely,

R. Scott Hill

Eduardo T. Demesa  
 Chief Planning Division  
 Army Corp of Engineers/LA  
 Attn: Mr. Jesse Ray  
 915 Wilshire Blvd, #930  
 Los Angeles, CA 90017

RE: Rindge Dam Project  
 March 2, 2017

To those who are working on the Rindge Dam Project:

This project should not move forward in any way for the following reasons:

- 1) Huge cost
- 2) Huge detriment to the current habitat as it stands
- 3) Large increase of vehicles to work on this on winding/narrow Las Virgines Rd.
- 4) Huge increase of facilities: parking, toilets, water, etc to accommodate the large staff and multi-year project
- 5) Little or no benefit to any California tax payers or tourists even
- 6) Because of the uphill nature of the landscape there is not necessarily a guarantee that the trout could actually move back up stream
- 7) Huge amount of sand/silt/debris that would need to be dumped from the dam area and would not be appropriate to dump on the local beach areas
- 8) It appears that this could possibly be an attempt to just develop the area for future park area or camp grounds after all the parking, water and bathrooms are put in. There are already a lot of developed park areas and camp grounds, that currently could use the finances to be properly maintained. It always seems that parks want to *develop more and more and more*, yet not maintain existing parks
- 9) It is costly to just come up with the plans and research for this project. This shows a fundamental lack of understanding of the geography of the area to commit this much time, money and energy to a project like this.
- 10) There is no way to tell what will happen when the dam is removed. The failure of other dams this winter in the west is strong evidence of the folly of this project.

Sincerely,

Lisa Hilton  
 25 year Malibu resident

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**From:** [Neal Hoffberg](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu Dam Removal  
**Date:** Thursday, March 23, 2017 10:40:28 AM

---

To whom it may concern,

Please count this email as being supportive of removal of the dam in Malibu canyon.

LPP ALT2B2 yes.

Neal Hoffberg  
Sent from my iPad



**From:** [Tim H](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Support for removal of Rindge Dam (LPP Alt2B2)  
**Date:** Thursday, March 23, 2017 1:51:59 PM

---

Please accept this note as my support for the Rindge Dam removal project on Malibu Creek. Also known as the Locally Preferred Plan (LPP Alt2B2). The LPP Alt 2B2 is favored by the local resource agencies and I too favorite it.

Timothy Hunt  
5233 Quaker Hill Lane  
San Diego, CA 92130

**From:** [Steve Huntley](#)  
**To:** [Malibu Creek](#)  
**Cc:** [Steve Huntley](#)  
**Subject:** [EXTERNAL] Remove the Malibu Creek Dam  
**Date:** Friday, February 10, 2017 11:17:50 AM

---

I want to lend my support to those calling for the removal of this out of date dam,

Steven E. Huntley  
Registered Investment Advisor  
Ca.Lic. #0F32386  
Phone number: 626 437 0871

This Email is being sent by or on behalf of a Steve Huntley, Registered Investment Advisor. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this Email or any part of it. If you have received this Email in error, please notify the sender immediately by Email or fax, and destroy all copies of this communication.

Please be advised that you may conduct securities transactions only by speaking directly with your Registered Representative. To help protect your privacy, we strongly recommend that you avoid sending sensitive information, such as account numbers and social security numbers, via email. Please be further advised that, pursuant to the Bank Secrecy Act, the USA PATRIOT Act, and similar laws, any communication in this email is subject to regulatory, supervisory, and law enforcement review.

**From:** [Lee Jester](#)  
**To:** [Hutchison, James D CIV USARMY CESPL \(US\)](#); [Malibu Creek](#); [Ming, Susan M CIV USARMY CESPL \(US\)](#); [Jamie.King@parks.ca.gov](#)  
**Subject:** [EXTERNAL] Malibu Creek dam removal  
**Date:** Friday, February 10, 2017 11:20:33 AM

---

Please remove the Malibu Creek dam and allow Steelhead and Salmon access to spawning grounds again.

Thank you,

Lee Jester  
555 Kings Road  
Alameda, CA 94501  
cell: 510-541-8337

--

"Those who do not remember the past are condemned to relive it." - Santayana

**From:** [Richard A. Johnson](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam removal  
**Date:** Thursday, March 23, 2017 2:57:12 PM

---

Eduardo T. Demesa,

As a conservationist, I am in agreement with the Rindge Dam removal project.

Sincerely,

Richard Johnson

**From:** [Lizzie Kipner](#)  
**To:** [Malibu Creek](#)  
**Cc:** [Steve Kipner](#); [Lizzie Kipner](#)  
**Subject:** [EXTERNAL] [Non-DoD Source] We oppose the Malibu Dam removal  
**Date:** Sunday, March 26, 2017 9:00:29 PM

---

Dear Mr.Demesa

The recent flooding of Cross Creek was a wake up call and as a home owner in the area we are concerned about future damage we luckily avoided this time. ( some of our neighbours were not so fortunate)

If Rindge Dam is removed, what will happen to the downstream properties in our Cross Creek area when the heavy rains return?

What do you plan to be done to protect us from additional flooding and land disturbances?

This last downpour resulted in the loss of Cross Creek Bridge due to debris, trees, etc... The build up turned it into a dam and the properties along the creek were badly flooded- this problem will be greatly exacerbated if the Dam removal proposal goes through.

So unless you can guarantee in writing that compensation and protection will be made to us and our neighbors we have to strongly object to the proposal.

Thank You  
Steve & Lizzie Kipner  
3520 Cross Creek Lane, Malibu , 90365

**From:** [Sonny Klamerus](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] LPP Alt2B2  
**Date:** Thursday, March 23, 2017 11:08:07 AM

---

Dear Eduardo T. Demesa,

I am a fisherman. I fully support the Rindge Dam removal to return the Malibu Creek to its original state. That's a good thing.

Thank you very much,

Sonny Klamerus  
Northridge CA  
818 886 2540

**From:** [Chris Knight](#)  
**To:** [Malibu Creek](#)  
**Subject:** [Non-DoD Source] ATTN: Mr. Jesse Ray (CESPL-PDR-L) Rindge Dam Comment  
**Date:** Monday, March 27, 2017 3:04:52 PM

---

Hi Jesse,

I'm a local marine ecologist and would like to have the following comment added to the public record in regards to the removal plans for Rindge Dam:

“

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Mr. Demesa,

Once home to 40% of the annual run of southern steelhead, Malibu creek was dramatically changed by the installment of the now long decommissioned Rindge Dam. Obviously the dam limits access to high quality aquatic spawning and rearing habitat, captures sediment and alters flow, impacting the amount and quality of downstream habitat. We now have an opportunity to correct this problem and restore much of the natural watershed and riparian habitat by removing the dam and it's accumulated sediment. There are 2 proposals by which this can be accomplished that have been proposed by the Corp of Engineers and the State of California respectively. As a local ecologist with over 20 years' experience working on California marine issues and as a lifelong resident of the county of Los Angeles who was fascinated as child by stories of mysterious steelhead in Malibu creek by my father, I support complete removal and excavation to the natural flood plain as proposed by the state of California. We've waited too long for removal of this dam already and to wait another 50-60 years for the effects of erosion to restore the plain naturally seems like too high a price to pay compared to the additional 5-6 million dollars estimated to complete the work to California's plan.

Christopher Knight, MAS

Scripps Institution of Oceanography 2009”

Thanks,

Chris Knight

310-962-7404

March 27, 2017

Reinard Knur  
23267 Palm Canyon Lane  
Malibu California 90265

Eduardo T. Demesa  
Chief, Planning Division  
US Army Corps of Engineers, Los Angeles District  
915 Wilshire Blvd., Suite 930  
Los Angeles, CA 90017

Attn: Mr. Jesse Ray (CESPL-PDR-L)

RE: Public Concern Regarding the Findings of the Malibu Creek Ecosystem Restoration Study  
Report by U.S. Army Corps of Engineers, dated January 2017.

This letter has been prepared to express my concern regarding the proposed removal of the Rindge Dam in Malibu, California. The concern is the presence of a very large landslide located upslope of the southern Rindge Dam abutment and the presence of Malibu Canyon Road that crossing the landslide. Removal of the dam and it's impounded sediments would increase the potential for reactivating the large landslide. Reactivation of the landslide would create a massive, debris dam across Malibu Canyon and long-term closure of Malibu Canyon Road.

As a licensed Engineering Geologist and Geotechnical engineer in the Los Angeles area for the last 32 years, it is my professional opinion that the ramifications of reactivating the landslide warrant far greater investigation and analysis than that provided in the Restoration Study and the Geotechnical Engineering Appendix.

The landslide is approximately 1,900 feet long and up to 1,000 feet wide and 500 feet high and rivals the size the infamous Big Rock Mesa Landslide. The landslide is shown relative to Malibu Canyon Road and the Rindge Dam on the attached Figure 3.3-1 Geologic Map of Dam and Impound, and on the attached Local Geologic Map by Dibblee (1993).

The referenced report recognizes the presence of the landslide on Page D-19, paragraph 1. "Quaternary landslides, some very large, are within and adjoining the study area. One such very large landslide is southeast of Rindge Dam but is not contiguous with it or with the impounded sediment. ... Today, the recognized landslide features are generally considered in a state of quasi-equilibrium. Increased rainfall and localized erosion can and has resulted in the reactivation of the existing landslides."

The report relies upon the work of geologists that performed geologic mapping that was of only reconnaissance in detail and broad in extent. The geologic mapping published in 1980 and 1993 was never intended to be used as the sole reference to address the stability of such a large landslide. Geologic mapping was performed long after the Rindge Dam was filled with sediment and decommissioned in 1967. The possibility for additional geologic planes of weakness buried under the impounded sediment was never revealed to those geologists.



It should also be noted that the distance between the edge of the landslide and the impounding sediment is only 100 feet in places. The observation that the mapped landslide boundary and the impounded sediment are not "contiguous" does not address landslide stability nor is it a defensible claim given the detail of work that the conclusion is based upon. The conclusion that the landslide is "generally considered in a state of quasi-equilibrium" is not based on scientific analysis or fact.

It appears from the geologic maps, that the landslide has occurred as a result undercutting of bedding by Malibu Creek and subsequently the landslide moving along the daylighted bedding surface. The Malibu canyon has not filled with sediment to any degree with the exception of the impounded sediment. Removal of Rindge dam and it's impounded sediment will remove lateral support from canyon slopes and daylighted bedding planes. In addition, further deepening of the creek bottom, after removal of the dam, may further destabilize the large landslide.

The referenced report does not provide the basic geologic due diligence to understand the complexities of the geology in the vicinity of the Rindge Dam nor the mechanics of the documented landslide. Such due diligence would include site-specific geologic mapping, deep subsurface borings, laboratory testing, and slope stability analysis. This work is anticipated to take many months to complete and cannot be substituted with review of published geologic references. These tasks are required even for a project of much smaller size and significance in any state, county or city jurisdiction.

**It should be clearly demonstrated with data and analyses that the proposed Rindge Dam removal will not adversely affect the stability of the existing landslide and the Malibu Canyon Road.** Malibu is no stranger to major landslide-related road closures (Big Rock Mesa, Puerco Canyon, Tuna Canyon, Las Flores, Ramirez Canyon, just to name a few). Given the ramifications of landslide reactivation to the Malibu Community (steelhead notwithstanding) a detailed geologic report regarding the impact of Dam and sediment removal is necessary.

Regards,





Reinard Knur  
C.E.G. 1547, G.E. 2755

Attachments: Figure 3.3-1 Geologic Map of Dam and Impound  
Local Geologic Map

Email: [Malibu.Creek@usace.army.mil], Attn: Jesse Ray (CESPL-PDR-L

1 Creek Bridge. And it doesn't all -- it's not going to  
2 all roll down at once. And if you leave the Cross Creek  
3 Bridge and walk upstream, you'll see you've got huge  
4 cobble fields between that bridge and where you get to  
5 the base of the dam. And I think that that's a  
6 natural -- that would be the natural creek surface. So,  
7 those are what I'm in favor of. And again, I'm speaking  
8 only for myself.

9 Thanks.

10 COL KIRK GIBBS: Thank you, Paul.

11 SUSIE MING: Thank you. Reinard Knur, and up  
12 next, M.A. Payne.

13 REINARD KNUR: Hello. My name is Reinard Knur.  
14 I speak on behalf of the Serra Canyon Property Owners  
15 Association, to a degree, but also as a private citizen.  
16 I know some of you from the past. I have worked with  
17 you. And many years ago, I did a thesis on this area of  
18 the sediment transport from Point Mugu all the way down  
19 to Santa Monica. And Malibu Creek was a very big part  
20 of that thesis.

21 I'm also a geotechnical engineer and a geologist.  
22 I feel I can speak to this on a pretty good level. But  
23 however, though, the issue I want to speak about is not  
24 about those things; it's really about the cost and  
25 benefits of this. And I may go a couple minutes over.

1 So, Mr. Timekeeper, if it's okay if I can take five?

2 Okay.

3 I want to speak first about the benefits.

4 Clearly, the whole -- the main reason why we're here is  
5 because we want to restore the habitat for the steelhead  
6 trout. Reason number one. It's been mentioned many  
7 times, and it appears in the report as well, too. And  
8 it's why we're trying to take out the dam and improve  
9 what we're trying to do in the watershed and extend that  
10 habitat considerably. But, as all you guys know, since  
11 1881, there have been 23 dams and several other smaller  
12 impediments that have been built in this watershed.  
13 And, in fact, one of the second largest impediment in  
14 this watershed is the Century Dam. It's about four  
15 miles further upstream from where the Rindge Dam is.  
16 And I would think at a 40-foot-high height and a  
17 concrete arch again, that it also represents a pretty  
18 impenetrable barrier for any kind of species to pass  
19 through.

20 On another direction, we've got some other  
21 smaller dams as well, too. But the point being is that  
22 if we take out the Rindge Dam, we have other impediments  
23 just not too far further up the creek. And especially  
24 in one direction. I'm sure you could argue little  
25 nuances about that. But, nevertheless, the entire

1 watershed is not going to be open after this is done.

2 And, I mean, just other dams: Malibu Lake Dam;

3 Lake Enchanto Dam; Sherwood Dam. I mean, these are all

4 big dams that are clearly never going to come out. And

5 I think all we can really discuss here is the

6 Rindge Dam.

7 So, you know, my question is what's the

8 effectiveness if we're only going to be able to get just

9 one dam out, and there's yet another impediment? And

10 despite all those dams being there, there's still yet

11 another barrier -- and it's been discussed -- and that

12 is the Tunnel Falls. The Tunnel Falls is, I guess --

13 it's described in the report as a tiered, 10-foot-tall

14 cascade. And Tunnel Falls is located just right where

15 the Malibu Canyon Tunnel is located. And that

16 represents a barrier that is, quote, passable during

17 high flows in Malibu Creek. Another part in the report

18 also describes that particular impediment that, during

19 moderate to high flows, allows for sufficient pool

20 depths, resting velocities, and jump heights for fish to

21 migrate upstream and downstream. The point being,

22 though, is that there's a 10-foot-high impediment a mile

23 upstream from -- and this is a mile upstream of the

24 Rindge Dam, mind you, not the Century Dam, that is. And

25 it requires a certain amount of water in order for this

1 to even be passable in the first place. So, this is  
2 10 feet high. And, yet, in the report, also, too, in  
3 one of the tables, there's another barrier that's  
4 called -- It's not really well defined. It doesn't have  
5 a formal name. But it's called a large waterfall at the  
6 upper end of Cold Creek. And it's considered a total  
7 barrier to fish migration or the steelhead migration.  
8 And it's described as being a natural 5-foot-high  
9 barrier, and it's 22 feet wide. So, we're talking about  
10 a 5-foot-high barrier being a total -- a 5-foot-high  
11 natural waterfall being a total barrier. And here at  
12 Tunnel Falls, we have something that's 10 feet high, and  
13 it's being said that it is still passable during  
14 moderate to high flows.

15       Clearly, when we have flows like what we've just  
16 had recently and back in '69, years like this, or even  
17 under major years of rainfall, there's going to be times  
18 at which the steelhead cannot -- even under high flows,  
19 cannot make it up there. So, what I'm getting at is the  
20 whole nexus of what we're trying to do here is to  
21 improve the habitat for the steelhead trout, but yet a  
22 mile upstream, there is a barrier that may not be  
23 passable, or at least the flows have to be at a certain  
24 goldilocks between moderate and high.

25       Now, does this -- all this work -- and I

1 appreciate what's been done. It's an incredible report.  
2 As a geotechnical engineer, I understand all the work  
3 that's been done here, but we're spending close to --  
4 and the costs have been escalating over the last few  
5 years -- we're going to be up to maybe a quarter of a  
6 billion dollars in five years when all the issues have  
7 been ironed out. Can we justify the steelhead trout  
8 getting through this narrow gorge during specific flows  
9 spending this kind of money on it? I find that very  
10 difficult as a citizen to stomach. I just think it's a  
11 lot of money. And I challenge you guys to give me an  
12 example of a restoration project where this kind of  
13 money has been spent. It is a lot of cash.

14 I will have some additional comments during the  
15 periods, of course before March 27th. And I thank you  
16 very much for your time.

17 COL KIRK GIBBS: Thank you, sir.

18 SUSIE MING: Thank you. M.A. Payne. And then,  
19 the last comment card I have is Andy Coradeschi.

20 MARGARET ANNE PAYNE: Hello, good evening. My  
21 name is Margaret Anne Payne. I am a resident of  
22 Cross Creek. Our home is on the creek, where we've  
23 lived for 28 years. I'm not as qualified to speak as  
24 Dr. Reinard Knur nor Jim Menzies, who have both worked  
25 in the creek and know it very thoroughly and



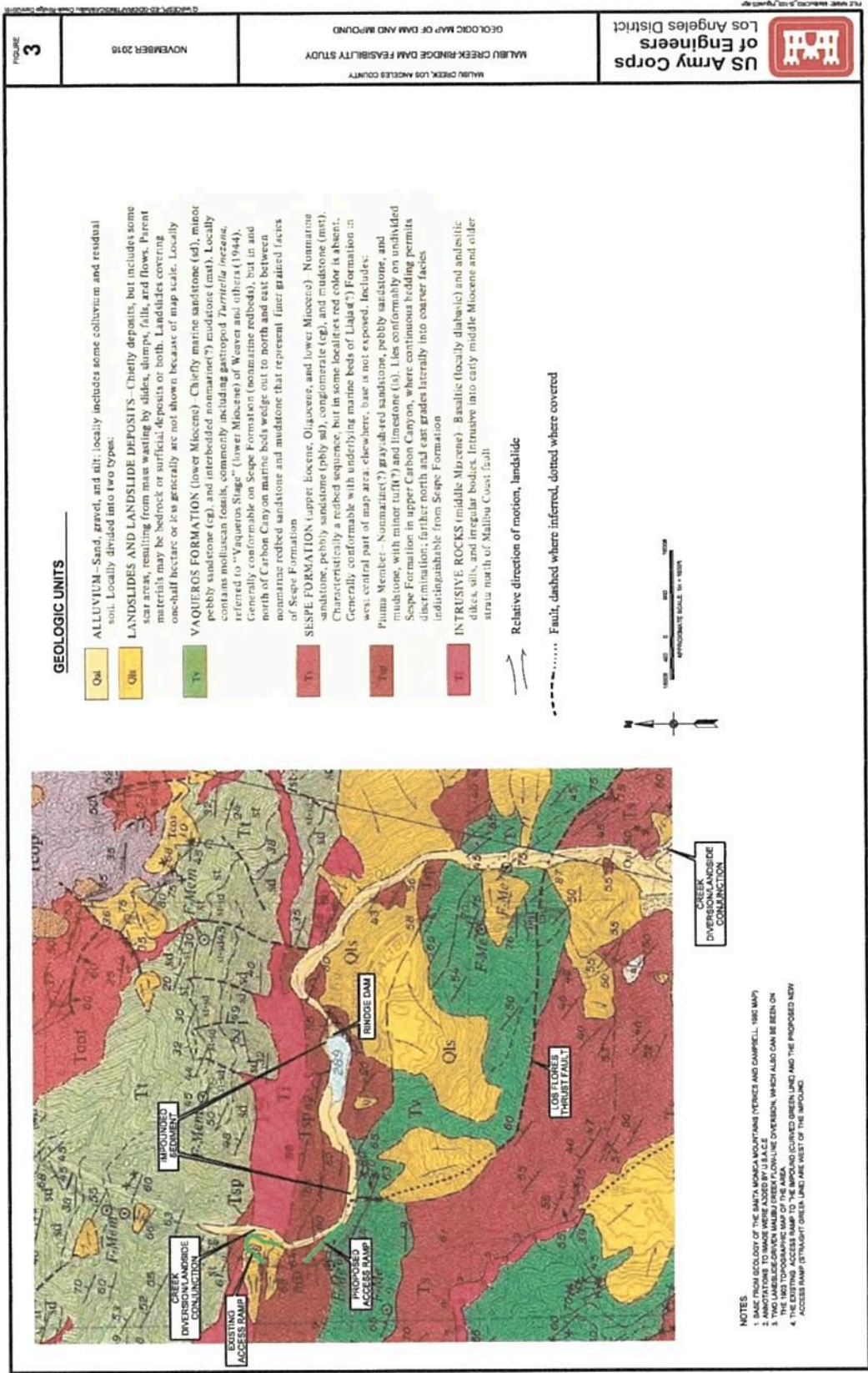
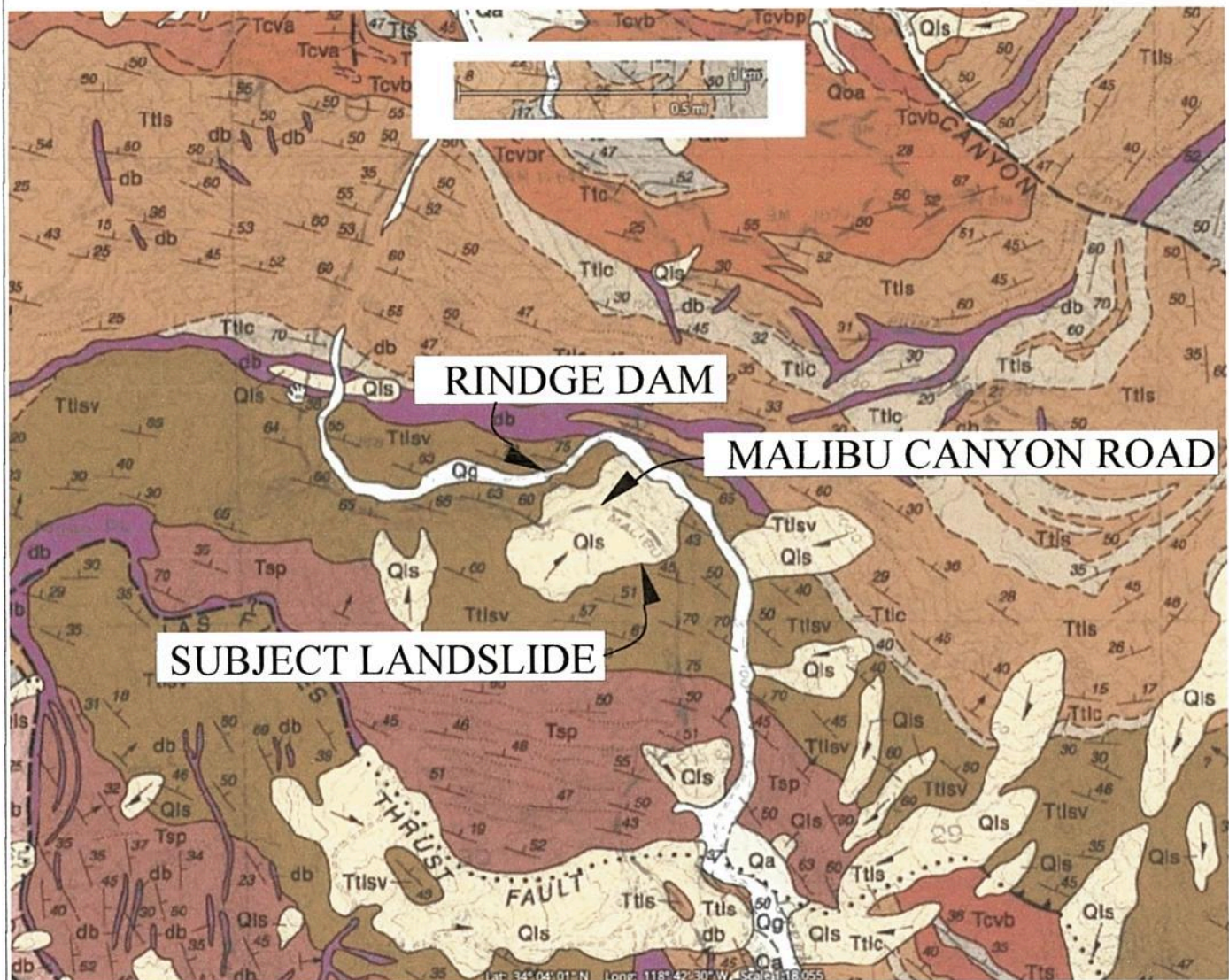


Figure 3.3-1 Geologic Map of Dam and Impound





### LEGEND

Qls Landslide Debris, Some may be of Pleistocene age.



REFERENCE: Dibblee, Jr., T.W., 1993, Geologic Map of the Malibu Beach Quadrangle  
Los Angeles, County, California, DF-47, map scale 1:24,000.

## LOCAL GEOLOGIC MAP



**From:** [Muriel Kotin](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu Creek Ecosystem Restoration Comments - Muriel S. Kotin  
**Date:** Thursday, March 23, 2017 5:10:56 PM  
**Attachments:** [MalibuCrRestoration.doc](#)

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Mr. Demesa,

I am writing regarding the Malibu Creek Ecosystem Restoration Feasibility Study, to strongly support removal of the Rindge Dam so that Steelhead are able move upstream to spawn. This crucial first step in removing the barriers to their reaching their spawning habitat is essential. Twelve important miles of spawning habitat will become available to the Steelhead by removing the Rindge Dam.

The Southern Steelhead are the best adapted of the Steelhead to survive in relatively warm water. Their survival may be crucial to survival of the entire species in a period of warmer temperatures.

Removal of Rindge Dam will also enable natural sand transport to resume. It is a dam that no longer provides any positive function.

Even after attending the public scoping meeting on March 1, 2017, I do not feel qualified to comment on which of the alternative plans or improvements to them is best. While leaving the techniques to the experts, I strongly support removing the dam.

Sincerely,

Muriel S. Kotin  
  
6801 Las Olas Way  
  
Malibu, CA 90265  
  
310.457-5796 (h)

akotin@earthlink.net <<mailto:akotin@earthlink.net>>

The message above is duplicated in the attached document for your convenience. MSK

**From:** [Steve Kuchenski](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam removal  
**Date:** Friday, March 24, 2017 7:28:21 AM

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To:  
Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Malibu.Creek@usace.army.mil <<mailto:Malibu.Creek@usace.army.mil>>

Re: Rindge Dam Removal - IFR Public Review Comment

I support the Preferred Alternative: removal of the Rindge Dam on Malibu Creek. It has outlived its usefulness and original purpose, and its removal will restore access to critical habitat for endangered steelhead.

Steve Kuchenski  
824 E. Hermosa Dr.  
San Gabriel, CA

**From:** [Suzy Kwon](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] [Non-DoD Source] Support in locally preferred plan to remove the dam in Malibu  
**Date:** Saturday, March 25, 2017 6:04:45 PM

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To The Planning Division of the US Army Corps of Engineers, Los Angeles District,

Hello, my name is Suzy Kwon and I am writing to you regarding my support in the locally preferred plans for removal of Rindge Dam and other fish passage barriers in Malibu. I believe this plan is the best option for dam removal without negative impacts to the critical habitat for not only endangered fish species Steelhead Trout, but for the rest of the stream ecology.

I want to see the dam removed along with other barriers as they have been historically seen as devastating riparian and river habitats and ecology, a unique ecological system that is becoming rarer and rarer like salt marshes in California. It is especially important to remove these barriers for any hope of the Steelhead trout to come back in southern California, for it is our duty as stewards for the environment to try our best to protect them. It was not too long ago that the streams were abundant with these amazing and powerful creatures and now it is our time and opportunity to bring these seemingly lifeless streams teeming again.

Thank you for your time and consideration,

Suzy Kwon

**From:** [Mel And Priscilla Lee](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Moving along on the removal of the Rindge Dam  
**Date:** Friday, March 24, 2017 8:45:31 AM

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Greetings Army Corps of Engineers,

I am writing to say that I support the removal of the Rindge Dam. Doing so will allow steelhead trout to once again spawn in our tributaries in the Malibu Creek.

Please proceed with that, according to LPP ALT2B2.

Thank you kindly,

Priscilla Lee, Mel Lee & Celene Lee,  
Calabasas citizens

818-889-8017

Sent from my iPad

**From:** [Rosemary Leibowitz](#)  
**To:** [Malibu Creek](#)  
**Subject:** [Non-DoD Source] Rindge Dam  
**Date:** Monday, March 27, 2017 12:46:24 PM

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I am writing to express my support for the very overdue removal of Rindge Dam by Malibu Canyon Road.

Steelhead trout need the space to return to their breeding grounds and the whole ecosystem will benefit from the return of the creek to its natural state.

Thank you

Rose Leibowitz

4245 Sepulveda Blvd

Sherman Oaks  
91403

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**From:** [Dennis Leski](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Remove the Rindge Dam from Malibu Creek  
**Date:** Thursday, March 23, 2017 1:51:29 PM

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Mr. Demesa;

I write you in support for the Locally Preferred Plan (LPP Alt2B2), which removes the entire concrete Rindge dam structure from Malibu Creek and barges the sand and other materials to areas that will benefit it the most. The LPP Alt 2B2 is favored by the local resource agencies .

As you are well aware, Malibu Creek has been an obsolete facility for many years. It serves no beneficial functions, such as flood control, water supply, or hydropower generation, because it is completely filled with sediment. To the contrary, it stores materials critically needed to replenish the eroding and economically important beaches of the Santa Monica Bay, while restricting one of the most important runs of steelhead along the Pacific coast to a small fraction of the total potential habitat within the Malibu Creek watershed.

In 1997 the southern steelhead trout was listed as endangered by National Marine Fisheries Service, under the federal Endangered Species Act. The key to restoring southern steelhead in Malibu Creek is to remove Rindge Dam and allow these fish, for the first time since 1926 when the dam was completed, to gain access to their historic spawning and rearing habitat. Removal will open up miles of habitat opened up for spawning and early growth. This anadromous fish is an endangered species that only 60-70 years ago flourished in our local waters.

Please join me in support of LPP Alt2B2.

Yours truly,

Dennis Leski  
310-424-8662  
Denniswleski@gmail.com <<mailto:Denniswleski@gmail.com>>

**From:** [Bill Luddy](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] [Non-DoD Source] Rindge Dam Removal  
**Date:** Sunday, March 26, 2017 2:26:44 PM

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Sir:

I am writing to express my strong support for the removal of the Rindge Dam on Malibu Creek, and in particular for the adoption on the Locally Preferred Plan Alternative 2B2.

This alternative, the result of exhaustive study conducted with input from key stakeholders would maximize the environmental and community benefits achieved by the removal of the dam and upstream aquatic barriers. The proposal takes into account the most beneficial uses of the rocks, gravel sand that have accumulated behind the dam while making possible subsequent restoration of 18 miles of vital aquatic habitat.

I urge you to take this opportunity to restore a regional wildlife and aquatic corridor by adopting Locally Preferred Plan Alternative 2B2.

Yours truly

William Luddy



**From:** [peggy malnar](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Dam  
**Date:** Thursday, February 09, 2017 5:28:24 PM

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The Dam hasn't been in use since "67". TAKE IT DOWN!!!!!!!!!!!!!!

**From:** [Benjamin Marcus](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] DOCUMENTATION OF STEELHEAD IN MALIBU CREEK (1916 - 1943)  
**Date:** Wednesday, February 22, 2017 4:27:20 PM  
**Attachments:** [Best Story Never Told Record Steelhead 5-17-16 11-29-08.pdf](#)  
[Fly Fish Journal - Unbuild It and They Will Come - Malibu Steelhead - TFFJ21\\_042\\_055.pdf](#)

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Aloha from Waikiki

I won't be at the public hearing regarding the removal of Rindge Dam on March 1.

But if anyone at ACE needs documentation on the history of steelhead in Malibu Creek, I have attached a few things.

1. An article from the May 7, 1916 Los Angeles Times, describing a thriving steelhead fishery in Malibu Creek. Large fish being caught. Poachers going to jail. No idea where those "fine long pools, very deep" were on the creek, but they were holding.

2. A story on Malibu Creek I did for The Flyfish Journal: "Unbuild it and They Will Come."

3. Three lovely photos of steelhead fishermen in Malibu Creek circa 1943, which I got from a guy at NOAA.

There were steelhead in Malibu Creek at one time.

I have my doubts that removing Rindge Dam and the sediment would restore that run, but it would be nice.

I think the outflow from Tapia is more toxic than people realize. And other factors.

I wonder if the creek flow was more regular in the first half of the 20th Century, and has development dried up a percentage of that flow?

Thanks.

Ben

--

Ben Marcus

PO Box 75031

Honolulu, HI 96836

Cell: 3 <tel:%28805%29%20341-5635> 10 270-7500

Email: t <<mailto:JAG@lifezette.com>> hebenmalibu@gmail.com <<mailto:hebenmalibu@gmail.com>>

Blockedwww.benmarcusrules.com <Blockedhttp://www.benmarcusrules.com>

<Blockedhttps://docs.google.com/uc?id=0B2vH0\_OaMtMBVnE5Nlc4Smd5S0U&export=download>

# UNBUILD IT AND THEY WILL COME

EXPLORING THE GHOSTS OF MALIBU CREEK

◀RIGHT▶

The Malibu and  
Marquez Pier circa  
1911, as seen from  
somewhere around  
Carbon Canyon  
Road. At this time, the  
Rindges had owned the  
Malibu Rancho for 21  
years—having bought  
it from the Kellers in  
1891 for \$10 an acre,  
a whopper of a price  
for 13,300 acres of  
coastal pastureland.  
The Rindges built their  
own pier in 1905/1906  
to service the railway  
they built to block the  
coastal route ambitions  
of the Southern Pacific  
Railway. Photo: Ernest  
Marquez.



Words and  
Captions:  
Ben Marcus

LIKE ALL SMALL TOWNS, Malibu, CA, is home to a lot of storytellers. Some have no visible means of support, so they hang around the coffee shops and talk and talk and talk and never seem to run out of BS.

Others have won Oscars.

Around town you hear stories that Malibu Creek was once home to a thriving steelhead run. Hang out in the bar at Beau Rivage eating tapas and French onion soup, and you'll hear a guy talk about how he won a fishing derby in the 1970s pulling an eight-pound steelhead out of the ocean from the Malibu Pier: "I won a year of free fishing on the charter boats," said the fishing fool.

According to California Trout, a conservation group dedicated to the maintenance and restoration of trout and steelhead waters in the state, at one time the steelhead run on the creek was thought to be more than 1,000 strong. Hollywood luminaries such as Clark Gable and Spencer Tracy were said to take a break from their movies to fish the Malibu's still-viable runs. Sadly, less than 50 steelhead now make the trek.

Matt Kivlin, one of the happy few who enjoyed the lonely surf at Malibu in the 1940s and 1950s, remembers rainy winters, a beach littered with trees, and an active lagoon. "In about 1945, Buzzy Trent and I caught some large fish probably five to 10 pounds," Kivlin says, "two feet long, swimming up the mouth of the Malibu Creek. At the time, we had no idea what they were."

Indeed, you hear stories that Malibu Creek was once epic steelhead water, but in this modern world, that's a little hard to believe. The water is polluted by everything from bird poo to Tom Hanks' loo. The ocean water of Surfrider Beach regularly receives F grades from Heal the Bay, and surfers live by a sort of Johnny Cochran rap:

*After a rain, you must refrain.  
If the water runs brown, stand down.  
When the creek is breeched, I'm beached.*

The ocean waters off Surfrider Beach are tainted by a nasty alchemy of stormwater runoff, leaching septic tanks, homeless camps, thousands of birds, and an unnatural flow from the Tapia Water Reclamation Facility—a nice name for a place that can process 16 million gallons of raw sewage a day.

Matt Stoecker is an excellent name for a steelhead-crazed biologist/owner of Stoecker Ecological, which offers "natural resource assessment and restoration services." But this guy has spent a lot of time poking around and scuba diving within steelhead habitat, thriving and endangered, and he knows the dangers. "Recent studies have shown pollution in treated wastewater that is discharged into streams can have devastating impacts to aquatic species, including turning male fish into females," he says.

Malibu Creek is good, because it brings cobblestones that create one of California's best waves, and it also brings sand, which sometimes coats those sharp cobblestones with a thick layer that saves your feet from getting lacerated.

Malibu Creek is bad, because the effluent of the affluent causes scary sore throats that feel like cancer incubators. Around Malibu you hear stories of a young surfer from Huntington Beach who died after he was poisoned by the heart-eating Cocksackie B4 virus—supposedly from Malibu Creek, but to paraphrase *Spinal Tap*: "You can't dust for heart-eating viruses." <sup>1</sup>

In November 2009, hundreds of surfers tore themselves away from the coast to attend a meeting at the Los Angeles Metropolitan Water District headquarters downtown. The reason for the meeting was a final decision by the Los Angeles Regional Water Quality Control Board on whether or not to impose a ban on septic systems, and force Malibu to build a sewage treatment plant in the watershed that flows into Malibu Lagoon. *The Los Angeles Times* reported:

Surfer Ken Seino, a member of the Malibu Surfing Assn., pulled open his shirt to show a scar on his upper-left chest, where he had a pacemaker implanted. That was necessary, he said, because of the viral myocarditis he contracted after paddling through raw sewage at Surfrider Beach in the summer of 1997.

Malibu is only 20 miles from 20 million masses yearning to breathe free, and it's a Yellowstone-like miracle that the Malibu has been so well preserved. Part of that ruralness is caused by what my friend Leonard Brady calls "economic cleansing." But part of it is also because septic tanks limit development.



◀LEFT▶

Twenty-first century Malibu is one of the last, best places in southern California. Somebody deserves a medal for not screwing the place up. It would be nice to see some dollars invested into a project to restore habitat for those proud silvery salmonids that once ran from the ocean through the canyon and to the flatlands beyond. Photo: Bart Everett.

1

According to the World Health Organization, *Water Recreation and Disease. Plausibility of Associated Infections: Acute Effects, Sequelae and Mortality* by Kathy Pond: "In May 1992, a 20-year-old man developed nausea following a surfing outing in Malibu. His symptoms grew progressively worse and Cocksackie B virus was isolated from him. He subsequently died from damage to his heart, caused by the virus. Although it was not proved that the virus was contracted whilst surfing, it was thought that this was the case."

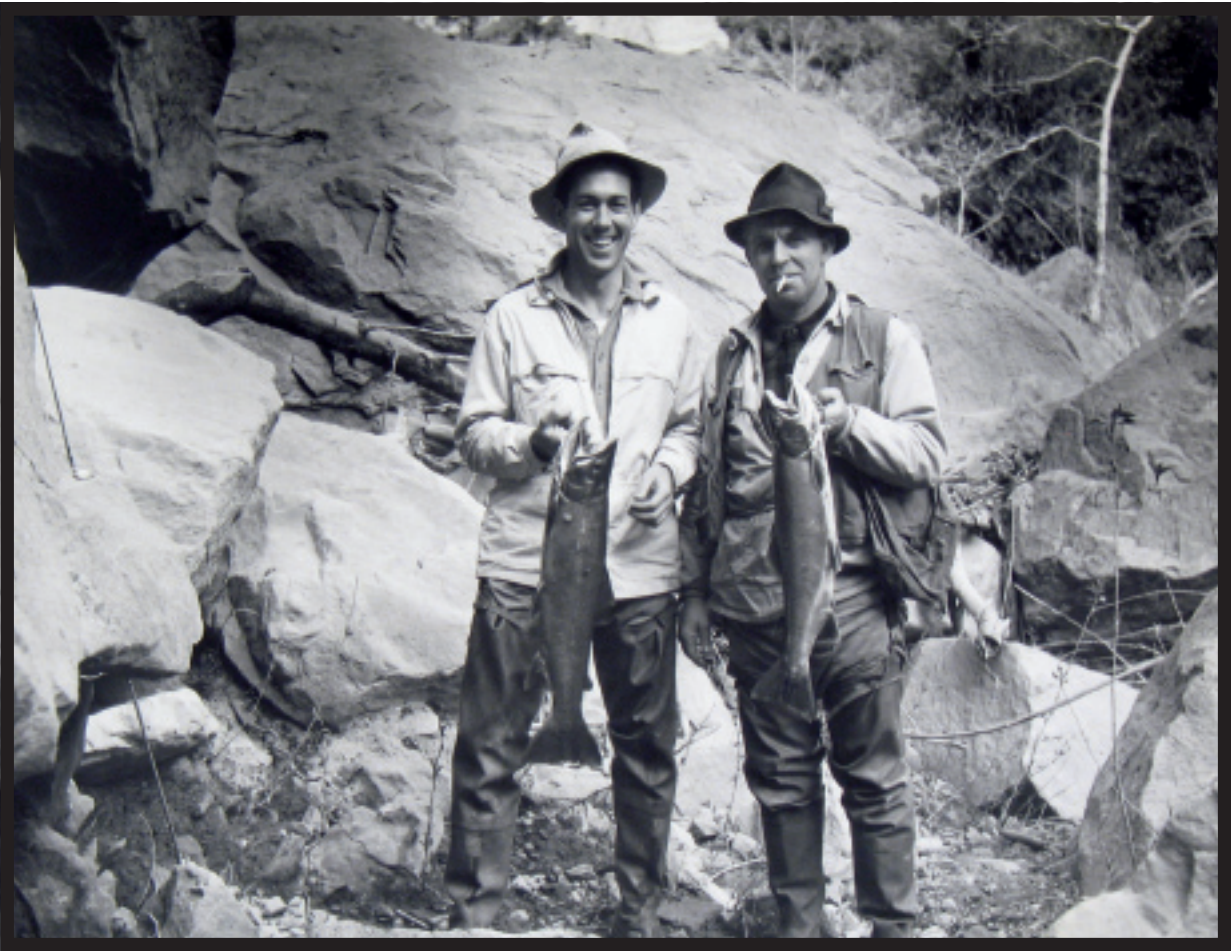


«THIS PAGE»

Local rogues (is that Joe DiMaggio?) hefting the goods after fishing the lower part of Malibu Creek in 1943. Healthy fish suggest a healthy creek, and the only unhealthy thing in this photo is the cigarette dangling from that guy's chops. Photo courtesy of Mark Capelli.

«RIGHT PAGE»

Still life with steelhead fishermen. The mouth of Malibu Creek, circa 1943. The north coast of Los Angeles County wasn't developed for the public until the late 1920s, and it was still relatively wild in the 1940s. A highway ran through it and there were some houses in the hills and along the beach, but Malibu was still considered too far and feral for civilized Angelenos. Photo courtesy of Mark Capelli.



I LOOK ASKANCE AT Malibu Creek as a fisherman: The fantasy of Malibu as a great steelhead creek is all in the past. The present is tainted and doesn't smell good. Malibu Creek was dead to me.

And then, it wasn't.

While poking around in the *The Los Angeles Times'* online archive, writing a book about Malibu for City Councilman (and possible future mayor) Jefferson "Zuma Jay" Wagner, I found an article dated May 17, 1916 that brought Malibu Creek roaring back to life:

Scandal  
BEST STORY NEVER TOLD  
Record Steelhead is Caught Without a License  
Fine Fishing Reported in the Malibu Region

The gist of the story is a mug named William S. Saltor winning a mug for landing a 32-inch steelhead (!) in Malibu Creek. Saltor kept the fish, put it on display in a sporting good store somewhere in Los Angeles, and soaked up the accolades for what is, even by modern standards, a hell of a fish.

Out of Malibu Creek, in 1916.

All well and good, except Saltor didn't have a fishing license and he had been warned about the consequences. He was assigned a date with Justice Frank Shannon of Malibu Township.



The article praises the diligence of the "thirty-odd men on duty throughout this end of the State watching trout streams and lakes," and it's a little surprising to read how efficient Fish and Game

were, way back when, in 1916—when the population for all of Los Angeles County was just less than 320,000.

But the real surprise came in the final few paragraphs, which, for me, transformed Malibu Creek from skull and crossbones to *oncorhynchus mykiss* Valhalla:

Deputy Harry Pritchard took his limit before 8 o'clock opening day all on the old reliable worm... Fish and Game Commissioner Connell stuck to the fly, and had good sport. In the 200 yards Pritchard fished in getting his limit, was a fine, long pool very deep, and most of his fish came out of that one place.

In another spot were three great steelheads, and while trying to get them up to a fly, the salmon-egg fraternity appeared... So it always goes. Good fishermen get trout, but as a rule they do not use salmon-roe; when bait is the necessary thing, it is a couple of red worms; and that failing, a spinner or with clear water and fish feeding high, the artificial fly.

Salmon-egggers were *persona non grata* even way back when.



◀ THIS PAGE,  
TOP TO BOTTOM ▶

The steelhead should be the official freshwater fish of California. Golden trout are beautiful and all that, but steelhead have the qualities that make California great: strength, speed, adaptability, perseverance. And most of all: fighting spirit. Photo courtesy of Mark Capelli.

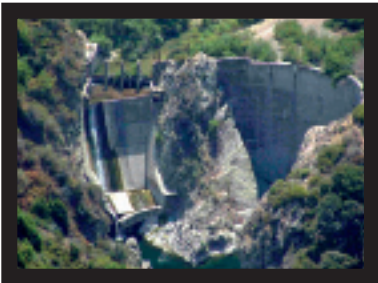
A Malibu steelhead, as measured as recently as the 1990s. The southern steelhead is definitely an endangered species as far as Malibu Creek goes. Due to runoff—urban and otherwise—the entire biology of Malibu Creek is subject to occasional die-offs. Photo courtesy of Mark Capelli.

An inconvenient obstacle to the migration and mass-production of a powerful, strong, beautiful native fish. The Rindge Dam was built in 1924 and the spillway in 1926—at a cost of \$152,900. The dam stored as much as 574 acre-feet of water for home and hay for more than 40 years, until it was decommissioned in the 1970s. Where once there was a small lake, there is now a small mountain of sediment built up behind the dam and the spillway. Photo courtesy of Mark Capelli.

MALIBU HISTORY, in 500 words or less: In 1890, Frederick Hastings Rindge was a 28-year-old Bostonian who’d inherited a family fortune worth \$3 million. He went west to grow with the country, and came to Los Angeles. Looking for “a farm near the ocean and under the lee of the mountains; with a trout brook, wild trees, a lake, good soil and excellent climate, one not too hot in the summer,” Rindge bought the 13,300-acre Rancho Topanga Malibu y Sequit.

It’s possible Rindge was one of the transplanted men who transplanted rainbow trout into southern California streams, if you believe a report on Southern California Steelhead ESU by the Southwest Regional Office of the National Marine Fisheries Service: “Beginning in the 1890s and extending through the late 1930s, fingerling rainbow trout were planted into almost all possible waters in Southern California. Included were stocks identified at the time as both rainbow trout and steelhead.”<sup>2</sup>

Matt Stoecker begs to differ, holding that, “The coastal rainbow/steelhead (*O. mykiss*) is native to southern California and is native to Malibu Creek.” Although hatchery fish were planted, wild fish were there before; he points to the fact that native Steelhead exist from Alaska to Mexico and have been there for “tens of thousands of years.”



Mr. Rindge and his wife May (and his millions) thrived in a Southern California that was booming at the turn of the century—and so did the rainbow trout. Shutting your mind to the present, it’s not hard to imagine a time when the Malibu area was semi-wild, and there was a scrum of steelhead pushing up against the sandbar, waiting for the season when the skies burst, the trickle turned to a flood, and the steelhead made a turbo run a few short miles up Malibu Canyon to the flatlands beyond, in what is now Malibu Creek State Park.

A couple of miles up a rugged canyon is a cakewalk to a fish that can swim up the Columbia River, and all the way to the top of the Rocky Mountains in Idaho.

Rindge died and left the Malibu to his wife. In 1926, she constructed a beautiful Arch Deco dam to provide water for growing citrus and lima beans, watering alfalfa and cattle and bringing “dam water” to the Rindge/Adamson home and headquarters, located a few miles downstream. Rindge Dam is 100 feet high and makes an arc 172 feet long at the top. When full, the dam trapped 574 acre-feet of water.

But, through the 1930s and 1940s, the Rindge Dam began to trap more sediment than water until the Rindges sold the dam to the State of California in 1967. By then, it was mostly holding silt and it was decommissioned—but not deconstructed.



IN 1996, THE BUREAU OF RECLAMATION office in Boulder City, NV wrote an appraisal report for the California State Parks Department.<sup>3</sup> There are a lot of numbers in that reclamation report, but the most important number is the amount of sediment trapped behind the dam, which is largely unknown, although estimated between 800,000 and 1,600,000 cubic yards. Without an exact number, it becomes incredibly difficult to estimate removal cost—the first step in the removal process.

Regardless of whether it’s 800,000 cubic yards of sediment or twice that number, the dam and the sediment are a blockade to southern steelhead, who now have only two short miles of very tainted water in which to breed. They do not seem to be in the mood. The lower stretches of Malibu Creek are infamously foul and are now the source of millions of dollars in surveys, reports, blueprints, legislation, lawsuits, construction, and efforts—both good and misguided—to clean up what was once a beautiful coastal creek.

One of the agencies overseeing the health and welfare of Malibu Creek is the Malibu Creek Watershed Advisory Council. Their map<sup>4</sup> shows the lower part of the creek below the dam and lists “NH<sub>3</sub>, Algae, Se, Al, NO<sub>3</sub>, NO<sub>2</sub>, coliform, trash, odor, color” as contaminants. Another arrow pointing to the lagoon

lists “eutrophication, coliform, and pH.” Essentially, eutrophication implies enough of an increase in chemical nutrients to create a significant reduction in water quality, and negatively impact fish and other animals in the area.

The steelhead population that was once a thousand-plus is down to maybe 50 fish—with complete die-offs of every swimming thing occurring every couple of years. The most recent was in September 2009, on the heels of a similar incident in 2006, which was attributed to “a combination of high water temperatures, reduced dissolved oxygen, low water flow from the Tapia Water Reclamation Facility upstream, algal growth, and the smothering presence of decomposing diatoms (microscopic, one-cell alga).”<sup>5</sup>

In short, Malibu Creek is toxic, with a capital “T” and that rhymes with “P” and that stands for population. According to the Malibu Watershed Advisory Council, a population of 90,000 people is living in the 105-square-mile watershed that feeds Malibu Creek on both sides of the Santa Monica Mountains. Population brings pollution, so the same flow that brings the sand and sediment that creates the wave, also brings a level of pollution that regularly earns F grades on Heal the Bay’s Beach Report Card, a group that monitors and evaluates the ecological status of Santa Monica Bay.

◀ LEFT ▶

The outflow of Malibu Creek where it meets the ocean can be good, bad, and ugly. The ugly is summed up in the F grades that Heal the Bay regularly gives water quality where the creek meets the sea. The good is the world-famous surf that is formed by the sand and sediment washed down from the mountains. Photo: Ian McDonnell.

2

Swift et al, 1993

3

*Rindge Dam Removal Study: An Effort to Reduce the Decline of the Malibu Creek Steelhead Trout Population in Southern California.*

4

*Impaired Waterbodies of the Malibu Creek Watershed.*

5

Magruder, Melonie. “Fish die-off in Malibu Creek under investigation.” *The Malibu Times*. Sept. 9, 2009.



◀RIGHT▶

The sportin’ life wasn’t a pose for Clark Gable. Check out all the photos of him hunting and fishing, and you’ll see the biggest movie star of the 1940s hunkered down in a small boat in a lake somewhere in New Mexico, waiting for ducks. He hunted and fished around the world, but in the 1940s, the local creeks around Southern California were still pristine enough to offer serious sport for trout and steelhead. Photo: John Springer Collection/ CORBIS.



THERE IS A MOVIE STAR WHO LIVES IN MALIBU that is famously sexy but also famously, permanently stricken with hepatitis. A fisherman regards Malibu Creek in the same way: sexy, but tainted. Good from far, but far from good.

I’ve paddled up Malibu Lagoon on a standup paddleboard, carrying mouthwash and hydrogen peroxide in case I fell into the muck. Most tidewaters are ooky anyway, but Malibu Lagoon is ooky-plus, although it’s easy to imagine a cleaner, fresher lagoon with hundreds of *oncorhynchus mykiss* waiting to make a turbo run up the canyon to the flatlands beyond, looking for breeding pools and movie stars.

And speaking of muck, a few years ago I walked the lower part of the river writing an article for *The Los Angeles Times* <sup>6</sup>. The first mile or so leading into the lagoon was the haunted version of a once-proud creek—the current was slow through some nice-looking pools, but it all had a down-in-the-swamps-y’all kind of feel; instead of cobwebs growing on antique furniture, most of the creek was being taken over by green slime. I don’t know the genus and species of that muck, but my boots had to break through it with every step.

The lower part of the creek is strewn with wire and trash and shopping carts and the litter and filth from homeless camps. I walked about a mile of it and it was hard going—physically and emotionally—and gave up. Dead creeks depress me, and Malibu Creek was definitely coughing up blood.

Walking back to civilization, I stood on the PCH bridge over the lagoon, looking for signs of life. My heart leapt when I saw a squadron of steelhead-sized fish moving under the bridge. Could it be?

But it wasn’t. That promising school was a lost squadron of corbina or something that had washed in at high tide, and couldn’t escape. They were thick as flies along the sandbar, probably gagging on the fouled water, hungry for baitfish, trapped.

So the lower creek was a no go, but I wondered what was going on above the dam.

MALIBU CREEK runs up into Malibu Canyon, which runs below Malibu Canyon Road. It’s a famously

dangerous stretch of road because it’s full of twists and turns and blind corners, and also a gazillion bad drivers and *Fast and Furious* wannabes. Over the years, there have been several incidents of people disappearing off the face of the earth, only to be found years later—usually by biologists, counting fish—dead near their cars, which plunged off the road and down 600 feet to the canyon bottom.

Driving along Malibu Canyon Road, it’s possible to stop at several turnouts and get a look at the creek. And it looks promising down there, some beautiful pools and a lot of running water and green trees that look especially good in the fall—because SoCal has fall color, too.

Malibu Creek comes up out of the canyon and crosses under Malibu Canyon Road at the Piuma Road bridge. And just after that is the Tapia Water Reclamation Facility. A stream biologist got mad at me when I called Tapia a “major tributary of Malibu Creek,” but that’s what it is, for better or worse.

Past Tapia, Malibu Creek winds through Malibu Creek State Park. This was once a backlot for 20<sup>th</sup> Century Fox, who bought the property in 1946. It’s beautiful back there—even now—and can look like Montana or upstate New York. A lot of movies were filmed there, during a time when it was prime hunting and fishing property. Clark Gable was a hunting and fishing fool and he appears to have been the real deal. Perhaps Gable had a bash at some Malibu Creek steelhead, as the run was still healthy in the 1940s.

*How Green Was My Valley* and *Planet of the Apes* and a lot of famous movies and TV shows were shot along Malibu Creek. There are still remnants of the set for *M.A.S.H.*, and when you see Colonel Blake (not Potter) flyfishing in between helicopter landings, that is likely Malibu Creek. He probably did not catch steelhead.

Beautiful but tainted. But now, when I drive Malibu Canyon Road or pull over to look down, I imagine a run of steelhead a thousand strong, powering out of the lagoon, racing up the canyon and then cruising into the flats above—going forth and multiplying, and then returning to sea.

6  
Marcus, Ben.  
“Searching for  
steelhead and the past  
in Malibu Creek.” *The  
Los Angeles Times*. May  
24, 2005.



◀LEFT▶  
An intricate, endangered, and overwhelmed creek ecosystem ends at the ocean, where the sand and sediment washing down from the valley through the Santa Monica Mountains creates a sand and cobblestone point. The surf spot at Malibu is there because the creek created it. Photo: Kenneth Adleman.

I WASN'T EVEN SURE it was legal to fish Malibu Creek. Does anyone bother to fish it? I'd never seen a soul.

Our expedition met at Malibu Kitchen, on the kind of blue, warm/cold late fall day that makes it easier to understand why a 1,300-square-foot beach home in Malibu is worth \$15 million.

The posse consisted of Cory Bluemling, a Malibu surfer and a ceramicist who was stalking the creek with an ulterior motive: clay deposits. Marshall Coben lives with his wife (a TV star you probably adore) in a fine home in the Malibu Colony. He is a Malibu native and longtime surfer who is also a homeowner in the tainted watershed, territory connected to the ongoing Malibu conflict over clean water. The third member of the expedition was Bryan Smith, a pixieish surfer dude who innocently came to Malibu Kitchen that morning, heard about the expedition to walk from the Pink Lady Tunnel down to Rindge Dam and jumped in, thinking it would be a cakewalk.

It wasn't.

Steep and deep, but we charged it, going over the side at what turned out to be the wrong pullout just before the tunnel entrance. They only allow 15-minute parking there, so we got dropped off, went over the railing, then slid down a remarkably unstable cliff of terra unfirma. This is the same dirt that turns to deadly milkshakes when floods follow fires. Boulders that looked like they had been in place for centuries came loose in our hands, and so it was a sketchy slide a couple hundred feet to the bottom of Malibu Canyon, where Malibu Creek snakes through the jungle.

There also were real snakes. And crazed homeless. And pot farmers. And dead bodies strewn around lost wrecks. And the barrels of toxic waste dumped by scammers. You hear stories. It's Malibu.

As we were going down, the Santa Ana winds were coming up. Malibu is renowned for consistently benign weather, but every once in a while the winds come around from the north and get super-powered as

they funnel through Malibu Canyon. That funneling was happening as we got to the bottom. As we started crashing through the remarkably thick brush, our crashing was drowned out by the sound of significant trees toppling over in the wind—loud, like elephants.

The whole thing was sketchy, and didn't allow for fishing. It's less than a half-mile from where we touched the valley floor to the Rindge Dam, but it took forever. This was machete country, and all I had was a rod case, as we wandered through overgrown trees and scrub finding root in the thick layer of sediment that was backed up behind Rindge Dam. The real creek was buried deeper than Jimmy Hoffa—60 years and 100 feet down.

There was a decent flow of water that was less than 10 feet wide in some places, but which expanded into promising pools large and small. But the underbrush and the overgrowth combined with semi-gale force winds made it impossible to cast.

I was the only one to actually wade into the creek, so I crossed to the other side and missed out on the other three doing a traverse around the outside of a rock ledge that would have been trouble if anyone had fallen. To paraphrase the movie *Predator*, “You lose it down here and you're in a world of hurt.”

Crossing back over the creek, Cory and I did see a crashed Mitsubishi pickup truck, and we wondered about the story behind that. No barrels of toxic waste and no *Dueling Banjos*, and the only snake I saw was a black irrigation hose threading from the creek up into a secluded area. But after hacking and hewing and climbing and scratching and worrying about poison oak, we made it to Rindge Dam, and it was worth it.

**RINDGE DAM IS BEAUTIFUL.** Ronald Rindge and others think it should be put on the state historic register, but Rindge Dam is holding back hundreds of thousands of cubic yards of sediment and cobblestones that should be out at the mouth of Malibu Creek, and it's holding up that legendary flow of 1,000-plus steelhead.



In that 1996 Reclamation report there are three alternatives to removing all of that sediment, and two of them are costly.

Alternative 1 would require 100,000-plus truckloads of dirt and would cost \$17 million in 1996 dollars. That was at the low estimate of 800,000 cubic yards of sediment. Not going to happen, especially in a bankrupt state.

Alternative 2 was a little cheaper at \$12 million, building a conveyor belt to move all the sediment to a landfill downstream—but where?

Alternative 3 was the cheapest at \$4 million—removing the dam in 10-foot “lifts” and letting the flow of the creek push sediment down two miles of creek, into the lagoon, and then out in the ocean to lay down an even wider carpet of cobblestones and sand, and maybe re-create Malibu into the wave it was in the '30s and '40s. You hear stories.

But the 1996 Reclamation report has not been updated, California is out of money and there are a hundred possible arguments—and lawsuits—around taking down the dam and letting nature put back together what man has put asunder. The sediment isn't going anywhere anytime soon, and I wonder how many “fine, long pools” are buried under all that sand and rock and cobblestone that should be down in the ocean.

We skimmed the surface of the horizontal mountain, accomplished very little, and didn't get killed by a falling tree. The rattlers were sleeping. The harvesters had harvested. Getting back up was as sketchy as getting down, but when we stopped to check footing or test a boulder or catch breath, we would look back at the dam, seeing it from different angles. It is a beautiful structure. But steelhead are more beautiful.

◀LEFT▶  
Malibu Creek runs for 25 miles from Conejo Valley, through the lagoon, and into the Pacific Ocean. Stretches of the creek crowned with fall color can make this desert creek look like somewhere good in Montana or New Zealand or New Hampshire. But the reality of the fish population is not a pretty picture. Photo: Dave Ogle.



Regional Water Quality Control Board ban on septic tanks could cost the City of Malibu another \$50 million—to buy the land for the sewage treatment plant, to build the sewage treatment plant, and to tear up the streets and lay down the infrastructure to hook up all those public and private septic tanks to the sewer line.

There will probably be another \$50 million in lawsuits from displeased citizens. But still, the septic tank ban is a probably doomed, but commendable bit of legislation that is a long way off—if it ever happens at all. Zuma Jay is one of the stronger supporters of the septic tank ban, and even he says it will be at least 10 years until the system is hooked up. “The money is available,” Zuma Jay said. “The State of California has a Revolving Fund generated by federal stimulus money that is exactly for projects like this. At 2.5 per cent, anything is possible.”

It is admirable that a bankrupt state and a struggling county and a city of 13,000 are willing to invest as much as \$100 million into the last mile or so of a creek that

is no more than 25 miles long. But why not go the extra two miles, and remove the dam and the sediment?

And that could be nice, because one of the stories you hear is that Surfrider was a better wave, back in the day, in the 1930s and 1940s, when there was a lot more sand out there, and the Point would link from Third to First and some waves even went past the front of the pier.

MALIBU CREEK is still dead to me as a fishable waterway and that is a shame. But impossible things are happening around Malibu, and maybe there is hope.

Stoecker, for one, believes. “The one thing I can say for sure is that steelhead recovery is actually pretty straightforward and can happen quickly if done right. Dam removals all over the country are showing that once we take these barriers down, the steelhead swim back upstream as far as they can.”

And perhaps, if we unbuild it, they will come. ➤

A FEW DAYS LATER I scouted above the dam with surfer and photographer Dave Ogle. The sediment behind Rindge Dam backs up about to the south entrance of the tunnel, and then the creek bed returns to bedrock. The section of creek running parallel to the tunnel looks like it was bleached, and then the rest of the creek up to the Piuma Bridge and the Tapia Reclamation Tributary looked fairly open and approachable.

Going through the tunnel and looking at the creek on the other side, we eyed some deep, long pools visible from the road. The fall color was deeper, the sky was blue and it all looked like Montana or New Zealand or somewhere grand.

Driving a little farther up, we got lucky and found an open gate leading down a short road to some kind of monitoring facility. There was a Department of Water and Power guy down there who said we couldn’t park, so we backed up, parked outside the gate at the top, geared up and walked back down.

The DWP guy didn’t mind us walking down, and he didn’t say anything when Dave waded into the creek in his wetsuit, with a water housing in hand. But it was the way he looked at us, and the way he didn’t say anything, that said a lot.

You know that noise Lurch from *The Adam’s Family* makes when he is displeased? That was the vibe.

Malibu Creek fords an old access road that once provided access to who knows what. The flow of the creek was suspiciously strong, considering it hadn’t rained for about a month. It went over the access road and into a decent little pool. Fish?

It felt nice to gear up, tie some knots and throw something feathery in there, just to see if anything would happen.

Nothing happened, so we plunged in—down Shit Creek as surfer Chris Malloy said—looking for some of those very deep pools of the long, fine quality I had seen from the road and read about in *The Los Angeles Times* from many years ago.

The creek was bubbling and the sky was blue and winds were light and the fall color was nice—and it smelled like an industrial accident. Like a chemical dump, or the shipyards in Galveston, Texas.

Chlorine, or something close to overpowering was in the air. We thought the monitoring facility was the culprit, but as we moved down the creek, the smell persisted, and it was not a nice smell.

Above the Rindge Dam and above the tunnel and about half a mile down from the Tapia Wastewater Reclamation Facility, Malibu Creek smells like a swimming pool. The smell is strong and persistent and hangs in there. It comes and goes but stays in your nostrils for hours. It would take a pretty depraved fish to enjoy the taste of that, and, after about 20 minutes, I understood the sad silence of the DWP guy. I cast into several pools, but nothing. I stood on rocks looking but the only flashes I saw were leaves rolling in the current.

We walked about a half mile down the creek, hoping to catch or photograph a fish or just see if there was anything in there, but knowing there wouldn’t be. After about an hour, the chemical smell was too overpowering, so we gave up and walked back.

Later that night I went to a laundromat in Santa Monica to wash all the clothes that had been besmirched by poison oak and dirty water and whatever chemical was in the creek. And the laundromat smelled exactly like Malibu Creek.

MALIBU WATER HISTORY is a long story and an easy metaphor—a fast stream with many tributaries: the Chumash<sup>7</sup>, Jose Tapia, the Rindges, Rindge Dam, septic tanks, Coxsackie B virus, sand, and sediment and on and on and on.

The present story about Malibu Creek is also a hundred million dollars long, and hard to sum up, but here goes: Presently the city of Malibu has invested \$50 million to build Legacy Park, a big project in the middle of town that will turn 17 acres of prime real estate into a public park that will also store stormwater runoff, which will be treated in a state-of-the-art facility before it is released into Malibu Creek.

\$50 million dollars to buy the land, build the stormwater plant, and build the park. That is going on, right now. They could have put a Costco there or built student housing for Pepperdine or threw up 100 condos that would sell for half a million plus, because this is Malibu, one of the most desirable places to live in the world.

But they didn’t. That prime piece of real estate where May Rindge watered her alfalfa and the Takahashis had a nursery is now a very expensive, very impressive public park.

\$50 million here and \$50 million there and pretty soon you are talking real money. The Los Angeles

7  
Life wasn’t as nasty, brutish, and short for the Chumash than for other Native American tribes. The creek the Chumash called “Humaliwo”—because it was “where the surf sounds loudly”—was the southern boundary of Chumash territory. And you have to imagine the place was as prime for the Chumash then as it is for the rich and famous who live there now. At Humaliwo, a freshwater creek came out of the mountains, forming a lagoon where the Chumash probably stored their tomol canoes. They lived along the edge of the lagoon, which provided a natural salad bar to supplement that Malibuillabaise of lobster and abalone and rock fish that came from the sea—and swordfish once the Chumash got their tomol dialed. A benign climate—warm in the winter, foggy in the summer. Lots to eat, and that included those weird, silvery fish that would come up out of the ocean after it rained, and swam for miles inland to breed. The Chumash would have had steelhead in their diet too—fresh and smoked. *La dolce vita*, as lived by the Chumash for thousands of years, before big ships appeared on the water and ended their free and easy life.



Scandal.

# BEST STORY NEVER TOLD.

*Record Steelhead is Caught  
Without a License.*

*Great Year for the Little Old  
San Gabriel.*

*Fine Fishing Reported in the  
Malibu Region.*

Show windows of sporting goods stores are full of big "Steelheads" or "Rainbows" these days, appropriately bedecked with cards giving length and weight and name of the lucky captor, with the cups they won alongside; but those cards fall shockingly to state all the facts of public interest regarding some of these record catches.

For example, that glorious 32-inch steelhead that won a mug for William S. Saltor of No. 620 South Spring street was taken after a fish

95 - Marcus

and game commission deputy, Saturday, demanding his license, and seeing none, had forbidden fishing without it. Later, on Monday, the officer came upon him with this great fish, and placed him under arrest for fishing without a license. Saltor is to appear in Sawtelle before Justice Frank Shannon of Malibu Township May 9—but the cards didn't tell that part of the story. Too bad such a fine fish had to be taken in violation of the law.

The thirty-odd men on duty throughout this end of the State watching the trout streams and lakes have strict instructions from Fish and Game Commissioner Connell to enforce the law as it reads. The commission has neither power nor inclination to do otherwise. Anglers are required by law not only to have license if over 18 years of age, but to exhibit it and any fish in possession to any duly-authorized officer qualified to enforce the fish and game laws at any time. So states section 7 of the Angling License Act. Not having license in possession for any reason whatever is therefore no valid excuse, and the disposition of deputies to be lenient where convinced of honesty or representations made to them has been abused so much in the past by those who really had no license at all that the time has arrived to make no such exceptions, and require all to comply with the strict word of the law.

Some of the best fishing was reported from the Malibu, probably because a few really good fishermen had the first crack at it on the Rindge estate. Deputy Harry Pritchard took his limit before 8 o'clock opening day all on the old reliable worm, and had a demonstration of the evils of salmon-egging when some fellows came down the creek and spoiled the sport for all who came after. The limit was one of the prettiest that ever came out of that creek, which bears a good reputation for decent-sized fish and sporting conditions. Fish and Game Commissioner Connell stuck to the fly, and had good sport. In the 200 yards Pritchard fished in getting his limit, was a fine, long pool very deep, and most of his fish came out of that one place. In another spot were three great steelheads, and while trying to get them up to a fly, the salmon-egg fraternity appeared, threw in a handful of their demoralizing stuff, hung one, there was a flurry, a broken hook, and nothing more doing in that pool. So it always goes. Good fishermen get trout, but as a rule they do not use salmon-roe; when bait is the necessary thing, it is a couple of red worms; and that failing, a spinner, or with clear water and fish feeding high, the artificial fly.

In all probability the next Legislature will be asked to abolish salmon-eggs, which are a by-product of the salmon-packing business and spoil fishing by decent methods by catering to a depraved taste of the fish. If, indeed, they do not actually injure the trout which gorge greedily upon them, owing to the preservative used in keeping the eggs. All experts will hail with joy the passage of such a law; and to those who argue they could not catch fish with any other bait, there remains the answer that trout took worms before they saw salmon-eggs, and that the worm is a natural food of the trout anyway.

95 - Marcus



95 - Marcus





**From:** [Jody Martin](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Support of LPP Alt 2B2  
**Date:** Thursday, March 23, 2017 11:35:35 AM

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Mr. Demesa and Mr. Ray:

I am writing in strong support of the plan to remove the Rindge Dam on Malibu Creek, and specifically in support of the Locally Preferred Plan (LPP Alt 2B2) to remove the entire dam and relocate the sand and other materials to other areas.

This Locally Preferred Plan is the plan favored by local resource agencies and nearly all sportspersons, and is the plan preferred and supported by local fly fishing clubs, all of whom are in favor of restoring critical habitat that has been lost along Malibu Creek for endangered anadromous fish species.

As a professional biologist and avid sports fisherman, I urge you to support Alt 2B2. This is the best possible plan, as it removes the Rindge Dam entirely and opens up miles of habitat for spawning and early growth of these endangered species. This is clearly the right thing to do.

Sincerely,

Joel W. Martin

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Joel W. (Jody) Martin, Ph.D.  
Associate Vice President, Research & Collections  
Curator of Crustacea  
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**From:** [David Matus](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Vote To Remove Dam  
**Date:** Saturday, March 25, 2017 4:25:34 AM

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I'll keep it simple. I would like to see the dam removed and the creek get back to somewhat natural flow.

David Matus  
matusd1@aol.com



**From:** [Jan McCollum](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam on Malibu Creek  
**Date:** Thursday, March 09, 2017 1:48:48 PM

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I firmly support the removal of the Rindge Dam and all additional structures on Malibu Creek. Please make it happen and bring back the opportunity for Steelhead to run again.

Jan McCollum

**From:** [John McDonald](#)  
**To:** [Malibu Creek](#)  
**Cc:** [Unknown](#)  
**Subject:** [EXTERNAL] Malibu Dam Removal  
**Date:** Saturday, March 11, 2017 12:34:38 PM

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Blocked[http://www.malibutimes.com/news/article\\_d1022284-05e7-11e7-9404-13b5d6b491c5.html](http://www.malibutimes.com/news/article_d1022284-05e7-11e7-9404-13b5d6b491c5.html)

The article in the Malibu Times online says the price for removing the Rindge dam on Malibu Creek is \$160,000,000 and this for a population of 100 fish, some of which use Topanga Creek or Arroyo Sequit rather than Malibu Creek. . And the article states that tunnel falls and century dam remain as impediments to fish migration. Simple arithmetic says we are proposing to spend \$1.6 Million per fish provided that all 100 use Malibu Creek and will subsequently swim past the dam.

1

To put this in perspective, each fish could hire a helicopter for quantity-3,200 rides, each an hour long, past the Rindge dam. This kind of economics is completely loopy. One could put in a motorized aquarium elevator with a full time attendant for much less than this. There simply has to be a more reasonable way to accomplish the fish and eco-system bit of the goals.

The article also speaks of thousands of truckloads of sediment. You must be kidding? I commute to work, every day over Malibu Canyon Road. Transporting thousands of truckloads of sediment on Malibu Canyon Road will be insane and enraging. If opposition is indifferent now, wait until you start trucking sediment.

2

Suppose instead you contrive to lower the dam height by a few feet, every other year or even every 5th year. It needn't be the entire width of the dam, just say, 10 feet across and 2 or 3 feet down. Then let mother nature lower the sediment to the new level of the dam. You could take years and years if need be, just as it did to fill with sediment in the first place. This would spread the monetary cost over as long a period as possible. It would do away with absolutely all of the trucking. The damage from sediment will be minimized, even negligible. You cannot make that claim for the all-at-once scenario. There is almost a certainty that unforeseen weather or accident or just thousands of trucks, will create an environmental problem and most likely will claim human lives.

3

There is an additional irony here. Every day I see people posting about how countries like Norway, Portugal and Costa Rica have green renewable power. The same posts and articles compare the USA unfavorably. Yet those 3 countries claimed their renewable power by damming waterways. I find it very odd that particular lobbying groups who want to spend other people's money, can be for hydropower and against dams.

There has to be a better way. \$1.60 million per fish, and thousands of trucks is not the answer.

John McDonald

Infrared Physicist

Latigo Optics Inc.

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Malibu, California 90265

310.871.6609 (m)

March 21, 2017

Mr. Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Re: Rindge Dam

This letter is to strongly support the removal of the Rindge Dam in Malibu California.

This antiquated dam is a disruption to the coastal tidal zone and sensitive Malibu Ecosystem and should have been removed long ago. As someone who grew up in Malibu, I have seen firsthand how the coastline has eroded over the years as a result of the sediment behind this dam not being able to flow naturally down into the ocean. In addition, the dam has disrupted the migration and spawning of Steelhead Salmon and dramatically harmed their natural habitat. It is time to correct the engineering error and restore this vital waterway to its original condition.

Thank you,

  
John McMorrow  
(650) 740-0234

**From:** [Bill McWha](#)  
**To:** [Malibu Creek](#)  
**Cc:** [cknight@caltrout.org](mailto:cknight@caltrout.org); [aroesberry@caltrout.org](mailto:aroesberry@caltrout.org); [aamrhein@caltrout.org](mailto:aamrhein@caltrout.org)  
**Subject:** [EXTERNAL] Malibu Creek Dam  
**Date:** Thursday, February 16, 2017 3:44:39 PM

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YOU NEED A STUDY, "TO ESTABLISH A MORE NATURAL SEDIMENT TRANSPORT REGIME FROM THE WATERSHED TO THE SHORELINE."

ARE YOU SERIOUS ??? REALLY ????

ONE WORD SAYS IT ALL ..... ELWHA

#### Purpose

The purpose of the study is to establish a more natural sediment transport regime from the watershed to the Southern California shoreline in the vicinity of Malibu Creek within the next several decades, reestablish habitat connectivity along Malibu Creek and tributaries in the next several decades to restore migratory access to former upstream spawning areas for indigenous aquatic species and allow for safe passage for terrestrial species from the Pacific Ocean to the watershed and broader Santa Monica Mountains National Recreation Area, and restore aquatic habitat of sufficient quality along Malibu Creek and tributaries to sustain or enhance indigenous populations of aquatic species within the next several decades. Alternatives have been developed to identify what the USACE and CDPR partnership wants to achieve with the alternatives and accomplish with a plan.

HOW MUCH MONEY WILL THIS USELESS STUDY COST, JUST RIP DOWN THE DAMN DAM !!!

1

Bill McWha

476 Succotash Rd.  
South Kingstown RI  
02879-5854  
860-748-5312 <tel:(860)%20748-5312>

1 better understanding about what to say here, but I will  
2 be reviewing that document in the next few weeks and  
3 will be submitting some pretty detailed comments.

4 Thank you.

5 COL KIRK GIBBS: Thank you, Mark.

6 PARTICIPANT: Is there a hard copy of the  
7 document?

8 SUZANNE GOODE: Yes. We have some at our office  
9 at 1925 Las Virgenes Road, and there are copies also --  
10 Jamie and --

11 JAMIE KING: At the Calabasas Library and the  
12 Malibu Library, and it's also available online for  
13 review via the web site for download.

14 SUSIE MING: Next up, Jim Menzies and, after  
15 that, Bob Brager.

16 JIM MENZIES: I'm Jim Menzies. I thank you for  
17 your presentation and the information that you provided.  
18 It's refreshing to know that it's all online, and we can  
19 review it in depth after just receiving a firsthand look  
20 at it. But I guess what I'm looking at are more  
21 questions than answers. I'm looking for answers.

22 I would like to know whether or not you've really done  
23 a close study of how this will impact the Cross Creek  
24 Bridge, which is an emergency fire access to and from  
25 the residents of the Serra Canyon Homeowners Association

1 and the owners in there. It was mandated by the  
2 fire department as a safety issue that we maintain that.  
3 And my concern would be if you denude the area above the  
4 dam where you expect to remove the overburden there,  
5 then, in a horrendous storm, if we get one of our 50- or  
6 100-year storms, as we've experienced back in '68, and  
7 we've got some rain this year, even though it wasn't  
8 predicted. But that denuding of that ground, even  
9 though you've taken off some of the overburden, I  
10 believe is going to erode a lot of what is left by  
11 virtue of what we've seen following the numerous fires  
12 that we've had in Malibu. Once the fires have gone  
13 through and denuded the hills, the amount of overburden,  
14 and so forth, that's washed into the creek and then out  
15 from there is substantial. So, I'm asking has that been  
16 taken into consideration as well?

17 You covered somewhat the ingress and egress to  
18 remove I'd say just under a billion cubic feet of soil.  
19 And I'm sure with additional rains, and so forth, there  
20 will be more soil that will fill in down there, or so.  
21 And I'm very much concerned, as the gentleman who spoke  
22 before me, what impact there's going to be on the travel  
23 and the roads and the safety of the residents in the  
24 community.

25 I guess the most important of all the questions

1 I ask is if you do proceed and remove the dam, do you  
2 accept the liability for any of the consequences that  
3 occur downstream, either foreseen or unforeseen?

4 I thank you for the opportunity to ask these  
5 questions.

6 Thank you.

7 COL KIRK GIBBS: Thank you, Jim.

8 SUSIE MING: Thank you. Next up, Bob Brager, and  
9 after that, Katherine Pease.

10 BOB BRAGER: Good evening. My name is  
11 Bob Brager, I'm the public works director and the city  
12 engineer for the City of Malibu, and also, I am the  
13 City's flood plain manager. And Jim, that was a good  
14 presentation. I appreciate that. It seems like I've  
15 been to these meetings for years, which I believe I  
16 have, and Suzanne and Craig and Susie and Jamie, I  
17 appreciate all your hard work. However, I do have some  
18 concerns with the project. And basically, my concerns  
19 are with the effect of the project. You know, what does  
20 the project -- what is it going to do after it's -- or  
21 during construction and after construction? And one of  
22 my issues or concerns is -- actually, the number one is  
23 flooding. You know, in your report, it did indicate  
24 that there is going to be flooding. I appreciate you  
25 mentioning that because that's a real effect that it



**From:** [Michael Miller](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam  
**Date:** Thursday, March 23, 2017 8:42:05 AM

---

Please remove the Rindge Dam.

michael miller photography  
p. 323-528-4743  
mmfoto@pacbell.net

1           And another gentleman brought up the fact of  
2 costs and benefits, which is also a very good point.  
3 But I guess, you know, I'm not a kid anymore. You know,  
4 I've seen a lot of federal and state spending. And I  
5 know that the money will be spent somewhere for  
6 something. And it would be nice for it to benefit us  
7 for once, and not somebody else.

8           So, that's basically my comments. Thank you.

9           COL KIRK GIBBS: Thank you.

10          SUSIE MING: Thank you. We've got Alan Mirman,  
11 and then finally, Graham Hamilton.

12          ALAN MIRMAN: Hello. And thank you for that very  
13 detailed report. I appreciated it. My name is Alan  
14 Mirman. I'm a homeowner in Serra Canyon, and I wanted  
15 to second what Ms. Payne said because I saw something  
16 also that she didn't see. I live at the top of  
17 Serra Road and look down at the Cross Creek area, and  
18 the Friday -- I guess two or three Fridays ago during  
19 the heavy rains, we saw -- my wife and I saw the creek  
20 jump the side and go ripping through backyards,  
21 including several of our neighbors. And it was a flood.  
22 We saw lawn furniture and a camper top, or whatever,  
23 come roaring through people's yards because there's  
24 enough sediment. And as Ms. Payne mentioned, it has now  
25 created an island just on the ocean side of the bridge

1 that divides the water. There's not much room there on  
2 the banks for water to raise. So, increased sediment  
3 coming downstream to us I think will really raise the  
4 level in the seabed in the bed of the creek such that we  
5 don't have much clearance already at the bridge that we  
6 have. The pictures that were submitted show the amount  
7 of incredible -- "beaver dam" was a nice word for it,  
8 and the destruction that happened of the wood sides of  
9 the bridge. So, I'm very concerned about sediment  
10 flowing down. I don't have an answer for the trucks and  
11 the amount of traffic on Malibu Canyon, but I'm very  
12 concerned about the sediment filling up the creek.

13 So, thank you.

14 COL KIRK GIBBS: Thank, you sir.

15 SUSIE MING: Thank you. Graham Hamilton.

16 GRAHAM HAMILTON: Good evening. My name is  
17 Graham Hamilton. I'm here on behalf of the Surfrider  
18 Foundation's West L.A./Malibu Chapter.

19 I would like to thank you all for all of the work  
20 that you've put into this project. It's been going on  
21 for a long time. Much before my time. The Surfrider  
22 Foundation is in support of the removal of Rindge Dam.  
23 We will be submitting detailed comments before  
24 March 27th. But I would like to kind of speak just from  
25 a personal perspective.

**From:** [Jeff Moses](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam  
**Date:** Thursday, March 09, 2017 12:44:04 PM

---

Mr. Jesse Ray,

I support the removal of the Rindge Dam in Malibu.

Thank you,  
Jeff Moses

1505 Ximeno Ave.  
Long Beach, CA 90804

**From:** [Patricia Mowlavi](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] [Non-DoD Source] Support of LPP Alt2B2 Rindge Dam Removal Project  
**Date:** Sunday, March 26, 2017 2:35:09 PM

---

Dear Mr Demesa,

I am writing in support of LPP Alt2B2 to remove the Rindge Dam on Malbu Creek. The removal of the dam will help restore the ecosystem of Malibu Creek and support the recovery of the endangered steelhead trout.

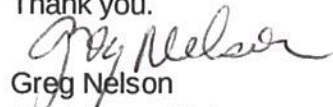
Sincerely,  
Patricia Mowlavi  
Concerned Ventura County Resident  
Member Sierra Pacific Flyfishers

Eduardo T. Demesa  
Chief, Planning Division  
U. S. Corp of Engineers, Los Angeles  
Attn: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, CA 90017

Dear Sirs:

I am very interested in returning Malibu Creek to its historical, natural condition. Please seriously consider plans that will ultimately remove the Rindge Dam as quickly as possible.

Thank you.



Greg Nelson  
35 Vistamar Drive  
Laguna Niguel, CA 92677  
[gregandmaria@yahoo.com](mailto:gregandmaria@yahoo.com)

**From:** [Pam Nelson](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam removal-support  
**Date:** Friday, March 24, 2017 10:13:33 PM

---

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Chief Eduardo T. Demesa,

I have represented our Sierra Club group, the Santa Margarita group based in Temecula, for several years at our Steelhead Trout Coalition. I have seen the value of this endangered fish and the importance of its habitat on all creatures. I am in full support of the Rindge Dam removal. Miles of habitat will be opened up for spawning and early growth as well as restoring habitat for many aquatic species.

I support the Locally Preferred Plan (LPP Alt2B2) which removes the entire concrete dam structure and barges the sand and other materials to areas that will benefit it the most. The LPP Alt 2B2 is favored by the local resource agencies as well and i agree with them.

Pam Nelson  
Warner Springs, CA  
(former resident of the old Topanga beach cottages, circa 1960s)

**From:** [Timothy Neubeiser](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Attn: Mr. Jesse Ray  
**Date:** Friday, March 24, 2017 1:50:50 PM

---

I support the removal of the Ridge Dam.

Thank you for your consideration.

Timothy Neubeiser:)'~--->\*})))><

Sent from my iPad



**From:** [Bruce Nourish](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu Creek and Rindge Dam  
**Date:** Thursday, February 09, 2017 8:50:37 PM

---

To whom it may concern,

I strongly support the removal of the Rindge Dam, as part of the effort to restore Malibu Creek, and its historic ecosystem of migratory fish. Removing this obsolete dam is the single most effective thing we can do.

Thankyou.

Bruce

**From:** [Jess O'Brien](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] removal of Rindge Dam  
**Date:** Thursday, March 23, 2017 9:59:18 AM

---

Dear Army,

We really need the Rindge Dam removed. It's the only responsible thing to do. It's been abandoned forever and is destroying our Steelhead runs. PLEASE do the right thing and remove this destructive dam.

Sincerely,

Jess O'Brien  
California

**From:** [William O'Kelly](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] [Non-DoD Source] Rindge Dam Removal  
**Date:** Sunday, March 26, 2017 9:40:04 PM

---

To: Eduardo T. Demesa, Chief, Planning Division, U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

I support LPP Alt2B2. Please remove the dam in its entirety and transport the sand and other materials to where they will be of the most benefit. This is preferred plan by the local resource agencies. Please support me in this endeavor.

Thank you, William P. O'Kelly, 57 Karen Place, Newbury Park, CA 91320, Past President, Sierra Pacific Fly Fishers, Membership Chair, Southwest Council, Federation of Fly Fishers,

**From:** [glenn olson](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu Creek Rindge Dam removal  
**Date:** Friday, February 10, 2017 1:02:26 PM

---

Dear Sirs: while a graduate student at UCLA, I spent significant time on Malibu Creek, Lagoon and the upper watershed which at the time was known as Century Ranch. I had permission to do a raptor survey that helped reinforce the case for the ranch becoming a state park. I also led bird walks in Malibu Creek and Lagoon for Los Angeles Audubon Society. We fought against a proposed campground and picnic area that would have been sited on native pickleweed habitat of the Belding Savannah Sparrow. Through surveys by the Los Angeles County Museum of Natural History, I became aware of the Steelhead using Malibu Creek. I would like to offer my support and assistance in your efforts to restore this riparian ecosystem and key indicator species, the Steelhead. In the midst of one of California's most populated regions, to be able to recover a species that is an indicator of clean water and wild places, is both inspiring and hopeful- that we can today fix a problem caused unknowing by previous generations in a manner that speaks well and gives hope to future generations- that is a wise investment. Over the course of my lifetime, we have recovered the Peregrine Falcon ( which you can now see at Boney Ridge in the Santa Monica Mts), the Osprey, the Bald Eagle and Brown Pelican- each was on the brink of extinction. We can do the same for the Steelhead in Malibu Creek. Thank you for this study of this very significant undertaking and please let me know how I can support its implementation.

All the best,  
Glenn Olson

Sent from my iPhone

**From:** [Carlos Orellana](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu Dam  
**Date:** Saturday, March 11, 2017 5:29:51 PM

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

This email is to advise that I support the removal of the Rindge Dam.

Thank you very much for what you do.

Sincerely,

Carlos A. Orellana  
  
541 Comstock Ave  
  
Los Angeles, CA 90024  
  
Cell: 310-562-0367

**From:** [Nathaniel Parker](#)  
**To:** [Malibu Creek](#)  
**Cc:** [cnelsen@surfrider.org](mailto:cnelsen@surfrider.org); [rwilson@surfrider.org](mailto:rwilson@surfrider.org); [Bill Hickman](#)  
**Subject:** [EXTERNAL] Rindge Dam  
**Date:** Thursday, March 16, 2017 4:28:28 PM

---

Dear Army Corp of Engineers,

Surfing at the mouth of the Malibu river mouth is an valuable component of a multi-billion dollar sport, but it's value to the community and culture transcends money.

People often look at the surface of the landscape and above, but do not consider the bathymetry and its importance in forming quality waves.

The world renowned wave that breaks at Malibu beach has been decimated by the Rindge Dam holding back sediment flow which for millennia contributed to the bathymetry which makes the wave break the way it should.

The sediment that has been held back by the Rindge Dam should be used to replenish the point break - that is what nature did before the dam was built.

Put the sediment where it would have gone if the Dam had never been built. That is the best way to mitigate its effects

Thank You,

Nat Parker MD  
Malibu, CA

**From:** [Wenda Payan](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam removal project on Malibu Creek  
**Date:** Thursday, March 23, 2017 3:26:47 PM

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US Army Corp of Engineers

To whom it may concern,

I am writing to express my support for the Rindge Dam removal project on Malibu Creek, specifically the Locally Preferred Plan (LPP Alt2B2), which removes the entire concrete dam structure and barges the sand and other materials to areas that will benefit it the most.

Sincerely,  
Wenda Payan

# M. ANNE PAYNE

3507 CROSS CREEK LANE, MALIBU, CA • 90265

PHONE: (310) 456-3507 • FAX: (310) 456-8663  
[mapayne310@gmail.com](mailto:mapayne310@gmail.com)

Via email & US Mail  
 March 23, 2017

Mr. Eduardo T. Demesa  
 Chief, Planning Division  
 US Army Corps of Engineers, Los Angeles District  
 Attn: Mr. Jesse Ray (CESPL-PDR-L)  
 915 Wilshire Blvd, Suite 930  
 Los Angeles, CA 90017

[Malibu.Creek@usace.army.mil](mailto:Malibu.Creek@usace.army.mil)

**Re:** Opposed to the Malibu Rindge Dam removal

Dear Mr. Demesa,

Please inform the Army Corps of Engineers and the Dept. of Parks & Recreation that to remove sediments and the Malibu Rindge Dam pose serious risks and liabilities to the inhabitants of lower, "downstream residents" in the Cross Creek area! My family and I oppose the excessive removal plans! Reference to the admitted "potential downstream flooding" in the March 1, 2017 public meeting means that your plans are known to threaten Malibu! Malibu Creek and Lagoon are also threatened by this action to dismantle tons of sediment and concrete!

How much of the quarter of one million dollars of federal funds will compensate for roads, bridges, business & homes in the Cross Creek area & Malibu Civic Center? Who will indemnify the City of Malibu and LA County for road damage, while trucks move through Malibu Canyon 15-30 daily trips, April to October for 7 to 8 years?

Cross Creek Road is a point of access for both commercial and 110 residential homes in the lower Creek area. This year, flooding occurred in that area with only a few days of rainstorms. Damages have been significant to roads, even without additional sediments being distributed by excavation. The County Fire Dept. mandated bridge access to Cross Creek Road / Serra Retreat, was severely-damaged Feb. 17-18 2017 with heavy debris water flows.

Will you have funds to protect the downstream population? Who will be responsible for "possible flooding" and land disturbances?

Respectfully submitted,

**Anne Payne**

Anne Payne

Copy to:

Bob Brager, [bbrager@milibucity.org](mailto:bbrager@milibucity.org) Director of Public Works, City of Malibu

Arnold York, [agyork@malibutimes.com](mailto:agyork@malibutimes.com) Publisher of Malibu Times

Lauren Coughlin, [lauren@malibusurfsidenews.com](mailto:lauren@malibusurfsidenews.com) Editor of Surfside News

Cece Woods, [90265magazine@gmail.com](mailto:90265magazine@gmail.com), Editor in Chief of Local Malibu

Malibu City Council Members, via [kpettijohn@malibucity.org](mailto:kpettijohn@malibucity.org)

Serra Canyon Property Owners Association – Board of Directors, via [bertha@blnpm.com](mailto:bertha@blnpm.com)



1 appreciate what's been done. It's an incredible report.  
2 As a geotechnical engineer, I understand all the work  
3 that's been done here, but we're spending close to --  
4 and the costs have been escalating over the last few  
5 years -- we're going to be up to maybe a quarter of a  
6 billion dollars in five years when all the issues have  
7 been ironed out. Can we justify the steelhead trout  
8 getting through this narrow gorge during specific flows  
9 spending this kind of money on it? I find that very  
10 difficult as a citizen to stomach. I just think it's a  
11 lot of money. And I challenge you guys to give me an  
12 example of a restoration project where this kind of  
13 money has been spent. It is a lot of cash.

14 I will have some additional comments during the  
15 periods, of course before March 27th. And I thank you  
16 very much for your time.

17 COL KIRK GIBBS: Thank you, sir.

18 SUSIE MING: Thank you. M.A. Payne. And then,  
19 the last comment card I have is Andy Coradeschi.

20 MARGARET ANNE PAYNE: Hello, good evening. My  
21 name is Margaret Anne Payne. I am a resident of  
22 Cross Creek. Our home is on the creek, where we've  
23 lived for 28 years. I'm not as qualified to speak as  
24 Dr. Reinard Knur nor Jim Menzies, who have both worked  
25 in the creek and know it very thoroughly and

1 ecologically. I'm a retired elementary school teacher.  
2 My last assignment was setting up the marine science  
3 school. So, I do pay attention to the environment.  
4 I continue during these meetings, and I have been to  
5 others, where discussions about the valued sediments and  
6 sand are discussed over and over and over again; value  
7 and money. The cost or the money -- the federal monies  
8 haven't been discussed when I was listening. That might  
9 come to somebody. That's of great value to many people  
10 because of the habitat that is being discussed. The  
11 discussion of the habitats continues to be the aquatic  
12 habitat. I was very glad to hear about the bird habitat  
13 this evening, that that's being looked at because the  
14 wetlands that extend from the creek area, it has a  
15 wealth of wetland birds and sea birds that nest and live  
16 in that area. So, I think that should be discussed  
17 further. The human habitat has been relatively ignored.  
18 Quietly, I hear, "And there might be some downstream  
19 risk to a few people down there." Well, Malibu is  
20 growing; the Civic Center has huge potential for  
21 development; and the Creek Bridge that's been referred  
22 to is going to be an important access for fire and other  
23 emergency vehicles.

24 I have exhibits this evening from the bridge as  
25 it appears this week; and this was a mild storm. I'll

4

1 be glad to share these. My husband took them. And we  
2 are still cleaning up the bridge. This is the side of  
3 the bridge. Right now, it doesn't have as much debris,  
4 but in six days of work and over \$10,000 in cost, that  
5 bridge has been bashed by trees and stumps and upstream  
6 debris. And that's without a fire, as Mr. Menzies  
7 mentioned. This is the way things work. And among the  
8 pieces of debris, I have a collection of Arundo, some  
9 old Arundo, for which somebody -- an agency -- got about  
10 \$1 million to eradicate. One of our neighbors,  
11 Jean Rosenfeld, who will be 95 next week, also lives on  
12 the creek; she encouraged us to sign, yes, we would have  
13 the Arundo removed because we thought it was good for  
14 the environment, and we were convinced that because  
15 she's Serra Club and Heal the Bay, and all of that.  
16 Arundo was not eradicated; it was left as fuel for  
17 future fires. And there are thousands of branches.  
18 I know I've improved my tennis serve by throwing  
19 branches off of piles just so that the perpendicular  
20 barriers that they create -- Arundo is a type of grass,  
21 bamboo-like, and it isn't indigenous to the creek, but  
22 it has provided a tremendous beaver dam in this mild  
23 storm that we have and should be paid attention to.  
24 Somebody didn't clean up their act. The residents of  
25 the creek have been cleaning and working to keep the

1 flow going. And because the creek is not gouged out and  
2 cleaned out, as it was 25 years ago, as a matter of  
3 course, it was cleaned out to allow the flow, we now  
4 have a huge island which is ascending the creek  
5 widthwise and much wider than it used to be. If this  
6 was a mild storm, I shudder to think what would happen  
7 if we had the sediments and the debris from the dam  
8 removal. I think the downstream habitat needs to be  
9 looked at much more closely. I think that it's very  
10 good that the City of Malibu is involved because our  
11 resources are limited. We're a small town. And I don't  
12 think that the damage that we've seen in the last few  
13 weeks or that we saw 20 years ago warrants this kind of  
14 destruction.

15 COL KIRK GIBBS: Thank you, ma'am. Okay. The  
16 last two have gone five minutes. So, after all their  
17 comments, I will -- if anyone who stuck to their three  
18 minutes would like to say something else, you are  
19 welcome to do that.

20 SUSIE MING: And I will let you know that if you  
21 have a comment card and want to make a comment, you can  
22 pass it to the left here, and we'll grab it.

23 Last up is Andy Coradeschi.

24 ANDY CORADESCHI: Hi. My name is Andy  
25 Coradeschi. I live here in Agoura Hills. I'm an avid

**From:** [John Payne](#)  
**To:** [Malibu Creek](#)  
**Cc:** [bbrager@malibucity.org](mailto:bbrager@malibucity.org); [Arnold York](#); [Lauren Coughlin](#); [90265magaxine@gmail.com](mailto:90265magaxine@gmail.com); [kpettijohn@mailcity.org](mailto:kpettijohn@mailcity.org); [Bertha Lopez-Nava](#); [Father Mel](#); [Fr Mel](#); [Jeff Follert](#); [Jill Warnick](#); [Jim Menzies](#); [Jim Smith](#); [John Payne](#); [Lawrence Weisdorn](#); [Tom Anderson](#); [Bertha Lopez-Nava](#); [Michael Marcelli](#)  
**Subject:** [EXTERNAL] Opposition to the Ringe Dam - removal Errol Ginsberg <errolsweetwater@gmail.com>  
**Date:** Thursday, March 23, 2017 4:55:28 PM  
**Attachments:** [Anne Payne ltr dtd 3-23-2017.doc](#)

---

Mr. Eduardo Demesa and Mr. Jesse Ray (CESPL-PDR-L),

Attached is my letter of opposition to the Malibu Rindge Dam removal. My wife, Anne Payne and I reside at 3507 Cross Creek Lane, Malibu, CA 90265

Respectfully,

John and Anne Payne

310-456-3507

**From:** [Steven Petit](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] [Non-DoD Source] Malibu Creek Dam  
**Date:** Sunday, March 26, 2017 8:05:26 PM

---

I hope you can take the dam out in the near future. I'd love to see that happen.

Sent from my iPhone

**From:** [kradanovich.](#)  
**To:** [Malibu Creek](#)  
**Subject:** [Non-DoD Source] Showing support for removal of Malibu Dam  
**Date:** Monday, March 27, 2017 1:21:51 PM

---

I would like to specifically address support for the Locally Preferred Plan (LPP Alt2B2), which removes the entire concrete dam structure and barges the sand and other materials to areas that will benefit it the most. The LPP Alt 2B2 is favored by the local resource agencies and I am choosing to support it.

Regards

Kevin Radanovich

--

<Blocked<https://docs.google.com/uc?export=download&id=0Byg8oh9j66HLLURiamtHWXROQkE&revid=0Byg8oh9j66HLYkRkMINOMTVPcU9ONWNmSVhZTHh3ZIN6KzB3PQ>>

GREEN WALLS-US, INC.lic.# 798508

Kevin Radanovich

(818) 421 2044

Blocked[www.greenwall.us](http://www.greenwall.us) <Blocked<http://www.greenwall.us>>

EARTH IS AN ISLAND...

**From:** [Christopher Ramsey](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] [Non-DoD Source] Thoughts about the Rindge Dam  
**Date:** Sunday, March 26, 2017 8:16:24 PM  
**Attachments:** [Letter about Rindge Dam.pdf](#)

---

Dear People,

Happy Day to you.

Here are some more thoughts about your project with the Rindge Dam.

You've done a helluva job so far.

: )

Ramsey



Sunday, March 26, 2017

Mr Eduardo T Demensa; Cheif, Planning Division  
US Army Corps of Engineers, LA District,  
&  
Mr Jesse Ray (CESPC-PD-RL)

Dear All Concerned,

After now having read through the Feasibility Study's Appendix B entitled Hydrology, Hydraulics and Sedimentation, there are a coupla three thoughts I'd like to share with you.

First, though I have read the entire Appendix, I can only claim a limited understanding of all this. Still, I'd like to 'second' & 'third' the concerns raised in letters penned earlier by Jeffrey Follert and Ann & John Payne, because there will be some damage done in the communities downstream, and funding of eventual means of prevention & repair does need to be braided into this project from the outset.

1

Once such an idea is added, though, I do feel confident enough in you good people & the conclusions drawn in your exhaustive Feasibility Study that I gladly encourage you to use your TSP & take the Rindge Dam down.

It seems to me a necessary thing,  
and a happy thing,  
and a thing well thought through.

Sincerely,



Christopher Ramsey

Resident of the Serra Canyon Neighborhood,  
3511 Cross Creek Lane,  
Malibu.

**Stockton Terminal & Eastern #1:** Built for the original Western Pacific Railroad in 1864, used by the Central Pacific during and after construction of the Transcontinental Railroad, and donated to Travel Town in 1953. This view was taken in 1944, while at work on the Stockton Terminal & Eastern Railroad, with engineer A. K. Wiley and crew.  
(Photo courtesy E. R. Heskett)



Dear Sirs:

Please support the State Parks Plan to remove the Ridge Dam and other fish passage barriers in Thaliba. Our natural wildlife need unencumbered access and we need our wildlife wild and free.

To:

Edwardo T. Demesa  
Chief, Planning Division  
USA Army Corp Eng -  
LA District  
915 Wilshire Blvd  
Suite 930

LA CA 90017



Travel Town Museum, Griffith Park  
City of Los Angeles Recreation and Parks Department  
600 Griffith Park Blvd  
Griffith Park, Los Angeles, CA 90004

Best - Brenda Rees - Los Angeles

CE5PL-PDR-L

**From:** [riffly@aol.com](mailto:riffly@aol.com)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam Removal EIS FS response  
**Date:** Friday, March 24, 2017 7:10:14 AM

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This is Email is on behalf of the members of the Santa Barbara Flyfishers. We advocate for fish in this case the southern steelhead of Malibu Creek. The removal of the Rindge Dam is vital the reopen Malibu Creek and its watershed to what was taken from them when this dam was built. We realize that we will loose fisheries by this dam's removal but we have lost so much fishing from dam building over the past century and a half that at this juncture we hold the perspective that fishing will be lost but fish can be saved as a greater part of consensus to do so. As well we support LPP Alt2B2 as the best plan for all concerned.

Let the sediment and sand get to ocean and the fish swim up stream.... the sooner the better.

Lew Riffle  
President of the Santa Barbara Flyfishers  
650 Via Hierba  
Santa Barbara, CA 93110

**Ronald L. Rindge**  
**P.O. Box 553**  
**Cayucos, CA. 93430-0553**

February 23, 2017

Mr. Eduardo T. Demesa  
 Chief, Planning Division  
 U.S. Army Corps of Engineers, Los Angeles District  
 ATTN: Mr. Jesse Ray (CESPC-PD-RL)  
 915 Wilshire Blvd.  
 Los Angeles, California 90017

**RE: Malibu Creek Ecosystem Restoration Study**  
**Los Angeles and Ventura Counties, California**

**Dear Mr. Ray:**

The options proposed in your study involve the removal of the 1924 Rindge Dam Arch and aquifer sediment behind the dam with additional options to also remove the 1926 spillway, as detailed on study pages ES-6, ES-7 and ES-8. All these options destroy the historic dam, the 10 million gallon aquifer and the eastern base slope support of vital Malibu Canyon Road (MCR) above the western edge of the sediment field. These are assets of the American taxpayer entitled to the beneficial use of the dam, aquifer and sediment in place now for 65 years since 1952 opening of MCR and 52 years since aquifer was fully formed in 1965.

**I agree and fully support your option No. 1: NO ACTION (ES-6).**

Pages 2 through 8 of this letter contain an essay entitled: "Rindge Dam: Asset of Today for Malibu and SMMNRA" by this long-time ex-resident and student of the history of Malibu and the Santa Monica Mountains. This essay provides my reasoning that the Rindge Dam and its sediment field should **NOT BE REMOVED** but kept and left intact. The Dam is presently an asset of taxpayers and a historic structure to be saved - not destroyed.

**The following Index gives references to subject matter listed contained in this essay:**

<u>Subject Matter</u>	<u>Essay pages</u>
* Introduction: Background	
Trout planted, not from lower watershed . . . .	pg. 2-3
* National Register of Historic Places . . . . .	pg. 3
* Strength of Rindge Dam . . . . .	pg. 3-4
* Option selected: Leave Dam and sediment field intact . . . . .	pg. 4
Four priority reasons to leave dam intact . . . . .	pg. 4
#1 Save \$118 to \$211 million dollars . . . . .	pg. 4
#2 Maintains littoral flow without risks to properties. . . . .	pg. 4
#3 Slowing of Flood Waters . . . . .	pg. 4-5
#4 Stability of Malibu Canyon Road . . . . .	pg. 4-5
Coping with Collapse of Malibu Canyon Road . . . . .	pg. 5-6
Conclusions of 1, 2, 3 and 4 above . . . . .	pg. 6

*Potential future benefits of Rindge Dam, Items 5, 6, 7 and 8 .	pg. 6
#5: Aquifer has 10 million gallons of water .....	pg. 6
#6: Optional uses of aquifer water .....	pg. 6-7
#7: Dam as Sentinel of Wilderness Preserve .....	pg. 7
#8: Dam as Catch Basin for Sewage or Toxic Spills .....	pg. 7-8
#8: Summary:.....	pg. 8

Cultural Resources (Appendix K) have not yet been reviewed. Some of my comments following relate to cultural resources as noted in Information (pages 2 and 3), The National Register of Historic Places (page 3) and the Rindge Dam as sentinel of this area being designated a Wilderness Preserve (page 7). I will comment further on Appendix K Cultural Resources prior to your deadline of March 27, 2017.

Respectfully submitted,



Ronald L. Rindge  
February 23, 2017

## RINDGE DAM

### Asset of Today for Malibu and SMMNRA

by Ronald L. Rindge

#### Introduction:

Federal, State and L. A. County environmental and fish interests have waged a forty year effort "to tear down the Rindge Dam to save steelhead trout". Their campaigns over these four decades have been funded primarily by taxpayer dollars, the lifeblood of government agencies. Their "belief" that steelhead trout were "NATURALLY" swimming about in the upper watershed prior to the 1924 Rindge Dam is erroneous. A ten-foot high waterfall two or three hundred yards up stream of the Dam was a natural barrier to steelhead being able to access the upper watershed. (See Exhibits I and II attached). Anecdotal evidence of steelhead being caught in the upper watershed was the result of steelhead trout being PLANTED there by fishing interests around 1900, and later by Craggs Country Club in the 1911-1941 era and the Knagenhelm Dam by the Crater Camp recreation facility on Cod Creek to the east of Craggs in 1913-1940s.

That steelhead trout did not inhabit the upper watershed is confirmed by an archaeology report in 1968 that fish remains unearthed at Century Ranch sites were all salt water fish. The Chumash Indians relied totally on salt water fish carried inland from their fishing port at Malibu Lagoon and not steelhead trout because they were not present inland at all or of minor availability to sustain their inland villages, (See Exhibits III (2 pages) and IV (2 pages)).

This marathon effort to remove the Rindge Dam could have been avoided entirely by simply planting steelhead annually at low cost in the upper watershed to see if



This marathon effort to remove the Rindge Dam could have been avoided entirely by simply planting steelhead annually at low cost in the upper watershed to see if they survived. **This hot, urban environment is not prime habitat for steelhead trout. Its streams, if running at all, are awash with tainted runoff from gardens and lawns, parking lots, streets and highways, and an occasional sewer or toxic chemical spill.**

2

This essay is not to rehash the debate of the last forty years and the millions of taxpayer dollars spent on this ill-advised project to destroy the Dam. It is to present anew the facts of why the Dam should not be torn down but retained as it NOW embodies many benefits to Malibu coastal heartland properties and residents. As Malibu is an integral part of the Santa Monica Mountains National Recreation Area (SMMNRA), these benefits apply to the total management purview of this National Park, NOT JUST environmental and fish interests. **Among other interests, some citizens cherish 1924 historic properties which incorporate engineering technology for dams constructed in the process of settlement of America. The Rindge Dam is a prime example – the engineering marvel of the SMMNRA.**

3

**The Rindge Dam is qualified to be listed on the National Register of Historic Places (Statistical Research, Inc. Technical Report 04-72, June 2005). As such, the Dam has certain legal protections from demolition. The Dam was directly connected to the Adamson House by its “Dam Water Line” and by Rindge ranch roads, all funded privately by the Rindge family. The Adamson House is listed as National and State landmarks and, with the Dam, is part of the History of the Malibu Canyon corridor.**

**Other well known names in the history of the Malibu Canyon watershed are the Chumash Indians (thousands of years), Cabrillo and the Chumash at the “Pueblo de las Canoas” (1542-43), Portola (1769-70) and De Anza (1776) expeditions, Tapia(1804), Prudhomme, Keller and Rindge(1892), Andy Sublette & grizzly bear (1853), Homesteaders (1865-1910), Craggs Country Club (Malibu Creek State Park), Crater Camp, King Gillette (NPS-SMMNRA) and more. Artists, poets, sculptors, writers and movie names are identified with Malibu Canyon by their professional artistic endeavors, so they are cultural segments of the tableau of Malibu Canyon. (See Exhibits IV and V attached)**

**Strength of Rindge Dam:** The Dam as built in 1924 has survived earthquakes and floods for ninety-three years. “The average strength of materials in dam as shown by tests: 250 TONS PER SQ. FT.”. (Appendix C, page 49, in Statistical Research, Inc. report (above) from record of construction of Rindge Dam). The strength of the dam was the result of precise engineering design with maximum use of the topography of the dam site; plus 231 30-foot lengths of high tempered steel rails (138, 600 lbs.) from the Malibu Railroad for the reinforced skeleton of the dam; plus 4,000 cubic yards of cement using 30,000 sacks of slow drying “Condor” cement from Belgium. These materials were used utilizing a “continuous pour” schedule to assure strong bonding of layers and joints of cement. Construction of the Dam was from August to December 1924. Its reported construction cost was \$152, 928.

The Dam was constructed on a difficult, isolated, rugged site in Malibu Canyon. These factors indicate the Rindge Dam is a rare Dam, probably “one of a kind” in the USA, and the engineering marvel of the SMMNRA.

Proponents to destroy the Dam never talk about possible future uses of this asset of the taxpayers of California. (Replacement cost of the Dam is never mentioned by foes of the Dam). They consistently say the Dam is no longer functional and should be torn down. They say this would open up spawning grounds in the upper watershed in the ‘HOPE’ steelhead trout would come to this urbanized watershed awash with tainted runoff waters. **If their plan is enacted, the 10-foot waterfall (see Exhibits III and IV) up stream of the Dam originally blocking the steelhead would reappear, so it too would have to be bulldozed out of the creek or a fish ladder installed to allow the fish access to the upper watershed and soon expire.** This added effort to reach their impractical goal would require MORE EXPENSES BEYOND the \$118 to \$211 million dollars (ES-5 line 33) currently estimated to remove the Dam. Spending this huge amount of taxpayer dollars to destroy an asset of the people at a time of budgetary stress and enormous California and National debt on a risky, unlikely goal is not warranted!

4

**PREFERRED PROJECT OPTION IS TO: LEAVE DAM INTACT: .**  
**Four priority reasons to leave Dam intact:**

1. **ELIMINATES THE ESTIMATED \$118 TO \$211 MILLION DOLLAR COST (ES-5 line 33). Also eliminates the danger that actual costs to remove the dam would balloon over the estimate, which can happen with this type of project having many variables and unintended consequences.**
2. **LITTORAL FLOW OF SEDIMENTS CONTINUES WITHOUT DISTURBING EXISTING SEDIMENT FIELD NOR RISKING LIABILITIES FOR DAMAGES IN REMOVING IT.**

**(2.-continued):**

One reason repeatedly given over the last fifty+ years for removing the dam has been that the dam blocks the littoral flow of sediment to replenish beaches. That reason disappeared 52 years ago, when the dam became fully silted in 1965. Sediments have flowed over the dam on the way to the ocean from 1965 to 2017 and will continue to do so in future years without tearing down the dam.

Also, not removing the sediments is a huge cost saving in this proposed project. The logistics, costs and downstream concerns of residents about massive sediment flows in the creek, and/or truck traffic on MCR or Ventura Freeway & streets to Ventura harbor for offloading to barges suggests the perils of sediment removal. Taking away the sediment field would endanger MCR (#4 below) and negate any chance of POSSIBLE FUTURE USES of the dam as described in potential uses numbers 5 thru 8 following.



5

3. **SLOWING OF FLOOD WATERS:** The 100-foot high Dam acts as a “brake” on rushing flood waters pouring through the narrow gorge north of the Dam. How? This torrent of flood waters drops VERTICALLY FROM THE TOP OF THE DAM, SLOWING ITS SPEED IN THE CREEK BELOW. FROM THE BASE OF THE DAM, FLOOD WATERS FLOW DOWN A MORE LEVEL CREEK GRADIENT TO THE SEA.
4. **STABILITY OF MALIBU CANYON ROAD:** Malibu Canyon Road (MCR) opened in 1952. The road segment of MCR between the Dam and the south portal of the tunnel has more support now than in 1952. Why? – Because the sediment field behind the Dam as far back as the tunnel increased in height until 1965. Thereafter, for about 52 years now, the sediment field has remained about level due to the natural physics of sediment fields and stream flows. The fully-silted Dam no longer causes an increase in height of its sediment field. If the Dam were removed and the sediment field removed by truck or washed down Malibu Creek, the sediment field would no longer support the toe of the east slope of MCR.

The stability of this segment of MCR has been evident since opening in 1952. Sediments built up to the present maximum level by 1965. All these years since 1965, MCR has weathered floods, busy (and weighty) traffic, a few earthquakes and remains stable as built in 1952. To remove the sediment field at the base of the east slope of MCR, is to risk a catastrophic collapse of this segment of MCR of unknown magnitude or duration. With toe-support gone, heavy rains, flood waters or an ensuing earthquake may set off a failure of this long stable MCR artery. Any major collapse of MCR would present long-term practical woes to determine if the fracture could be repaired (engineering challenges ?), at what cost (funding?) and over what period of time (down time?).

6

The stability factor (4 above) of MCR since inception in 1952 is related to the flood control factor (3 above) for the Malibu Delta. These two factors are major reasons Rindge Dam and its sediment field should not be destroyed or removed from this peaceful, secure, major roadway setting. The risk of collapse of MCR seems to far outweigh spending millions of dollars to remove the Dam, PLUS TAKING THIS RISK THAT IS UNNECESSARY!

#### **COPING WITH A COLLAPSE OF MALIBU CANYON ROAD:**

Immediate and long-term interruptions and access to MCR would follow if a collapse of this segment of MCR occurred. This important artery carries traffic between the Ventura Freeway and Pacific Coast Highway. Anyone normally relying on MCR to commute to or from Malibu would immediately be impacted by the closing of MCR. Alternate routes north and south would increase N-S traffic on Mulholland Drive, Encinal Canyon Road, Kanan-Dume Road, Latigo Canyon Road, Rambla Pacifico, Topanga Canyon Road and Sunset Blvd. not to mention PCH!



Circumstances of a collapse would dictate how long it would take to reopen the road and at what cost. In the meantime, users of MCR would be in deep distress the longer the road was closed. Every day convenience would be lost at once. As the closure continued, emergency service calls would increase for fire, sheriff, Highway Patrol, utilities, lifeguards and medical assistance. Lengthier response times and distances would cause the backlog of unanswered calls to increase – new average response times are unknown until such a situation arises. Life-threatening situations would likely be more common than when MCR is fully functioning.

#### **CONCLUSIONS ITEMS 1, 2, 3 and 4 ABOVE:**

If the Rindge Dam is torn down, all four major benefits listed above are eliminated as benefits. There are no savings of the \$118 to \$211 million dollars (1.) if the Dam is removed - only a worry that the estimate to do the job is not enough (2). If the sediment field and the dam are removed, the abatement in the speed of flood waters (3.) from the upper watershed is no longer possible. **In fact, without the dam standing, it is probable flood waters from the upper watershed would increase in force onto the Malibu Canyon Delta (Serra Canyon, central Malibu businesses, Movie Colony and Adamson House).**

7

The stability factor of MCR (4.) since built in 1952 is related to the flood control factor(3) for the Malibu Delta area. The MCR has been stable above the Dam to the south portal of the tunnel for 65 years (1952-2017) and the Dam for almost 93 years (1924 to 2017). There is no logical reason to tamper with this beautiful, secure setting and take the RISK that removing the Dam and the sediment field WILL NOT UPSET the geologic balance now in evidence. The cost of doing such a massive project should be spent elsewhere reducing debt of Federal, State and local governments, or improving lives of disabled veterans.

#### **POTENTIAL FUTURE BENEFITS OF RINDGE DAM, ITEMS 5, 6, 7 AND 8:**

**5. Aquifer in sediment field contains water:** The aquifer behind the Dam contains 10 million gallons of water. A submersible pump in the field could pump the water up to tanks on the west side of MCR, across from the former honor camp site. This water would serve as a source for L. A. County fire tankers battling recurring brush fires in SMMNRA without having to go north or south on MCR for such fill ups. **NOTE: IF AQUIFER IS DESTROYED, NO WATER WOULD BE AVAILABLE FOR THIS OPTION #5. NOR FOR OPTION #6A or #6B FOLLOWING:**

8

#### **6-A and 6-B Optional uses of Aquifer Water:**

**#6-A:** A Fire District, formed by Malibu residents, L. A. County Fire or L. A. County Waterworks No. 29, could fund and install a pipeline to carry the water down to the Malibu delta for fire extinguishment. The size of the pipe or storage tank(s) and location of hydrants would have to be part of the proposal to do this

option. This option may interest enough property owners and businesses on the Malibu plain to form such a Fire District to protect property. Fires are sure to keep coming through Malibu Canyon as they have in decades past. This option should be one item to consider by L. A. County Waterworks No. 29 as they study the water distribution systems for Malibu and Topanga.

**#6-B:** The aquifer water could also be pumped out to flow downstream during times of extreme drought to sustain threatened aquatic and animal life of the surrounding area.

**NOTE: IF AQUIFER IS DESTROYED, NO WATER WOULD BE AVAILABLE FOR EITHER OF THESE TWO OPTIONS.**

#### **7. Rindge Dam as Sentinel of Wilderness Preserve:**

The Dam provides a formidable barrier to human transference up and down Malibu Canyon. The area is wild and should be set aside as a "Wilderness Preserve" to protect flora, fauna and human beings. Dangers to humans include snake bites, slip and fall from rocky ledges, drowning, poison oak, fires etc. **AS TO HUMANS, THEY SHOULD NOT BE HUNTING ANY ANIMAL OR FISH IN THE CANYON, NOR SHOULD CAMPFIRE BE ALLOWED IN THE CANYON. The INTERIOR of the PRESERVE should be off limits to all unguided visitors. If access is to be allowed, visitors must be accompanied by Federal or State Parks personnel to assure inherent dangers are avoided or, if an accident occurs, assistance is available to obtain help as quick as possible in this wilderness environment so isolated from regular emergency services.**

The closure of the area to only authorized parks personnel conducting hikes, nature walks or tours of certain areas of the wilderness should keep the area open for limited access. This policy will assure that flora and fauna thrive in this special wild area so near urban multitudes. This wilderness area is part of the SMMNRA, the world's largest urban national park. Tours for the public along MCR should allow a significant number to learn about Malibu Canyon without having to endanger themselves or the resources of the canyon in the process. Violators of posted warning signs, "Keep Out: Wilderness Preserve", should be fined to help fund park services.

**8. Rindge Dam as Catch Basin for Sewage or Toxic Spills:** Sewage and other toxic chemical spills occur from time to time in the upper watershed. The Rindge Dam could serve as a giant "catch basin" for such spills. The sediment field could serve as a platform for blocking sewage or toxic liquids from going down the spillway. Sewage spills in the upper watershed caused by a major earthquake could be greatly limited if the dam has been prepared to capture the toxic flow from broken sewer mains. Engineering studies, including pros and cons of blacktopping the surface of the sediment field, would be required. One major factor would be the evaluation of the quality of the water in the aquifer, namely: Is the quality adequate to serve as fire repression water (See 5 and 6 above)? If it is, there would be reason to blacktop and seal the top of the sediment field to prevent toxic liquids from seeping or settling



into the aquifer. If the water quality is not adequate for fire repression uses, it may be unnecessary to blacktop and seal the lowered surface of the aquifer.

**8. CONTINUED: Creation of "Catch Basin":** To create the catch basin, the sediment field should be lowered a foot or two below the top lip of the spillway. Then, replace the spaces for the former spillway gates with timbers 12 inches high by 3 or 4 inches thick. These would serve as "flash boards" which could be controlled (raised or lowered) remotely by a simple lift/lower system. This device would allow the "flash boards" to be open to allow normal flow to the sea. However, if a sewage or toxic spill occurred during low runoff months, the boards could be quickly lowered to stop the spill from going down the spillway. Measurements of the depression created behind the dam in the present sediment field would allow computation of the cubic liquid capacity of the catch basin created behind the dam. Also, because the entire surface of the sediment field could potentially be covered by a toxic spill, that surface should be blacktopped and sealed to protect fire suppression water.

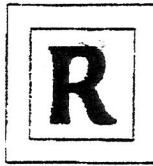
**8. Summary:** The example above assumes a toxic spill during low-flow conditions in Malibu Creek. If the spill occurred in flood conditions, the total water volume may be so great that one could not stem the tainted liquid flowing to the sea. In this case the lowered "flash boards" may be ripped out by flood waters, but better to lose them rather than expensive, engineered steel gates that were torn out in previous floods. **IF THE DAM AND SEDIMENT FIELD WERE REMOVED, THIS #8 OPTION WOULD NOT BE POSSIBLE. TOXIC FLUIDS COULD FLOW DOWN MALIBU CREEK TO MALIBU LAGOON AND SURFRIDER BEACH, DEGRADING THE 3-MILE STRETCH OF MALIBU CANYON AND THE MALIBU DELTA.**

  
 Ronald L. Rindge  
 February 23, 2017

**Attachments:** Exhibits I and II, 4 pages.  
 Exhibits III and IV, 4 pages.

**Distribution:**

Craig Sap, Superintendent, California State Parks, L. A. District  
 David Syzmanski, Superintendent, National Park Service, SMMNRA  
 Mayor, City of Malibu  
 Lance Simmens, President, The Malibu Adamson House Foundation  
 President, Serra Canyon Property Owners Association  
 Arnold York, Publisher, The Malibu Times  
 Louis T. Busch Associates, Attn. Ann Rudy  
 Toni and Kathleen Doyle  
 Brian Merrick



Ronald L. Rindge  
4287 Tecolote Court  
Moorpark, CA 93021

May 22, 1998

Andrew L. Kadib, Ph.D., P. E.  
U. S. Army Corps of Engineers  
Los Angeles District  
911 Wilshire Blvd.  
Los Angeles, CA 90017

RE: Reconnaissance Study of Rindge Dam: Archaeology & Steelhead

Dear Dr. Kadib:

As discussed on the phone yesterday afternoon, I've researched my references as to archaeological findings and steelhead trout in the Santa Monica Mountains. I do not have copies of the following reports, but under each, I have entered my notes taken while looking at these reports at UCLA a number of years ago:

- A. Archaeological Survey Annual Report, Vol. 10. UCLA., by King, Carpenter & Leonard; 1968.

Page 142: Appendix IV: Fish Remains from Century Ranch Site, LAN-229, Los Angeles County, California (W. I. Follett).

Table 1: Distribution, by level, of fish remains from Century Ranch Site LAN-227 and LAN-229. Table is attached. It shows 24 species of fish found inland at Century Ranch (Malibu Creek State Park), and all are salt water fish. This table is abbreviated to compare Century Ranch fish digs with Pt. Mugu fish digs on page 94 of Southwest Museum Papers No. 19: 1965. The Chumash Indians of Southern California by Leif C. W. Landberg. A copy of this abbreviated table (Table 4 of SWMP No. 19) is attached hereto also. Note that the Century Ranch site has 17 species of saltwater fish and Pt. Mugu had only 10 species of saltwater fish. No freshwater fish species were identified in these digs at Pt. Mugu and Century Ranch.

- B. Archaeological Survey Annual Report, Vol. 13. UCLA. 1971, by N. Nelson Leonard III.

Page 111: "There are a few freshwater fish in Southern California. Salmon and steelhead are occasionally found. Steelhead trout, which run during the rainy season in the large rivers, probably ran in Calleguas Creek, which drains into Mugu Lagoon, and Malibu Creek. It is not known how far inland these fish were available. Several

EXHIBIT III Pg 1 of 2

May 22, 1998

other freshwater fish could be found in the Santa Monica Mountains: lamprey, suckers, minnows, and chub (Kimsye and Fish, 1964)."

The whole tone of this particular comment is uncertainty as to the existence and numbers and range of steelhead based on archaeological findings.

R. L. Rindge conclusions:

All of the above seem to indicate that the Chumash did not depend very much on freshwater fish for their food source. Saltwater fish were extremely abundant and apparently easy for the Chumash to catch. The references above give no evidence that steelhead reached the upper Malibu Creek watershed, nor, indeed, just how far inland any of these freshwater fish may have gone. We do not have archaeological proof that they ever reached the upper Malibu Creek watershed. In my opinion, how could they? - They were blocked by two or more waterfalls just above the site of the Rindge Dam.

This is the extent of what I found in researching archaeological reports on steelhead trout - very slim information!!

Sincerely,

  
Ronald L. Rindge

enclosures: Table 1. Pg. 142 Archaeological Survey Report for 1968.  
Table 4. Pg. 94 Southwest Museum Papers No. 19. 1965.

EXHIBIT III Pg 2/2

TABLE 1: DISTRIBUTION, BY LEVEL, OF FISH REMAINS FROM CENTURY RANCH SITES LAN-227 AND LAN-229

Species	0-6 in.		6-12 in.		12-18 in.		18-24 in.		24-30 in.		30-36 in.		36-42 in.		42-48 in.		48-51 in.		Total	
	227	229	227	229	227	229	227	229	227	229	227	229	227	229	227	229	227	229	227	229
Mako	1	-	-	1	-	1	1	-	2	-	-	-	-	-	-	-	-	-	4	2
Leopard shark	-	1	1	11	-	14	-	18	4	7	-	13	1	2	-	-	-	-	6	66
Narrowtooth shark	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1
Blue shark	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1	-
Soufin	-	-	1	-	-	-	2	-	2	-	2	-	-	-	-	-	-	-	7	-
Pacific angel shark	-	3	1	8	3	13	1	12	-	10	-	12	-	5	-	-	-	-	5	63
Shovelnose guitarfish	-	3	-	12	-	21	5	17	4	8	5	6	1	-	-	-	-	-	15	67
Bat stingray	-	-	-	2	-	6	-	2	-	1	-	4	-	-	-	-	-	-	-	15
Pacific sardine	-	-	-	-	-	-	-	1	-	-	-	1	-	-	-	-	-	-	-	2
California halibut	-	-	1	1	2	3	1	4	3	2	2	3	2	-	-	-	-	-	11	13
Kelp bass	-	-	1	-	1	-	1	-	1	-	1	-	-	-	-	-	-	-	5	-
Pacific barracuda	-	-	-	2	1	1	-	3	1	1	-	2	-	1	-	-	-	-	2	10
Yellowtail	-	-	3	1	2	1	4	2	3	2	5	1	1	-	1	-	-	-	19	7
Pacific jackmackerel	-	-	-	-	-	-	-	2	-	2	-	-	-	-	-	-	-	-	-	4
Pacific mackerel	-	-	-	3	1	3	-	4	1	2	-	1	-	-	-	-	-	-	2	13
California bonito	-	-	1	-	-	3	-	6	4	-	3	-	-	-	1	-	-	-	18	-
Oceanic skipjack	-	-	-	-	-	-	1	2	-	2	1	-	-	-	-	-	-	-	2	4
Albacore	-	-	1	1	9	1	15	4	9	3	8	3	2	-	-	-	-	-	44	12
Black croaker	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1
White seabass	-	-	-	-	-	2	-	-	1	-	-	-	-	-	-	-	-	-	1	2
California sheephead	-	-	-	1	1	-	3	-	1	-	-	-	-	-	-	-	-	-	5	1
Bocaccio	-	-	-	1	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	3
Black rockfish	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1
Rockfishes, unidentified	-	-	2	2	5	-	10	1	10	2	-	-	2	-	-	-	-	-	29	5
Unidentified species	-	8	6	45	24	56	23	75	19	58	15	37	3	3	1	-	1	-	92	282
Total	1	15	18	91	52	122	73	149	66	103	42	83	12	11	3	-	1	-	268	574

124b - Ringe

BX 11/11/11  
 1/4 PC 10/10/11

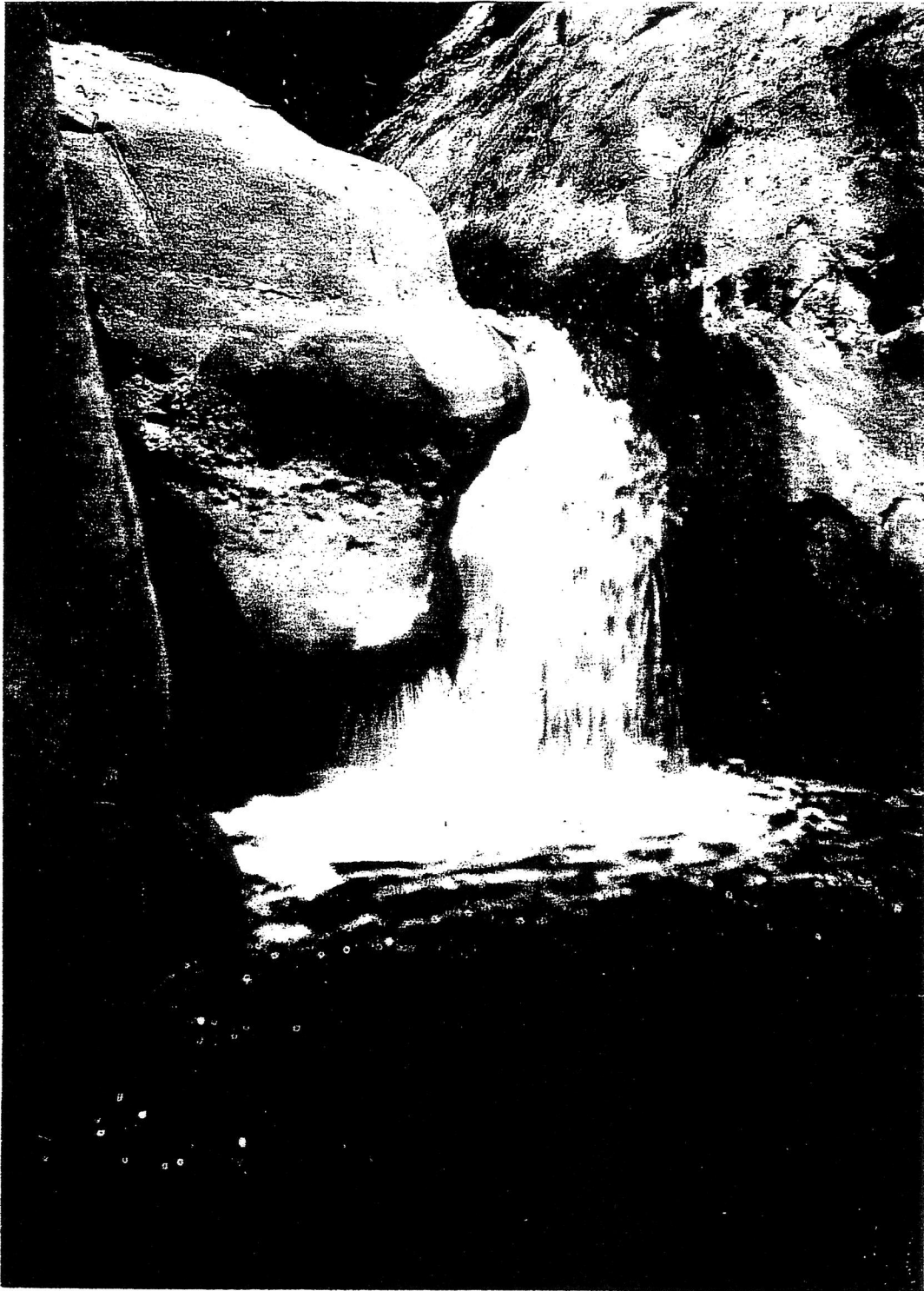
P142, 1968 annual survey

TABLE 4  
FISH REMAINS FROM CHUMASH SITES<sup>1</sup>

	Point Mugu	Century <sup>2</sup> Site
Great White Shark ( <i>Carcharodon carcharias</i> )	X	
Mako Shark ( <i>Isurus oryrinchus</i> )	X	X
Leopard Shark ( <i>Triakis semifasciata</i> )		X
Blue Shark ( <i>Prionace glauca</i> )		X
Soupin Shark ( <i>Galeorhinus zyopterus</i> )		X
Pacific Angel Shark ( <i>Squatina californica</i> )	X	X
Shovelnose Guitarfish ( <i>Rhinobatos productus</i> )		X
Broadbill Swordfish ( <i>Xiphias gladius</i> )	X	
California Halibut ( <i>Paralichthys californicus</i> )	X	X
Kelp Bass ( <i>Paralabrax clathratus</i> )		X
Pacific Barracuda ( <i>Sphyraena argentea</i> )	X	X
Yellowtail ( <i>Seriola dorsalis</i> )	X	X
Pacific Mackerel ( <i>Scomber japonicus diego</i> )		X
California Bonito ( <i>Sarda lineolata</i> )	X	X
Oceanic Skipjack ( <i>Katsuwonus pelamis</i> )		X
Albacore ( <i>Thunnus alalunga</i> )		X
White Sea Bass ( <i>Cynoscion nobilis</i> )		X
California Sheephead ( <i>Pimelometopon pulchrum</i> )	X	X
Rockfishes ( <i>Sebastes</i> sp.)	X	X

<sup>1</sup> The fish remains from Point Mugu and the Century Ranch site have been identified by Follett (1932<sup>2</sup> and 1963). Specific identifications from these sites are listed above. Some fish have also been identified from the Burton Mound, SBA-60, the Alamo Creek site, and from a survey of the Arroyo Grande area. However, they are not listed as they hardly represent adequate samples. Only three species from these sites have been identified (broadbill swordfish, Pacific angel shark, and California sheephead), all of which were also identified at either or both Point Mugu and the Century Ranch site.

<sup>2</sup> The Century Ranch site is estimated to have been occupied between 500 and 1300 A.D. (Follett 1963: 299).

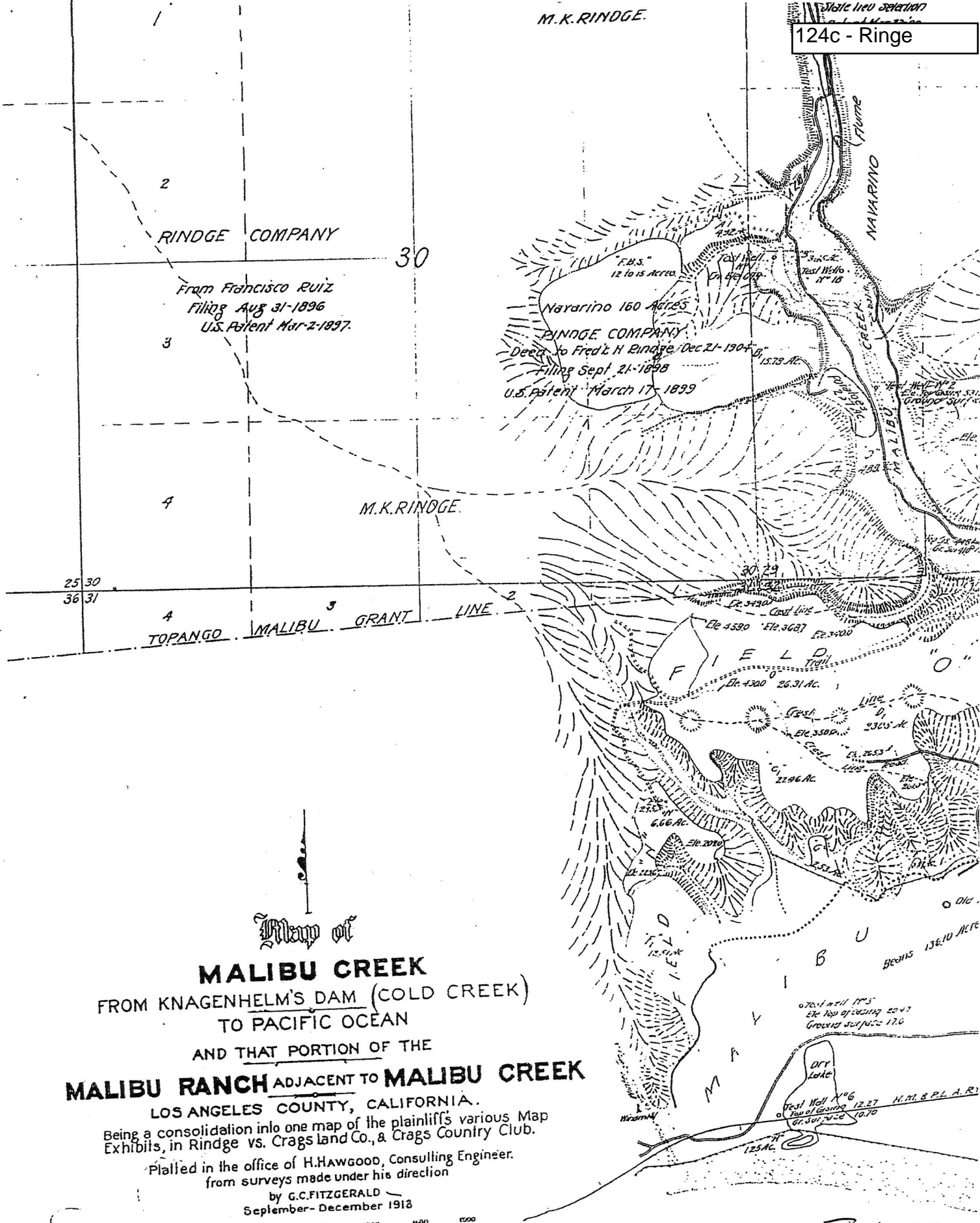


Malibu Canyon Waterfall  
photo by F.H. Rindge, Jr.  
June 1905

"FALLS 10 FT HIGH"

EXHIBIT I





**Map of**  
**MALIBU CREEK**  
 FROM KNAGENHELM'S DAM (COLD CREEK)  
 TO PACIFIC OCEAN  
 AND THAT PORTION OF THE  
**MALIBU RANCH** ADJACENT TO **MALIBU CREEK**  
 LOS ANGELES COUNTY, CALIFORNIA.

Being a consolidation into one map of the plaintiff's various Map Exhibits, in Rindge vs. Crags Land Co., & Crags Country Club.

Platted in the office of H.HAWGOOD, Consulting Engineer.  
 from surveys made under his direction  
 by G.C.FITZGERALD  
 September-December 1913

400 200 0 400 800 1200 1600 2000

SEPT-DEC 1913

EXHIBIT II 10F3

PACIFIC

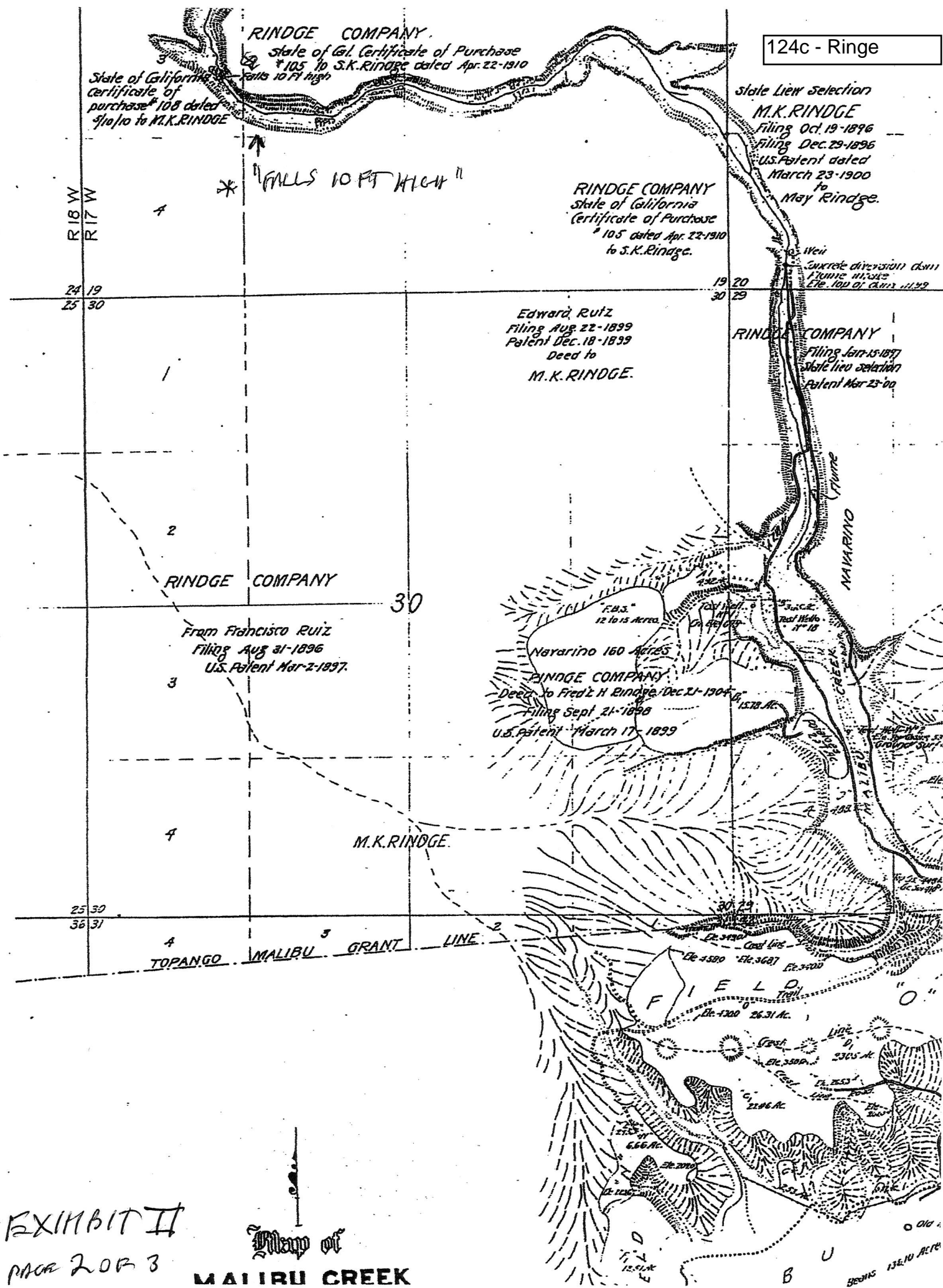


EXHIBIT II  
PAGE 2 OF 3

Map of  
MALIBU CREEK

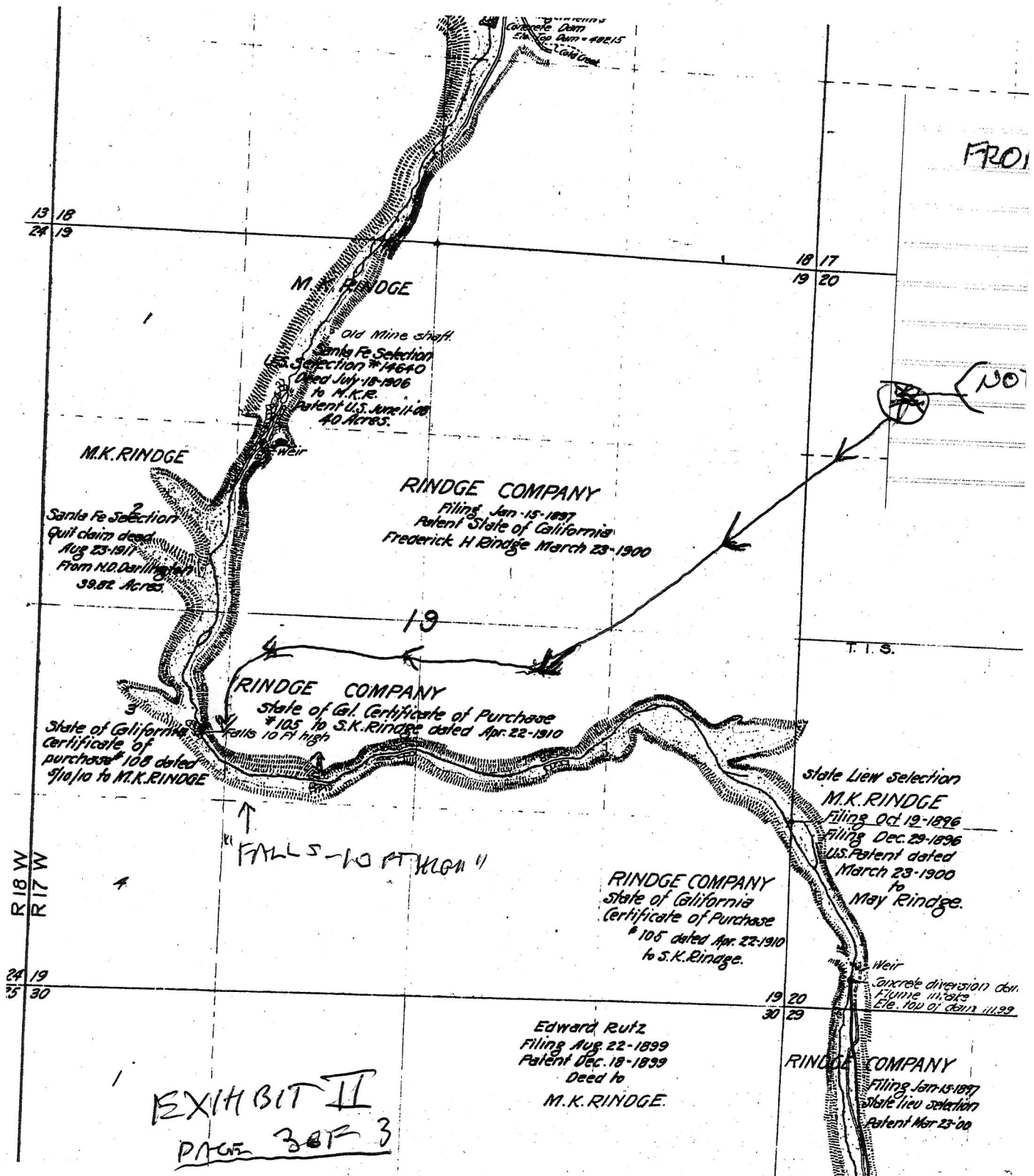


EXHIBIT II  
PAGE 3 OF 3

**Ronald L. Rindge**  
**P.O. Box 553**  
**Cayucos, CA. 93430-0553**

February 26, 2017

Mr. Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPC-PD-RL)  
915 Wilshire Blvd.  
Los Angeles, California 90017

**RE: Correction to February 23, 2017 letter relevant to:**  
**Malibu Creek Ecosystem Restoration Study**  
**Los Angeles and Ventura Counties, California**

**Dear Mr. Ray:**

This letter is to advise you to **DELETE** following reference at the end of the fourth paragraph on page 3 of my letter (8 pages plus 8 pages of exhibits (I, II, III & IV) to you dated February 23, 2017:

(See Exhibits IV and V attached)

These now deleted references will be renumbered and included in my comments to you on Cultural Resources (Appendix K) of your study prior to your deadline for public comments of March 27, 2017. I apologize for my error.

Sincerely,



Ronald L. Rindge.

**Distribution:**

Craig Sap, Superintendent, California State Parks, L. A. District  
David Syzmanski, Superintendent, National Park Service, SMMNRA  
Skylar Peak, Mayor Pro Tem, City of Malibu  
Lance Simmens, President, Malibu Adamson House Foundation  
President, Serra Canyon Property Owners Association  
Arnold York, Publisher/Editor, The Malibu Times  
Louis T. Busch Associates, Attention: Ann Rudy  
Toni and Kathleen Doyle  
Brian Merrick



**Ronald L. Rindge**  
**P.O. Box 553**  
**Cayucos, CA. 93430-0553**

March 24, 2017

Mr. Eduardo T. De Mesa  
 Chief, Planning Division  
 U. S. Army Corps of Engineers, Los Angeles District  
 915 Wilshire Boulevard, Suite 930  
 Attention: Mr. Jesse Ray (CESPL-PDR-L)  
 Los Angeles, California 90017-3401

RE: Malibu Creek Ecosystem Restoration Study  
 Los Angeles and Ventura Counties

Third public commentary (after Feb. 23 and Mar. 19, 2017 letters):

Cultural Resources - Volume III, Appendix K section of study.

Comments herein following the 9 pages of text and 8 unnumbered pages of Exhibits I, II, III & IV in Letter No. 1 of Feb. 23, and the added 15 pages (10-24) of text (including Exhibit V on pg. 23) in letter No. 2 dated Mar. 19th. This 3<sup>rd</sup> letter of March 24, 2017 starts with page 25; any new Exhibits, after V on p. 23, will be on numbered pages.

Dear Mr. Ray:

As noted above, the page number of this letter begins with page 25 for this 3<sup>rd</sup> letter.

The following index outlines the sequence of comments on cultural aspects of this study:

	<u>Page(s)</u>
Rindge Dam, pre-1924 construction: Water rights, flume and deeding of rights in 1892 to May K. Rindge .....	26-32
Rindge Dam approved as California Point of Historical Interest at public hearing on August 6, 1993 by David G. Cameron, Chairperson. ....	33-36
CA-LAN-264 (VILLAGE OF HUMALIWO) .....	- 37 -
SHERIFF'S HONOR CAMP (P-19-00 4428) .....	38-39
MALIBU CANYON HISTORICAL WILDERNESS PRESERVE .....	40-48
SUBLETTE - GRIZZLEY BEAR 1853 ENCOUNTER .....	49-50

\* SORRY!  
 MY COMPUTER  
 CRASHED!

THE HISTORICAL NARRATIVE OF MALIBU CANYON AND CREEK ENCOMPASSES A MYRIAD OF CULTURAL HISTORY MORE SIGNIFICANT THAN JUST STEELHEAD TROUT.

SUCH EXPANSE OF INTEREST WOULD BEST BE CELEBRATED, CONSERVED AND PROTECTED IF MALIBU CANYON WAS DESIGNATED A HISTORICAL WILDERNESS PRESERVE AS A KEY ASSET OF THE SMNRA FOR THE ENJOYMENT AND EDUCATION OF PRESENT AND FUTURE GENERATIONS.

Sincerely,

Distribution, same as 2/23/17 letter:

*Ronald L. Rindge*  
 Ronald L. Rindge    Calif. State Parks, Los Angeles District; NPS, SMMNRA;  
                                  City of Malibu; Serra Canyon POA; Malibu Adamson House;  
                                  The Malibu Times; Ann Rudy; T & K. Doyle; B. Merrick

Henry W. Keller, son of Matthew Keller, became the owner of the Malibu Ranch in 1891, upon the death of his father. Henry filed a "Notice of appropriation of Water" with the Los Angeles County Recorder on November 23, 1891 specifying in paragraph 1:

The undersigned hereby gives notice, 1. That he claims the water flowing by this point in the Canada Malibu, said point being located about 3/5 of a mile above the North Boundary of the Topanga Malibu Signes Rancho, the same being the property of the undersigned, to the extent of five hundred inches measured under a four inch pressure. \

2. (see text of document nearby = Exhibit VI).

3. Exhibit VI. The means by which by which the undersigned intends to divert said water are flumes, pipes and ditches shall be a sufficient size to conduct five hundred inches of water from the place of intended to said place of intended use at a grade as near as may be for practical purposes, in accordance with the grade of the land over and under which said flumes, pipes and ditches may be conducted.

The site of the origin of the flumes, 3/5 of a mile from the North Boundary of the Malibu Rancho, is the same site that was selected for the 1924 Rindge Dam (P-19-186846 and the flume would have also generally followed the path of the 1924 Rindge Dam 8-inch steel pipe situated above the creek channel on the eastern bank of Malibu Creek. That 8 inch pipe was as much as 15-20 feet above the creek flow in 1952-1956, thereby assuring a proper gradient for water pressure to the Malibu delta as well as having the pipe above rushing waters at times of heavy storm runoff. Two months later on January 30, 1892, Mr. Keller deeded his water claim to May K. Rindge, wife of Frederick H. Rindge, (See Exhibit VII).

My conjecture: The flumes were likely installed to the site of the FHR home built on the valley floor below the west slope of Laudamus Hill as well as to serve the arable flat lands. Mr. Rindge purchased the rest of the ranch in April 1892. It is possible the bringing of water from above the ranch line to the ranch delta portion may have been a must condition for Mr. Rindge to complete the purchase of the entire rancho. Soon after his 1892 purchase, Mr. Rindge continued to buy up lands north of the ranch line to secure their rights to water flowing past properties owned by others.

This 1891 flume history at the same site as the 1924 Rindge Dam, indicates to me, that the site for the flume and dam was selected as the best site to initiate water resource collection for the original ranch property. Though the 1924 Dam came 33 years later than the 1891 flume, the history of water rights in Malibu Canyon has been documented since 1891 for 126 years.

RLR, 3/22/17.

REFERENCE THIS ACCOUNT TO :

• RINDGE DAM - CP-19-186846

• 8" DAM PIPE - CP-19-00429

169

WATER CLAIM )

Recorded in Book 2 page 86

BY )

of Water Claims.H. W. KELLER )NOTICE OF APPROPRIATION OF WATER.

The undersigned hereby gives notice, \_\_\_\_\_

1. That he claims the water flowing by this point in the Canada Malibu, said point being located about 3/5 of a mile above the North Boundary of the Topango Malibu Signes Rancho, the same being the property of the undersigned, to the extent of five hundred inches measured under a four inch pressure. \_\_\_\_\_

2. The purpose for which the undersigned claims the said water, is irrigation and domestic use, and watering stock and the place of intended use is upon the Rancho Topango Malibu Signes and particularly upon the arable portion of said Rancho lying at the mouth of the Malibu Canon, \_\_\_\_\_

3. The means by which the undersigned intends to divert said water are flumes, pipes and ditches, such flumes, pipes and ditches shall be a sufficient size to conduct five hundred inches of water from the place of intended diversion to said place of intended use at a grade as near as may be for practical purposes, in accordance with the grade of the land over and under which said flumes, pipes and ditches may be conducted. \_\_\_\_\_

EXHIBIT VI

H. W. Keller

AC 1 of 2  
3024 17 RLB

(27)

NOTE: All that part of the above instrument which is underscored was written in red ink in the Record. \_\_\_\_\_

H. W. Keller

A full true and correct copy of Original (that part of the above written in red ink was in pencil in original) recorded at request of H.W.Keller, Nov 23<sup>rd</sup> 1891, at 4 min past 9 A.M.

J.A.Kelly County Recorder.

By Wm.B.Eary Deputy.

(28)

EXHIBIT VI

PL 2 of 2

3-24-17/RLW



HENRY W. KELLER

TO

MAY K. RINDGE wife of

FREDERICK H. RINDGE,

*Deed.**Dated* 30<sup>th</sup> day of *Jan'y* 1892*Recorded* in Book 776 Page 1

of Deeds.

*Consideration.* \$ 5.00

*Words of Grant:* Grant, bargain and sell, convey and confirm  
*Estate Granted.* All that certain water claim

~~the real property~~ hereinafter described

*Words of Separate Estate.*

*Description:* Situate in the \_\_\_\_\_ County of Los Angeles,

State of California, bounded and described as follows:

All the water in the Canada Malibu lying North of the Topanga Malibu Sequit Rancho, a description of which Ranch is found in the U.S.

Patent thereof recorded in Book 1 page 407 of Patents, of the Records of Los Angeles County, to which Patent and record reference is hereby made, and being what is named in the Map annexed to and made a part of of said Patent, as the "Arroyo Malibu" Situated in Township One South of Range Seventeen West of San Bernardino Meridian.

Also all waters running in or through said Arroyo and said Canada Malibu, on or through said Rancho. Also all rights acquired by reason of having filed a notice of the appropriation of water, dated Nov. 23<sup>rd</sup> 1891, and recorded in Book Two page 86 of Water Claims, of the Records of said County, and steps taken in connection therewith to perfect said claim.

EXHIBIT VII

Pg 1 of 4

3/24/17-RLR

(29)

COVENANTS:

Witnesses:

F.E. Lacey.

Signatures:

H. W. Keller. (seal)Henry W. Keller. (seal)Acknowledged January 30th 1892, By Henry W. Keller.(Notarial)  
( Seal )Before Friend E. Lacey, Notary Public,Los Angeles County, Cal.Recorded 30" day of Jany — 1892, at 12 hrs. 21 mins. P.M.  
At request of Grantee. \_\_\_\_\_

REMARKS:

(38)

EXHIBIT VII  
pg 2 OF 4

3/24/17- RLR

## NOTICE OF APPROPRIATION OF WATER.

Notice is hereby given that the undersigned claims the water flowing in Malibu Cañon to the extent of one hundred (100) inches measured under a four inch pressure, that he claims it for irrigation and power purposes; that he intends to use the same upon the Tapango Malibu Sequit Rancho, in the County of Los Angeles, State of California, that he intends to divert said water by means of a wooden flume twelve inches wide and ten and three fourths inches deep inside measurement. That the point of said intended diversion is a point in the stream flowing in said Malibu Cañon about two and one-half miles from the Pacific Ocean.

Dated this 28 day of January 1898.

Frederick H. Rindge.

May K. Rindge.

By F. H. Rindge.

79. A full true and correct copy of original recorded at request of Locators Jan. 28, 1898 at 53 min. past 9 A. M.

E. C. Hodgman, County Recorder.

By A. Waldie, Deputy.

STATE OF CALIFORNIA. } ss.  
COUNTY OF LOS ANGELES.

I Hereby Certify The foregoing to be a full, true and correct copy of the instrument appearing recorded in Book No. 4 of Water Claims Page 221 Records of Los Angeles County, and that I have carefully compared original record.

In Witness Whereof, I have hereunto set my hand and affixed my official Seal, this 5 day of Nov 1914.

C. L. LOGAN, County Recorder.

By L. B. Bond Deputy.

1898 ADDED

EXHIBIT VII

10 3 OF 4

3/24/17-RLA

(31)

In the Superior Court of the  
State of California in and for  
the County of Los Angeles.

No. B 405 Rindge  
vs.  
Cragg & Co.

PLAINTIFF'S EXHIBIT,  
10 Filed

NOV 5 1914

H. J. LELANDE, Clerk,

By C. L. Livsey  
DEPUTY

1898 added to

EXHIBIT VII

pg 4 of 4

3/24/17 - RLR

(32)

RINDGE DAM APPROVED BY L.A. COUNTY LANDMARKS  
AND RECORDS COMMISSION AT  
PUBLIC HEARING ON AUGUST 6, 1993  
SEE EXHIBIT VIII

CLARIFICATION OF COMMENT ON PAGE 21  
OF THE CULTURAL RESOURCES REPORT;  
QUOTE = "A PREVIOUS EVALUATION REPORT  
"THOMPSON ET AL. 2005" HAD DETERMINED  
THAT P-19-186946 IS ELIGIBLE FOR THE  
NRHP. HOWEVER, THIS DETERMINATION HAD  
NOT BEEN SUBMITTED TO THE STATE  
HISTORIC PRESERVATION OFFICER (SHPO)  
FOR CONCURRENCE

RESPONSE → THE L.A. LANDMARK COMMISSION  
UNANIMOUSLY APPROVED THE APPLICATION FOR RECASTALINATING  
RINDGE DAM AS A CALIFORNIA POINT OF HISTORICAL  
INTEREST AT A PUBLIC HEARING ON AUGUST 6, 1993  
THE COMMISSION SUBMITTED THEIR POSITIVE  
RECOMMENDATION TO THE L.A. COUNTY BOARD OF  
SUPERVISORS. THE FISH CATCH (INITIALLY,  
CAL TROUT AND THE L.A. COUNTY FISH AND  
GAME COMMISSION STILL OBJECTED AFTER THE  
PUBLIC HEARING, THE APPROVED HISTORICAL  
COMMISSION LETTER OF SEPT. 8, 1993 WAS NEVER  
FORWARDED TO SHPO. THE FISH LOBBY  
BLOCKED THE APPROVED DESIGNATION 24 YEARS NOW  
WHICH CONTRADICTS WITH THE STUDY. — ALL 3/23/17

SEE  
EXHIBIT  
VIII,  
- 3 PAGES

(33)

(33)





## HISTORICAL LANDMARKS and RECORDS COMMISSION

383 Hall of Administration • 500 W. Temple Street • Los Angeles, CA 90012 • 974-1431

MEM

David G. Carr  
E. Michael  
Mary R. M  
Louis Sku  
lvv

September 8, 1993

Honorable Board of Supervisors  
383 Hall of Administration  
500 W. Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

REGISTRATION OF THE RINDGE DAM (3RD SUPERVISORIAL  
DISTRICT) AS A CALIFORNIA STATE POINT OF  
HISTORICAL INTEREST

At its regular meeting, the Los Angeles County Historical Landmarks and Records Commission voted to request that your Board recommend to the State Historical Resources Commission the registration of the Rindge Dam as a California State Point of Historical Interest. The Commission has determined that the site meets the established criteria set forth in its ordinance and is appropriate for registration as a Point of Historical Interest.

The Rindge Dam is historically significant because it is the highest, largest and the last dam constructed in Malibu Canyon. It is architecturally significant because its design, engineering and construction factors make it a one-of-a-kind dam within the Santa Monica Mountains Geographic Region and in all of Los Angeles County. Also, it was economically significant in that it was used to irrigate agricultural lands on the Malibu plain.

A representative from California Trout submitted a letter on the impact of Rindge Dam on steelhead trout in Malibu Creek. The owner, the State of California Parks and Recreation Department, recommended some modifications to the application, but did not oppose it. These papers are attached at the end of the application for your review.

THE LOS ANGELES COUNTY HISTORICAL LANDMARKS AND RECORDS COMMISSION THEREFORE REQUESTS THAT YOUR HONORABLE BOARD:

1. Approve the application and recommend the registration of the Rindge Dam as a California State Point of Historical Interest;

(34)

EXHIBIT VIII

PC 1 OF 3

3/24/17 - RLR

Board of Supervisors

September 8, 1993

Page 2

2. Instruct the Chairman of the Board of Supervisors to sign the application; and
3. Instruct the Executive Officer of the Board to forward an approved copy of this Board letter with the application to the State Historical Resources Commission.

Very truly yours,

*David G. Cameron*DAVID G. CAMERON  
Chairperson

DGC:WP:lm



# BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

BOCKENHEIMER BUILDING - 100 N. GARDEN - LOS ANGELES, CALIFORNIA 90012

LARRY J. MONTEITH, EXECUTIVE OFFICER  
213-974-1111

MEMBERS OF THE BOARD  
 GORDON M. BROWN  
 VERNICE BROWN MATHURAN  
 EDWARD J. FLORES  
 DEAN J. DANA  
 MICHAEL D. ANDERSON

April 19, 1994

← 7 MONTH  
LATER!  
9-8-1993

Mr. Louis T. Busch  
 22253 Pacific Coast Highway  
 Malibu, CA 90265

Dear Mr. Busch:

Enclosed is a copy of the Board letter that was submitted to the Board of Supervisors by the Commission. The letter, along with the application, is still in the process of evaluation.

Please call me at 213-974-1451 if you have any questions.

Very truly yours,

*Violet Varona*VIOLET VARONA, Manager  
Commission Services

EXHIBIT VII

PL 2 OF 3

3/24/17-RLA

VV/WP/vmp

enclosure

(35)



**HISTORICAL LANDMARKS and RECORDS COMMISSION**

383 Hall of Administration • 500 W. Temple Street • Los Angeles, CA 90012 • 974-1431

MEMBER

David G. Cameron  
E. Michael D.  
Mary R. Mer  
Louis Skell  
Ivy S

**REGISTRATION OF THE  
RINDGE DAM  
AS A STATE POINT OF HISTORICAL INTEREST**

**EXECUTIVE SUMMARY**

- REQUEST:** - Approve the application and recommend the registration of the Rindge Dam as a State Point of Historical Interest.
- FISCAL IMPACT:** - None
- ISSUES:** - California Trout wants to restore the declining steelhead trout population on Malibu Creek to keep it from extinction. They believe that this can be accomplished in large part by modifying Rindge Dam, which presently blocks trout migration, to allow the trout access to the portion of Malibu Creek north of the Dam. The modifications may include removing the Dam. However, they support preservation of the adjacent spillway.
- The Dam's owner, the State of California Parks and Recreation Department, did not oppose the application.

EXHIBIT VIII

PL 3 OF 3

3/24/17-RLR

36



CA-LAN-264 (CULTURE OF HUMMEL WO)

ADD TO YOUR STUDY REFERENCE LIST, FIRST

REFERENCES RELEVANT TO ~~LAN~~ CA-LAN-264 HUMMEL WO

APPARENTLY HAVE NOT BEEN CONSIDERED

RINDGE RONALD L

1985 "THE REVISORY OF THE PUEBLO DE LA  
CANON" • THE MAMU HISTORICAL

SOCIETY AND THE MAMU LAGOON  
MUSEUM, MAMU.

RONALD L. RINDGE AND THOMAS W. DOYLE

2014 "COLUMBIAN INDIANS HOST CARRILLO

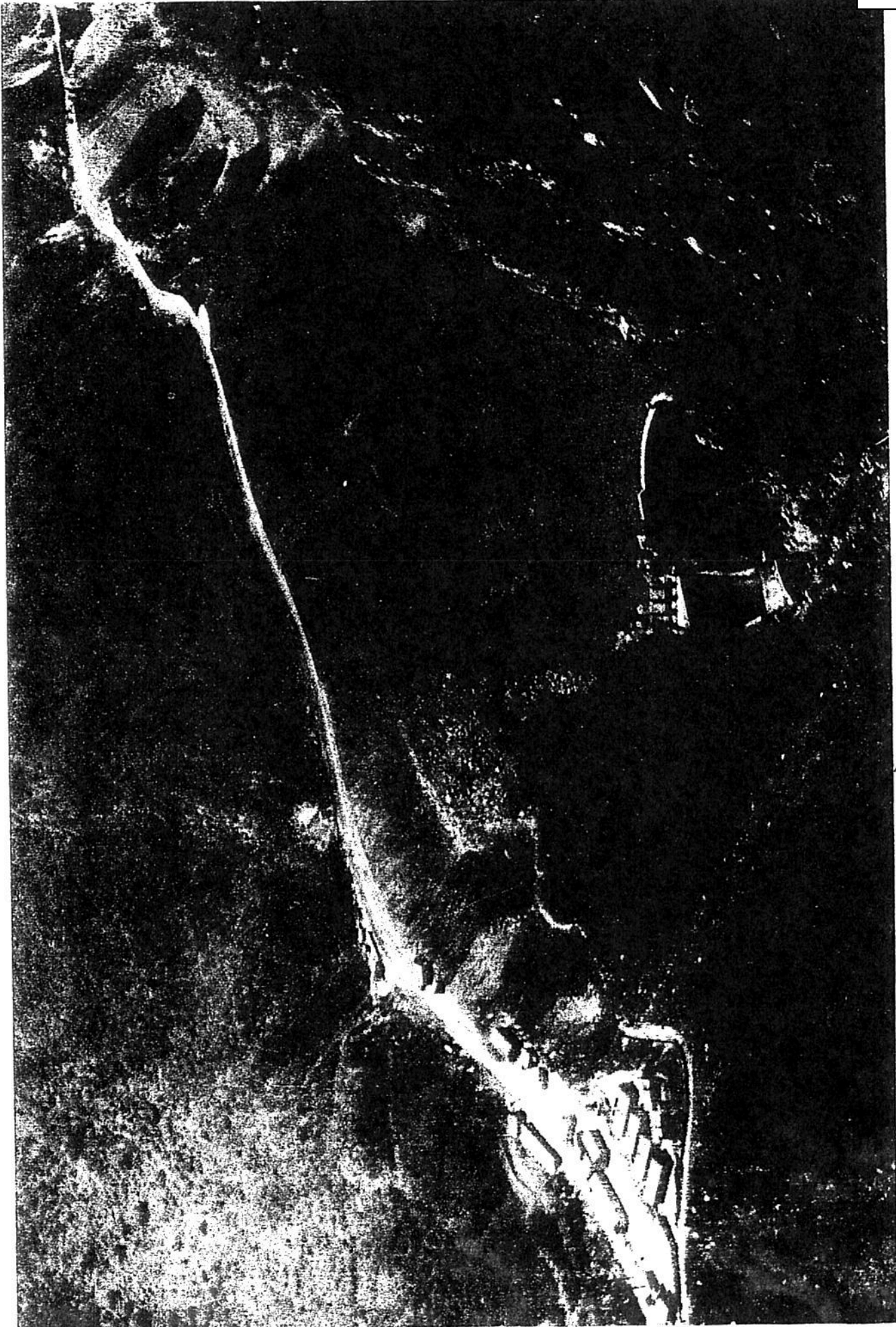
WITH FRESH WATER AT MAMU

LAGOON ON OCTOBER 10, 1542"

RONALD L. AND NATALIE D. (SUS) RINDGE

CAYUCOS, CA.

(37)



CP-19-004428)  
SILVER PT. (NON CAMP  
CIRCA 1948 (CAMP BUILDING SITE)  
PC-1 of 2  
3/24/17-RLE

EXHIBIT X

39



P-19-004428) SITE SIGN SET IN  
STONES & CEMENT  
DECEMBER, 1993  
BY RLR

(39)

SHERIFFS  
HONOR  
CAMP  
SIGN OF  
LOCATION  
OF  
CAMP  
ABOUT R  
DMM, WES  
SLOP 01  
MMIBU 0



# PROPOSAL FOR DESIGNATION MAHNU CANYON AND CREEK

A HISTORIC WILDERNESS PRESERVE

THE LAST DECADES HAVE ELAPSED WITH  
ONE MAJOR GOAL AT THE FOREFRONT;

TO REMOVE THE RINDGE DAM "TO SAVE THE  
STEELHEAD TROUT". THE CABAL SEEKING THE  
DESTRUCTION OF THIS MULTI-MILLION DOLLAR

ASSET OF THE CITIZENS OF CALIFORNIA AND USA  
INCLUDES JUST ABOUT EVERY TROUT FISHERMAN IN  
CALIFORNIA, ALL THE WAY TO POLITICAL PERSONS

IN WASHINGTON, D.C AND THE WELL FUNDED

LOBBYIST GROUP, "AMERICAN RIVERS" IN D.C

THE LATTER EVEN USED A PICTURE OF THE RINDGE

DAM ON ONE OF ITS PUBLICATIONS TO STIR UP

FUNDS AND PASSION TO THE LOCAL FISHING

MANAGER OF THE NPS, SMMARA.

THE PROPOSAL TO DESIGNATE ~~THE~~ MAHNU

CANYON AND CREEK, A HISTORIC WILDERNESS PRESERVE

FROM MAHNU LAGOON TO MAHNU CANYON ROAD / MICHIGAN

DRIVE, WOULD PROTECT THE EXTRAORDINARY ARRAY OF

CULTURAL OF MANY INTERESTS, INCLUDING ART,

AUTHORS POETRY, GEOLOGY, CHUMASH INDIAN  
ARTISTS, POETRY, GEOLOGY, CHUMASH INDIAN

ARTISTS "CAN DO IT" ABORIGINAL PROWESS, AND THE  
FLOWING FLOW OF THIS CLIMATE ZONE - INCLUDING  
TROUT WALK IT FROM THERE, IF AT ALL.

THIS CANYON ZONE IS NOT JUST FOR FISH INTEREST

RLR, 3/23/17

40

40

**R** Ronald L. Rindge  
160 E. Street  
Cayucos, CA 93430

August 21, 2002

U.S. Army Corps of Engineers  
Los Angeles District  
911 Wilshire Blvd  
P.O. Box 532711  
Los Angeles, CA 90053

RE: Addendum No. 5 to public input for the Malibu Creek (Rindge Dam) Ecosystem  
Restoration Feasibility Study - Cultural Resources

Attention: Mr. Jason Shea

Dear Mr. Shea:

Addendum No. 4 dated June 25, 2002 detailed historical events in your study area from the Chumash Indians thousands of years ago to the present time. Collectively, this area comprises an historic district of man's presence in the watershed. Enclosed is a brief paper entitled, "Art & Architecture, Prose & Poetry Relevant to the Malibu Creek Watershed". Please include these elements of cultural resources in your study.

Sincerely,

*Ronald L. Rindge*

Ronald L. Rindge

cc Woody Smeck, NPS - SMMNRA  
Hayden Sohm, State Parks  
Assemblywoman Fran Pavley  
Patty Young, NPS  
Margaret Lopez, OHP  
The Malibu Times  
L. T. Busch  
B. Carson  
T. Doyle

(41)

EXHIBIT X  
PAGE 1 OF 2

3/24/17 - RLN

THIS ORIGINAL BLUE LETTER WENT TO JIMMY - NO OTHER COPIES SENT OF THIS LTR

**Art & Architecture, Prose & Poetry  
Relevant to the Malibu Creek Watershed  
by Ronald L. Rindge**

In addition to historical events involving the human species, cultural resources relevant to Malibu creek and canyon include art & architecture and prose & poetry. In the field of art, a rich heritage exists in paintings of earlier and more recent years. Several examples, by no means exclusive, are: "Malibu Creek" by William Wendt in 1897; "Malibu Canyon" by Elmer Wachtel in the 1920s; "Canyon Light - Malibu Canyon" by Frederick W. Becker; "Malibu Lake" by Hanson Puthuff (n.d.); "Early Morning - Malibu Lagoon" by Walter Barron Carrier in 1929; "Wonder of it All - Malibu Canyon" by Emil Kosa, Jr.; "Malibu Canyon" by Mian Sitn and "Malibu Lake" by Tim Sollday.

In the late 1940's, Paul Dubosclard crafted a series of serigraph postcards that included Serra Retreat, Malibu Lagoon and Malibu Pier. More recently, Malibu artist Julie Van Zandt May executed a grand scene, "Malibu Lagoon, 1542", exhibited at the Malibu Lagoon Museum. She has painted scenes of Malibu Creek, Serra Retreat, Malibu Pier, The Adamson House and Point Dume, among other Malibu subjects. Ceramic Art at the Adamson Home is on display as part of the Malibu Lagoon Museum dating back to 1929-1930 as well as at Serra Retreat of the same era. A tile mural, "Cabrillo at Malibu, 1542", by Janet Minnigh is on display in the entry lobby of the Malibu Court building in the civic center. This was a 1976 bicentennial project of the Malibu Historical Society.

Architectural highlights are found at the Adamson House designed by famous architect, Stiles O. Clements. Mr. Clements also designed the mansion on Laudamus Hill in Malibu Canyon for May K. Rindge. Remnants from the September 25, 1970 fire that destroyed the original structure that became Serra Retreat in 1942 are limited to the concrete foundation of rooms and exterior walls, steps and pathways. Even the Rindge Dam contains art deco elements incorporated into its design exemplified by cast corbels supporting the walkway across the top of the dam and the five steps at both ends of the walkway suggesting a ziggurat profile as found on the apex of the tower of the 1926 Los Angeles City Hall.

Frederick H. Rindge writes about Malibu in his 1898 book, Happy Days in Southern California. His prose on "Ranch Life", "In our Cañons", "Desolation and Charity", "In the Saddle" and "The Storm" contains overt or subtle references to Malibu Canyon on his ranch in the 1890's. Mr. Rindge's collection of poetry, Songs of California and Other Verses, was published in 2001 by the Malibu Lagoon Museum after being recast from a larger format book compiled by John F. Rindge in 2000. "The Brook", written in March 1905, is descriptive of Malibu Creek.

This brief review is only a sampling of the cultural treasures about the Malibu Creek watershed crafted by so many gifted artists, architects, ceramists, writers and poets over more than one hundred years.

AUG. 21, 2002

EXHIBIT X

pg 2 of 2

(42)

3/23/17 - RLR



Ronald L. Rindge  
160 E. Street  
Cayucos, CA 93430

April 18, 2006

Mr. Woody Smeck, Superintendent  
National Park Service, SMMNRA  
401 W. Hillcrest Drive  
Thousand Oaks, CA 91360-4207

RE: Suggested Historical District in Malibu Canyon, SMMNRA

Dear Mr. Smeck:

Few realize the vast historical resources of the SMMNRA. The compact, narrow area from the Ventura Freeway south to the ocean at Malibu Pier is a prime area for designation as a Historical District. As future years unfold, there may be other worthy areas in the SMMNRA meriting designation as a historical district. However, Malibu Canyon certainly is a prime area to be so designated.

Enclosed is a draft brief summary of historical aspects of Malibu Canyon entitled:

**Time Line of History of Malibu Canyon:  
Basis for a suggested Historic District within the SMMNRA**

I have listed 33 items with item 34 being a future possibility. Your cultural resources staff likely could probably add historic events or sites to this list. I do not know the criteria or procedures for creating a Historic District within a National Recreation Area, so I send this suggestion to you as the representative of the SMMNRA. I hope there is some way to achieve historical recognition of this rich, abundant cultural area that is largely unknown to residents, tourists and other visitors to the SMMNRA and greater Southern California.

To me, the most epic event in the history of Malibu was the joining of two of the most advanced cultures of their time, the Native American Chumash with Cabrillo at the *Pueblo de las Canoas* at Malibu Lagoon on October 10-13, 1542 and on March 8-9, 1543. Such early events in the history of man in the western USA are documented rarely in "real time" writings (Cabrillo's Summary Log). Add to this the fact that these two sixteenth century cultures from lands far distant from each other, not only met for the first time, but did so peacefully. I often muse that those meetings so long ago in 1542 and 1543 were the last peaceful meetings in Malibu!

In any event, I hope you and your co-partners in the SMMNRA enterprise can create a historical district in Malibu Canyon. Such a district might prompt funding from various foundations dedicated to historic preservation and interpretation. Few sites in America represent the history of man from 7,000 BC to the present in such a small area so near to millions of people.

(43)

EXHIBIT X-1  
pg 1 of 4  
3/24/17 - RL

Sincerely;

*Ronald L. Rindge*  
Ronald L. Rindge

PS. Enclosed is a paper I wrote on August 21, 2002 entitled, *Art & Architecture, Prose & Poetry Relevant to the Malibu Creek Watershed*. It sets out arts relevant to Malibu Canyon which is pertinent to this suggested historic district.

Enclosures: 2 one-page papers as described above.

cc Louis T. Busch  
Tom Doyle  
Glen Howell  
Judge John J. Merrick

John F. Rindge  
Dorothy Stotsenberg  
Jefferson Wagner  
City of Malibu

Malibu Lagoon Museum  
*Malibu Surfside News*  
*Malibu Times*

(44)

EXHIBIT XI  
PG 2 OF 4  
3/24/17 - RLR





Ronald L. Rindge  
160 E. Street  
Cayucos, CA 93430

May 23, 2006

Mr. Woody Smeck, Superintendent  
National Park Service, SMMNRA  
401 W. Hillcrest Drive  
Thousand Oaks, CA 91360-4207

RE: Revision 17A to Suggested Historical District in Malibu Canyon, SMMNRA

Dear Mr. Smeck:

Enclosed is a revised summary of historical aspects of Malibu Canyon entitled:

**Time Line of History of Malibu Canyon:**

**Basis for a suggested Historic District within the SMMNRA**

I have added item 17A: "17A, 1913 to 1952, Knagenhelm Dam & Crater Camp (Cold Crk & M.Cyn)".

The Knagenhelm Dam is noted on the G. C. Fitzgerald Map dated Sept.-Dec. 1913 with the legend: *From Knagenhelm Dam (Cold Creek) to Pacific Ocean, being a consolidation into one map of the plaintiffs various map exhibits in Rindge vs Craggs Land Co. & Craggs Country Club.*

Your staff needs to be aware trout were planted for decades in the Malibu Creek watershed at Century Dam for providing fishing activities for the members of the Craggs Country Club as well as at Crater Camp, a popular camp ground for decades. The Boy Scouts were frequent visitors to Crater Camp. After Malibu Canyon Road was opened in 1952, the area was sold off as *Malibu Meadows*. It would be useful for your staff to research the history of this area of Malibu Canyon for further awareness of the cultural fabric of this segment of the SMMNRA. The rewriting of history is rampant in our society, so integrity in research is most important - someone like Patty Colman or Glen Howell would be a must.

If you and your co-partners in the SMMNRA decide on creating a historical district in Malibu Canyon, let me know. It would help me decide what to write about in the future.

Sincerely,

  
Ronald L. Rindge

Enclosure: one-page paper adding item 17A as described above.

cc Louis T. Busch

Tom Doyle

Glen Howell

John F. Rindge

EXHIBIT XII  
pg 3 of 4  
3/24/17-RLR

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# Time Line of History of Malibu Canyon: Basis for a suggested Historic District within the SMMNRA

Item	Era	Cultural Content or Reference
1.	x,xxx BC	Geologic formation of Malibu Canyon
2.	7,000 BC	Chumash Indian Native Americans in SMMNRA
3.	BC to 1804 AD	Chumash trail to Humaliwu at Malibu Lagoon
4.	1542/1543	Cabrillo and Chumash at <i>el Pueblos de las Canoas</i> (Town of the Canoas)
5.	1769/1770	Portola expedition
6.	1776	De Anza expedition (Tapia).
7.	1804	Spanish land concession to Tapia for Malibu Ranch
8.	18__ (?)	Sepulveda Adobe (Malibu Creek State Park)
9.	1853/1854	Sublette/Thompson (1853) and Thompson/Jenkins (1854) Grizzly Bear encounters.
10.	1860-1910	Homesteads in SMMNRA (Ruiz, et al).
11.	1865-1867	Great Drought in California -demise of cattle.
12.	1872	USA patent to M. Keller for Malibu Ranch.
13.	1892	F. H. Rindge purchase of Malibu Ranch
14.	1898	E. C. Stokes acquires future King Gillette Ranch.
15.	1900	Crags Country Club formed (future Century Ranch).
16.	1903-1924	Hueneme, Malibu and Port Los Angeles Railway.
17.	1905 to present	Malibu Pier
17A.	1913 to 1952	Knagenhelm Dam & Crater Camp (Cold Crk & M.Cyn)
18.	1923	L. A. County Road approved into Malibu.
19.	1924/1926-present	Rindge Dam and spillway
20.	1926 to present	King Gillette purchases ranch from E. C. Stokes (1898).
21.	1926-1932	Malibu Potteries-tile for Adamson House/Rindge castle
22.	1928	Development of Malibu Ranch (LaCosta/Malibu Colony)
23.	1929	State Highway opens through Malibu.
24.	1929 to present	Adamson House at Malibu Lagoon State Beach.
25.	1929 to present	Rindge castle & Serra Retreat ( <i>Laudamus</i> Hill).
26.	1939/1952-present	Malibu Canyon Road
27.	1942-1944	U.S. Coast Guard Station N-5 at Adamson pool house
28.	1946 to present	20 <sup>th</sup> Century Fox buys Crags Country Club & ranch.
29.	1966	"Pink Lady" mural on south facing of tunnel on Malibu Canyon Road.
30.	1978	SMMNRA legislated into existence
31.	1984	State buys much of Malibu Canyon to form Malibu Creek State Park
32.	2002	Malibu Canyon/L.V. Road designated a County Scenic Highway
33.	2005	NPS and other agencies buy King Gillette Ranch.
34.	????	Historic District in Malibu Canyon formed, SMMNRA.

RLR draft, 4-18-06; revised to add 17A on 5-23-06.

EXHIBIT XII  
PG 4 OF 4  
3/24/17 - RLR

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SEE  
EXHIBIT  
14, PG 49  
& 50

**Ronald L. Rindge**  
**P.O. Box 553**  
**Cayucos, CA. 93430-0553**

August 14, 2013

Mr. David Szymanski, Superintendent  
 National Park Service, SMMNRA  
 401 West Hillcrest Drive  
 Thousand Oaks, CA 91360-4207

AND Mr. Craig Sap, Superintendent  
 State Parks, Angeles District  
 1925 Las Virgenes Road  
 Calabasas, CA 91307

**Re: Historic District in SMMNRA: "Malibu Canyon Trail to the Sea".**

Dear Mr. Szymanski:

AND Dear Mr. Sap:

This letter is prompted by the current controversy over the removal of the the Rindge Dam in Malibu Canyon, currently under study by the State of California Parks and Recreation and the Army Corps of Engineers. **The preoccupation with this one item seems to have stalled any progress on designating a Historic District of "Malibu Canyon Trail to the Sea", proposed in my letter of May 23, 2006 to the NPS-SMMNRA. This letter is being sent to State Parks and NPS-SMMNRA (with copies to the Cities of Agoura Hills, Calabasas and Malibu).**

**This letter is my request that a Historic District within the SMMNRA be designated for the area, "Malibu Canyon Trail to the Sea". (Malibu Canyon was a foot trail thousands of years ago and still is a trail mostly used by motorized vehicles.) I address this letter to both NPS, SMMNRA and State Parks, Angeles District as I do not know who or how all this gets sorted out in your respective jurisdictions with focus in creating a separate, unified historic district.**

**I hope progress on this subject could proceed apace. Perhaps your two jurisdictional agencies could get the topic moving so a master plan and/or timetable could commence. The budgetary cost of doing so should be minimal as existing personnel would likely be involved in organizing and documenting the rich cultural history of this small area (as compared to the total SMMNRA). Persons able to provide personal knowledge of the area prior to 1940-1950 are rare.**

**A. Malibu Canyon and Settlement of Western America, L. A. County:**

**This area first entered the historical record when Juan Rodriguez Cabrillo discovered the Chumash Indian village he christened, "The Pueblo de Las Canoas, - "The Town of the Canoes", on October 10 1542. The town was located at Malibu Lagoon. In 1542, the Chumash Indians had occupied the area for 5,000 or more years. The meeting of Cabrillo and the Chumash at Malibu Lagoon was a rare event in history. Two cultures, the prehistoric Chumash Indians met for the first time with a European civilized culture represented by Cabrillo and his crew. These cultures were separated by thousands of miles geographically and by thousands of years of civilization. The fact that Cabrillo visited Canoas a second time, March 8-9, 1543, attests to their meetings being friendly and not confrontational.**

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EXHIBIT XIII  
 PC 1 OF 2  
 3/24/17 - RLR

The Chumash Indians occupied the Malibu Canyon area for thousands of years prior to the Portola (1769-70) and the De Anza (1776) expeditions. These expeditions represented the initial search and effort to settle this area as they passed inland through the upper Malibu Canyon watershed. **The settlement of Western America, coastal Malibu, Los Angeles County (SMMNRA) was underway.**

Names included in the settlement of Malibu Canyon to the sea area include Tapia, Prudhomme, Keller, Rindge and Malibu Rancho (1804-1892); Grizzly Bear encounters, Sublette/Thompson (1853) and Thompson/Jenkins (1854); Settlers (Homestead Act 1865-1940); E. C. Stokes (1898); Craggs Country Club and Dam (1900 -1927); Hueneme, Malibu and Port Los Angeles Railway (1903-1924; Knagenhelm Dam and Crater Camp (1913-1952); Rindge Dam and spillway (1924-1965); L. A. County Road thru Malibu (1923); King Gillette (Stokes) Ranch (1926)--now NPS, SMMNRA and Roosevelt Highway (1929). By 1930, the settlement of Malibu continued with other factors of a cultural or historic nature worthy of mention if a "Historic District of Malibu Canyon Trail to the Sea" were to be designated.

(A) Attached to this letter is a one-page listing entitled: "Time Line of History of Malibu Canyon". The listing begins with the geological formation of Malibu Canyon to 2013.

A different listing by me, dated August 21, 2002, relates mostly to cultural interests of visitors to SMMNRA, with focus on the Malibu Creek Watershed. It is entitled, "Art & Architecture, Prose & Poetry". These categories would also be of interest to visitors to an established Historic District to fully grasp the rich human history of Malibu Canyon.

Please advise status of designating a Historic District for "Malibu Canyon Trail to the Sea".

Sincerely to Mr. Szymanski,

*11/5/11 RLR 8/17/13*  
 Ronald L. Rindge  
 Unlisted phone: (805) 995-3609  
 Email: [suron14@att.net](mailto:suron14@att.net)  
 P. O. Box 553, Cayucos, CA 93430-0553

Sincerely to Mr. Sap,

*11/5/11 RLR 8/17/13*  
 Ronald L. Rindge  
 Unlisted phone: (805) 995-3609  
 Email: [suron14@att.net](mailto:suron14@att.net)  
 P. O. Box 553, Cayucos, CA 93430-0553

Enclosure (A) as noted above.

cc City of Agoura Hills  
 City of Calabasas  
 City of Malibu  
 Malibu Times,

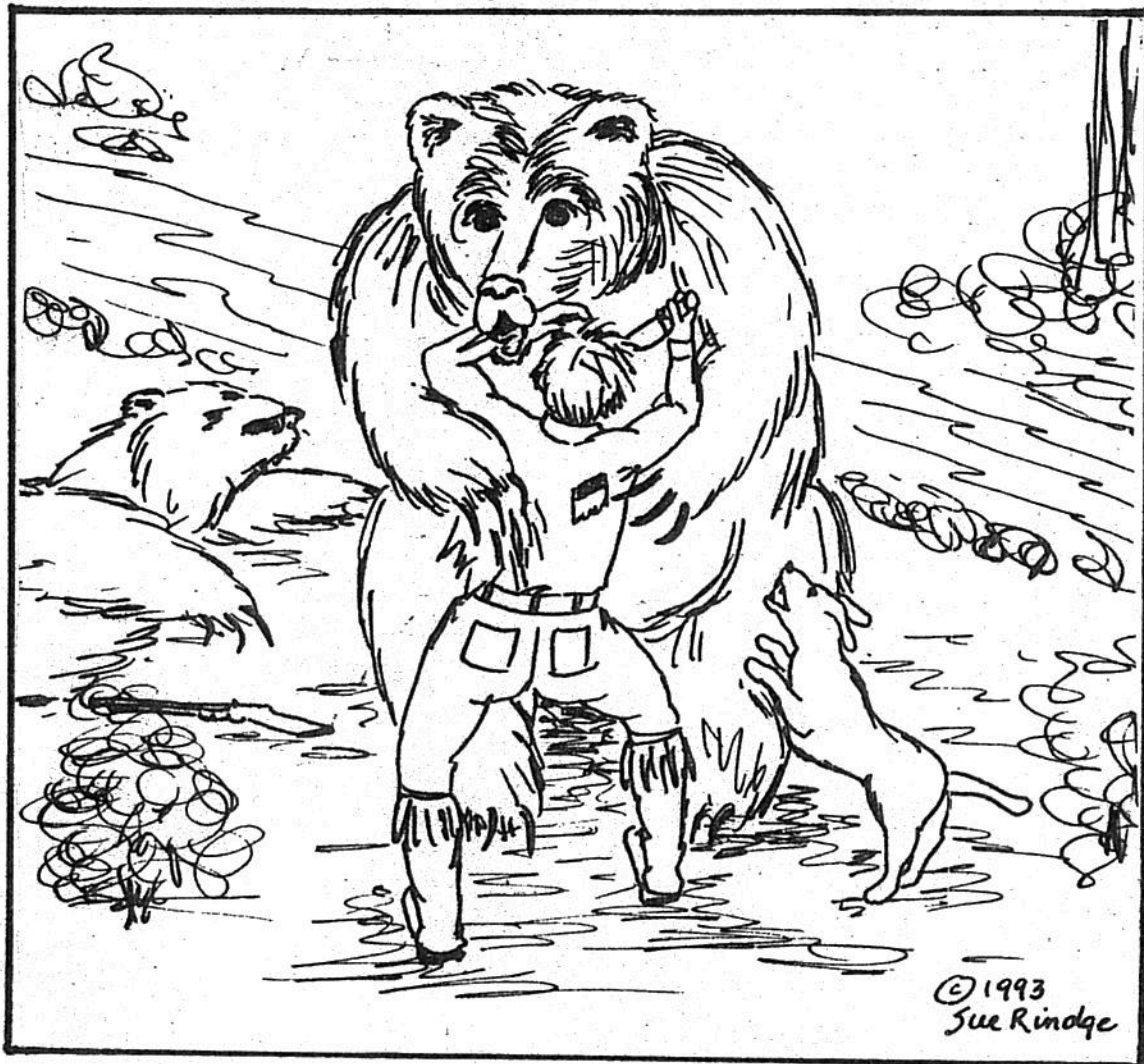
*EXHIBIT XIII*

*PG 2 OF 2*

*3/24/17 - RLR*

*48*





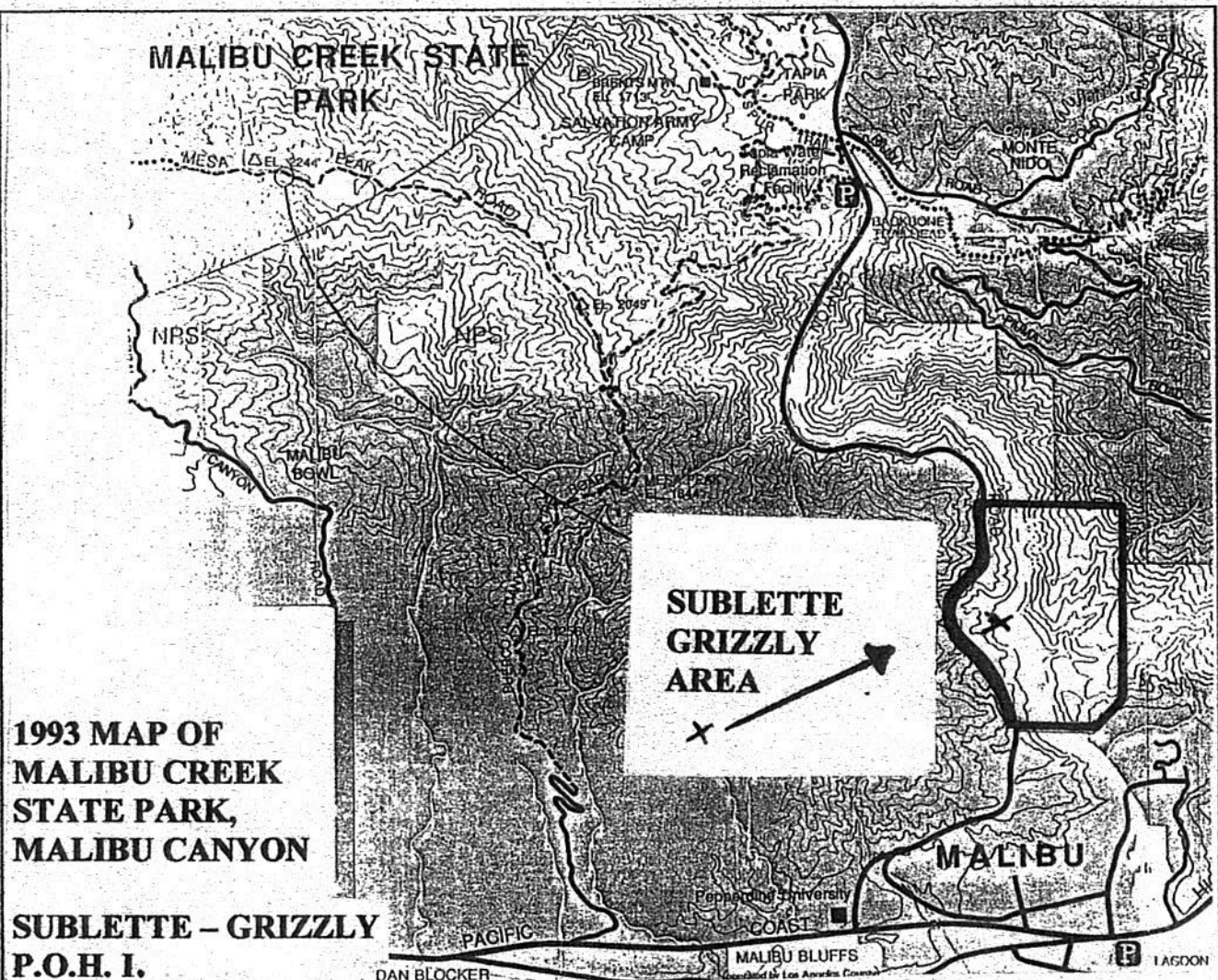
**ANDREW W. SUBLETTE  
ENCOUNTERS TWO GRIZZLY BEARS  
IN MALIBU CANYON ON  
DECEMBER 17, 1853**

By  
John F. Rindge and Ronald L. Rindge  
© 1993

SEE PAGE  
46, ITEM 9

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EXHIBIT XIV  
pg 1 of 2  
3/24/17 - RLR



*Map above showing the outline of 331.37 acres in Malibu Canyon, Malibu Creek State Park, where the "Sublette-Grizzly Area" of the encounter on December 17, 1853 is likely to have occurred.*

## ABOUT THIS STORY

This account of Andy Sublette fighting off two grizzly bears in Malibu Canyon, Los Angeles County California, on December 17, 1853, was prepared on July 25, 1993. This paper was submitted as part of an extensive application to designate a portion of State-owned Malibu Canyon as California Point of Historical Interest. The application was rejected because the exact site of the encounter was not known. Based on research and knowledge of the area, the conclusion was that it likely occurred in an area of 331.37 acres in the heart of rugged Malibu Canyon. This booklet was prepared so the fascinating story would become available for the education and enjoyment of present and future generations.

John F Rindge and Ronald L. Rindge, September 30, 2001. Copyright © 1993 and 2001

Cover: *Andy Sublette and his dog, Old Buck, encounter two grizzly bears in Malibu Canyon on December 17, 1853. Illustration by Sue Rindge, 1993.*

< SEE PAGE 46,  
ITEM 9 >

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2

EXHIBIT XIV  
PG 2 OF 2  
3/24/17-RLR



**Ronald L. Rindge**  
**P.O. Box 553**  
**Cayucos, CA. 93430-0553**

March 27, 2017

Mr. Eduardo T. De Mesa  
 Chief, Planning Division  
 U. S. Army Corps of Engineers, Los Angeles District  
 915 Wilshire Boulevard, Suite 930  
 Attention: Mr. Jesse Ray (CESPL-PDR-L)  
 Los Angeles, California 90017-3401

RE: Malibu Creek Ecosystem Restoration Study  
 Los Angeles and Ventura Counties

Third public commentary (after Feb. 23 and Mar. 19, 2017 letters):

Cultural Resources – Volume III, Appendix K section of study.

Comments herein following the 9 pages of text and 8 unnumbered pages of Exhibits I, II, III & IV in Letter No. 1 of Feb. 23, and the added 15 pages (10-24) of text (including Exhibit V on pg. 23) in letter No. 2 dated Mar. 19th. This 3<sup>rd</sup> letter of March 24, 2017 starts with page 25; any new Exhibits, after V on p. 23, will be on numbered pages.

Dear Mr. Ray:

This letter is to transmit to you the following finalized, typed draft pages submitted in my letter of March 24, 2017 as detailed above. I submitted the untyped draft pages as my computer and printer ceased working. I had the problems resolved yesterday and now submit the corrected, completed pages. Please insert these five pages and destroy the incomplete pages in the group mailed to you on March 24<sup>th</sup>:

**Corrected, typed pages enclosed. These replace the draft incomplet pages number:**

**Pages numbered: 25, 26, 33, 37 and 40.**

A

I apologize for this inconvenience, but I do want these pages to be correctly filed for your study.

Sincerely,



Ronald L. Rindge

**Distribution:**

Craig Sap, Superintendent, California State Parks, L. A. District  
 David Syzmanski, Superintendent, National Park Service, SMMNRA  
 Mayor, City of Malibu  
 Lance Simmens, President, The Malibu Adamson House Foundation  
 President, Serra Canyon Property Owners Association  
 Arnold York, Publisher, The Malibu Times  
 Louis T. Busch Associates, Attn. Ann Rudy  
 Toni and Kathleen Doyle  
 Brian Merrick

(25-A)

Henry W. Keller, son of Matthew Keller, became the owner of the Malibu Ranch in 1891 upon the death of his father. Henry filed a "Notice of appropriation of Water" with the Los Angeles County Recorder on November 23, 1891 specifying in paragraph 1:

The undersigned hereby gives notice, 1. That he claims the water flowing by this point in the Canada Malibu, said point being located about 3/5 of a mile above the North Boundary of the Topanga Malibu Signes Rancho, the same being the property of the undersigned, to the extent of five hundred inches measured under a four inch pressure.

2. (see text of document nearby = Exhibit VI).

3. **Exhibit VI: The means by which the undersigned intends to divert said water are flumes, pipes and ditches shall be a sufficient size to conduct five hundred inches of water from the place of intended to said place of intended use at a grade as near as may be for practical purposes, in accordance with the grade of the land over and under which said flumes, pipes and ditches may be conducted.**

**The site of the origin of the flumes, 3/5 of a mile from the North Boundary of the Malibu Rancho, is the same site that was selected for the 1924 Rindge Dam (P-19-186846) and the flume would have also generally followed the path of the 1924 Rindge Dam 8-inch steel pipe situated above the creek channel on the eastern bank of Malibu Creek. That 8-inch pipe was as much as 15-20 feet above the creek flow in 1952-1956, thereby assuring a proper gradient for water pressure to the Malibu delta as well as having the pipe above rushing waters at times of heavy storm runoff. Two months later on January 30, 1892, Mr. Keller deeded his water claim to May K. Rindge, wife of Frederick H. Rindge, (See Exhibit VII).**

My conjecture: The flumes were likely installed to the site of the FHR home built on the valley floor below the west slope of Laudamus Hill as well as to serve the arable flat lands Mr. Rindge purchased the rest of the ranch in April 1892. It is possible the bringing of water from above the ranch line to the ranch delta portion may have been a must condition for Mr. Rindge to complete the purchase of the entire rancho. Soon after his 1892 purchase, Mr. Rindge continued to buy up lands north of the ranch line to secure their rights to water flowing past properties owned by others.

**This 1891 flume history at the same site as the 1924 Rindge Dam, indicates to me, that the site for the flume and dam was selected as the best site to initiate water resource collection for the original ranch property. Though the 1924 Dam came 33 years later than the 1891 flume, the history of water rights in Malibu Canyon has been documented since 1891 for 126 years (to 2017).**

RLR, 3/22/17.

(Reference this account to: P-19-186946 (Dam) & P-19-004429 (8"pipe)).



**RINDGE DAM APPROVED BY LOS ANGELES COUNTY  
LANDMARKS AND RECORDS COMMISSION AT  
PUBLIC HEARING ON AUGUST 6, 1993  
(See Exhibit VIII)**

**Clarification of comment on page 21 of the  
Cultural Resources Report (Appendix K):**

**QUOTE: "A previous evaluation report (Thompson *et al* 2005) has determined that P-19-186946 is eligible for the NRHP . However, this determination had not been submitted to the State Historic Preservation Officer (SHPO) for concurrence."**

**RESPONSE: The Los Angeles Landmarks and Records Commission unanimously approved the application for registering the Rindge Dam as a California Point of Historical Interest at a public hearing on August 6, 1993. The Commission submitted their positive recommendation to the Los Angeles County Board of Supervisors on September 8, 1993. The "fish cabal" (in this case Cal Trout and Los Angeles County Fish and Game Commission) still objected after the public hearing.**

**The approved Historical Commission letter of September 8, 1993 was never forwarded to SHPO in Sacramento. The "fish cabal" lobby blocked the approved designation of the Rindge Dam as a California Point of Historical Interest for months after the 1993 public hearing that continues to today. It now is 24 years of obstructing and ignoring a small group of citizens who followed all the rules to seek historical recognition but were thwarted by elected representatives who did not follow the decision of their own designated commission to decide such historical applications.**

**True, the designation never got to SHPO in Sacramento, not because we citizens were irresponsible; but because the political system for these designations was rigged to allow County Boards of Supervisors to override their own historical commissions and still protect the SHPO in Sacramento from any negative fallout. The approved designation has been held now for 24 years, while the national "fish cabal" continues to spend millions of tax payer dollars to try to destroy an asset of the taxpayers of the USA.**

**RLR, 3/27/17.**

**THE FOLLOWING FOUR BOOKS ARE NOT INCKLUDED IN HE LITING OF  
REFERENCES CIUTED ON PAGE 41ff OF CULTURAL RESORRCES STUDY**

<b>AUTHOR/YEAR</b>	<b>TITLE, PUBLISHER AND WHERE PUBLISHED:</b>
Rindge, Frederick Hastings 1898	<i>Happy Days in Southern California.</i> by FHR. Cambridge, MA and Los Angeles, CA RE: CA-LAN-264 (Village of Humaliwo)
Rindge, Ronald L. 1985	<i>The Rediscovery of the Pueblo de las Canoas.</i> The Malibu Historical Society and The Malibu Lagoon Museum. Malibu, California. RE: CA-LAN-264 (Village of Humaliwo).
Doyle, Thomas W. and Ronald L. Rindge: 2014	<i>Chumash Indians Host Cabrillo with Fresh Water at Malibu Lagoon on October 19, 1542.</i> Ronald L. and Natalie D. (Sue) Rindge. Cayucos, CA. RE: CA-LAN-264 (Village of Humaliwo).
Rindge, Ronald L. 2003	<i>WW II Homeland Defense: U. S. Coast Guard Beach Pareol in Malibu. 1942-1944.</i> Ronald L. and Natalie D. (Sue) Rindge. Cayucos, CA. RE: P-19-177472 Adamson Pool House.

**PROPOSAL FOR DESIGNATION OF  
MALIBU CANYON AND CREEK  
A HISTORICAL WILDERNESS PRESERVE**

The last decades have elapsed with one major goal of the steelhead fish lobby, from Washington D. C. to California and local fresh water fishing interests:

“To remove the Rindge Dam and save the steelhead trout from extinction.”

This cabal of trout enthusiasts seeks to destroy this multi-million dollar asset of taxpayers. It still has great value it can provide - IF there is political and practical economic reasons in doing so.

Such potential uses are discussed in my letter of February 23, 2017. The cost of duplicating its value in shielding the lower Malibu Creek watershed from a massive sewage or toxic chemical spill in the upper watershed would likely be similar to the present options to remove the dam. The 10 million gallons of water in the aquifer behind the dam could be used for fire repression. Releasing the water downstream in drought periods for the flora and fauna in this wilderness area is another reason to protect this engineering marvel of the SMMNRA. Another concern is that the removal of the dam and the aquifer's sediment could endanger the present 65-year stability of Malibu Canyon Road – particularly if a strong earthquake occurred, much stronger than the actual earthquakes since 1952.

My proposal to designate Malibu Canyon and Malibu Creek a “Historical Wilderness Preserve” from The Adamson House and Malibu Lagoon to Malibu Canyon Road and Mulholland Drive, would protect this extraordinary historical array of cultural gems within this preserve area. A myriad of interests could find relevancy to authors; agriculture and animal husbandry, artists (ceramics, drawings, murals, paintings, poetry, rock art, sculptures, serigraph); Chumash Indians' aboriginal savvy, prowess and *tomols*; engineering from dams & flumes to *tomols*, geology, grizzly bears, flora and fauna of this zone and WW II Homeland Defense by US Coast Guard Beach Patrol at Adamson House Pool Headquarters.

This canyon and creek zone is not just for fishing interests or even the struggling steelhead trout. They too could join with all these other interests to tell the historical story of Malibu Creek steelhead trout at an actual favorite steelhead pool that was also a favorite location of grizzly bears and deer of times past.

RLR, 3/27/2017



**Ronald L. Rindge**  
**P.O. Box 553**  
**Cayucos, CA. 93430-0553**

March 19, 2017

Mr. Eduardo T. De Mesa  
 Chief, Planning Division  
 U. S. Army Corps of Engineers, Los Angeles District  
 ATTN: Mr. Jesse Ray (CERPL-PDR-L)  
 915 Wilshire Blvd., SUITE 930  
 Los Angeles, California 90017-3401

**RE: Malibu Creek Ecosystem Restoration Study**  
**Loc Angeles and Ventura Counties, California**  
 Second public commentary (after initial Feb. 23<sup>rd</sup> (8 text pages plus 8  
 exhibit pages (I, II, III & IV) and 1 page correction letter on Feb. 26<sup>th</sup>)  
 2<sup>nd</sup> commentary, 15 pages 10-24 (Exhibit V, pg. 23).

Dear Mr. Ray:

This letter is a continuation of my comments concerning your study referenced above. This second commentary letter continues the sequence of new text beginning this page 10, to page 24 herein, and next Exhibit V on page 22.

The following index outlines the sequence of my comments relevant to the subjects cited:

	<u>Page(s)</u>
Henry W. Keller. 1881-1891 owner of Malibu Ranch, fishing sportsman and 1901 President of California Board of Fish Commissioners . . . . .	11-12
Court case testimony of Keller planting steelhead trout in lower Malibu Creek & associate Dr. Lindsay 1917 reference . . .	13-14
Steelhead Rainbow Trout Distribution in California-SLO north, 1901 & 1973..	15
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My third and last commentary will address the cultural aspects of the study area prior to your deadline of March 27, 2017. The comments about the above index items begin on page 11 following.

Sincerely,

Distribution, same as 2/23/17 letter:

*Ronald L. Rindge*  
 Ronald L. Rindge  
 Calif. State Parks, Los Angeles District; NPS, SMMNRA;  
 City of Malibu; Serra Canyon POA; Malibu Adamson House;  
 The Malibu Times; Ann Rudy; T & K. Doyle; B. Merrick

THE  
FISH AND GAME LAWS  
OF THE  
STATE OF CALIFORNIA.

PUBLISHED BY AUTHORITY OF THE STATE BOARD OF  
FISH COMMISSIONERS.

COMMISSIONERS:

H. W. KELLER, PRESIDENT.  
W. W. VAN ARSDALE, W. E. GERBER.

Office of the Board: Mills Building, San Francisco.

TENTH EDITION.

Compiled by JOHN P. BABCOCK, Chief Deputy  
of the Board.

SACRAMENTO:

A. J. JOHNSTON, : : SUPERINTENDENT STATE PRINTING  
1901.

FORMER MALIBU RANCH OWNER AND AVID SPORTS FISHERMAN,  
HENRY W. KELLER, WAS THE 1901 PRESIDENT OF THE STATE BOARD OF  
FISH COMMISSIONERS. THIS ASSOCIATION HELPED BRING TROUT  
FISHING TO MALIBU CREEK IN THE LOWER WATERSHED.

RLR, 3/16/17



# BOARD OF FISH COMMISSIONERS

STATE OF CALIFORNIA.

H. W. KELLER, *President*

Santa Monica.

W. W. VAN ARSDALE,  
San Francisco.

W. E. GERBER,  
Sacramento.

JOHN P. BABCOCK, CHIEF DEPUTY.

*Office of the Board:*

Mills Building, San Francisco.

**THIS 1901 PUBLICATION LISTS THE KEY PEOPLE ON THE STATE BOARD OF FISH COMMISSIONERS. H. W. KELLER IS LISTED AS PRESIDENT FROM SANTA MONICA.**

Mt. Keller had an association with a Dr. Lindsay, who were both enthusiasts for fresh water fishing. Dr. Lindsay and Mr. Keller were successful in obtaining a permit to plant fish in Malibu Creek north of the Malibu Ranch line as such plantings appeared to be required in streams open to the public. The court testimony following does not specify when this permitting nor planting took place. However, Mr. Keller grew up on the Malibu Ranch and remained there after his father, Matthew, passed away in 1881. If trout were already in Malibu Creek when Henry was a youth, it may be the permit to plant fish there was necessary to obtain hatchery fish only when such small fish were destined for planting in streams open to the public. Such plantings may also have helped Henry and Dr. Lindsay host public fishermen on Malibu Creek, ranch property, or not. By 1901, Henry would have been in his thirty's and a well experienced Malibu Creek fisherman.

What is clear is that Malibu Creek had a good trout stream when F. H. Rindge acquired the eastern 1,800 acres of the ranch from Henry Keller for his wife, May, in 1892. Read on to page 13 following for court testimony and page 14 for a 1917 article about Dr. Lindsay and trout season opening day in 1917 - "For Malibu Ranch":

RLR, 3/16/17.

Mr Stevens--Dont you think it would be fair to the court if we should make some sort of a statement as to what sort of a man Henry Keller was.

Mr Dunnigan (Atty for the state) Yes I am perfectly willing to do that.

The above is an introduction to a 1909 road case through the Malibu Ranch before Judge Bean. Mr. Dunnigan, the attorney for the State, is telling the court his knowledge of Mr. Keller's life on his Malibu Ranch. Mr. Dunnigan's testimony during this 1909 case about Mr. Keller's planting fish on the Malibu Ranch is repeated here:

"...He (Mr. Keller) was also identified with fishing up in the Malibu Canyon. He and another sportsman by the name of Dr. Lindsay, who was also interested in sport fishing ... that is he (Mr. Keller) secured from Dr. Lindsay an application to the State Fish Commission to plant fish in the Malibu, and that application contained a provision or statement to the effect that the stream was open to the public. Those fish were planted on the Malibu Ranch north of the ranch line in that stream."

Page 14 following is article about 1917 opening season of trout season in the Malibu Ranch, and also briefly mentions Dr. C. W. Lindsay and others going to the Sespee and Matilija streams "to bring in all varieties of trout." . The Keller family ownership of Malibu prior F. H. Rindge involves not only the trout fishing of over a century ago, but the distribution of water from north of the ranch line to the ranch and residential uses on the ranch below. This topic will be discussed in my third commentary to be submitted prior to your deadline of March 27, 2017.

RLR, 3/16/17.



## MANY WILL LEAVE FOR TROUT FISHING TONIGHT

With the opening of trout season next Monday Santa Monicans are leaving by autos tonight and tomorrow for the popular streams, anticipating one of the best seasons in the history of the sport.

The roads are in good condition for the autos according to reports and the streams are clear and in the best of condition. Anglers' licenses issued this year indicate a record number will whip the streams the first thing Monday morning for the sporty fish.

One party of Santa Monicans, well known in tennis circles, that will leave for the Sespee is composed of Bruce Millard, Mary K. Browne, Florence Sutton, Mrs. L. Williams and Meredith Thurston.

### -For Malibu Ranch

Judge S. J. Crawford and Constable Stephen Jackson are leaving for the Malibu stream, which is reported to be in good condition, although no fish have been planted there since last season.

Dr. C. M. Lindsey, Thomas Miller, George W. White and H. Oswald intend to bring in all varieties of trout from the Sespee and Matilija streams.

Billy Reid and Frank Townsend of the Santa Monica Sporting Goods company and a party of sportsmen are hitting for the upper Sespee, above Henley's camp. Others in this party are "Si" Simon, C. W. Johnson, E. P. Nittinger, George White. Others who are going to the Sespees are Frederick H. Waring, Edward C. Wilson, Henry Wilson, Dr. W. H. L. Symington, Harry Schwenk, Harrison Cowell and R. C. Silvernale.

## GOOSEBERRIES

ON RAV MARKET

1917 CLIPPING

## MANY WILL LEAVE FOR TROUT FISHING TONIGHT (some excerpts)

"With the opening of trout season next Monday Santa Monicans are leaving by autos tonight and tomorrow for the popular streams, anticipating one of the best seasons in the history of the sport.

"The roads are in good condition for the autos according to reports and the streams are clear and in the best of condition. Anglers' licenses issued this year indicate a record number will whip the streams the first thing Monday morning for the sporty fish.

### -For Malibu Ranch

"Judge S. J. Crawford and Constable Stephen Jackson are leaving for the Malibu stream, which is reported to be in good condition, although no fish have been planted there since last season.

"Dr. C. M. Lindsay (and 3 others) intend to bring in all varieties of trout from the Sespee and Matilia streams."

(end of excerpts)

This article captures the true conditions of and enthusiasm for the sport in the Malibu and Ventura County streams at the peak of its popularity and distances from streams north of San Luis Obispo -

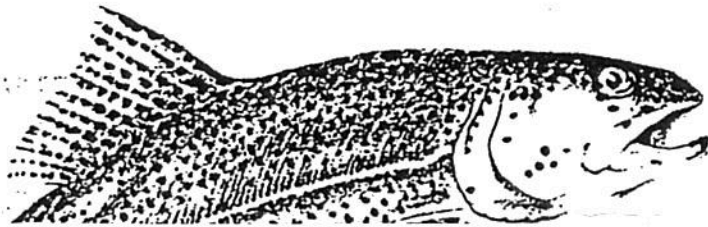
IN 1917 - 100 YEARS AGO!!!

Continued wasting millions of taxpayer dollars to bring back steelhead to urbanized watersheds with greatly increased populations, infrastructure and pollution in these once pristine areas of 100 years ago is economic folly on steroids.

RLR, 3/16/17



# TROUT OF CALIFORNIA



Excerpt from *Trout in California*, 1901, page 15-16  
:  
Steelhead Rainbow Trout

## Distribution in California

Steelhead Rainbow may be found in most of the streams flowing into the ocean from San Luis Obispo County north. In general, steelhead spawn in the smaller streams, rather than the main rivers. Frequently there are (p. 16) barriers which prevent adult fish from reaching new spawning areas. Even when no such barriers exist, they rarely ascend to the headwaters, where the nonmigratory rainbow is commonly found.

# ANADROMOUS FISHES *of California*

by DONALD H. FRY, Jr.  
MARINE BIOLOGIST

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
DEPARTMENT OF FISH AND GAME

1973

Excerpt from *Anadromous Fishes of California*, 1973, p. 59  
Steelhead Rainbow Trout

## Distribution

At sea from northern Baja California to the Bering Sea and Japan. Still occasionally enters the Ventura River (which used to be a good steelhead stream). Regularly enters most suitable streams from San Luis Obispo County northward.

These two Fish and Game publications give us a factual reading in 1901 & 1973 versus political spin starting with environmental legislation after 1973, namely, that steelhead's natural habitat is in near coastal waters (not headlands) in San Luis Obispo Co. north, and, despite massive plantings of hatchery fish in Ventura to San Diego streams from 1920's to 1941, the planted fish did not prosper. In 1973 Fish & Game wrote: "... the Ventura River (which used to be a good steelhead stream)..."

LE 110 2/16/17

**Summary of steelhead trout distributed from fish hatcheries to Southern California counties during the six-year period, 1924-1930. Source: California Department of Fish and Game Biennial Reports.**

<u>Receiving County</u>	<u>Rep. #29 (pg.107)</u> <u>1924-1926</u>	<u>Rep. #30 (pg.142)</u> <u>1926-1928</u>	<u>Rep. #31 (pgs.158,160,162)</u> <u>1928-1930</u>	<u>Totals</u>
San Luis Obispo		242,500(1)	220,000(1)-1928	462,500
Santa Barbara		10,000(1)	54,000(1)-1928	64,000
Ventura	180,000(1)	65,000(1)	135,000(1)-1928 150,000(1)-1929 20,000(2)-1929	550,000
Kern		186,000(1)	100,000(1)-1929 104,000(2)-1929 95,000(3)-1928	485,000
Los Angeles	30,000(1)		40,000(1)-1928	70,000
Riverside	15,000(1)	15,000(1)	22,000(1)-1928	52,000
Orange		2,000(1)		2,000
San Diego	120,000(1)		188,000(1)-1928 160,000(1)-1929	468,000
Six year totals	345,000	520,500	1,288,000	2,153,500

Hatcheries coded above in parenthesis are: (1) Mt. Whitney, (2) Kaweah, (3) Kern River

**NOTES**

The Fish & Game Biennial Reports from which the above numbers are taken (#29, #30, #31) have much more information about the operations of California Department of Fish & Game. In addition to steelhead trout distributed to the Southern California Counties indicated above for the six-year period of 1924-1930, massive plantings of rainbow trout were made, as well as other species. A complete review of all Biennial Reports was not made due to incomplete sequences on file and the excessive amount of time it would have required to do a very thorough review of all the reports.

Additional fish plantings in California were made in many years by the U.S. Fish and Wildlife Service. No attempt was made to do an in-depth study of the reports issued by that federal agency, known as:

"Fish Distribution Report No. \_\_\_\_ by the  
Department of the Interior  
U. S. Fish and Wildlife Service, Division of  
Hatcheries and Fishery Resource Management

"Propagation and Distribution of Fishes from the national fish hatcheries for the fiscal year \_\_\_\_"

These reports were on microfiche. Report # 15 was for 1980. Report No. 23 was for 1988. The federal fiscal year referred to in report No. 15 (1980) was from October 1, 1979 to September 30, 1980.



**Page 16 wide 1924-1930 plantings:**

**Page 17 - COMMENTARY ON FISH DISTRIBUTION REPORTS, PAGE 16:**

The reports on facing page 16 summarize the steelhead trout count from hatcheries distributed to Southern California counties for two year periods ended in 1926, 1928 and 1930. Note the several hundred thousand fish planted in counties south of San Luis Obispo County. Fish and Game publications in 1901 and 1973 (see page 15), stated steelhead habitat existed from San Luis Obispo County north. So it seems strange F & G would send hundreds of thousands of hatchery trout to counties south of SLO County which exclude them from their normal, natural habitat.

The hundreds of thousands of fish distributed to SLO County was logical as that environment is indeed proper for these fish thriving in pristine, cold streams. But why San Diego, 400 miles south of SLO County, unless there was a conscious effort to acclimate these fish no matter how unsuitable. If so, San Diego was a lost cause, not only because of its warmer climate, but also because of urbanization of the area and accompanying pollution in once pristine streams since 1901, 1930 and especially, since 1973. The same can be said for Ventura streams – no such luck since 1901 and 1973, when F & G openly stated the “Ventura River (which used to be a good steelhead stream).” If the hundreds of thousands of steelhead trout planted in Ventura County in the 1924-1930 years (page 15), continued on to 1941 in similar fashion (and then ceased because of WW II), and could not maintain its numbers and vitality to the 1973 F & G report, that experiment in trying to outsmart the nature of this steelhead species again failed as in San Diego County

The ultra, dogmatic fish cabal has, for decades, cost taxpayers dearly for their illogical, hugely wasteful effort to thwart the natural order of a noble fish.

RLR, 3/16/17.

**R** Ronald L. Rindge  
160 E. Street  
Cayucos, CA 93430

January 12, 2005

Assistant Regional Administrator  
NMFS, Protected Resources Division  
501 W. Ocean Blvd., Suite 4200  
Long Beach, California 90802-4213

Certified Mail, Return Receipt  
No. 7003 3110 0001 1574 3734

RE: Docket Number (0411233291-4329-01) and RIN number (0649-A004):  
Public comment on proposed critical habitat in upper Malibu Creek watershed for steelhead trout.

Dear Assistant Regional Administrator:

The proposal to designate the upper Malibu Creek watershed as critical habitat for Southern California steelhead trout is not proper because the upper watershed was never habitat for indigenous steelhead trout. Trout found in the upper watershed were there only because they were planted (enclosure 1) for many decades, mainly prior to WW II. The upper watershed is hostile to trout as streams go underground most of each year (especially in drought periods) and the temperature is often 20 degrees warmer than the lower watershed. The designation of steelhead/rainbow trout as a special ESU – an “evolutionary significant unit” – is an erroneous action giving these ordinary trout special status to make sure these abundant fish are somehow threatened or endangered. The waste of taxpayer funds by this charade is scandalous, given the plight of the critical needs of our human species!

**The fish lobby has improperly characterized the upper watershed as “historic spawning grounds” for steelhead, giving the impression that ocean-going trout once reached the upper watershed to spawn. This effort to rewrite history and the laws of nature has trout proponents claiming that steelhead swam and leaped over 10-foot waterfalls to reach the upper watershed, which is why steelhead (if they ever existed in this climate zone) never reached the upper watershed. These phantom fish could not traverse this natural barrier, which is why they were planted in the upper watershed for anglers! THE FALLACY OF TROUT JUMPING OVER 10-FOOT WATERFALLS IS EVIDENT SIMPLY BY LOOKING AT TRADITIONAL FISH LADDERS THAT APPROXIMATE STEPS ONLY 1-FOOT IN HEIGHT! *Res ipso loquitor!***

Steelhead/rainbow trout (OM) are abundant and are planted throughout California lakes, reservoirs and streams as has been done since 1871. The indigenous trout of old California were in cold water habitats from Monterey north. The planting of hundreds of thousands of rainbow and steelhead trout in Southern California from San Luis Obispo County to San Diego County brought the species to these warmer coastal habitats. Their



man-made introduction into our environment produced "acclimated" fish as is common with other species of flora, fauna and aquatic life. **The progeny of planted hatchery fish of yesteryears produces the "wild fish" of today and tomorrow! If the goal of NMFS is to bring steelhead/rainbow trout into urban environments as is now proposed for the upper Malibu Creek watershed, forget a "critical habitat" designation that causes economic hardship and loss of private property rights and simply plant these fish as has been done for over 100 years!**

#### **Historical overview of the upper Malibu Creek watershed:**

##### **A. Chumash life in the upper watershed:**

Evidence that steelhead/rainbow trout (OM) were not present in the upper Malibu Creek watershed is clearly portrayed in the results in the 1968 Archaeological Survey Annual Report, Volume 10, by UCLA. An analysis of fish remains studied at two sites on the Century Ranch (LAn-227 and LAn-229), located in the upper semi-arid Malibu Creek watershed, now part of the Santa Monica Mountains Recreation Area (SMMNRA), found no fresh water fish bones (remains). **ALL FISH BONES WERE FROM SALT WATER FISH, BUT NO OCEAN-GOING TROUT! (See enclosure 2).** This finding clearly shows that the Chumash Indians relied on salt water fish for their sustenance, even though these two sites are several miles inland from their capital village located at Malibu Lagoon.

The fact that expert Chumash fishermen went to sea in their *tomols* (planked canoes) to catch fish, returned to land and carried their catch inland through rugged Malibu Canyon to feed their people, is a clear indication that fresh water fish were not present in the waters of Malibu Creek. The capture of salt water fish in the ocean was a far more arduous undertaking than it would have been to catch trout near their inland villages! The archaeological record does not support steelhead trout in the upper watershed of Malibu Creek!

The upshot is that hatchery fish have been planted for over 100 years in California; their progeny are now the "wild" trout bred outside hatcheries. Without planted hatchery trout, there would be no "steelhead/rainbow ESU trout" to falsely promote under the Endangered Species Act. The elitist terminology of ESU is a self-serving means of confounding the average taxpayer and befuddling funding legislators to continue the ruse that abundant steelhead/rainbow trout are scarce and "endangered". The continued funding of this bogus position squanders taxpayer dollars, which in turn preempts funding some needs of our human species. Finally, even if there were a few native steelhead/rainbow trout in Southern California coastal streams prior to massive plantings of hatchery fish over many decades, there would be no pure-strain native trout remaining due to interbreeding (hybridism) once hatchery trout were introduced into the environment.

##### **B. Portola expedition of 1769 & 1770:**

The archaeological record cited in A. above indicates rainbow/steelhead trout (OM) are not indigenous (native) to the upper Malibu Creek watershed as this area is a semi-arid area where streams go dry or underground most of each year and during



extended drought periods. The 1769 Portola expedition from Mexico, traveling through the upper Malibu Creek watershed, did not encounter trout until their troupe found them in cold water streams at Monterey/Carmel (**enclosure 3**) and northward towards San Francisco. The historical record further supports that these cold water fish were not present in the upper watershed in 1769 and 1770.

**C. Introduction of trout in the upper watershed:**

Dams were constructed in the upper watershed from 1904 on, precisely because there was a lack of reliable, year-round water. There were four such dams erected between 1904 and 1924: Rocky Pass Reservoir (Lake Sherwood) in Ventura County in 1904; Craggs Country Club (Century Dam/Lake) in 1913, Malibu Lake in 1923 and Rindge Dam in 1924 – the latter three in L. A. County. Once dams were built and reservoirs created, the few trout plantings of earlier years were intensified.

Testimony in the case of Craggs Land Company versus Rindge Company in the 1913 era indicated the lack of water (it had to be hauled in) to support their Club. Claims by modern day fish enthusiasts that trout were in the upper watershed conveniently leave out the fact that **these fish were planted – they were not indigenous!**

**Urbanized and tainted upper Malibu Creek watershed in 2005**

**A. Current status of the upper watershed hydrology:**

The current proposal to designate the upper Malibu Creek watershed as “critical habitat” for steelhead/rainbow trout is a false option. To suggest that the upper watershed will be viable habitat for the survival of Southern California ESU steelhead/rainbow trout is deluded thinking as is the concept of ESU, considering the interbreeding of hatchery trout in the environment for over 100 years. The upper watershed is urbanized and continues to be settled as developments spread across the area. There are no seasonal pristine waters anymore – only heavily tainted urban runoff containing: oil, road grime, and other residues from streets and freeways now dominant in this once undeveloped land; runoff with fertilizers, pesticides and insecticides; sewage effluent discharges and irrigation uses in the upper watershed; periodic sewage line breaks releasing raw sewage into the already polluted, perennial (but unnatural for the area) waterways; cows, horses and pet feces **far more abundant** than when grizzly bears, pumas, coyotes and other animal and bird life once inhabited the SMMNRA. Also, there is the ever present chance that high pressure pipelines with toxic materials will rupture to further despoil the area.

To think that this critical habitat designation will reverse the present and future conditions of the upper watershed is naïve. The price tag of “re-wilding” the SMMNRA to the point of having pristine water in a hostile (hot and very populated) environment for trout would be in billions, which is an arrogant position to hold against taxpayers and our human species! The first priority of limited taxpayer dollars should be to clean up the water - steelhead trout ruses are not necessary in striving to meet this goal. The assumption that taxpayer dollars should go to “save” common steelhead trout under the guise of critical habitat ESU is shameful.

**B. Economic considerations of a critical habitat designation:**

There are no benefits in designating the upper Malibu Creek watershed as critical habitat for steelhead/rainbow trout - with the exception of perpetuating the costly and erroneous goals for the fish lobby. On the contrary, the increased workload for all parties involved in land-use projects in the SMMNRA would be great. Not only would the private sector have to undergo more hassles and bear more costs in processing projects in the critical habitat area, but public sector personnel charged with enforcing or guiding activities in the zone would have burgeoning costs in time, manpower and sheer bureaucracy, thus decreasing effectiveness in their present priority of serving the public.

**Summary:**

The proposed action of designating critical habitat for steelhead/rainbow ESU trout in the upper Malibu Creek watershed would only increase costs, decrease efficiency and impinge on private property rights should not be adopted.. NMFS should be fostering policies and procedures that would streamline their operations to make them more efficient, not in adding a tortured "critical habitat ESU" designation for phantom fish of some hypothetical future generation!

Sincerely,

  
Ronald L. Rindge

7 DFD  
PG 16 Enclosure 1: Steelhead trout plantings in Southern California, 1924-1930 (1 page).

EXH  
FTH, FTH, IV } Enclosure 2: R. L. Rindge letter to Army Corps of Engineers, May 22, 1998, regarding archaeological findings of fish bones (remains) in the upper Malibu Creek watershed (4 pages).

PG 22  
FTH V } Enclosure 3: Extracts from diary of M. Costanzo, engineer on Portola expedition, September 21 and 27, 1769 (4 pages).

Distribution A



PUBLICATIONS OF THE  
ACADEMY OF PACIFIC COAST HISTORY

VOL. 2

No. 4

THE PORTOLA EXPEDITION OF 1769-1770  
DIARY OF MIGUEL COSTANSO

EDITED BY

FREDERICK J. TEGGART

*Associate Professor of Pacific Coast History, University of California  
Curator of the Academy of Pacific Coast History*

UNIVERSITY OF CALIFORNIA

BERKELEY, CALIFORNIA

AUGUST, 1911

**B. Portola expedition of 1769 & 1770: (SEPT 24, 1769) (SEPT. 27, 1769)**

The archaeological record cited in A. above indicates rainbow/steelhead trout (OM) are not indigenous (native) to the upper Malibu Creek watershed as this area is a semi-arid area where streams go dry or underground most of each year and during extended drought periods. The 1769 Portola expedition from Mexico, traveling through the upper Malibu Creek watershed, did not encounter trout until their troupe found them in cold water streams at Monterey/Carmel (enclosure 3) and northward towards San Francisco. The historical record further supports that these cold water fish were not present in the upper watershed in 1769 and 1770.

EXHIBIT V, 3-19-17

22

EXHIBIT V 3-19-17

LETTER OF JAN 12, 2005 → ENCLOSURE 3 (4 PAGES)



**Misconceptions and misleading narratives - examples with commentary:**

- #1: “Rindge Dam blocked steelhead trout from accessing former spawning and rearing habitat” (pg. ES-1 lines 48-51). Not true. Access to the upper watershed was blocked by a natural 10-foot waterfall upstream 2-3 hundred yards from Rindge Dam. Also, see 2/23/17 RLR letter, page 2 and Exhibits I, II, III and IV. The same response applies to statement on pg ES-2, lines 3-5.
- #2: “Rindge Dam essentially filled with sediment by the mid-1940s,” (pg. ES-2, line 1.) Not true. I worked at Malibu Water Company (MWC) from 1952 to 1956 while the reservoir stored water used to irrigate the lands on the Malibu delta including the Adamson House. (See Cultural Resources Appendix K for copy of my statement of my work at the MWC those 4 years). The 8-inch diameter steel water line was in full use to customers in those years, certainly not as stated “filled with sediment by the mid-1940s.” I believe the system was operation into the mid 1960s.
- #3: “Rindge Dam trapped about 760,000 cubic yards of sediment that would have nourished downstream reaches of the creek and the Malibu shoreline.” (pg. ES-2, lines 1-3). Clarification needed. The full seditation of the Rindge Dam occurred after the mid-1940s – about the mid-1960’s 20 years later. At that time in the 1960’s, the sediment was nolonger being trapped by the Rindge Dam, but flowed over the dam and/or the spillway in suspension as roiled in turbulent flows as has been the case these past 52 years to 2017.

**NOTE:**

**YOUR STUDY REPORT SHOULD CLARIFY THAT THE SEDIMENT YOU TRANSPORT TO THE AREA OF THE MALIBU PIER IS NOT A PERMANENT NOURISHMENT OF THAT BEACH – ONLY TEMPORARY - UNTIL CURRENTS, STORMS, TIDES, TIME AND WIND AND WAVE FORCES SCATTER THE EXPENSIVE SEDIMENT PLACEMENT NEAR THE MALIBU PIER.**

**A SECOND NOTE FOR ALL INTERESTED IN THE LITTORAL FLOW FROM THE STREAMS OF THE SANTA MONICA MOUNTAINS WILL NORMALLY BE MUCH LESS IN FUTURE YEARS COMPARED TO THAT OF THE 20TH CENTURY DUE TO DEVELOPMENT OF THE SMM WITH BUILDINGS, STREETS, PARKING LOTS AND LANDSCAPING GROUND COVER OF FORMERLY BARREN OR SPARSELY VEGETATED LANDS. ONE EXCEPTION TO THIS WOULD BE A WIDE RANGING BRUSH FIRE FOLLOED BY HEAVY RAINS THAT WOULD GENERATE GUSHING LITTORAL FLOWS.**

**THE FACT THAT THE COST OF TRANSPORTING THE SEDIMENT, ALONG WITH DESTROYING THE HISTORIC DAM, RESULTS IN ONLY A TEMPORARY “FIX” TO BEACH EROSION IS A PRIME REASON TO ADOPT THE “NO ACTION” OPTION.**

#4: “The alternatives in the focused array all included removal of the Rindge Dam concrete arch and impounded sediment behind the dam..” (pg ES-4, lines 7-8.). A major problem is with the description, “Rindge Dam concrete arch”. This phrase is used profusely throughout this very long report. The problem? The Rindge Dam is not just a concrete arch through and through; concrete is not its main historical significance – namely, its steel skeleton is a network of historic 1906 rails of the 1903 Hueneme, Malibu and Port Los Angeles Railway. The report seems to be downplaying this fact.

I request that throughout the report the term used so often, “Rindge Dam concrete arch” BE CHANGED TO: “Rindge Dam concrete/steel rails arch”. The report is deficient as long as the steel skeleton comprised of historic Malibu rails is not clearly stated to be in peril by removal of the dam. If this project destroys the engineering marvel of the SMMNRA and a one-of-a-kind, privately built and financed dam in California/USA, it will be lost forever for the education and enjoyment of visitors to the SMMNRA in future decades..

A second concern I have is my uncertainty of the planned removal methods of the Rindge Dam concrete/steel rails arch. I am out of time for this letter so I hope the methods of removing (destroying) the dam by wrecking ball, jack hammer, explosives or torch-cutting steel is included in the report, as well as the impact of noise, traffic and such activity will have on the safety and serenity of this peaceful, tranquil wilderness oasis to mankind and all resident creatures living so near major population enclaves.

Summary comments for this second letter about this study dated March 19, 2017:

The comments above do not relate all my concerns and questions. I have not been able to read in detail all the pages of this extensive 500-plus page report. My overall concern is the great divide between the basic premises outlined in this report which are foreign to what I have learned from my own experiences and through other long-time residents of Malibu in shared research and discussion over 75 years. Such peers are no longer alive to counter the many statements that are politically popular since the 1970's and explosion of environmental activism with no interest or concern to find the correct facts of a given situation, such as steelhead trout being natural fish in the upper watershed in past centuries and the creation of a special steelhead species that is not compatible with prior F & G publications, Portola log details, personal feet on the ground experience in Malibu Canyon and upper watershed. This report has continued the decades old quest to remove the Rindge Dam at an ever increasing disregard of the taxpayers funding this special interest project to the detriment of the commonweal with no awareness of the tremendous waste of limited resources being extracted by an ever voracious, expanding government.

RLR, 3/19/17.



**From:** [suron14@att.net](mailto:suron14@att.net)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Re: Draft Integrated Feasibility Report (IFR) for the Malibu Creek Ecosystem Restoration Study  
**Date:** Monday, February 27, 2017 9:38:31 AM

---

Dear Study Team:

Thank you for the reminder. I am unable to attend.

I mailed my initial comments to Chief Demesa in my 8-page letter (plus 8 pages of Exhibits (I, II, III and IV) on February 23rd to with distribution to Calabasas or Malibu entities and individuals. If you wish to copy that letter and exhibits for distribution to any attending (associations, press etc.) this email is my consent to do so.

My letter has some commentary on "Cultural Resources (Appendix K et al), but more detailed and extensive comments will be sent to Chief Demesa prior to March 27, 2017 closing date for public commentary.

If there is prepared a recap of comments made at the March 1st public meeting, please send me a copy as soon as possible.

Sincerely,  
 Ronald L. Rindge

-----Original Message-----

From: Malibu Creek  
 Sent: Monday, February 27, 2017 8:15 AM  
 To: Malibu Creek  
 Subject: FW: Draft Integrated Feasibility Report (IFR) for the Malibu Creek Ecosystem Restoration Study

Please note that the public meeting will be this Wednesday - 1 March 2017 at Las Virgenes Municipal Water District located at 4232 Las Virgenes Road, Calabasas, CA 91302 from 6 PM to 8 PM.  
 A map showing available parking (shown by the red arrows) is attached.

Regards,  
 Malibu Creek Ecosystem Restoration Study Team

-----Original Message-----

From: Malibu Creek  
 Sent: Wednesday, January 25, 2017 2:05 PM

Dear Interested Party:

Please find attached the letter with information on the Draft Integrated Feasibility Report for the Malibu Creek Ecosystem Restoration Study.

Documents are available for download at the following website:

Blocked<http://www.spl.usace.army.mil/Missions/Civil-Works/Projects-Studies/Malibu-Creek-Study/>

The Draft IFR is made available for your review and comment. Comments must

be received by March 27, 2017.

Please address your comments to:

Mr. Eduardo T. De Mesa  
Chief, Planning Division  
US. Army Corps of Engineers  
Los Angeles District  
915 Wilshire Boulevard, Suite 930  
Attention: Mr. Jesse Ray (CESPL-PDR-L)  
Los Angeles, California 90017-3401  
Phone: 213.452.3811; Fax: 213.452.4204  
Email: Malibu.Creek@usace.army.mil

Regards,  
Malibu Creek Ecosystem Restoration Study Team.

**From:** [Matt](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam removal  
**Date:** Friday, March 24, 2017 5:04:25 PM

---

I support the removal of the Rindge Dam.

Sent from my iPad

**From:** [Loretta Rose](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Save the fish  
**Date:** Thursday, March 23, 2017 9:37:31 AM

---

Mr. Demesa

I support the removal of the Rindge Dam. Please help save the fish. They need your voice.

loretta rose

**From:** [judyrosenfeld@earthlink.net](mailto:judyrosenfeld@earthlink.net)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam  
**Date:** Thursday, March 23, 2017 5:12:56 PM

---

To Whom it May Concern,

I am writing this letter on behalf of my mother and myself. My mother is a current resident of Malibu and has lived there continuously for the last 50 years. We wish to leave the Dam intact for the following reasons:

.Eliminates the estimated \$118-\$211 million cost of proposed project.

.Littoral flow of sediments continues without disturbing existing sediment field.

.Dam acts as a brake on flood waters protecting even further damage to Cross Creek Road, Cross Creek Lane and Malibu Creek.

.Protect stability of Malibu Canyon Road.

Thank you for your attention to this vital matter.

Sincerely,

Jean and Judy Rosenfeld



Jean L. Rosenfeld  
3515 Cross Creek Lane  
Malibu, CA 90265

March 23, 2017

Attn: Mr. Jesse Ray  
(CESPL-PDR-I)  
U.S. Army Corps of Engineers  
915 Wilshire Blvd. Ste. 930  
Los Angeles,  
CA 90017

Dear Mr. Ray:

As a lifetime member of the Sierra Club, and a concerned environmentalist, I'm vehemently opposed to the removal of the Rindge Dam and its sediment field. It's far from an ideal environment for steelhead trout; there's too much tainted runoff and no evidence they will flourish if it is removed.

The dam currently acts as a brake on flooding in the residential areas below, and the upsetting of the geologic balance, and the potential for increased flood levels, as a result of its removal, is huge. The stability of Malibu Canyon Road may be compromised, and the results of that—not to mention the increased trucking traffic—could be enormous.

The dam, if left in place, could be used as a catch basin for toxic spills, whose volume will only increase if its removed, contaminating the lagoon and surrounding beaches. This will cease to be a possibility if you take it out!

I urge you to leave the dam, and the surrounding flora and fauna—and wildlife, in place.

The resulting financial liability and risk (not to mention emotional distress) if its removed, could be catastrophic, to both humans and habitat.

Sincerely,

*Jean L Rosenfeld*

Joan Rosenfeld  
2118 Wilshire Blvd. #209  
Santa Monica, CA 90403

March 24, 2017

Attn: Mr. Jesse Ray  
(CESPL-PDR-L)  
U.S. Army Corps of Engineers  
915 Wilshire Blvd Ste. 930  
Los Angeles,  
CA 90017

Dear Mr. Ray,

Regarding the proposed removal of the Rindge Dam, the potential for financial liability is enormous. The impact on the roads, due to increased trucking, the degrading of the stability of Malibu Canyon Road, and the potential for increased flooding, in the community below, should all be addressed as serious concerns.

1

My mother, Jean Rosenfeld, moved to Malibu in the sixties. She's in her nineties, now, and has experienced a multitude of floods (the more serious entering the house) and has called the Fire Department for assistance; she is deeply concerned, as am I.

The Cross Creek Bridge, designated as an emergency access for the Serra Retreat area, was at least five feet under water during the last rainstorm. The likelihood that its submersion will be increased if the dam is removed (as will the height of the sediment levels in the creek bed) poses serious financial risk.

2

The consequences, of the removal of the Rindge Dam, could be catastrophic and can't be overestimated!!

Sincerely,



**From:** [Debbie Sharpton](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu Creek Ecosystem Restoration Project  
**Date:** Thursday, March 23, 2017 8:43:26 AM

---

March 23, 2017

Sent via email for submission during the public comment period on the Malibu Creek Ecosystem Restoration Project

Dear Mr. Eduardo T. Demesa,

I strongly support the Locally Preferred Plan ALT 2B2 for the restoration of the Malibu Creek ecosystem, a critical natural resource for our region.

Vast areas of natural lands are lost to the sprawl of the Los Angeles megalopolis. Critical habitat for plants and animals along a highly urbanized coastline is rare and under constant stress of development and degradation. The Malibu Creek watershed contains a large amount of protected lands. We have this opportunity to correct errors of the past, to demonstrate how southern California can have millions of people and wildlife. The Santa Monica Bay is another critical habitat for an additional group of species. The sands and sediments destined for the ocean should be strategically placed, without political constraints. Please let science prevail.

The dollars for this project per capita is what should be considered, counting present and future generations of people that will benefit. The flyfisher clubs of the Southwest Council, 2,500 members strong, realize that fishing for anadromous fish is not likely for many of them, yet they still come out to support the habitat restoration work of Mountains Restoration Trust, the Santa Monica Mountains land trust committed to improving the local aquatic and terrestrial habitats. Millions of dollars have been spent on the Malibu Creek watershed, purchasing lands such as the Cold Creek Preserve that once supported spawning grounds for the southern steelhead trout. The dollars spent will not realize their full potential if the stream obstructions do not come down. It is the final step in a long struggle to arrest the degradation of past actions. Let's set the sails straight, so future generations can enjoy what past ones remember.

Thank you for the opportunity to comment on this important project.

Debra Sharpton  
Executive Director  
Mountains Restoration Trust  
Conservation VP  
Southwest Council Federation of Flyfishers  
Conservation Chair  
Sierra Pacific Flyfishers

3815 Old Topanga Canyon Rd  
Calabasas, CA 91302  
818-591-1701 x205

**From:** [John Simons](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Support for Rindge Dam removal with LOCALLY PREFERRED PLAN (LPP) – ALT 2B2  
**Date:** Wednesday, March 22, 2017 7:10:53 PM

---

Eduardo T. Demesa

Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Mr Demesa

We are long time residents of the Santa Monica Mountains and strongly support LOCALLY PREFERRED PLAN (LPP) – ALT 2B2 for removal of Rindge Dam. We believe this alternative maximizes the environmental benefits and minimizes impacts. We look forward to seeing this project move forward after the long years of work and planning involved.

Sincerely,

Mr and Mrs John Simons

643 Old Topanga Cyn Rd

Topanga CA 90290

**From:** [William Speck](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam Removal  
**Date:** Thursday, March 23, 2017 1:55:57 PM

---

To whom it may concern,

I'd like to register my enthusiastic support for removing the Rindge Dam on Malibu Creek, using the locally Preferred Plan Alt2B2. I believe it would restore important habitat for endangered species including the Southern Steelhead.

Thank you for your consideration of this important project.

Bill Speck  
(818) 790-5549

**From:** [John Suwara](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Malibu Creek Rindge Dam - Support of the Locally Preferred Plan (LPP Alt2B2).  
**Date:** Thursday, March 23, 2017 4:09:32 PM

---

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Mr. Ray,

This is to express my support for the Locally Preferred Plan LPP Alt2B2.

The complete removal of the Rindge Dam from Malibu Creek will permit the endangered Southern Steelhead trout to once again spawn in Malibu Creek and its tributaries such as Las Virgenes and Cold Canyon Creeks. Looking forward to seeing that day.

Thank You.  
John Suwara

Ramona Swenson, Ph.D.  
1642 Joshua Tree St.  
Davis, CA 905616

March 27, 2017

Mr. Eduardo Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Malibu.Creek@usace.army.mil  
Fax: 213.452.4204

Dear Mr. Demesa,

I am writing in support of the Malibu Creek Ecosystem Restoration Study, and in support of the proposal to remove Rindge Dam and other barriers to fish passage on Malibu Creek. I am a fisheries biologist and restoration ecologist. Malibu Creek provides critical habitat for federally listed endangered species, including the Southern California Steelhead (*Oncorhynchus mykiss*) and the tidewater goby (*Eucyclogobius newberryi*). Rindge Dam is an obsolete structure that blocks steelhead and other migratory fish (Pacific lamprey) from accessing spawning and rearing habitat upstream. According to NMFS' 2012 Recovery Plan for Southern California Steelhead, Malibu Creek is a Core 1 population, one of the high priority populations for recovery actions, and removal of Rindge Dam is the number one recovery action for this population.

I encourage the Corps and its partner, California Department of Parks and Recreation, to move this project forward. As your documents show, this has been a long process that has included many stakeholders. Please follow through and develop and implement a plan to remove Rindge Dam and other barriers to fish passage in Malibu Creek.

Sincerely,

Ramona Swenson, Ph.D.



**From:** [Bob Thille](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Ringe Dam  
**Date:** Thursday, March 23, 2017 4:11:52 PM

---

Dear Sirs,

I want to express both my and my wife's support for LPP Alt2B2. That dam should have been removed many years ago even if only 3 feet were blasted of each Fall. It appears that LPP Alt2B2 will allow the steelhead access to their historic range up the Malibu Creek watershed.

Sincerely, George R. Thille and Carol H. Thille

**From:** [jan thompson](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] [Non-DoD Source] Rindge Dam Delimma  
**Date:** Saturday, March 25, 2017 4:55:29 PM

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Mr. Eduardo Demes, Chief, Planning Division  
US Army Corps of Engineering, LA District  
Attention: Mr. Jesse Ray  
915 Wilshire Bl., Ste. 930  
Los Angeles, CA 90017

To All Concerned,

I live in Serra Retreat and I am opposed to the current proposed plan to remove the Rindge Dam until the impacts of this project on our neighborhood are studied and mitigated.

1

Respectively,

Jan Thompson  
23160 Mariposa De Oro St.  
Malibu, CA 90265

**From:** [John Tobin](#)  
**To:** [Malibu Creek](#)  
**Cc:** [LA Craven](#); [Wenda Payan](#)  
**Subject:** [EXTERNAL] Locally Preferred Plan (LPP Alt2B2) Rindge Dam Removal Project  
**Date:** Wednesday, March 22, 2017 7:59:34 PM  
**Attachments:** [image.png](#)

---

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930

Los Angeles, California 90017

We support LPP ALT 2B2 of the Rindge Dam removal project.

Thank you.

John Tobin

Conservation Committee Chair  
Pasadena Casting Club  
Pasadena, CA

**From:** [williamtreeves](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] [Non-DoD Source] Fwd: attn:Mr Jesse Ray (CESPL-PDR-L)  
**Date:** Sunday, March 26, 2017 7:49:36 PM

---

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Bill <williamtreeves@aol.com>  
Date: 3/26/17 6:32 PM (GMT-08:00)  
To: malibu.creek@usace.ary.mil  
Subject: attn:Mr Jesse Ray (CESPL-PDR-L)

Eduardo T. Demesa  
Chief, Planning Division  
U.S.Army Corps of Engineers, Los Angeles District

I am urging the Corp to use the Best Scientific Method and use (LLP Alt2B3)

Thank you

Bill Reeves  
President of Deep Creek Fly Fishers  
Board of Directors Fisheries Resource Volunteer Corps  
williamtreeves@aol.com  
909 240 1940

**From:** [James Tsuda](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL]  
**Date:** Wednesday, March 22, 2017 7:57:34 PM

---

Dear Sirs

As a fly fisherman, I wish to express my support for the Locally Preferred Plan (LPP Alt2B2).

Thank you

Jim Tsuda 818-841-7442 Cell 818-400-7179

**From:** [Stephen Vodantis](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Letter for the Steelhead  
**Date:** Thursday, March 23, 2017 11:43:55 AM  
**Attachments:** [Letter for the Steelhead.pdf](#)

---

Dear Mr Demesa,

Please read my attached letter.

Thank you,  
Stephen Vodantis

Eduardo T. Demesa  
Chief, Planning Division  
US Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd, Suite 930  
Los Angeles, CA 90017

Dear Mr Demesa,

I understand that for many people saving the southern California steelhead is purely an economic decision.

To witness society engage in this brutal calculation is profoundly disturbing – a calculation of money vs. a most beautiful fish, which has evolved over millions of years to these streams and mountains and uniquely adapted itself to the place it calls home.

Putting money on one side of the scale, and an iconic keystone species with all the wisdom of its ancient evolutionary past on the other side, and ruling in favor of money, is a monstrous act of profound ignorance.

Above all, the effort to save the steelhead is an ecological and ethical decision of the highest order. Those who would reduce it to economic considerations have little idea what is at stake.

In choosing to save the steelhead, we are choosing to save ourselves. Saving *O. mykiss* from extinction is in fact a decision that stands in for saving *H. sapiens* – for making the future safe for the survival of our own species as well.

In the final analysis, there's no price tag for saving *H. sapiens*. Though it may be within our power to consign other species to extinction, we have no natural right to do this. We have an obligation to do all we can to save them.

To save ourselves we absolutely must save other life forms along the way, especially a species like *O. mykiss*, which is so vitally important to the health of the ecosystem.

This is ultimate truth which must be understood, explained to the public and allowed to prevail. The southern California steelhead are in your hands. Please support the State Parks plan to remove the dam.

Sincerely,

Stephen Vodantis  
Santa Monica citizen



Hans W. & Anneliese Knur, 23267 Palm Canyon Lane, Malibu, CA 90265

March 24, 2017

Mr. Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
Attn: Mr. Jesse Ray (CESPC-PD-RL)  
915 Wilshire Blvd.  
Los Angeles, Ca. 909017

RE: Rindge Dam Removal Project, Malibu, California

To Whom It May Concern:

As residents in the Serra Retreat area of Malibu we would immediately be affected by the removal of the Rindge Dam and oppose the project. Some of the reasons are described below:

The water flow down Malibu Canyon could be increased and may cause flooding of downstream Serra Canyon homes, Civic Center business properties and the Cross Creek bridge, a vital access road leading to our neighborhood.

1

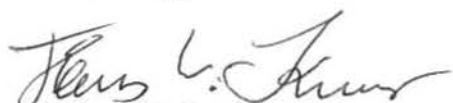
The proposed removal of the silt from behind the Rindge Dam would require numerous truck trips from the site to a landfill or other destinations. The trucks would severely clog traffic on Malibu Canyon Road and Pacific Coast Highway for years to come. Has anyone looked at the steady stream of cars driving through dangerous Malibu Canyon now at daytime?


2

The cost of the project, anywhere from \$160,000 to \$180,000 and most likely more in five years, is a very steep price for taxpayers to pay, just to increase the endangered Southern California Steelhead trout population.

3

Sincerely,

  
Hans W. Knur

  
Anneliese Knur

**From:** [Stephnie Wald](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] comments for the removal of Rindge Dam and other fish passage barriers in Malibu  
**Date:** Thursday, March 23, 2017 9:25:18 AM

---

This is to state that I am supporting the state parks Locally preferred plan to remove the dam. Steelhead trout cannot recover unless we provide them access to high quality spawning habitat, 12 miles of which will become accessible again once the dam is removed.

I have been working on steelhead restoration and recovery in San Luis Obispo County where Steelhead are listed as threatened. These fish are priceless, their value to our ecosystem is not easily reduced to a simple economic argument. What we do know is that these are remarkably well adapted ancestral fish, tolerant to warmer temperatures and able to navigate the erratic and difficult environmental conditions of southern California. They are the fish of the future, our chance to have steelhead populations adapt and spread even as climate shifts. Their loss would be tragic.

Steph Wald

1776 Tierra Nueva Lane

Oceano, CA 93445

805-471-3789

**From:** [Chuck Waterman](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam Removal - LPP Alt2B2  
**Date:** Friday, March 24, 2017 6:00:14 AM

---

Mr. Demesa,

Please add my name to the list of people who are in favor of the Rindge Dam removal project on Malibu Creek.  
Please feel free to contact me if you require a more detailed/supporting statement.

Respectfully,

Chuck Waterman  
San Diego, CA

**From:** [BBT HIKE](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam  
**Date:** Monday, February 27, 2017 11:31:33 AM

---

Mr Demesa

I have long hoped for the day the dam would be removed. It has many detrimental impacts on fish, amphibians, reptiles and mammals. Riparian, lagoon and shoreline habitats are also compromised. It is attracting visitors that further harm the environment. I am not aware of any positive impacts.

Please ensure the process will have the least impact on the environment as well as the human interests downstream. But do it!

Thanks  
Ralph Waycott  
5580 Busch Dr  
Malibu

**From:** [Dave Weeshoff](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] [Non-DoD Source] Removal of Rindge Dam and Ecosystem Restoration  
**Date:** Sunday, March 26, 2017 6:22:20 PM

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Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Sirs:

I fully support the removal of Rindge Dam and other fish passage barriers in Malibu to clear the way for steelhead trout to return to their ancestral habitat.

This amazing endangered, anadromous species cannot recover unless we provide them access to high quality spawning habitat, 12 miles of which will become accessible again once the dam, etc. is removed and the ecosystem is restored. These are remarkably well adapted ancient fish, tolerant to warmer temperatures and able to navigate the erratic and difficult environmental conditions of southern California. They are the fish of the future, our chance to have steelhead populations adapt and spread even as climate shifts. Their loss would be tragic.

Thank you.

Dave Weeshoff  
Conservation Chair  
San Fernando Valley Audubon Society  
Cell phone 818-618-1652  
5131 Briggs Ave. LaCrescenta, CA 91214

**From:** [aspenmoose@aol.com](mailto:aspenmoose@aol.com)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Rindge Dam Removal  
**Date:** Friday, March 24, 2017 2:38:22 PM  
**Attachments:** [2016 Rindge Dam letter.docx](#)

---

Mssrs. Demsa and Ray.

Attached is my letter supporting the removal of Rindge Dam on Malibu Creek using LPP Alt 2B2 .

Thank you for the opportunity to resond in this process.

Sincerely,

Michael Weigand

Michael J. Weigand  
1201 Camino Dos Rios  
Thousand Oaks, CA 91360  
(805) 498-9987

March 24, 2017

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Messrs. Demesa and Ray:

This letter is to express my support for the complete removal of Rindge Dam on Malibu Creek in Southern California with the implementation of Plan Alt2B2.

This Locally Preferred Plan (LPP Alt2B2) is for the complete removal of the entire concrete dam structure and barges the sand and other materials to areas that will benefit it the most. The LPP Alt 2B2 is favored by the local resource agencies and I am choosing to support it. I hope you join me.

Sincerely,

Michael J. Weigand



**From:** [swlaw@socal.rr.com](mailto:swlaw@socal.rr.com)  
**To:** [Malibu Creek](#)  
**Cc:** [debbie.sharpton@gmail.com](mailto:debbie.sharpton@gmail.com)  
**Subject:** [EXTERNAL] Rindge Dam removal project on Malibu Creek  
**Date:** Thursday, March 23, 2017 11:32:36 AM

---

Eduardo T. Demesa  
Chief, Planning Division  
U.S. Army Corps of Engineers, Los Angeles District  
ATTN: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, California 90017

Dear Mr. Demesa:

I am writing to express my support for the Rindge Dam removal project on Malibu Creek and specifically for the Locally Preferred Plan (LPP Alt2B2).

The LPP Alt 2B2 is favored by the local resource agencies and I am choosing to support it. I hope you join me.

Thank you.

Steven Weisberg

**From:** [Charles Wolhaupter](#)  
**To:** [Malibu Creek](#)  
**Cc:** [bbrager@malibucity.org](mailto:bbrager@malibucity.org); [agyork@malibutimes.com](mailto:agyork@malibutimes.com); [lauren@malibusurfsidenews.com](mailto:lauren@malibusurfsidenews.com); [90265magazine@gmail.com](mailto:90265magazine@gmail.com); [kpettijohn@malibucity.org](mailto:kpettijohn@malibucity.org); [bertha@blnpm.com](mailto:bertha@blnpm.com); [mapayne310@gmail.com](mailto:mapayne310@gmail.com)  
**Subject:** [EXTERNAL] Malibu Ringe Dam Removal  
**Date:** Friday, March 24, 2017 1:52:50 PM  
**Attachments:** [Malibu Ringe Dam Opposition.pdf](#)

---

Please see attached letter I am forwarding on behalf of my father, William F. Wolhaupter.

Charles Wolhaupter

310-456-3902 Office & Fax

818-632-4656 Cell

**WILLIAM F. WOLHAUPTER**  
**P.O. BOX 425**  
**MALIBU, CALIFORNIA 90265**  
**(310) 456-3902**  
**FAX (310) 456-3902**

March 24, 2017

Mr. Eduardo T. Demesa  
Chief, Planning Division  
US Army Corps of Engineers, Los Angeles District  
Attn: Mr. Jesse Ray (CESPL-PDR-L)  
915 Wilshire Blvd., Suite 930  
Los Angeles, CA 90017

VIA US Mail & email [Malibu.Creek@usace.army.mil](mailto:Malibu.Creek@usace.army.mil)

RE: Opposed to the Malibu Ringe Dam Removal

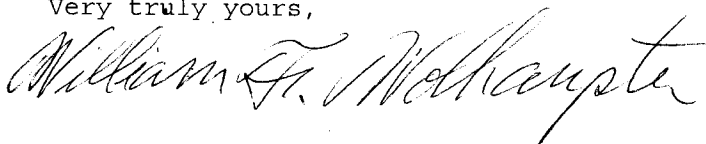
Dear Mr. Demesa:

I have been a property owner adjacent to Malibu Creek since 1975. My home stands at the abutment of the bridge and Cross Creek Road. I have seen the creek in its full fury on the rare occasions of extremely heavy rainfall. The projected removal of the dam and the accumulated sediment is, in my opinion, the greatest folly and waste of taxpayers' money that could be conceived. By increasing potential flooding, this project is producing an unnecessary risk for all of us and for no purpose other than spending a ridiculous amount of money.

I have lived in this bay area all of my life. I have fished off of the barges that were anchored at the mouth of the creek before World War II and seen the steelhead caught here. I have seen steelhead caught here while I have lived here. To say the dam removal will bring them back is a non-sequitur. They are still here.

Who is desirous of this project? Is it someone looking to justify his employment? Certainly none of the people who will be directly affected are requesting the removal of the dam.

Very truly yours,



William F. Wolhaupter

Copy to:

Bob Brager, [bbrager@malibucity.org](mailto:bbrager@malibucity.org) Director of Public Works, City of Malibu  
Arnold York, [agyork@malibutimes.com](mailto:agyork@malibutimes.com) Editor of Malibu Times  
Lauren Coughlin, [lauren@malibusurfsidenews.com](mailto:lauren@malibusurfsidenews.com) Editor of Surfside News  
Cece Woods, [90265magizine@gmail.com](mailto:90265magizine@gmail.com) Editor in Chief of Local Malibu  
Malibu City Council Members, via [kpettijohn@malibucuty.org](mailto:kpettijohn@malibucuty.org)  
Serra Canyon Property Owners Association-Board of Directors, via  
[bertha@blnpm.com](mailto:bertha@blnpm.com)

**From:** [Jackie W](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] Support for removal of Rindge Dam  
**Date:** Thursday, March 23, 2017 5:21:14 PM

---

Dear Army Corps,

Thank you for receiving public comment regarding the locally preferred plan to remove the Rindge Dam in Malibu. I support the removal of the dam as it will be generally good for the environment and ecosystem. But in particular it will help recover and sustain the Steelhead population which is vital to a balanced local ecology.

Jackie Wollner  
6225 Allott Ave.  
Va Nuys CA 91401

**From:** [D Paul Yeuell](#)  
**To:** [Malibu Creek](#)  
**Subject:** RE: [EXTERNAL] Public Comments on Malibu Creek Ecosystem Restoration Feasibility Study Attn. Jesse Ray  
**Date:** Monday, March 13, 2017 10:09:05 AM

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Could you please send me a CD of the IFR/EIR? Address is at bottom of my comments. Thank you.

D Paul Yeuell

-----Original Message-----

From: Malibu Creek [<mailto:Malibu.Creek@usace.army.mil>]  
 Sent: Monday, March 13, 2017 8:14 AM  
 To: D Paul Yeuell  
 Subject: RE: [EXTERNAL] Public Comments on Malibu Creek Ecosystem Restoration Feasibility Study Attn. Jesse Ray

Confirming receipt of your email.

Thank you for your comments.

-----Original Message-----

From: D Paul Yeuell [<mailto:dpaulyeuell@gmail.com>]  
 Sent: Tuesday, March 07, 2017 11:24 AM  
 To: Malibu Creek <[Malibu.Creek@usace.army.mil](mailto:Malibu.Creek@usace.army.mil)>  
 Subject: [EXTERNAL] Public Comments on Malibu Creek Ecosystem Restoration Feasibility Study Attn. Jesse Ray

Dear Mr. Ray,

I attended the public comments hearing on Feb. 22 and would like to add my comments here. Going forward, I would encourage you to simplify your presentation because 1) a lot of the information has already been acted upon and is in the IFR and 2) the general public will not come prepared for complex and detailed presentations and will miss most of what you lay out. Being deep in the process, I think you all lose sight of the fact that the public will not be able to go along with you on all the arcane bits of procedure and policy. You can probably see from the comments that there are certain areas that the public will want to engage -- downstream effects, truck trips on the highway, impact on the roadbed, etc. - and those are probably all their attention spans will be able to encompass. You can probably also see from the comments that some of the people at the hearing had not heard what you'd presented earlier in the meeting.

Here are my specific comments:

Concessions to the community: It seems it would be an easy thing to include a few concessions to the community to sweeten the deal. For example, why not assure the community that you will repair and even upgrade the road bed in Las Virgenes/Malibu Canyon when the project is completed? Maybe even include transition lanes in the project from the beginning that will lessen the impact of large trucks getting up to speed on the highway.

Another concession might be to include a hiking trail through the canyon from Tapia to Serra Canyon. Since the dam will no longer create an insurmountable barrier for hikers, why not make the canyon and creek accessible to them? As it is, Malibu Creek below the Dam is only accessible to the homeowners in Serra Canyon. I'm sure local environmental and wildlife groups would provide volunteer trail builders, so the cost is minimal but the return is big.

2

Pier Parking Lot: I understand the rationale for placing sand on the beach east of the Malibu Pier, but that parking lot is one of a very few lots in that part of Malibu. Taking that lot out of use will generate a lot of bad will for the project and have a negative impact on the local businesses, most of which are restaurants which struggle to survive. That component of the mine-and-haul options is one that comes with great costs to the community. Natural transport of the sediment will deliver it to essentially the same place, but will not require tying up that lot for so many months over many years.

3

History of Steelhead Fishing before the Rindge Dam: At the hearing, comments were directed at the limited range of the Steelhead Trout should the dam be removed. But I understand Steelhead were caught by fishermen at least several miles above the site of the dam. Do you have any data on that? Doesn't Fish and Game (or whatever agency set catch limits in the creek before the dam was built) have records of the regulations at least, if not the enforcement thereof? I am pursuing a lead to that effect. I am not convinced that the trout will be impeded by Tunnel Falls or any other natural obstacle. With the exception of the two dams that form lakes/reservoirs, I support including the removal of all man-made obstacles that prohibit migration.

4

One more thing: Could you send me a copy of the IFR on CD?

Thank you for considering these comments,

D Paul Yeuell

23231 Palm Canyon Lane #5

Malibu CA 90265

310-317-4767

**From:** [Jeremy Zagarella](#)  
**To:** [Malibu Creek](#)  
**Subject:** [EXTERNAL] LPP Alt2B2  
**Date:** Thursday, March 23, 2017 1:58:11 PM

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Dear Eduardo T. Demesa,

I am writing to support option LPP Alt2B2 of the Malibu Creek Ecological Study. Having kept abreast of this situation; read the supporting documentation; and being a professional in the Natural Resources field, I want to throw in my support for this option.

Thank you, and if you have any questions, please contact me.

Jeremy Zagarella  
Pauma Band of Luiseno Indians  
PO Box 369  
Pauma Valley, CA 92061  
Office: 760-742-1289 x 306  
Mobile: 760-500-6982  
Blocked<http://www.paumatribes.com/>