Message

From: Walter Lamb [landtrust@ballona.org]
Sent: 5/6/2019 5:29:49 PM
To: Yelensky, Erica [Yelensky.Erica@epa.gov]
CC: Bacalan, Vince [Bacalan.Vince@epa.gov]; Louis, Gail [Louis.Gail@epa.gov]; Tom Ford [tford@santamonicabay.org]; Wang, Guangyu@Waterboards [Guangyu.Wang@waterboards.ca.gov]; Coupe, David@Waterboards [david.coupe@waterboards.ca.gov]; Fran Diamond [mediafranh2o@gmail.com]
Subject: Re: Public Participation in SMBNEP Program Evaluation

Hello Erica,

I am following up on the discussion below from two and a half months ago. I have not heard anything back on this topic, but I did notice the proposed agenda item for the June 20 Governing Board meeting for a "[p]resentation, by the US Environmental Protection Agency (USEPA) performance evaluation team, on the initial findings of the performance evaluation of the Santa Monica Bay National Estuary Program." This agenda item will also be discussed in ten days at the Executive Committee meeting. Public participation within the NEP is not supposed to be merely perfunctory, after-the-fact participation. It is supposed to allow interested stakeholders the opportunity to participate in the decision-making process at every stage, including the process of developing initial findings.

As we know from national news headlines currently dealing with transparency and public process issues, initial findings can heavily influence public perception and be used to close off other avenues of inquiry and analysis. Every policy change our organization has secured has required substantially more effort than it should have because initial findings were developed, and support for those initial findings were solidified, in closed meetings, before the public had a chance to engage in the discussion.

The current structure of the local NEP is clearly inconsistent with program guidance, with the NEP director and other NEP staff unmistakably representing the Bay Foundation, which is now claimed to the host entity of the NEP, first and foremost. The visibility and influence of the Foundation has increased exponentially since the last program evaluation, while the visibility and autonomy of the local NEP, and especially the visibility, influence and autonomy of the NEP's state agency management conference, has become virtually non-existent. Based on past and current behavior, it seems clear that the project evaluation team has no interest in acknowledging or addressing this glaring discrepancy, or other issues facing the NEP. However, to ignore these issues would a disservice to the public and to the NEP itself, and would compound, rather than resolve, these issues.

Please let me know what opportunities public stakeholders will have, prior to the development of initial findings, to interactively engage directly with the project evaluation team to address these issues in an open public forum.

Thank you,

Walter

Walter Lamb
Ballona Wetlands Land Trust
310-384-1042
Facebook

On Tue, Feb 19, 2019 at 3:36 PM Walter Lamb <landtrust@ballona.org> wrote:

Hi Erica,

Thank you for this response. I have reviewed the eSurvey and it appears to be another open-ended format for submitting the same type of feedback we have already submitted many times over several years without receiving any meaningful response. The ability to voice concerns has minimal value if there is no defined process that facilitates collaborative, transparent and interactive discussion of those concerns. The specific suggestions outlined in my original message would allow the public to directly and constructively engage with EPA's program evaluation staff on issues affecting CCMP priorities. I believe this level of interaction is consistent with the public participation elements of the evaluation, so I hope staff will consider those suggestions.

Structural issues such as SMBRC's reduced staffing levels, SMBRC's relinquished control over the Section 320 funds, the scope of SMBRC's authority to advise state programs affecting the Bay and its watershed, the ability of SMBRC to seek and receive its own funds, the reporting relationship of the NEP Director to the NEP Management Committee, whether the NEP Director and staff are perceived to serve the NEP Management Committee or another entity, and other structural issues all impact SMBRC's ability to implement the CCMP. These important issues have yet to be discussed at this very late stage of the CCMP revision process, and we hope that SMBRC will quickly recognize the importance of such discussion. The eSurvey conspicuously avoids soliciting feedback on these issues.

Thank you again for responding. I look forward to hearing more in the spring about how the public can participate in the program evaluation. I'm also glad to see that there will not be a second federal shutdown (for now), but sorry to see what our federal agencies do and do not consider national/global emergencies.

Walter

Walter Lamb
Ballona Wetlands Land Trust
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On Thu, Feb 14, 2019 at 5:59 PM Yelensky, Erica <Yelensky.Erica@epa.gov> wrote:

Hi Walter,

Happy belated new year and thank you for your interest in the SMBNEP Program Evaluation.

The Management Conference and interested members of the public have an opportunity to provide input on the structure and governance of the Santa Monica Bay NEP by participating in an electronic survey. It just went online and can be accessed here. We hope the Management Conference will take this opportunity to provide valuable feedback on the structure and governance of the NEP to enhance CCMP implementation and advance protection, conservation, and restoration of Santa Monica Bay and its watersheds. EPA staff will consider the survey results in the Program Evaluation, and expect that additional opportunities for meaningful Management Conference participation will be shared in late spring 2019.

We look forward to working with NEP staff and the Management Conference to ensure the NEP has a structure that is reflective of what is happening on the ground, supports CCMP implementation, and is aligned with EPA guidance.

Best,

Erica

Erica Yelensky
Watersheds Office, U.S. EPA Region 9, Water Division

Santa Monica Bay National Estuary Program Coordinator &

San Francisco Bay Water Quality Improvement Fund Outreach Coordinator

Disclaimer: This message was written with voice activated software. It may contain errors. Some of them might be interesting. Observe the context and the meaning will, hopefully, be obvious.

From: Walter Lamb <landtrust@ballona.org>
Sent: Wednesday, February 13, 2019 3:18 PM
To: Yelensky, Erica <Yelensky.Erica@epa.gov>
Cc: Wang, Guangyu@Waterboards <Guangyu.Wang@waterboards.ca.gov>; Tom Ford <tford@santamonicabay.org>; Bacalan, Vince <Bacalan.Vince@epa.gov>; Louis, Gail <Louis.Gail@epa.gov>; Coupe, David@Waterboards <david.coupe@waterboards.ca.gov>
Subject: Re: Public Participation in SMBNEP Program Evaluation

Hi Erica,

I have not heard back on either of my messages below regarding public participation in the program evaluation for the Santa Monica Bay NEP. I understand that the shutdown likely created a backlog of work, but it would be good to at least receive an acknowledgement of my e-mail inquiries (first submitted over five weeks ago) along with some initial thoughts on process and timeline.

Please let me know what stakeholders need to do to become involved in the process.

Thank you,

Walter

Walter Lamb

Ballona Wetlands Land Trust

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On Wed, Jan 30, 2019 at 11:32 AM Walter Lamb <landtrust@ballona.org> wrote:

> Welcome back, Erica! I am sure that you are working through a significant backlog due to the shutdown. I just want to make sure that this request for active public participation in the SMBNEP Program Evaluation is on your radar screen. When you have time, please let me know Region 9's thoughts on this request.
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> Thank you,
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> Walter
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> Walter Lamb
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> Ballona Wetlands Land Trust
>
> 310-384-1042

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On Mon, Jan 7, 2019 at 10:53 AM Walter Lamb <landtrust@ballona.org> wrote:

Hi Erica,

I hope you enjoyed the holidays and are having a great 2019 so far! as you are likely aware, multiple stakeholder groups expressed in interest in participating in the 2014 Program Evaluation for the National Estuary Program at Santa Monica Bay, for which the Santa Monica Bay Restoration Commission is the management conference. No meaningful public participation in that process was provided at that time. The Land Trust believes that lack of stakeholder participation resulted in a superficial evaluation that failed to substantively identify issues requiring immediate attention, which in turn caused avoidable problems for the management of SMBRC over the subsequent period. This shortcoming should be corrected in the current Program Evaluation process.

Stakeholder involvement, transparency and accountability are central tenets of the National Estuary Program. As such, I am eager to hear EPA Region 9's plan for public participation in the current PE process. Specifically, the Land Trust respectfully recommends the following components of public participation:

- At least one stakeholder meeting with EPA staff present to interactively communicate concerns and recommendations. (proposed 2 hours)

- On-site field trip to the Ballona Wetlands Ecological Reserve to visualize positive and negative developments in this critical watershed ecosystem, which has long been a top priority in the Bay Restoration Plan (CCMP), and for which SMBRC was still acknowledging a central role at the time of the last evaluation. (proposed 2 hours)

- Opportunity to provide written comments and documentation to a draft Program Evaluation before a final Program Evaluation is published. (time commitment depends on number of comments received)

The Land Trust is eager to assist in any way we can, whether that be by coordinating the logistics of any meetings and site visits, paying for transportation around the ecological reserve, buying refreshments, etc.

Thank you for your consideration of this request and I look forward to hearing from you at your earliest convenience.

Walter

Walter Lamb

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