

SANTA MONICA MOUNTAINS CONSERVANCY

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February 23, 2009

Edmund Pert, Regional Manager
South Coast Region
California Department of Fish and Game
4949 Viewridge Avenue
San Diego, California 92123

**Big Tujunga Wash Mitigation
Enforcement of Arbitration Agreement**

Dear Mr. Pert:

The Santa Monica Mountains Conservancy (Conservancy) appreciates your Department's continued involvement in settling the outcome of the Angeles National Golf Club's (ANGC) required Big Tujunga Wash open space dedication. Our staffs agree that the ANGC has met neither the conditions of the California Department of Fish and Game's arbitrated settlement from 1999 nor the CEQA mitigation measures from the golf courses' certified Environmental Impact Report.

The CEQA lead agency, the City of Los Angeles, is showing little inclination to enforce the EIR mitigation measures as written and certainly not in a manner that will protect the ecology of the wash as intended. As a result, the most ecologically significant and unique property in the City of Los Angeles is permanently threatened if the ANGC is granted a Certificate of Occupancy for its Club House. Granting of such a permit will extinguish all leverage to achieve an adequate outcome except through the courts and the Department's arbitration agreement.

The ANGC cannot have it both ways. The referenced habitat management plan must be implemented and adhered to in order to prevent the ongoing demise of the subject dedication area. We urge the Department to take the strongest stand possible to delay the ANGC receiving its final permits until permanent provisions are made for protection of the wash. Filing an injunction may be necessary.

The Governing Board of the Mountains Recreation and Conservation Authority (MRCA), of which the Conservancy is an entity of, was poised last week to re-authorize acceptance of fee simple or conservation easement ownership of the wash and acceptance of maintenance funding. However the applicant requested that the MRCA delay that action.

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That request says quite a bit about the sincerity of the ANGC in addressing the management issues both head on and with its pocket book. ANGC has never offered any specific dollar amount to manage the property. The MRCA proposal did.

The City of Los Angeles hearing examiner has kept the record open for all parties to comment on ANGC's condition compliance for another 20 days. We urge the Department to send an aggressive letter demanding immediate interim management adjustments and a short term plan to solve the ownership and permanent operational funding issues.

The MRCA is poised to immediately record a conservation easement over the 240-260 acre dedication area. The MRCA attorney is willing to integrate the Department as a third party beneficiary of the easement if possible. A modified version of the Department's easement template--just used with the MRCA for Little Las Flores Canyon in the Santa Monica Mountains-- should work. This is a critical step to provide a legal framework to address any future violations of mitigation measures and/or damage to the Public Trust.

We will continue to consult with your staff, and our staff remains available in any capacity to achieve an acceptable outcome. Please address any questions to Paul Edelman, Deputy Director of Natural Resources and Planning, at the above address and by phone at (310) 589-3200 ext. 128.

Sincerely,

RONALD P. SCHAFFER
Chairperson