



# News Release

FOR IMMEDIATE RELEASE  
May 25, 2012

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## **1<sup>st</sup> District Court of Appeal Denies “Stay” for Malibu Lagoon Restoration, Project to Proceed**

Following action by the 1<sup>st</sup> District Court of Appeal, California State Parks announced today that vital restoration work to save Malibu Lagoon from further decline and decay can now begin.

On Thursday, justices of the 1<sup>st</sup> District Court of Appeal in San Francisco refused to grant a “stay” requested by opponents of the restoration project. The decision by the Court marks the second major loss for project opponents, whose case was rejected by a San Francisco trial court judge on all grounds last year.

The action clears the way for a project which has gone through almost 17 years of planning and is supported by key federal and state agencies and numerous environmental groups. The partners of this much-needed restoration strongly believe that the work to be done will arrest the continuing deterioration of aquatic habitat and bring back an array of plants, animals and aquatic organisms that comprise a healthy ecosystem for the lagoon.

California State Parks and its supporting partners believe that significant intervention is needed to fully restore the lagoon. Without significant intervention, with only mild treatment, this wetland will continue its decline, dooming it to becoming a stagnant waterway that is devoid of the levels of bird and aquatic life that we expect when this project is complete.

State Parks will carry out its work in strict compliance with all of the permits issued for the project, which will include special protections for the endangered species located within the lagoon.

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California State Parks on the Internet: [www.parks.ca.gov](http://www.parks.ca.gov)>



The project is endorsed and supported by more than 25 agencies and groups that have expertise in the areas of fish, wildlife, wetlands, surfing, environmental protection and water quality. The groups include the State Coastal Conservancy, Resource Conservation District of the Santa Monica Mountains, National Park Service, Santa Monica Baykeeper, Santa Monica Bay Restoration Foundation, Sierra Club, Los Angeles Audubon, Heal the Bay, Surfrider Foundation and others.

The project has been permitted by agencies with the expertise and responsibility for knowing if a project is environmentally acceptable and will do what is proposed. Those agencies include the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, National Marine Fisheries Service, California Department of Fish and Game, Los Angeles Regional Water Quality Control Board and the California Coastal Commission. All have examined the details and approved the restoration project.

The lagoon is currently not healthy. It is listed as a federally impaired water body due to excess nutrients and low oxygen levels. The low oxygen levels are caused by poor water circulation that results from old fill that has created choke points. The choke points prevent the flushing of excess sediment that is slowly smothering aquatic life in the lagoon. The lagoon is clearly on a downward slide to becoming a stagnant and dead waterway.

The work to be done will not be in the main channel of the lagoon itself, but in the complex of side channels on the western side of Malibu Creek. In this area, heavy equipment is needed to remove a massive amount of old fill from road projects that was dumped into the area for years. Because these channels are oriented away from the ocean, the tides are unable to scour out accumulated sediment when the lagoon is open. Reconfiguring the channels and removing the unnatural fill will remove contaminants and allow for a natural flushing of the ecosystem, opening up the hydrology of the lagoon to a natural and healthy flow that supports aquatic life, instead of smothering it.

Please visit the State Parks Website to learn more about the Malibu Restoration and Enhancement Project and examine the scientific information and the people and organizations that support this worthwhile effort. The website is at [www.parks.ca.gov](http://www.parks.ca.gov).

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