

Los Cerritos Wetlands Authority

Date: May 31, 2023

To: Governing Board Members

From: LCWA Partners Staff

Through: Mark Stanley, Executive Officer

Subject: Item 10: Consideration of a resolution approving a contract budget increase to Moffatt & Nichol for the Southern Los Cerritos Wetlands Restoration Project to complete permit applications

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) approve a contract budget increase in the amount of \$55,000 to Moffatt & Nichol for the completion of permit applications associated with the Southern Los Cerritos Wetlands Restoration Project (LCWA 20503).

PROJECT DESCRIPTION:

Exhibit A: Moffatt and Nichol Cost Proposal Letter

The LCWA is currently in pursuit of permits for the Southern Los Cerritos Wetlands Restoration Project (Project), and has submitted initial applications to the U.S. Army Corp of Engineers (USACE), California Department of Fish and Wildlife (CDFW), and the California Coastal Commission (CCC). The LCWA has received an in completed a permit application letter from the CCC requesting additional information for the application package. It is expected that similar letters will be sent by the USACE and CDFW to satisfy each agency's regulatory process. The LCWA plans to submit an application to the Regional Water Quality Control Board in the upcoming months, which may also require supplemental materials. Therefore, a budget increase for the contract with Moffatt & Nichol (M&N) is desired to assist the LCWA with coordinating and responding to agency comments about the Project to secure permits.

Under contract number LCWA 20503, M&N is scoped to submit complete permit applications. Initially, responses to agencies comments were to be completed by LCWA staff, but the extensive comments received by the CCC require assistance from M&N to obtain a complete application package. These additional services would be necessary for all permit applications and leading up to any public permit hearings. Approval of this resolution would allow the Executive Officer or designee to increase the contract with M&N (LCWA 20503) by \$55,000 for a total contract amount not to exceed \$865,000. A breakdown of the fee increase by task is presented below and further detailed in Exhibit A.

Task	Fee
Task 1: Agency Coordination	\$5,000
Task 2: Respond to Agency Comments	\$10,000
Task 3: Prepare and Submit Materials Required by the Agencies	\$35,000
Task 4: Prepare for and Attend Permit Agency Hearings	\$5,000
Total	\$55,000

BACKGROUND: The LCWA released a Request for Proposals (RFP) on September 29, 2020 for qualified firms to provide consultant services to work closely with the LCWA project team to complete necessary technical studies and produce the 65% design plans, environmental review documentation, and permit applications for the 105-acre Southern Los Cerritos Wetlands Restoration Project. The contract was awarded to Moffat & Nichol because their proposal was determined to be the most successful. Among numerous considerations, this recommendation is based on M&N's understanding and approach to the project, responsiveness to the RFP, and extensive project experience with similar projects regionally and at the Los Cerritos Wetlands. Lastly, this consulting firm has the longevity, stability, and staff availability to conduct studies, support environmental compliance efforts, and lead public stakeholder services for the development of this project. The M&N team includes five experienced subconsultants, Anchor QEA, Coastal Restoration Consultants, New West Land Company, Cogstone, and Altman Environmental Consultants.

Regarding the scope of work for permitting, M&N was scoped to prepare permit applications to the US Army Corps of Engineers (Clean Water Act Section 404), California Department of Fish and Wildlife (Streambed Alteration Agreement), California Coastal Commission (Coastal Development Permit), Santa Ana Regional Water Quality Control Board (Clean Water Act Section 401 Permit), and City of Seal Beach (Grading permit, Tree removal permit).

FISCAL: This action would approve Amendment 3 on this contract, increasing the contract amount by \$55,000 for a new contract amount not to exceed \$865,000.

Amendment 1 increased the contract amount by \$32,000 for services to respond to project design comments and cultural resources investigations, total not to exceed \$772,000. Amendment 2 increased the contract amount by \$38,000 to complete a topography survey of the project area to update a 1999 survey, total not to exceed \$810,000.

Funding for this contract will be paid by state and private grants received for the Southern Los Cerritos Wetlands Restoration Project, and are anticipated as follows:

Funding Source	Amount (Rounded)	Status
California Department of Fish and Wildlife	\$ 340,000	Awarded
State Coastal Conservancy	\$ 195,500	Awarded
Orange County Community Foundation and Coastal Quest	\$ 52,000	Awarded
Rivers and Mountains Conservancy	\$ 195,500	Awarded
AES Corporation	\$ 82,000	Awarded
Not to Exceed Total	\$ 865,000	



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Exhibit A

Item 10: MN Amendment

May 22, 2023

Sally Gee, Project Manager
Los Cerritos Wetlands Authority (LCWA)
100 North Old San Gabriel Canyon Road
Azusa, CA 91702

Subject: Southern Los Cerritos Wetlands Restoration Project, Add Permitting to the Project

Dear Ms. Gee,

The LCWA requests adding complete permitting services to the project. The existing contract includes submittal of permit applications but does not include completing work to secure permits. That work may include responding to agency information requests, conducting new work if required by the agencies, and attending meetings and the Coastal Commission hearing. The proposed new scope and fee are below.

Proposed New Scope Work

Task 1: Agency Coordination - Coordinate as requested with permitting agencies. This may include email correspondence, phone calls, and attendance at meetings (both virtual and in-person).

Task 2: Respond to Agency Comments - Respond appropriately in writing to all comments from permit agencies on permit applications.

Task 3: Prepare and Submit Materials Required by the Agencies – Prepare and submit materials required by the agencies to process permit applications. Agencies may include the California Coastal Commission, U.S. Army Corps of Engineers, California Department of Fish and Wildlife and Regional Water Quality Control Board.

Task 4: Prepare for and Attend Permit Agency Hearings - Provide technical support for public hearings required to secure permits and attend them as required.

Deliverables: Permits issued from U.S. Army Corps of Engineers, California Department of Fish and Wildlife, Regional Water Quality Control Board and at least a Notice of Intent to Issue Permit from California Coastal Commission.

Proposed New Fee

The level of effort to complete this work may be approximately \$55,000 to be billed on a time and materials basis. The Coastal Commission's request alone appears to require an effort of nearly \$35,000. See the table below for a breakdown of the fee. It is anticipated that all of this work can be completed within the calendar year of 2023. Thank you and please contact me with any questions or comments.

Sincerely,
MOFFATT & NICHOL

Christopher K. Webb
Project Manager

TASK	FEE
Task 1: Agency Coordination	\$5,000
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TOTAL	\$55,000

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RESOLUTION 2023-02

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY (LCWA)
APPROVING A CONTRACT BUDGET INCREASE TO MOFFATT & NICHOL
FOR THE SOUTHERN LOS CERRITOS WETLANDS RESTORATION
PROJECT TO COMPLETE PERMIT APPLICATIONS

WHEREAS, the Los Cerritos Wetlands Authority (Authority) has been established between the Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the City of Seal Beach and the City of Long Beach to facilitate the acquisition, protection, conservation, restoration, maintenance and operation an environmental enhancement of the Los Cerritos Wetlands; and

WHEREAS, the LCWA has further been established to focus on projects which will provide open space, habitat restoration, and watershed improvement projects within the Los Cerritos Wetlands; and

WHEREAS, a contract was awarded to Moffat & Nichol for the Southern Los Cerritos Wetlands Restoration Project – 65% Design and Environmental Compliance; and

WHEREAS, this action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); and NOW

Therefore be it resolved, that the LCWA hereby:

1. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
2. FINDS that this action is consistent with the purposes and objectives of the LCWA.
3. ADOPTS the staff report dated May 31, 2023.
4. APPROVES a contract budget increase to Moffat & Nichol for the Southern Los Cerritos Wetlands Restoration Project (LCWA 20503) to complete permit applications by \$55,000.00, for a total not to exceed amount of \$865,000.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY
on May 31, 2023.

Name

Print

LCWA Board Member

ATTEST:

Elizabeth St. John
Deputy Attorney General