

Los Cerritos Wetlands Authority

Date: August 24, 2023

To: Governing Board Members

From: Eric Zahn, Project Manager

Through: Mark Stanley, Executive Officer

Subject: Item 10: Consideration of a resolution certifying the Final Initial Study/Mitigated Negative Declaration prepared for the Southern Los Cerritos Wetlands Restoration Project and adopting a Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act (State Clearinghouse No. 2023040250)

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) certify the Final Initial Study/Mitigated Negative Declaration prepared for the Southern Los Cerritos Wetlands Restoration Project and adopt a Mitigation Monitoring and Reporting Program.

PROJECT DESCRIPTION:

Exhibit A: Project Location Map

Exhibit B: Project Restoration Designs

Exhibit C: Initial Study/Mitigated Negative Declaration, incorporated by reference,

<https://intoloscerritoswetlands.org/southern-los-cerritos-wetlands-restoration-project/>

The Los Cerritos Wetlands Authority (LCWA), as the Lead Agency pursuant to CEQA, is proposing to implement an individual restoration project (Exhibit A) within the 503-acre Los Cerritos Wetlands Restoration Plan Program Area (Program Area). The Program Area contains large expanses of open space, including wetland habitat, as well as other uses, as described in more detail in the Los Cerritos Wetlands Restoration Plan Program Environmental Impact Report (PEIR). As a first-tier environmental document, the PEIR serves as the foundation for this subsequent project-level CEQA analysis.

The PEIR states that future phases of the restoration would involve identifying individual projects, performing required analyses and field surveys (e.g., wetland delineation reports, habitat surveys, archaeological and cultural surveys, soil samplings, etc.), engaging stakeholders, and developing more detailed, project-level designs (e.g., engineering designs, grading plans). As each individual restoration project is proposed, it will be evaluated for consistency with the PEIR Goals and Objectives and the Los Cerritos Wetlands Habitat Restoration Plan. Individual restoration projects would be developed with input from public agencies, tribal representatives, stakeholders, landowners, and the community, and adopted by the LCWA Governing Board.

The proposed Southern Los Cerritos Wetlands Restoration Project (Project) is located within the City of Seal Beach within the northwestern portion of Orange County, California. The proposed project boundary totals approximately 103.5 acres of land and water and falls completely within the South Area of the PEIR. This project includes portions of two individual sites (South LCWA and State Lands Parcel) and borders two additional individual sites (Haynes Cooling Channel and

Hellman Retained) identified in the PEIR. The Project would restore wetland, wetland-upland transition zone, and upland habitats throughout the Project Area (Exhibit B). This would involve addressing any contaminated soil and groundwater, grading, revegetation, construction of new public access opportunities (including trails, a Stewardship Site, and viewpoints), construction of flood management facilities (including earthen berms), and modification of existing infrastructure and utilities. The goals and objectives of the proposed Project are consistent with the goals and objectives identified the Final PEIR.

Ecosystem restoration in the Project Area would occur in two phases based on access to the Haynes Cooling Channel as a source of tidal waters. Phase 1 restoration activities would focus on enhancing existing habitat areas in closer proximity to the existing muted tidal channel connection via the culvert connected to the San Gabriel River. Phase 2 restoration activities would expand tidal wetlands throughout the Project Area by creating a full tidal connection with the Haynes Cooling Channel. Phase 1 will be designed to provide an initial functional lift to existing habitat areas that will be become further enhanced by the improved hydrological conditions provided by Phase 2.

Proposed activities could include the following:

Both Phases

- Grading the South LCWA site, including excavation to create channels and revegetation of native plants to support a diversity of marsh, transitional, and upland habitats;
- Managing and/or remediating soils (e.g., excavation and removal, or retain and do confirmatory sampling and testing, and/or cap in place) that have been impacted by oil operations;
- Creating improvements on the State Lands Parcel site that may include a connector trail, Stewardship Site, and interpretive opportunities;
- Maintaining the flap gate on the existing culvert connecting the South LCWA site to the San Gabriel River and possibly clean out the culvert for improved water flow; and
- Beneficially reusing fill material on site to support existing upland habitat areas in the northeast (known as Area 18) and southwest (known as the former landfill site) extents of the Project Area.

Table 1 below summarizes the activities associated with Phase 1 and Phase 2 activities.

Table 1: Project Phasing

Location	Phase 1 (before 2030)	Phase 2 (after 2030)
South LCWA	<ul style="list-style-type: none"> • Excavating a channel up to the boundary of the Haynes Cooling Channel • Grading of site to support habitat restoration • Remediation of soils • Protecting existing mid-marsh in the northern portion of the site • Constructing an earthen berm to protect the sensitive habitat area of the project site from hydraulic connection to and influence from any site to the north 	<ul style="list-style-type: none"> • Connecting Haynes Cooling Channel to the project site • Expanding salt marsh south and east • Remediation of soils • Filling Area 18 • Installing connector trails • Adding experimental plots for research • Restoring salt panne habitat

	<ul style="list-style-type: none"> • Raising 1st Street and reconfigure utilities • Retaining the gate on the Hellman Channel culvert to the San Gabriel River and cleaning the culvert • Replacing the existing culverts under 1st Street with a much larger culvert systems or potentially a short bridge • Filling Area 18 and the former landfill to uplands • Restoring bluff habitat • Adding Tribal Cultural resource and access features 	<ul style="list-style-type: none"> • Culvert under dirt access road to be removed at the end of Phase 2
State Lands Parcel	<ul style="list-style-type: none"> • Possible Stewardship Site, interpretive opportunity, and connector trail 	<ul style="list-style-type: none"> • Continued Stewardship Site with connector trail
Haynes Cooling Channel	<ul style="list-style-type: none"> • N/a 	<ul style="list-style-type: none"> • Channel is decommissioned for use in once-through-cooling

BACKGROUND: The first major step in the design process for the restoration of the Los Cerritos Wetlands Complex was the development of the Los Cerritos Wetlands Final Conceptual Restoration Plan (CRP; Moffatt & Nichol, 2014). The CRP is a restoration alternatives analyses report that provides the LCWA with a roadmap for habitat enhancement and improved public access for the Los Cerritos Wetlands Complex. Adopted by the LCWA Governing Board in August 2015 (LCWA Resolution 15-05), the CRP identifies goals and objectives and restoration design alternatives under a range of sea-level rise scenarios. The report was prepared with input by the LCWA Steering Committee (made up of staff representing agencies of the LCWA joint powers authority), a Technical Advisory Committee (comprised of representatives of twenty (20) resource and permitting agencies, and research groups covering federal, state, regional, and local jurisdictions), and the public (based on input during six (6) community workshops).

In January 2021, the LCWA Governing Board certified the PEIR (LCWA Resolution 21-06). The PEIR serves as a first-tier environmental document that focuses on the overall effects of implementing the activities that make up the program. The proposed program, along with alternatives to the proposed program described in Chapter 5 of the PEIR, were identified based on input from the LCWA Steering Committee (made up of staff representing agencies of the LCWA joint powers authority), a Technical Advisory Committee (representatives of 20 resource and permitting agencies, and research groups covering federal, state, regional, and local jurisdictions), and the public (based on input during two (2) community workshops). The PEIR evaluated the environmental impacts associated with the proposed overall program.

The Los Cerritos Wetlands Habitat Restoration Plan was subsequently adopted in July 2021 (LCWA Resolution 21-11). The Los Cerritos Wetlands Habitat Restoration Plan was similarly vetted by the public and technical advisors. The Restoration Plan was developed to provide refined restoration plans specifically for near-term projects like the Southern Los Cerritos Wetlands Restoration Project that are expected to tier from the PEIR within 10 years of approval.

DISCUSSION: The Los Cerritos Wetlands Authority has determined that the proposed Southern Los Cerritos Wetlands Restoration Project (SLCWRP), or “Project”, and the required discretionary actions of the LCWA for the Project require compliance with the guidelines and regulations of the California Environmental Quality Act (CEQA). Furthermore, the LCWA determined that while an addendum to the existing PEIR would have been an acceptable CEQA document for this Project, it was preferred to pursue a Mitigated Negative Declaration (MND) which allows for a public comment process. While the PEIR documents considered the potential for environmental impacts from all potential projects under the program, the MND seeks to eliminate and/or minimize impactful aspects of the proposed SLCWRP wherever feasible. Due to its size, the Final Initial Study and Mitigated Negative Declaration (IS/MND) is incorporated by reference, and may be downloaded on the LCWA website at: https://intoloscerritoswetlands.org/wp-content/uploads/2023/08/2023-06-28_LCW-Final-IS-MND_Compressed.pdf

This IS/MND addresses the direct, indirect, and cumulative environmental effects associated with the proposed Project. This IS/MND has determined that the proposed Project would not result in any additional potentially significant environmental impacts that were not identified in the PEIR. While no new mitigation measures are proposed in this document, those that are provided in the PEIR Mitigation Monitoring and Reporting Program (MMRP) will be adhered to and will reduce any potentially significant impact to less than significant levels. As such, the LCWA determined that a MND is sufficient under the process outlined by the PEIR and Sections 15070(a) and 15168(c) of the CEQA Guidelines. Since the LCWA finds that no new significant effects or substantially more severe environmental effects would occur due to the implementation of the Project, pursuant to CEQA Guidelines Section 15162, the LCWA finds it appropriate to document this finding by preparing a MND. The LCWA Governing Board will need to consider this MND and the Final PEIR when making decisions about this individual Project. An Initial Study checklist (Exhibit C) has been prepared as part of the MND that addresses each impact statement provided in the PEIR, which directly relates to the thresholds provided in Appendix G of the CEQA Guidelines.

The Draft IS/MND was subject to a 30-day public and agency review period (April 10 to May 10). A virtual public meeting was held on April 27, 2023 from 6:00-7:30pm. The document was made available at the Mary Wilson Library (707 Electric Avenue, Seal Beach, CA, 90740) and Bayshore Library (195 Bay Shore Avenue, Long Beach, CA 90803) and on the LCWA’s website.

A total of 6 comment letters were received. Minor revisions to the Draft IS/MND were made in this Final IS/MND for purposes of clarification in response to comments received during the public review period. Appendix I was added to address Responses to Comments on the Draft IS/MND. Comments received during public review did not identify any new or potentially significant environmental impacts beyond those already covered in the circulated Draft IS/MND. In response to comments received by the California State Lands Commission, additional text was added to mitigation measure CUL-14 regarding the process for the final disposition of any archaeological, historical, and paleontological resources recovered on State land under the California State Lands Commission; revised to needing a new or amended lease (no encroachment permit); in response to comments received by the Department of Toxic Substances Control, additional text was added to mitigation measure HAZ-2 in the event that any debris encountered during excavation could be associated with the formerly used defense site. Potential impacts remain less than significant. The comment letters can be found in Appendix I of the Final IS/MND.

The PEIR identified several resources with *Significant Unavoidable Adverse Environmental Impacts*. However, the project level analysis has determined that these impacts can be reduced for the Southern Los Cerritos Wetlands Restoration Project. Further discussion of these

environmental impacts at a project level is provided below:

PEIR Impact AQ-1a (construction): The proposed program would conflict with or obstruct implementation of the applicable air quality plan during construction of the proposed program.

- The Program EIR (PEIR) found that Impact AQ-1a was not fully mitigated to less than significant during construction of the full program for NO_x.
- The Initial Study/Mitigated Negative Declaration (IS/MND) for the Southern Los Cerritos Wetlands Restoration Project (SLCWRP), however, found that Impact AQ-1a was less than significant for all criteria air pollutants (including NO_x) because:
 - The area of analysis in the IS/MND is smaller (103.5 acres) than the analysis area in the PEIR (503 acres), meaning that emissions for the SLCWRP are approximately 20.5% of the PEIR totals;
 - The anticipated number of construction equipment, standard types of equipment, amount of grading, amount of remediation, and duration of construction for the SLCWRP is lower than what was anticipated and analyzed in the PEIR, which translates to lower construction emissions; and
 - Specifically, the PEIR found that maximum NO_x emissions would be 268 lbs/day versus 54.94 lbs/day associated with implementation of the SLCWRP. As the latter is substantially below the SCAQMD NO_x threshold of 100 lb/day, impacts were found to be less than significant.

PEIR Impact AQ-3a (construction): the proposed program would expose sensitive receptors to substantial pollutant concentrations during construction of the proposed program.

- The PEIR found that Impact AQ-3a was not fully mitigated to less than significant and would result in potentially significant localized air quality impacts to sensitive receptors during construction.
 - The PEIR program area included Seal Beach (located in Source Receptor Area, SRA 18) and Long Beach (located in SRA 4).
 - The Air Quality Study in the PEIR found potentially significant impacts to sensitive receptors at the program level based on SCAQMD Localized Significance Thresholds (LSTs) in SRAs 4 and 18 due to residences found near the southern border of the program area.
 - As there were potentially significant localized construction impacts associated with implementation of the proposed program (for NO_x), cumulative localized construction air quality impacts were found to be unavoidable during construction of the full program.
- The IS/MND for the SLCWRP found that Impact AQ-3a was less than significant, however, because:
 - The PEIR analysis assumed concurrent implementation of the full program of 500+ acres, which is approximately 5 times larger than the proposed SLCWRP area;
 - The anticipated number of construction equipment, standard types of equipment, amount of grading, amount of remediation, and duration of construction for the SLCWRP is lower than what was anticipated and analyzed in the PEIR, and accordingly, construction emissions will also be less and impacts to bordering sensitive receptors are not anticipated; and
 - Project construction is short term and temporary, and emissions would cease when construction is completed; operations impacts do not have the potential to affect sensitive receptors due to the fact that the project proposed to restore natural wetlands.

PEIR Impact CUL-1: The proposed program would cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.

- The Program EIR (PEIR) found that Impact Cul-1 was not fully mitigated to less than significant and would result in potentially significant cumulative impacts to historical resources.
 - The PEIR stated that once specific projects are designed, additional cultural resources studies would be completed as necessary and impacts resulting from specific projects would be considered.
 - The PEIR determined that it is possible that project-level impacts to historical resources may be mitigated to a less than significant level. Project-level impacts would be analyzed as part of future CEQA analyses.
- The Initial Study/Mitigated Negative Declaration (IS/MND) for the Southern Los Cerritos Wetlands Restoration Project (SLCWRP) found that Impact CUL1 (3.5(a)) was less than significant.
 - An extended Phase 1 Cultural Investigation (PEIR Mitigation Measure CUL-5) did not reveal any new information, and the mitigation measures from the PEIR are more than adequate should any historical resource be revealed during construction or operation (Cogstone, 2023; Appendix F).
 - A Tribal Cultural Landscape Study was prepared for the Project, which informed the grading design to include a 50-foot buffer near sensitive cultural locations.
 - Native American and archaeological monitors have monitored all earthwork and such monitoring will continue during future Project-related ground disturbance.
 - Continued tribal consultation will ensure no significant effects occur to the Puvungna Traditional Cultural Landscape.

PEIR Impact CUL-2: The proposed program would cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.

- The Program EIR (PEIR) found that Impact Cul-2 was not fully mitigated to less than significant and would result in potentially significant cumulative impacts to archeological resources.
 - The PEIR stated that once specific projects are designed, additional cultural resources studies would be completed as necessary and impacts resulting from specific projects would be considered.
 - The PEIR determined that it is possible that project-level impacts to archeological resources may be mitigated to a less than significant level. Project-level impacts would be analyzed as part of future CEQA analyses.
- The Initial Study/Mitigated Negative Declaration (IS/MND) for the Southern Los Cerritos Wetlands Restoration Project (SLCWRP) found that Impact CUL2 (3.5(b)) was less than significant.
 - The project will not cause a substantial adverse change in the significance of an archeological resource with incorporation of the mitigation measures from the PEIR, as they are more than adequate should any archaeological resource be revealed during construction or operation.
 - Tribal engagement around the Project has been extensive and on-going.
 - All earthwork will have Native American Monitoring as well as archaeological monitoring.

PEIR Impact TRI-1: The proposed program would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size

and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

- The Program EIR (PEIR) found that Impact TRI-1 was not fully mitigated to less than significant since specific economic, legal, social, technological, or other considerations, make it infeasible to mitigate this impact to below the level of significance.
 - The PEIR stated that once specific projects are designed, additional cultural resources studies would be completed as necessary and impacts resulting from specific projects would be considered.
 - The PEIR determined that it is possible that project-level impacts to Native American or prehistoric archaeological resources that convey the significance of the tribal cultural landscape may be mitigated to a less than significant level.
- The Initial Study/Mitigated Negative Declaration (IS/MND) for the Southern Los Cerritos Wetlands Restoration Project (SLCWRP) found that Impact TRI1 (3.18(a)) was less than significant.
 - No new significant resources were identified as part of the revised cultural resources study (Appendix F).
 - Two previously identified archeological resources within or adjacent to the Project site were evaluated as eligible for the California Register of Historical Resources. A 50-foot buffer will be created around each of these significant resources to ensure that they are avoided by construction activities.
 - Continued tribal consultation will ensure that the *Puvungna* Traditional Cultural Landscape is protected from significant effects as the wetlands are restored and access to it and its resources by tribal members is enhanced.

PEIR Impact TRI-2: The proposed program would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

- The Program EIR (PEIR) found that Impact TRI-2 was not fully mitigated to less than significant since specific economic, legal, social, technological, or other considerations, make it infeasible to mitigate this impact to below the level of significance.
 - The PEIR stated that once specific projects are designed, additional cultural resources studies would be completed as necessary and impacts resulting from specific projects would be considered.
 - The PEIR determined that it is possible that project-level impacts to Native American or prehistoric archaeological resources that convey the significance of the tribal cultural landscape may be mitigated to a less than significant level.
- The Initial Study/Mitigated Negative Declaration (IS/MND) for the Southern Los Cerritos Wetlands Restoration Project (SLCWRP) found that Impact TRI2 (3.18 (b)) was less than significant.
 - No new significant resources were identified as part of the revised cultural resources study (Appendix F).

- Two previously identified archeological resources within or adjacent to the Project site were evaluated as eligible for the California Register of Historical Resources. A 50-foot buffer will be created around each of these significant resources to ensure that they are avoided by construction activities.
- Continued tribal consultation will ensure that the *Puvungna* Traditional Cultural Landscape is protected from significant effects as the wetlands are restored and access to it and its resources by tribal members is enhanced.

Mitigation Monitoring and Reporting Program (MMRP)

CEQA requires lead agencies to “adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment” (CEQA Section 21081.6, CEQA Guidelines Section 15097). A MMRP is included as Appendix A of the Final IS/MND.

FISCAL: The CEQA filing fee for a Mitigated Negative Declaration is \$2,764.00 and County Clerk processing fees may apply.

Exhibit A: Project Location Maps (Figures 2 and 3 from IS/MND)

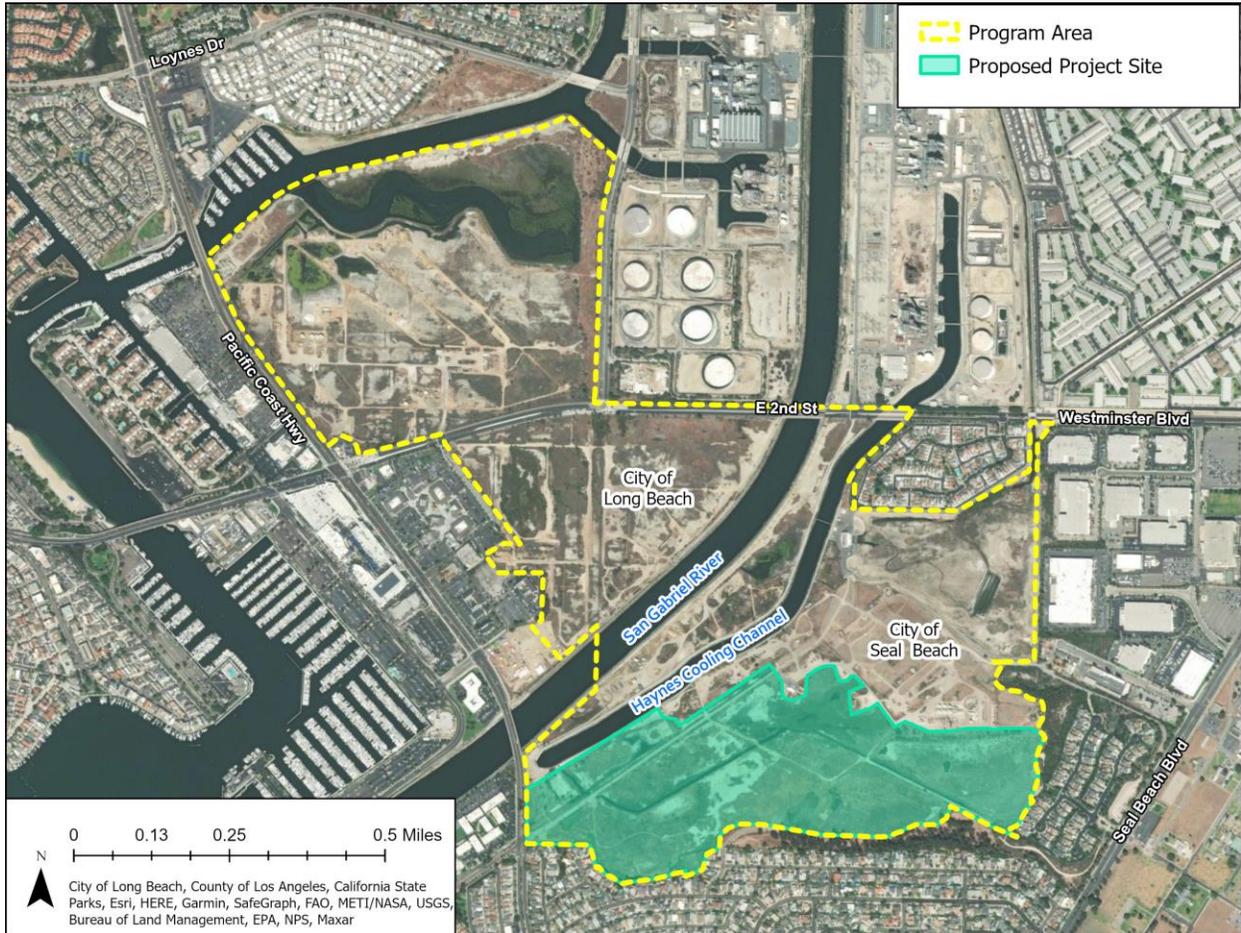


Figure 1. Project Location



Figure 2. Project Site

Exhibit B: Project Restoration Designs (Figures 5, 6 and 8 from IS/MND)

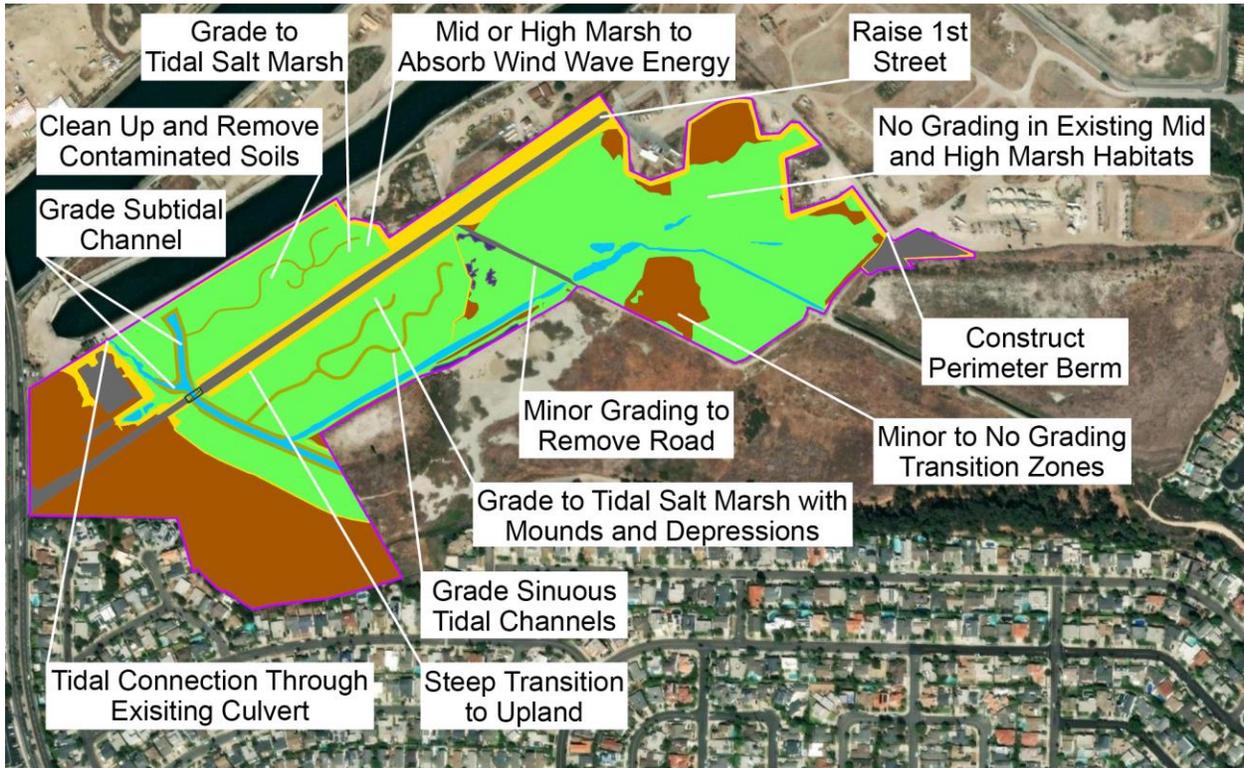


Figure 3. Phase 1 Restoration

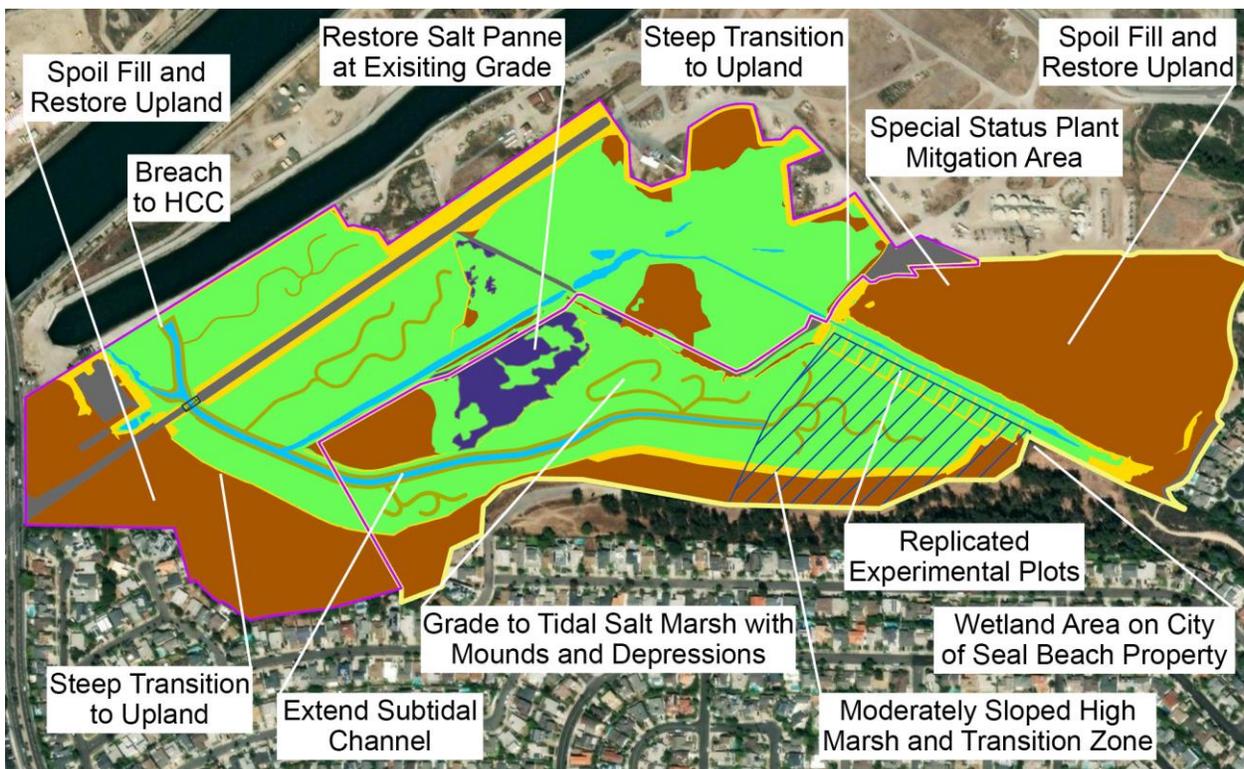


Figure 4. Proposed Phase 2 Restoration

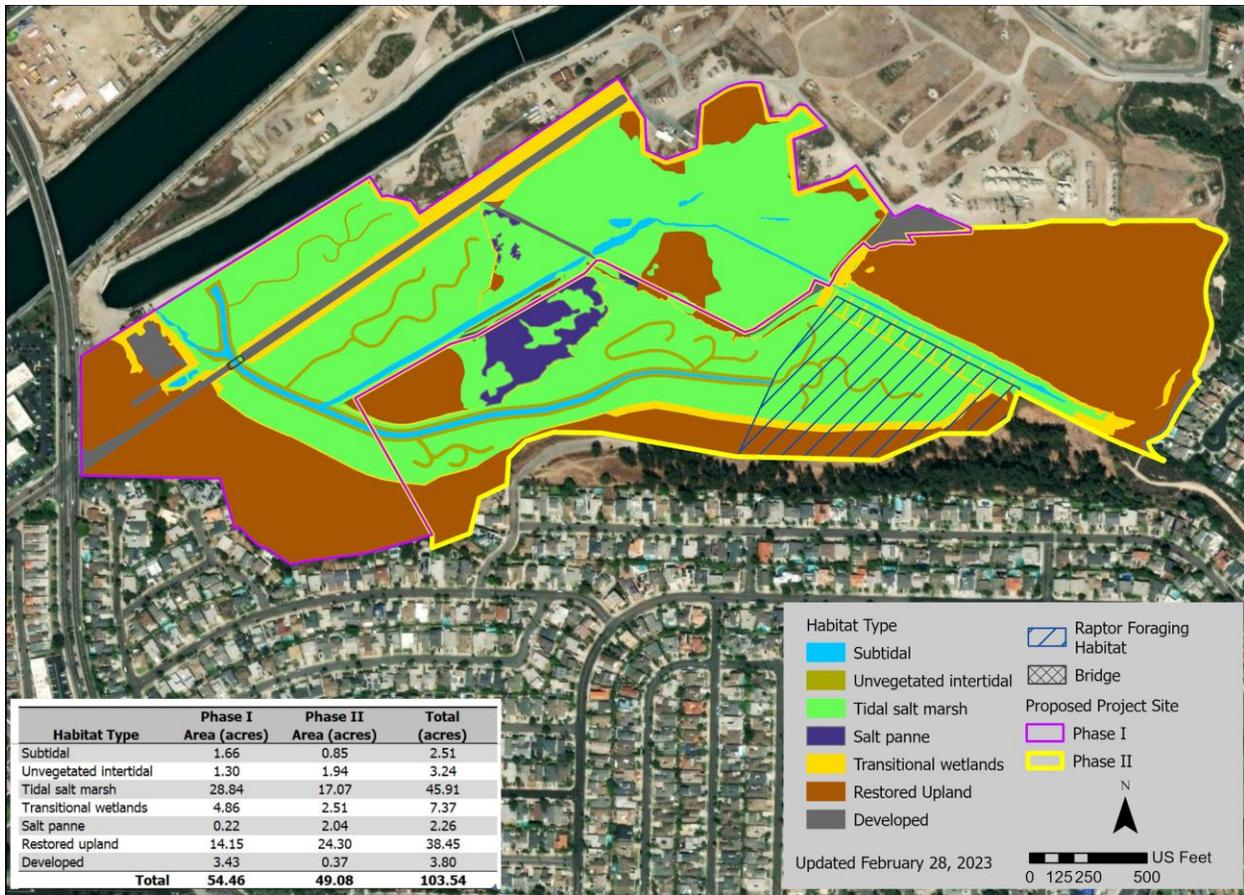


Figure 5. Proposed Habitat Types