

Los Cerritos Wetlands Authority

Date: May 2, 2019

To: Governing Board Members

From: Sally Gee, Project Manager

Subject: Item 9: Consideration of a resolution to authorize the Executive Officer to request and negotiate for legal counsel services related to the Upper Los Cerritos Wetlands Mitigation Bank and associated services

RECOMMENDED ACTION: The Los Cerritos Wetlands (LCWA) authorize the Executive Officer to request and negotiate for legal counsel services related to the Upper Los Cerritos Wetlands Mitigation Bank and associated services.

BACKGROUND: Beach Oil Mineral Partners (BOMP) is proposing to create the Upper Los Cerritos Wetlands Mitigation Bank (Mitigation Bank) over a portion of the 154-acre Synergy Oil Field owned by Los Cerritos Wetlands, LLC in the City of Long Beach, CA. The proposed 76.52-acre Mitigation Bank is planned to be located on the Northern portion of the Synergy Oil Field (Exhibit A). The Los Cerritos Wetlands Authority (LCWA) is expected to become the long-term land manager of the Mitigation Bank due to an Option Agreement established between Los Cerritos Wetlands, LLC and the LCWA, in which the 154-acre Synergy Oil Field will be transferred to the LCWA in exchange for a 5-acre parcel owned by LCWA as part of the Los Cerritos Wetlands Oil Consolidation and Restoration Plan.

Staff recommends that LCWA contract outside legal counsel, experienced with mitigation banks, to review aspects of the Upper Los Cerritos Wetlands Mitigation Bank documents that pertain to future responsibilities and potential liabilities for LCWA. The goals would be to ensure the Mitigation Bank is developed appropriately and without disadvantages to LCWA, and that LCWA is made aware of all liabilities.

BOMP is working to obtain approval of the Bank Enabling Instrument (BEI) as early as May, so it is urgent that LCWA obtain appropriate legal counsel before the BEI is completed.

FISCAL: Funding will be allocated from the *Option Agreement*, dated September 2, 2016, Item 12. Consideration; in the amount of \$300,000. The term and amount will be determined after negotiations are finalized with the selected firm for legal counsel services.

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RESOLUTION 2019 - 06

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORIZING THE EXECUTIVE OFFICER TO REQUEST AND NEGOTIATE FOR LEGAL COUNSEL SERVICES RELATED TO THE UPPER LOS CERRITOS WETLANDS MITIGATION BANK AND ASSOCIATED SERVICES

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, this action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); 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 2, 2019.
4. AUTHORIZES the Executive Officer to request and negotiate for legal counsel services related to the Upper Los Cerritos Wetlands Mitigation Bank and associated services.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY on May 2, 2019

Sam Schuchat, Chair

ATTEST:

David Edsall, Jr.
Deputy Attorney General