

NOTICE OF PUBLIC MEETING
The public meeting of the
Los Cerritos Wetlands Authority (LCWA)
will be held on

Thursday, November 5, 2020
at
12:30pm

Per Executive Order N-29-20, Paragraph 3, issued by California Governor Gavin Newsom on March 17, 2020 and related to the State of Emergency declared as a result of the COVID-19 virus, LCWA board meetings will be temporarily conducted remotely via the below access information. Anybody needing assistance accessing the meeting should contact LCWA Board Secretary Dena Williams at dwilliams@wca.ca.gov or at 626-815-1019 x 116.

At the following location:

TELECONFERENCE MEETING VIA ZOOM

ADDRESS:

<https://us02web.zoom.us/j/82396413191?pwd=MXFHytQaUdGeVR4YlpXSvR6YnB1UT09>

Or by phone at 1-669-900-9128
Meeting ID: 823 9641 3191
Passcode: 953048

AGENDA

1. Call to Order
2. Roll Call
3. Public Comment

*A maximum of one (1) hour has been set aside for all public comment and testimony, for items both on the agenda and not on the agenda. All such public comment will occur at the top of the meeting after the roll call is taken, and no further public comment will be taken after the public comment period has closed unless allowed at the discretion of the Chair. Individuals wishing to comment are encouraged to fill out this [online comment card](#) for the official record on or before **November 4, 2020 by 4:00pm**. Individuals may elect to have their comments read by the Chair during the meeting or to be read themselves. Public comment can also be requested and made during the meeting by virtual means or phone. Although not required, in order to facilitate an orderly remote meeting, it is helpful to let the LCWA Board Secretary know in advance if you would like to make a public comment. Individuals representing themselves will be allowed two (2) minutes to speak, and representatives of organizations/agencies will be allowed three (3) minutes to speak. Speaker time may be reduced depending on the number of speakers. No questions shall be posed to any member of the body except through the presiding official of the meeting, members of the Board are under no obligation to respond to questions posed by speakers but may provide brief clarifying responses to any comment made or questions posed.*

4. Chair's Report
5. Approval of the Minutes, September 24, 2020.

Consent Calendar

6. Consideration of resolution authorizing an extension to the Memorandum of Agreement for the Los Cerritos Wetlands Stewardship Program with the Los Cerritos Wetlands Land Trust.
7. Consideration of resolution authorizing an extension to the Memorandum of Agreement for the Los Cerritos Wetlands Stewardship Program with the El Dorado Audubon.
8. Consideration of resolution authorizing an extension to the Memorandum of Agreement for Los Cerritos Wetlands Stewardship Program with the Aquarium of the Pacific.

Regular Calendar

9. Status Report on Work Plan Implementation
 - a. Land Management Update
 - b. Los Cerritos Wetlands Stewardship Program Coordinator Update
 - c. Homeless Relocation Program Update
 - d. Expenditures Report
10. Consideration of a resolution certifying the Final Program Environmental Impact Report prepared for the Los Cerritos Wetlands Restoration Plan and adopting Findings and Facts, Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act (State Clearinghouse No. 2019039050)
11. Consideration of a resolution to negotiate and award a contract to Moffat & Nichol for the Southern Los Cerritos Wetlands Restoration Project – 65% Design and Environmental Compliance
12. Closed Session: Pursuant to Government Code section 54956.8, LCWA may hold a closed session to consider the Draft Appraisal Report and the Draft Land Transfer Agreement, and related items, between Los Cerritos Wetlands Authority and Los Cerritos Wetlands, LLC for the APN 7237-019-809; 7237-017-010 thru 014; 018; 019; LCWA Negotiators: Mark Stanley and Property Owner Negotiator: John McKeown and Michael Di Sano. Under Consideration: Price and Terms.
13. Closed Session: Pursuant to Government Code section 54956.8, LCWA may hold a closed session to consider the Draft Appraisal Report and the Draft Purchase and Sale Agreement between Los Cerritos Wetlands Authority and Bryant Dakin LLC for the APN 7237-020-053; 054; LCWA Negotiators: Mark Stanley and Property Owner Negotiator: Steve Bryant and Kevin Brazil. Under Consideration: Price and Terms.
14. Closed Session: Pursuant to Government Code section 54956.9(d)(1), LCWA may hold a closed session to discuss the matter of *Puvunga Wetlands Protectors v. California Coastal Commission, et al.*, Los Angeles Superior Court Case No. 19STCP00435.
15. Oral Communications
 - a. Statements, responses, questions or directions to staff pursuant to Section 54954.2(a) of the Government Code.
 - b. Future agenda items.
16. Adjournment upon completion of business.

Public participation is welcome on any agenda item. Members of the public wishing to address the Governing Body on any item should address the Chair. For the time in which meetings are being conducted remotely, members of the public are encouraged to either fill out the above-linked online comment card the day before, or to contact the LCWA Staff in advance if they plan to make a public comment during the meeting (although this is not required) in order to help facilitate an orderly meeting. Please reach out to Dena Williams, Board Secretary at dwilliams@wca.ca.gov or at 626-815-1019 x 116.

During the meeting the Governing Board may hold a closed session on any item pursuant to Government Code sections 54956.8 and 54956.9. Members of the public wishing to address the Governing Body on any item should address the President of the Authority in advance of the meeting. Questions about the agenda items should be addressed to Mark Stanley, Executive Officer at (626) 815-1019 ext 100.

Note: In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in the meeting, including auxiliary aids or services, please contact Dena Williams, Board Secretary at dwilliams@wca.ca.gov or at (626) 815-1019 ext 116 at least 3 days prior to the meeting.

**MINUTES
LOS CERRITOS WETLANDS AUTHORITY (LCWA)
BOARD MEETING
September 24, 2020**

The meeting was held via Zoom.us. The meeting was called to order by Chair Sam Schuchat at approximately 12:32 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL**

MEMBERS PRESENT:

Mr. Roberto Uranga
Mr. Sam Schuchat
Ms. Suzie Price
Mr. Joe Kalmick

MEMBERS ABSENT:

STAFF PRESENT:

Mark Stanley, Executive Officer
Dena Williams, Board Secretary
Salian Garcia, Fiscal Manager
Sally Gee, Project Manager
David Edsall, Jr., Deputy Attorney General

3. PUBLIC COMMENT

Anna Christensen stated that she was representing "Citizens for Breathable Air" where they have had to fight since 2017 against the pollution in the area that the community has had to leave their windows and doors closed and believe that it is coming from the Beach Oil Mineral's field. She is asking for help from the LCWA with monitoring the area of Marina Pacifica and the pollution problem.

Ann Cantrell read aloud the LCWA's mission statement. Ms. Cantrell stated that she sees nothing in the mission statement that says you must protect oil production in the wetlands. Ms. Cantrell stated that she feels oil production is more important than the restoration and it's not too late for LCWA to abide by their mission statement and just say no to oil.

Patricia McPherson stated that she is the president of "Grassroots Coalition" and her comments are regarding wetlands across California. Ms. McPherson stated that there is a good deal of corrosion in the wells according to the Gas Co which is unhealthy, unproductive to the habitat that does remain in the freshwater wetlands.

Leslie Purcell stated that the Zoom meeting she just left was discussing the importance of wetlands and how much more important they are today to mitigate climate change and

absorb storm and sea level rise. Ms. Purcell also stated that we should carefully think about altering wetlands that may not be beneficial.

4. CHAIR'S REPORT

The Chair stated that the Legislative session ended without reviewing the Resources Bond but he believes that there will be work continued once the legislature is back in session.

5. APPROVAL OF MINUTES

One set of minutes for Board Meeting from May 7, 2020. There were no objections.

Minutes were passed.

REGULAR CALENDAR

6. STATUS REPORT ON WORK PLAN IMPLEMENTATION

A. LAND MANAGEMENT UPDATE

Eric Zahn stated that he wanted to update everyone on a project that was just completed adjacent to the Orange County retention basin. There were some impacts to existing habitats and the Coastal Commission made it a condition of the permit for Orange County to restore, as mitigation, 1.43 acres of habitat. The authority partnered with Orange County to implement this mitigation project starting in November of 2014 and the target was to see that the mudflat scrub reached a 70% cover of native plants. The project was supposed to be completed in 5 years and it is now 2020 but it has successfully met its performance standards which is a great achievement.

Marcello Ceballos stated that on the OTD parcel the gates, trails and fences are in good shape, there is a homeless encampment in the southeast corner of the property that has trash and debris present with no tent but still needs to be cleaned up.

Mr. Ceballos stated that on the Zedler Marsh property, gates and trails are good, there was a fence breach that has been repaired and there are no homeless encampments on the property.

Mr. Ceballos stated that on the State lands parcel staff conducted trail maintenance in May and additional trail maintenance may be required once stewardship programs resume to ensure visitor safety. Mr. Ceballos also mentioned that there was a small 0.2 acre fire on this property that was quickly extinguished.

Mr. Ceballos stated that on the Hellman property Tidal Influence staff conducted trail maintenance along portions of the trail system to allow access for staff and maintenance activities and additional trail maintenance will be conducted throughout the trails system once stewardship programs resume. Mr. Ceballos mentioned that non-native vegetation is growing along the southwestern portion of the property adjacent to a neighborhood and staff will work to have the vegetation removed in the coming months.

Mr. Ceballos stated that on the Bryant Lease property all of the locks and chains for the gates along the levee have been removed and all gates are open and it is recommended that LCWA staff meet with LA County to determine a new approach to securing this property and it is also recommended to adjust the fence line location to provide a thoroughfare along the levy path. Mr. Ceballos also mentioned that a large rubble pile consisting of asphalt, concrete, and metal have been dumped near the entrance gate to the LCWA's Bryant west property which is located on property currently owned by the Bryant's. Mr. Ceballos stated that staff will track the progress of the clean up effort and assess the site for impacts once the clean ups are complete, dry branches have been observed around the site's trails- Tidal Influence staff will repurpose when possible. Mr. Ceballos concluded with that there is a fence line breach and there are new homeless encampments on this property and recommends LCWA's Homeless contractor work to remediate this encampment in the coming months to discourage additional encampments from establishing.

Chair Schuchat asked what covid protocols are you using for field work. Marcelo answered that they are not really doing any group work, but, always have face coverings, are keeping a 10 foot distance from each other and have also set up sanitizing and washing stations on the property.

Mark Stanley stated that AB1788 is on the Governor's desk and was introduced by Assemblymember Bloom, co-authored by Assemblymember Friedman and Senator Stern and it is to reduce the effects of anti-coagulants of unattended species in an effort to keep them from moving upstream.

Mr. Stanley also mentioned that the RMC just released it's new grant program, Prop 68 funding, which is for the entire region that includes Los Cerritos Wetlands, it also includes small grants and very small grants and proposals will be due by December 15, 2020.

Mr. Stanley stated that the Governor issued an executive order that moves the state toward the use of electric vehicles which also impacts the use of oil and he encouraged board members to seek more information

B. LOS CERRITOS WETLANDS STEWARDSHIP PROGRAM COORDINATOR UPDATE

Eric Zahn stated that for obvious reasons they have not gathered in groups on any of the properties since March. Mr. Zahn also stated that there have been many inquiries about allowing volunteers back to the properties and LCWA staff has been working with partners to see when programs can be reinvigorated and can re-open the trails safely.

Mr. Zahn mentioned that a very eager volunteer noticed that there was a large amount of trash on Zedler Marsh and he was the only one allowed with supervision on the property to pick up trash and did an incredible job.

C. HOMELESS RELOCATION PROGRAM UPDATE

Lenny Arkinstall stated that he's really made an effort this year to make a difference with the homeless and on all of the wetlands it is all one group involved with homelessness.

Mr. Arkinstall also stated that with the Long Beach Police Department they have done outreach, cleaned the site and continue to move encampments offsite and folks move back in. Mr. Arkinstall called the county and they told him that's the way it is and we are not going to do anything.

Mr. Arkinstall stated that he and his team of volunteers want to do something because they want to protect the wetlands.

Mr. Arkinstall concluded with a big thank you to Councilwoman Price and Commander O'Dowd for fighting to keep this program alive so that we can keep our wetlands clean and safe.

Anna Christensen stated that there was an effort that was made a while back concerning some trailers and vehicles broken into by homeless folks that are parked in the Lyons property near the pumpkin patch and she would like the City of Long Beach to work on having them removed before the Halloween season.

D. LCWA RESTORATION PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT UPDATE

Sally Gee stated that there needed to be a correction to the staff report that stated that the PEIR was released in September and in fact it was not released but will be released for review in October and it will be brought before the board in November.

Sally also stated that a request for proposals will be released soon for the Southern area for Restoration Planning Project. There were no questions.

E. EXPENDITURES REPORT

Salian Garcia gave a brief synopsis of the FY 2019/2020 budget and summarized the Expenditures and Revenues as of September 1, 2020.

Chair Schuchat asked if due to Covid-19 if reimbursements were moving appropriately. Salian answered with at the onset of stay at home mandates everything pretty much got delayed, but have picked up pace with docusign in place now and being able to email documents.

Ann Cantrell asked about the Tarplant Mitigation services and wanted to know where it was occurring and why. David Edsall said that it is the discretion of the Chair whether he wants to answer a question from the public. Chair Schuchat asked Ms. Cantrell if she would talk to Salian offline about this issue as he did not have the answer for her.

7. CONSIDERATION OF A RESOLUTION AWARDING A CONTRACT TO TIDAL INFLUENCE FOR LAND MANAGEMENT, CONTRACT AND GRANT MANAGEMENT, AND COORDINATION AND IMPLEMENTATION OF THE LOS CERRITOS WETLANDS STEWARDSHIP PROGRAM AND RESTORATION PLANS.

Sally Gee stated that LCWA released a Request for Proposal August 8, 2020 for qualified firms to provide consultant services related to Land Management, Contract and Grant Management, and Coordination and Implementation of the Los Cerritos Wetlands Stewardship Program and Restoration Plans within the Los Cerritos Wetlands Complex (LCW).

Ms. Gee stated that only one firm emailed their proposal which was Tidal Influence and after review by a team with representatives from the Rivers and Mountains Conservancy and the State Coastal Conservancy, Tidal Influence's proposal, received a score of 94.6/100 (Exhibit B), and staff recommends awarding a three-year contract to Tidal Influence, commencing Oct 1, 2020 through September 30, 2023, with two options for 1 year extensions of the contract.

Anna Christensen stated she opposes this contract due to it not being a restoration plan but that it is an erase and replace plan and it should not be awarded to any consultant due to it not being of good use of funding.

Patricia McPherson stated that she agrees with the statements that Anna just made and thinks that monies should be kept in check until issues have been resolved with the lawsuit that is in place.

Vice Chair Price motioned to approve. Board Member Uranga seconded the motion. Board Voted: 4 Ayes, 0 Nays, 0 Abstentions. This item passed.

8. CONSIDERATION OF A RESOLUTION TO RECEIVE AND FILE THE FY 19/20 AUDIT REPORT.

Salian Garcia stated that total revenues increased by 4.57% or \$27,625 to \$632,526 primarily due to an increase in program and grants, especially state revenue, total expenses increased 23.58% or \$137,028 to \$718,180 primarily due to an increase in consulting and grant management expenditures from the prior year.

Ms. Garcia also stated that Capital assets amount to \$11,000,000 with no change from the previous fiscal year, no material weaknesses or deficiencies in internal control were found or identified and no findings noted in the current fiscal year.

Board Member Kalmick motioned to receive and file. Vice Chair Price seconded the motion. Board Voted: 4 ayes, 0 Nays, 0 Abstentions. Item is received and filed.

9. CONSIDERATION OF A RESOLUTION ADOPTING THE FY 20/21/ BUDGET.

Salian Garcia stated that the attached Consolidated Budget for Fiscal Year (FY) 20/21 (Exhibit A) includes three revenues and expenditure components which are Administration, Operational, and Capital Outlay.

Ms. Garcia also stated that the total budgeted revenue for FY 20/21 is \$481,679 and expenditures are balanced with revenues. The total revenues for FY 20/21 have decreased by \$1,183,921 from budgeted FY 19/20 revenues of \$1,665,600 primarily due to the unplanned loss of an acquisition and several contracts scheduled to end by December 2020, offset with increased lease revenue.

Ms. Garcia concluded with that the expenses under general administrative costs include website maintenance and annual audit services with the City of Long Beach, Operational expenses consist of the LCWASP and Property Management expenditures, and the Capital Outlay budget is in the amount of \$304,207.

There were no questions from the Board.

Elliott Gonzalez asked how is it possible to have budget shortfalls if LCWA receives funds from the oil companies and other agencies who were supposedly going to provide everything the authority needed for the extensive and elaborate project that is going to happen and just wanted to know where all of the money that Anna Christensen was talking about and is it going to be in next year's budget.

Anna Christensen stated that LCWA needs to pay attention on what is going on around us and that we should budget more money to protect what we have and less money to change it up to create a salt marsh.

Board Member Uranga motioned to approve. Vice Chair Price seconded the motion. Board Voted: 4 Ayes, 0 Nays, 0 Abstentions. This item passed.

10. **CLOSED SESION: PURSUANT TO GOVERNMENT CODE SECTION 54956.8, LCWA MAY HOLD A CLOSED SESSION TO CONSIDER THE DRAFT APPRAISAL REPORT AND THE DRAFT LAND SWAP AGREEMENT BETWEEN LOS CERRITOS WETLANDS AUTHORITY AND LOS CERRITOS WETLANDS, LLC FOR THE APN 7237-019-809; 7237-017-010 THRU 014; 018; 019; LCWA NEGOTIATORS: MARKSTANLEY AND PROPERTY OWNER NEGOTIATOR: JOHN MCKEOWN AND MICHAEL DI SANO. UNDER CONSIDERATION: PRICE AND TERMS.**
11. **CLOSED SESSION: PURSUANT TO GOVERNMENT CODE SECTION 54956.8, LCWA MAY HOLD A CLOSED SESSION TO CONSIDER THE DRAFT APPRAISAL REPORT AND THE DRAFT PURCHASE AND SALE AGREEMENT BETWEEN LOS CERRITOS WETLANDS AUTHORITY AND BRYANT DAKIN LLC FOR THE APN 7237-020-053;054; LCWA NEGOTIATORS: MARK STANLEY AND PROPERTY OWNER NEGOTIATOR: STEVE BRYANT AND KEVIN BRAZIL. UNDER CONSIDERATION: PRICE AND TERMS.**
12. **CLOSED SESSION: PURSUANT TO GOVERNMENT CODE SECTION 54956.8(D)(1), LCWA MAY HOLD A CLOSED SESSION TO DISCUSS THE MATTER OF *PUVUNGA WETLANDS PROTECTORS V. CALIFORNIA COASTAL COMMISSION, ET AL.*, LOS ANGELES SUPERIOR COURT CASE NO. 19STCP00435.**

Closed Session began at approximately 1:51 pm and ended approximately at 2:55 pm. The Board received information and advice and provided direction.

13. ORAL COMMUNICATIONS

**A. STATEMENTS, RESPONSES, QUESTIONS OR DIRECTIONS TO STAFF
PURSUANT TO SECTION 54954.2(A) OF THE GOVERNMENT CODE.**

Next meeting will be November 7th 2020.

B. FUTURE AGENDA ITEMS

14. ADJOURNMENT UPON COMPLETION OF BUSINESS

Chair Schuchat adjourned the meeting at approximately 2:57 p.m.

X

Sam Schuchat
Chair

X

Dena Williams
Board Secretary

Los Cerritos Wetlands Authority

Date: November 5, 2020

To: Governing Board Members

From: Sally Gee, Project Manager

Through: Mark Stanley, Executive Officer

Subject: Item 6: Consideration of a resolution authorizing an extension to the Memorandum of Agreement for the Los Cerritos Wetland Stewardship Program with the Los Cerritos Wetlands Land Trust

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) authorize an extension to the Memorandum of Agreement for the Los Cerritos Wetland Stewardship Program with the Los Cerritos Wetlands Land Trust.

PROJECT DESCRIPTION: The LCWA entered into a Memorandum of Agreement (MOA) with the Los Cerritos Wetlands Land Trust (LCWLT) in 2012 and amended in 2016 to implement the Los Cerritos Wetlands Stewardship Program (LCWSP). The term of the agreement is expiring on December 31, 2020. This resolution would extend the current agreement to February 28, 2021 (Exhibit A), which would allow enough time to coordinate an amendment to the MOA to consider a long-term agreement between the LCWA and LCWLT to continue implementation of the LCWSP. The LCWLT is highly qualified to provide such services including organizing and engaging the community, distributing information for habitat restoration events to the public at-large, and are leaders who represent the LCWSP.

BACKGROUND: The LCWLT has successfully implemented the Los Cerritos Wetlands Stewardship Program (LCWSP) by engaging the community, leverage funding for the LCWSP and providing services for public tour/nature walks since 2012.

The LCWA continues to work with local non-profit groups to develop and implement the LCWSP through MOAs. These MOAs are highly beneficial for allowing public access into the Los Cerritos Wetlands and the public becoming active participates in stewardship activities. Without the MOAs, the LCWA does not have staff to administer, manage and implement a public program or sufficient time to allow public access into the Los Cerritos Wetlands. These non-profits continue to successfully implement the goals of the LCWSP, including, promoting community involvement through environmental education, maintenance, restoration, and monitoring of the wetlands.

In addition, these non-profits which manage the MOAs have abided to the LCWA set conditions for administration, which are: 1) any public events must be consistent with all applicable access agreements, 2) the MOAs will be at no cost to the LCWA, 3) the MOAs must meet all insurance and liability provisions that may be recommended by the LCWA legal counsel and 4) the entity has a proven ability to render such services.

FISCAL: This MOA will not incur any costs to the LCWA and LCWSP. The LCWLT is responsible for providing for itself any equipment needed for stewardship or educational purposes.

Exhibit A

MEMORANDUM OF AGREEMENT

LOS CERRITOS WETLANDS LAND TRUST

AND

THE LOS CERRITOS WETLANDS AUTHORITY

AMENDMENT THREE

WHEREAS the Los Cerritos Wetlands Land Trust of Long Beach and Seal Beach (LCWLT) is a non-profit organization incorporated under the laws of the State of California for the specific purposes for which LCWLT is organized include, but are not limited to: the preservation of the Los Cerritos Wetlands and associated watershed for scientific, historic, educational, ecological, recreational, scenic or open space opportunities with the intent of increasing wetland biodiversity and environmental quality; and

WHEREAS the LCWLT engages in community education activities, including tours of the property owned by the Los Cerritos Wetlands Authority (LCWA), to inform groups and individuals about the value of the Los Cerritos Wetlands ecosystem, and participates in clean-up and other restoration measures involving the public; and

WHEREAS the LCWA was established as a joint powers authority formed by San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC), State Coastal Conservancy (SCC), City of Long Beach (CLB) and City of Seal Beach (CSB) to provide for a comprehensive program of acquisition, protection, conservation, restoration, maintenance, and operation and environmental enhancement of the Los Cerritos Wetlands area consistent with the goals of flood protection, habitat protection and restoration, and improved water supply, water quality, groundwater recharge and water conservation; and

Whereas, the LCWA adopted the Los Cerritos Wetlands Stewardship Program (LCWSP) on December 14, 2011 to promote community involvement with environmental education, maintenance, restoration, and monitoring of the wetland areas owned by the LCWA; and

Whereas, this Memorandum of Agreement (MOA) provides the LCWLT with the authorization to enter into all LCWA properties in order for the LCWLT to conduct and implement the LCWSP. Further the LCWLT has provided the LCWA with all the necessary insurance and liability provisions as recommended by legal counsel; and

Whereas, the LCWLT has provided a Regular Scheduled Activities which includes a complete list of opportunities the public can participate and more importantly indicates the dates and times the LCWLT will be accessing LCWA properties. Also the LCWLT continues to update their online calendar <http://lcwlandtrust.org/>; and

Whereas, the LCWLT obtained the necessary easements, access, and rights of entry for entering into all the necessary properties to conduct their programs; and

Whereas, the LCWLT and the LCWA (hereinafter referred collectively as the “Parties”) have a mutual interest in the implementation of the LCWSP which will promote and provide leadership in conservation and educate its members and the community so they may appreciate wetland habitat conservation and become stewards of the Los Cerritos Wetlands; and

NOW THEREFORE the Parties, each acting through duly authorized officers, enter into the following Memorandum of Agreement:

I. IT IS MUTUALLY AGREED:

- A. Parties agree to this MOA and are authorized to enter into this MOA for implementation of the Los Cerritos Wetlands Stewardship Program.
- B. LCWLT has provided the LCWA with all the necessary insurance and liability provisions as recommended by legal counsel which includes: the LCWLT shall continuously maintain a comprehensive general liability insurance policy with at least \$1,000,000 per claim and \$1,000,000 aggregate, which shall name the LCWA, its officers, board members, employees, representatives and agents as additional insured. Such comprehensive general liability insurance shall insure against any claims arising out of or associated with the LCWLT’s operation and use of the LCWA properties, including but not limited, to claims for personal injury, death, and damage to real or personal property.
- C. The Parties agree to send a representative to the quarterly LCW Partners Meeting and attend the LCWA Board Meetings and to provide updates on their ongoing public programs. In addition, the parties to agree to provide updates at each of the quarterly LCWA Board Meetings with written and oral reports.
- D. The Parties agree all inquiries, authorizations and permissions to enter LCWA properties can only be granted by the LCWA Stewardship Coordinator and LCWA Property Manager in compliance with the LCWSP. The LCWLT does not have the authority to grant permission to a third party to enter and use the LCWA properties.
- E. The Parties agree that all work contemplated under this agreement must be consistent with the terms of the LCWA joint powers agreement, LCWSP and the bylaws established by the LCWLT. Should there be any conflicts between the terms and conditions of the LCWA joint powers agreement, LCWSP and the bylaws established by the LCWLT, the terms and conditions of the LCWA joint powers agreement shall control first, then the LCWSP, followed by the MOA and then the LCWLT bylaws.
- F. The term of the MOA shall be extended through February 28, 2021.
- G. No alteration or variation of the terms of this MOA shall be valid unless made in a written amendment to this MOA and signed by the parties hereto and no oral understanding or agreement incorporated herein shall be binding on any of the parties hereto.

- H. Coordination and communications between the LCWLT and LCWA will be clear, concise and consistent in order to effectively implement the LCWSP and avoid conflicts of scheduled tours, educational programs and other uses of the site. LCWLT and LCWA Stewardship Coordinator will communicate (email, voicemail or written notification) on a weekly basis or when necessary on upcoming events. This information will be mutually shared with El Dorado Audubon and the Aquarium of the Pacific and other local organizations or individuals wishing to access the LCWA properties and all communications will be conducted via the LCWA Stewardship Coordinator, first.
- I. Neither the LCWA nor any officer, agent or consultant thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by the LCWLT under or in connection with any work, authority or jurisdiction conferred upon the LCWLT and arising under this MOA. It is understood and agreed that the LCWLT shall fully defend, indemnify and save harmless the LCWA and all its officers, agent or consultant from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by the LCWLT under this MOA.
- J. Neither the LCWLT nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by the LCWA under or in connection with any work, authority or jurisdiction conferred upon by the LCWA and arising under this Agreement. It is understood and agreed that LCWA shall fully defend, indemnify and save harmless the LCWLT and all its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by the LCWA under this MOA.

II. Responsibilities of the Parties

A. Los Cerritos Wetlands Land Trust:

1. The LCWLT can pursue funding from state, federal and local grants and from private funding sources, which will contribute to community-based restoration programs with opportunities for public participation and foster stewardship of the Los Cerritos Wetlands and will fully implement the LCWSP. Further, the LCWA will provide the LCWLT with the necessary Letters of Commitment and Support for any funds grants submitted.
2. The LCWLT will act as the fiscal agent and administer grants if awarded with a provision the LCWA Project Manager will have oversight and final decisions for management of all grants awarded. Quarterly Reports/Expenditures, Invoices, changes to the Work Program, Schedule and Budget will require review by the LCWLT Project Manager assigned to administer the grant and the LCWA Project Manager must agree all parties have reviewed the appropriate documents it will require final approval by the LCWA Project Manager before submitting any documents to the Granting Agency.

3. LCWLT must retain all books, documents, papers, accounting records, and other evidence pertaining to costs incurred, including support data for cost proposals, and make such materials available to the LCWA at all reasonable times during the life of this MOA. LCWA or any duly authorized representative of the joint powers authority shall have access to any books, records, and documents of the LCWLT that are pertinent to this MOA for audits, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested.
4. The LCWLT will develop a work program that is consistent with the LCWSP within 30 days of grants awarded. The work program will require final approval by the LCWA Project Manager before submitting to the Granting Agency.
5. Update the LCWLT website and online calendar at <http://www.lcmlandtrust.org/index.html> in order to publicize all LCWA and LCWLT upcoming public events.
6. Perform all work in accordance with all policies, procedures, practices, and standards per the LCWA by-laws.
7. Will obtain prior approval of the LCWA for any educational tours or stewardship activities, including tour leaders and their credentials.
8. Ensure the safety of all volunteers involved with the LCWSP and have all volunteers sign the attached Liability Waiver, every time volunteers access the LCWA properties. These liability waiver forms must be scanned and emailed to the LCWA Stewardship Coordinator and the LCWA Project Manager on a quarterly basis.
9. Coordinate with the LCWA Stewardship Coordinator on announcements of scheduled tours, educational programs and other uses of the site in order to avoid conflicting uses of the site.
10. Will undertake no stewardship activities without the supervision of an ecologist approved by the LCWA.
11. Will provide LCWA with any biological data or other information that might be revealed during activities.
12. Will not incur any costs to the LCWA and its Stewardship Program. Will be responsible for providing for itself any equipment needed for stewardship or educational purposes.

B. Los Cerritos Wetlands Authority:

1. Provide LCWLT with the necessary keys to enter the LCWA properties.
2. Provides in kind services through staff resources, operating costs, printing, postage, office supplies, rent and telephone services, not to exceed \$500 in value.
3. Coordinate with the LCWLT on announcements of scheduled tours, educational programs and other uses of the site in order to avoid conflicting uses of the site.

4. LCWSP will be updated and kept current as necessary additionally these updates will be distributed directly to the President of the LCWLT to allow for timely implementation of these updates in their program.
5. LCWA will apply and retain all necessary regulatory permits such as Coastal Development Permits and obtain right of entry permits for implementation of the Stewardship Program.
6. LCWA will provide oversight and final decisions for management of all grants awarded.

This Memorandum of Agreement constitutes the entire Agreement between Los Cerritos Wetlands Authority and the Los Cerritos Wetlands Land Trust and may be modified only by further written Agreement between the parties hereto.

For the Los Cerritos Wetlands Land Trust

Signed: _____

Date _____
John Fries, President

For the Los Cerritos Wetlands Authority

Signed: _____

Date _____
Samuel Schuchat, Chair

November 5, 2020 - Item 6

RESOLUTION 2020-05

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY (LCWA)
AUTHORIZING AN EXTENSION TO THE MEMORANDUM OF AGREEMENT
FOR THE LOS CERRITOS WETLANDS STEWARDSHIP PROGRAM
WITH THE LOS CERRITOS WETLANDS LAND TRUST

WHEREAS, the Los Cerritos Wetlands 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 will authorize an amendment to the Memorandum of Agreement with the Los Cerritos Wetlands Land Trust; and

WHEREAS, the LCWA has acquired certain properties which will require active stewardship; and

WHEREAS, the LCWA had adopted a Los Cerritos Wetlands Stewardship Program; 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 this action is consistent with the purposes and objectives of the LCWA.
2. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
3. ADOPTS staff report dated November 5, 2020.
4. AUTHORIZES an extension to the Memorandum of Agreement with the Los Cerritos Wetlands Land Trust to February 28, 2021.

~ End of Resolution ~

Passed and Adopted by the Board of the Los Cerritos Wetlands Authority
On November 5, 2020

Sam Schuchat, Board Chair

ATTEST: _____
Christina Bull Arndt
Deputy Attorney General

Los Cerritos Wetlands Authority

Date: November 5, 2020

To: Governing Board Members

From: Sally Gee, Project Manager

Through: Mark Stanley, Executive Officer

Subject: Item 7: Consideration of a resolution authorizing an extension to the Memorandum of Agreement for the Los Cerritos Wetland Stewardship Program with the El Dorado Audubon

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) authorize an extension to the Memorandum of Agreement for the Los Cerritos Wetland Stewardship Program with the El Dorado Audubon.

PROJECT DESCRIPTION: The LCWA entered into a Memorandum of Agreement (MOA) with the El Dorado Audubon (Audubon) in 2012 and amended in 2016 to implement the Los Cerritos Wetlands Stewardship Program (LCWSP). The term of the agreement is expiring on December 30, 2020. This resolution would extend the current agreement to February 28, 2021 (Exhibit A), which would allow enough time to coordinate an amendment to the MOA to consider a long-term agreement between the LCWA and the Audubon to continue implementation of the LCWSP. The Audubon is highly qualified to provide such services including organizing and engaging the community, distributing information for habitat restoration events to the public at-large, and are leaders who represent the LCWSP.

BACKGROUND: The Audubon has successfully implemented the Los Cerritos Wetlands Stewardship Program (LCWSP) by engaging the community, leverage funding for the LCWSP and providing services for bird walks since 2012.

The LCWA continues to work with local non-profit groups to develop and implement the LCWSP through MOAs. These MOAs are highly beneficial for allowing public access into the Los Cerritos Wetlands and the public becoming active participates in stewardship activities. Without the MOAs, the LCWA does not have staff to administer, manage and implement a public program or sufficient time to allow public access into the Los Cerritos Wetlands. These non-profits continue to successfully implement the goals of the LCWSP, including, promoting community involvement through environmental education, maintenance, restoration, and monitoring of the wetlands.

In addition, these non-profits which manage the MOAs have abided to the LCWA set conditions for administration, which are: 1) any public events must be consistent with all applicable access agreements, 2) the MOAs will be at no cost to the LCWA, 3) the MOAs must meet all insurance and liability provisions that may be recommended by the LCWA legal counsel and 4) the entity has a proven ability to render such services.

FISCAL: This MOA will not incur any costs to the LCWA and LCWSP. The Audubon is responsible for providing for itself any equipment needed for stewardship or educational purposes.

Exhibit A

MEMORANDUM OF AGREEMENT

EL DORADO AUDUBON

AND

LOS CERRITOS WETLANDS AUTHORITY

AMENDMENT THREE

Whereas, The El Dorado Audubon was established as a California Chapter of the National Audubon Society for the conservation of native birds and their habitats, provide leadership in conservation and educates its members and the community so they may appreciate birds and participate in the society's conservation efforts; and

Whereas, The Los Cerritos Wetlands Authority (LCWA) was established as a joint powers authority formed by San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC), State Coastal Conservancy (SCC), City of Long Beach (LBC) and City of Seal Beach (SBC) to provide for a comprehensive program of acquisition, protection, conservation, restoration, maintenance and operation and environmental enhancement of the Los Cerritos Wetlands area consistent with the goals of flood protection, habitat protection and restoration, and improved water supply, water quality, groundwater recharge and water conservation; and

Whereas, the LCWA adopted the Los Cerritos Wetlands Stewardship Program (LCWSP) on December 14, 2011 to promote community involvement with environmental education, maintenance, restoration, and monitoring of the wetland areas owned by the LCWA; and

Whereas, this Memorandum of Agreement (MOA) provides El Dorado Audubon with the authorization to enter into all LCWA properties in order for El Dorado Audubon to conduct and implement the LCWSP. Further El Dorado Audubon is a named insured on the LCWA liability insurance policy; and

Whereas, El Dorado Audubon has obtained the necessary rights of entry for entering into all the necessary properties to conduct their program; and

Whereas, El Dorado Audubon and the LCWA (hereinafter referred collectively as the "Parties") have a mutual interest in the implementation of the LCWSP which will promote and provide leadership in conservation and educate its members and the community so they may appreciate wetland habitat conservation and become stewards of the Los Cerritos Wetlands; and

NOW THEREFORE the Parties, each acting through duly authorized officers, enter into the following Memorandum of Agreement:

I. IT IS MUTUALLY AGREED:

- A. The Parties agree to this MOA and are authorized to enter into this MOA for implementation of the Los Cerritos Wetlands Stewardship Program.

- B. The Parties agree to send a representative to the quarterly LCW Partners Meeting and attend the LCWA Board Meetings and to provide updates on their ongoing public programs. In addition, the parties to agree to provide updates at each of the quarterly LCWA Board Meetings with written and oral reports.
- C. The Parties agree all inquiries, authorizations and permissions to enter LCWA properties can only be granted by the LCWA Stewardship Coordinator and the LCWA Project Manager in compliance with the LCWSP. El Dorado Audubon does not have the authority to grant permission to a third party to enter and use the LCWA properties.
- D. The Parties agree that all work contemplated under this agreement must be consistent with the terms of the LCWA joint powers agreement, LCWSP and the bylaws established by El Dorado Audubon. Should there be any conflicts between the terms and conditions of the LCWA joint powers agreement, LCWSP and the bylaws established by El Dorado Audubon, the terms and conditions of the LCWA joint powers agreement shall control first, then the LCWSP, followed by the MOA and then El Dorado Audubon bylaws.
- E. The term of the MOA shall be extended through February 28, 2021.
- F. No alteration or variation of the terms of this MOA shall be valid unless made in a written amendment to this MOA and signed by the parties hereto and no oral understanding or agreement incorporated herein shall be binding on any of the parties hereto.
- G. Coordination and communications between El Dorado Audubon and LCWA will be clear, concise and consistent in order to effectively implement the LCWSP and avoid conflicts of scheduled tours, educational programs and other uses of the site. El Dorado Audubon and LCWA Stewardship Program Coordinator will communicate (email, voicemail or written notification) at least 1 month in advance when necessary on upcoming events. This information will be mutually shared with all the LCWA Partners, including Los Cerritos Wetlands Land Trust (LCWLT), Aquarium of Pacific and other local organizations or individuals wishing to access the LCWA properties and all communications will be conducted via LCWA Project Manager first.
- H. Coordination and communications between El Dorado Audubon and LCWA for uses of the Los Cerritos Wetlands area will be monthly in order to avoid conflicts of scheduled tours, educational programs and other uses of the site.
- I. Neither the LCWA nor any officer, agent or consultant thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by El Dorado Audubon under or in connection with any work, authority or jurisdiction conferred upon El Dorado Audubon and arising under this MOA. It is understood and agreed El Dorado Audubon shall fully defend, indemnify and save harmless the LCWA and all its officers, agent or consultant from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by the El Dorado Audubon under this MOA.
- J. Neither El Dorado Audubon nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by the LCWA under or in connection with any work, authority or jurisdiction conferred upon by the LCWA and arising under this Agreement.

It is understood and agreed that LCWA shall fully defend, indemnify and save harmless El Dorado Audubon and all its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by the LCWA under this MOA.

II. Responsibilities of each of the Parties

A. El Dorado Audubon

1. El Dorado Audubon will develop a work program that is consistent with the LCWSP within 30 days if grants are awarded. The work program will require final sign-off by the LCWA Project Manager before submitting to the Granting Agency.
2. Update El Dorado Audubon website and online calendar at <http://eldoradoaudubon.org/events> to publicize all LCWA and El Dorado Audubon upcoming public events.
3. Ensure the safety of all volunteers involved with the LCWSP and have all volunteers sign the attached Liability Waiver, every time volunteers access the LCWA properties. These liability waiver forms must be provided to the LCWA Stewardship Coordinator and the LCWA Project Manager on a quarterly basis.
4. Coordinate with the LCWA Stewardship Coordinator on announcements of scheduled tours, educational programs and other uses of the site in order to avoid conflicting uses of the site at least 1-month in advance.
5. Perform all work in accordance with all policies, procedures, practices, and standards that the LCWA would normally follow.
6. El Dorado Audubon leaders have extensive experience and knowledge in bird identification and have collected data for Los Cerritos Wetlands tours since 2009. This data will be kept current and updated on e-Bird.
7. El Dorado Audubon must provide personal binoculars, computers, camera equipment and any other equipment necessary for the implementation of the Interim Stewardship Program. Provides in kind operating costs, printing, postage, office supplies, rent and telephone services.
8. Long-term goal to provide Audubon staff which is experienced and knowledgeable to be part of the comprehensive educational wetland programs to share the importance of wetlands and Los Cerritos Wetlands in particular with their and the community.
9. Will obtain prior approval of the LCWA for any educational tours or stewardship activities, including tour leaders and their credentials at least 1-month in advance of the events.

B. Los Cerritos Wetlands Authority

1. Provide El Dorado Audubon with the necessary keys to enter all LCWA properties.

2. Provides in kind operating costs, printing, postage, office supplies, rent and telephone services not to exceed \$500 in value.
3. Coordinate with the El Dorado Audubon on announcements of scheduled tours, educational programs and other uses of the site in order to avoid conflicting uses of the site.
4. Los Cerritos Wetlands Stewardship Program will be updated and kept current as necessary. Additionally, these updates will be distributed directly to the President and the Conservation Chair of El Dorado Audubon to allow for a timely implementation of these updates in their program.
5. Provide a link on the LCWA's website for El Dorado Audubon and a description of the organization in order to promote the stewardship work El Dorado Audubon does throughout southern California.
6. LCWA will apply and retain all necessary regulatory permits such as Coastal Development Permits and obtain right of entry permits for implementation of the Stewardship Program.
7. LCWA will provide oversight and final decisions for management of all grants awarded.
8. Will suggest activities suitable for the El Dorado Audubon when appropriate.

This Memorandum of Agreement constitutes the entire Agreement between Los Cerritos Wetlands Authority and El Dorado Audubon and may be modified only by further written Agreement between the parties hereto.

For the El Dorado Audubon

Signed: _____

Date _____
Mary Parsell, President

For the Los Cerritos Wetlands Authority

Signed: _____

Date _____
Samuel Schuchat, Chair

November 5, 2020 - Item 7

RESOLUTION 2020-06

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY (LCWA)
AUTHORIZING AN EXTENSION TO THE MEMORANDUM OF AGREEMENT
FOR THE LOS CERRITOS WETLANDS STEWARDSHIP PROGRAM
WITH THE EL DORADO AUDUBON

WHEREAS, the Los Cerritos Wetlands 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 will authorize an amendment to the Memorandum of Agreement with the El Dorado Audubon; and

WHEREAS, the LCWA has acquired certain properties which will require active stewardship; and

WHEREAS, the LCWA had adopted a Los Cerritos Wetlands Stewardship Program; 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 this action is consistent with the purposes and objectives of the LCWA.
2. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
3. ADOPTS staff report dated November 5, 2020.
4. AUTHORIZES an extension to the Memorandum of Agreement with the El Dorado Audubon to February 28, 2021.

~ End of Resolution ~

Passed and Adopted by the Board of the Los Cerritos Wetlands Authority
On November 5, 2020

Sam Schuchat, Board Chair

ATTEST: _____
Christina Bull Arndt
Deputy Attorney General

Los Cerritos Wetlands Authority

Date: November 5, 2020
To: Governing Board Members
From: Sally Gee, Project Manager
Through: Mark Stanley, Executive Officer
Subject: Item 8: Consideration of a resolution authorizing an extension to the Memorandum of Agreement for the Los Cerritos Wetland Stewardship Program with the Aquarium of the Pacific

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) authorize an extension to the Memorandum of Agreement for the Los Cerritos Wetland Stewardship Program with the Aquarium of the Pacific.

PROJECT DESCRIPTION: The LCWA entered into a Memorandum of Agreement (MOA) with the Aquarium of the Pacific (AOP) in 2013 and amended in 2016 to implement the Los Cerritos Wetlands Stewardship Program (LCWSP). The term of the agreement is expiring on December 31, 2020. This resolution would extend the current agreement to February 28, 2021 (Exhibit A), which would allow enough time to coordinate an amendment to the MOA to consider a long-term agreement between the LCWA and the AOP to continue implementation of the LCWSP. The AOP is highly qualified to provide such services including organizing and engaging the community, distributing information for habitat restoration events to the public at-large, and are leaders who represent the LCWSP.

BACKGROUND: The AOP has successfully implemented the Los Cerritos Wetlands Stewardship Program (LCWSP) by engaging the community, leverage funding for the LCWSP and providing services for sea turtle monitoring since 2013.

The LCWA continues to work with local non-profit groups to develop and implement the LCWSP through MOAs. These MOAs are highly beneficial for allowing public access into the Los Cerritos Wetlands and the public becoming active participates in stewardship activities. Without the MOAs, the LCWA does not have staff to administer, manage and implement a public program or sufficient time to allow public access into the Los Cerritos Wetlands. These non-profits continue to successfully implement the goals of the LCWSP, including, promoting community involvement through environmental education, maintenance, restoration, and monitoring of the wetlands.

In addition, these non-profits which manage the MOAs have abided to the LCWA set conditions for administration, which are: 1) any public events must be consistent with all applicable access agreements, 2) the MOAs will be at no cost to the LCWA, 3) the MOAs must meet all insurance and liability provisions that may be recommended by the LCWA legal counsel and 4) the entity has a proven ability to render such services.

FISCAL: This MOA will not incur any costs to the LCWA and LCWSP. The AOP is responsible for providing for itself any equipment needed for stewardship or educational purposes.

Exhibit A

MEMORANDUM OF AGREEMENT

AQUARIUM OF THE PACIFIC

AND

THE LOS CERRITOS WETLANDS AUTHORITY

AMENDMENT THREE

WHEREAS the Aquarium of the Pacific (hereinafter referred to as the Aquarium) is a non-profit organization with a mission to instill a sense of wonder, respect, and stewardship for the Pacific Ocean, its inhabitants, and ecosystems and a vision to create an aquarium dedicated to conserving and building Natural Capital (Nature and Nature's services) by building Social Capital (the interactions between and among peoples).

WHEREAS the Aquarium coordinates and conducts the Sea Turtle Monitoring Citizen Science Program (see attached) in partnership with the Los Cerritos Wetlands Authority (LCWA), Tidal Influence, California State University, Long Beach, and NOAA Fisheries on the property owned by the LCWA: and

WHEREAS the LCWA was established as a joint powers authority formed by San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC), State Coastal Conservancy (SCC), City of Long Beach (LBC) and City of Seal Beach (SBC) to provide for a comprehensive program of acquisition, protection, conservation, restoration, maintenance, and operation and environmental enhancement of the Los Cerritos Wetlands area consistent with the goals of flood protection, habitat protection and restoration, and improved water supply, water quality, groundwater recharge and water conservation; and

WHEREAS, the LCWA adopted the Los Cerritos Wetlands Stewardship Program (LCWSP) on December 14, 2011 to promote community involvement with environmental education, maintenance, restoration, and monitoring of the wetland areas owned by the LCWA; and

WHEREAS, this Memorandum of Agreement (MOA) provides the Aquarium with the authorization to enter into all LCWA properties in order for the Aquarium to conduct and implement the Sea Turtle Monitoring Citizen Science Program.

Further the Aquarium has provided the LCWA with all the necessary insurance and liability provisions as recommended by legal counsel which includes: the Aquarium shall continuously maintain a comprehensive general liability insurance policy with at least \$1,000,000 per claim and \$2,000,000 aggregate, which shall name the LCWA, its officers, board members, employees, representatives and agents as additional insured. Such comprehensive general liability insurance shall insure against any claims arising out of or associated with the Aquarium's operation and use of the LCWA properties, including but not limited, to claims for personal injury, death, and damage to real or personal property.

WHEREAS, the Aquarium has provided a Regular Scheduled Activities which includes a complete list of opportunities the public can participate and more importantly indicates the dates and times the Aquarium will be accessing LCWA properties; and

WHEREAS, the Aquarium obtained the necessary easements, access, and rights of entry for entering into all the necessary properties to conduct their program; and

WHEREAS, the Aquarium and the LCWA (hereinafter referred collectively as the "Parties") have a mutual interest in the implementation of the Sea Turtle Monitoring Citizen Science Program which will promote and provide leadership in conservation and educate its members and the community so they may appreciate wetland habitat conservation and become stewards of the Los Cerritos Wetlands; and

NOW THEREFORE the Parties, each acting through duly authorized officers, enter into the following Memorandum of Agreement (MOA):

I. IT IS MUTUALLY AGREED:

- A. Parties agree to this MOA and are authorized to enter into this MOA for implementation of the Sea Turtle Monitoring Citizen Science Program.
- B. The Parties agree to send a representative to the quarterly LCW Partners Meeting and attend the LCWA Board Meetings and to provide updates on their ongoing public programs. In addition, the parties to agree to provide updates at each of the quarterly LCWA Board Meetings with written and oral reports.
- C. The Parties agree all inquiries, authorizations and permissions to enter LCWA properties can only be granted by the LCWA Property Manager or the LCWA Stewardship Coordinator and in compliance with the LCWSP. The LCWLT does not have the authority to grant permission to a third party to enter and use the LCWA properties.
- D. The Parties agree that all work contemplated under this agreement must be consistent with the terms of the LCWA joint powers agreement, LCWSP and the bylaws established by the Aquarium. Should there be any conflicts between the terms and conditions of the LCWA joint powers agreement, LCWSP and the bylaws established by the Stewards, the terms and conditions of the LCWA joint powers agreement shall control first, then the LCWSP, followed by the MOA and then the Aquarium bylaws.
- E. The term of the MOA shall be extended through February 28, 2021. This MOA is essential to meet the LCWA's goals set forth in the Los Cerritos Wetlands Stewardship Program and meets the LCWA's programmatic objectives of providing for a thriving wetlands ecosystem.
- E. No alteration or variation of the terms of this MOA shall be valid unless made in a written amendment to this MOA and signed by the parties hereto and no oral understanding or agreement incorporated herein shall be binding on any of the parties hereto.
- F. Coordination and communications between the Aquarium and LCWA will be clear, concise and consistent in order to effectively implement the LCWSP and avoid conflicts of scheduled tours, educational programs and other uses of the site. The Aquarium and LCWA Stewardship Coordinator will communicate (email, voicemail or written notification) on a monthly basis or when necessary on upcoming events.

- G. This information will be mutually shared with Los Cerritos Wetlands Land Trust and El Dorado Audubon and other local organizations or individuals wishing to access the LCWA properties and all communications will be conducted via LCWA Project Manager, first.
- H. Neither the LCWA nor any officer, agent or consultant thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by the Aquarium under or in connection with any work, authority or jurisdiction conferred upon the Aquarium and arising under this MOA. It is understood and agreed that the Aquarium shall fully defend, indemnify and save harmless the LCWA and all its officers, agent or consultant from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by the Aquarium under this MOA.
- I. Neither the Aquarium nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by the LCWA under or in connection with any work, authority or jurisdiction conferred upon by the LCWA and arising under this Agreement. It is understood and agreed that LCWA shall fully defend, indemnify and save harmless the Aquarium and all its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by the LCWA under this MOA.

II. RESPONSIBILITIES OF THE PARTIES

A. Aquarium of the Pacific:

- 1. The Aquarium can pursue funding from state, federal and local grants and from private funding sources, which will contribute to community-based restoration programs with opportunities for public participation and foster stewardship of the Los Cerritos Wetlands and will fully implement the LCWSP. Further, the LCWA will provide the Aquarium with the necessary Letters of Commitment and Support for any funds grants submitted.
- 2. The Aquarium will act as the fiscal agent and administer grants if awarded with a provision the Aquarium Project Manager and the LCWA Project Manager are Co-PIs and the Aquarium Project Manager will have oversight and final decisions for management of all grants awarded to the Sea Turtle Citizen Science Program. Quarterly Reports/Expenditures, Invoices, changes to the Work Program, Schedule and Budget will require review by the Aquarium and LCWA Project Managers.
- 4. The Aquarium will develop a work program that is consistent with the LCWSP within 30 days if grants are awarded. The work program will require final sign-off by the Aquarium Project Manager before submitting to the Granting Agency.

5. The Aquarium will provide up to 50 complimentary tickets for admission to the Aquarium of the Pacific to the Stewardship Program for volunteer rewards and incentives. Update the Stewardship Program website and Aquarium online calendar to publicize all LCWA and Aquarium upcoming public events.
6. Perform all work in accordance with all policies, procedures, practices, and standards that the LCWA would normally follow.
7. Will obtain prior approval of the LCWA for any educational tours or stewardship activities, including tour leaders and their credentials.
8. Ensure the safety of all volunteers and have all volunteers sign the Liability Waiver, provided by the Aquarium prior to their first session on LCWA properties.
9. Coordinate with the LCWA Property Manager on announcements of scheduled tours, educational programs and other uses of the site in order to avoid conflicting uses of the site.
10. Will undertake no stewardship activities without the supervision of a biologist approved by the LCWA.
11. Will share with the LCWA any biological data or other information that might be revealed during activities.
12. The Aquarium will provide oversight and final decisions for management of all grants awarded.
13. Will not incur any costs to the LCWA and its Stewardship Program. Will be responsible for providing for itself any equipment needed for stewardship or educational purposes.

B. Los Cerritos Wetlands Authority:

1. Provide Aquarium with the necessary keys/combinations to enter the LCWA properties and facilities.
2. Provide storage space for Aquarium equipment and materials necessary to perform research activities associated with the Sea Turtle Monitoring Citizen Science Program.
3. Coordinate with the Aquarium on announcements of scheduled tours, educational programs and other uses of the site in order to avoid conflicting uses of the site.
4. LCWSP will be updated and kept current as necessary additionally these updates will be distributed directly to the Aquarium Program Manager to allow for timely implementation of these updates in their program.
5. LCWA will apply and retain all necessary regulatory permits such as Coastal Development Permits and obtain right of entry permits for implementation of the Sea Turtle Monitoring Citizen Science Program.

Sea Turtle Monitoring Citizen Science Program*

Synopsis: The Sea Turtle Monitoring Citizen Science Program at the Los Cerritos Wetlands enables citizens to collect important baseline data and see first-hand the connection between a charismatic and endangered marine species, the Los Cerritos Wetlands, the ocean, and our urban influence. Originally funded by the Aquarium of the Pacific's Marine Conservation Research Institute, the program now consists of more than 60 citizen science volunteers. The program has been collecting data since October 2012.

Goal: *To improve estimates of the total number of individuals and determine areas most highly frequented in order to better understand the population dynamics of Pacific green sea turtles in the San Gabriel River, while simultaneously inspiring citizens to consider our connection to this endangered species throughout our watersheds.*

Location/Date/times: Monitoring sessions take place at 10 stations along the San Gabriel River bike trail (between PCH and 7th St) the first Saturday of every month from 9a-9:30a. Volunteers are asked to arrive around 8:15a at the dirt lot off Westminster (DWP Light) where they are directed to park on the side of the dirt road.

Partners: *Aquarium of the Pacific, Los Cerritos Wetlands Authority, Tidal Influence, NOAA Fisheries, and California State University, Long Beach.*

**This program, schedule and tasks may require revisions and updates as necessary but these revisions are only approved by the LCWA Property Manager. Note: The number of volunteers has grown substantially. NOAA has expressed interest in adding an afternoon session. The Aquarium is still working out the logistics, but these shifts would also take place the first Saturday of the month.*

This Memorandum of Agreement constitutes the entire Agreement between Los Cerritos Wetlands Authority and the Los Cerritos Wetlands Land Trust and may be modified only by further written Agreement between the parties hereto.

For the Aquarium of the Pacific

Signed: _____
Peter Kareiva, President and CEO

Date _____

For the Los Cerritos Wetlands Authority

Signed: _____

Date _____
Samuel Schuchat, Chair

November 5, 2020 - Item 8

RESOLUTION 2020-07

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY (LCWA)
AUTHORIZING AN EXTENSION TO THE MEMORANDUM OF AGREEMENT
FOR THE LOS CERRITOS WETLANDS STEWARDSHIP PROGRAM
WITH THE AQUARIUM OF THE PACIFIC

WHEREAS, the Los Cerritos Wetlands 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 will authorize an amendment to the Memorandum of Agreement with the Aquarium of the Pacific; and

WHEREAS, the LCWA has acquired certain properties which will require active stewardship; and

WHEREAS, the LCWA had adopted a Los Cerritos Wetlands Stewardship Program; 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 this action is consistent with the purposes and objectives of the LCWA.
2. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
3. ADOPTS staff report dated November 5, 2020.
4. AUTHORIZES an extension to the Memorandum of Agreement with the Aquarium of the Pacific to February 28, 2021.

~ End of Resolution ~

Passed and Adopted by the Board of the Los Cerritos Wetlands Authority
On November 5, 2020

Sam Schuchat, Board Chair

ATTEST: _____
Christina Bull Arndt
Deputy Attorney General

Los Cerritos Wetlands Authority

Date: November 5th, 2020

To: Governing Board Members

From: Mark Stanley, Executive Officer

Subject: Item 9: Status Report on Workplan Implementation including Los Cerritos Wetlands Stewardship Program and Los Cerritos Wetlands Conceptual Restoration Plan.

BACKGROUND: At the September 19, 2006 meeting, the Board adopted the Workplan set forth below. An updated description of the status of each workplan item is detailed in the following table:

November 2020 WORKPLAN STATUS UPDATE		
LCWA Projects		
Task	Description	Status
Legislative Updates		
<p>AB 1788. Pesticides: use of second-generation anticoagulant rodenticides.</p> <p>Introduced by Assembly Member Bloom; Co- authored by Assembly Member Friedman and Senator Stern</p>	<p>Current law prohibits the use of any pesticide that contains one or more of specified anticoagulants in wildlife habitat areas, exempting agricultural activities. This bill would additionally prohibit the use of second-generation anticoagulant rodenticide until they are certified that continued use of second-generation anticoagulant rodenticides is not reasonably expected to result in significant adverse effects to nontarget wildlife.</p>	<p>Introduced: February 22, 2019 Last Amended: August 28, 2020 Status: Passed in Senate and Assembly August 31, 2020</p>

Potential Funding Sources		
<p>State Water Board Once-through Cooling Interim Mitigation</p> <p>Funding will depend on mitigation fees collected</p>	<p>The Once-Through Cooling (OTC) Policy requires owners or operators of existing power plants to implement measures to mitigate interim impingement and entrainment impacts resulting from their cooling water intake structures. The interim mitigation period commenced on October 1, 2015 and continues up to and until owners or operators achieve their final compliance deadlines as outlined in the OTC Policy.</p> <p>Under an Agreement between SWRCB and SCC, mitigation funds paid under this policy may be used by the Conservancy to fund wetland restoration projects, with priority given to projects recommended by the Wetlands Managers Group of the Southern California Wetlands Recovery Project from its current Work Plan.</p>	<p>Funding will depend on the mitigation fees collected by the State Coastal Conservancy</p> <p>An application was submitted to the SCC for the Southern Los Cerritos Wetlands Restoration Project.</p>
<p>San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy – Prop 68</p>	<p>Under Chapter 8 of Proposition 68, thirty million dollars (\$30,000,000) was allocated to the Rivers and Mountains Conservancy.</p>	<p>The RMC Prop 68 call for projects closes on December 16, 2020.</p>
<p>Ocean Protection Council – Prop 68</p>	<p>Prop 68 allocates funds to OPC in both Chapter 9 (\$35 million) and Chapter 10 (\$21.2 million). OPC anticipates grant solicitation rounds every 2 years, starting in 2020.</p>	<p>The OPC did not fund the LCWA's proposal, submitted on September 21, 2020.</p>

Task	Description	Status
Capital Projects & Initiatives		
<p>Los Cerritos Wetlands Planning and Restoration Project</p>	<p>Complete the Environmental Review of the Conceptual Restoration Plan through CEQA in a Program Environmental Impact Report</p>	<p>Funding is provided to conduct CEQA analysis to engage an environmental consultant contract.</p> <p>Environmental Science Associates is under contract and the project kick-off meeting occurred on December 4, 2017. A series of meetings have been conducted since March of 2018.</p> <p>The NOP and Initial Study were filed with the appropriate agencies on March 8, 2019. All required mailings and postings were completed and notified the public of the NOP comment period (March 8-April 8, 2019).</p> <p>The AB52 tribal consultations have been completed. Critical stakeholders are being regularly updated. ESA is currently preparing the DEIR.</p> <p>The DEIR is was released for public comment on May 8, 2020. The public comment period was extended to 60 days and concluded on July 6, 2020. the LCWA held two webinars to provide the public information about the document and assist with answering questions.</p> <p>The FEIR was released for public review on October 22nd, 2020, along with a notice of public hearing.</p>
<p>Los Cerritos Wetlands Acquisition of the Bryant Properties</p>	<p>Complete the acquisition of all property owned by the Bryant Family for an additional 18 acres along the frontage of 2nd Street- Westminster Avenue added to the property preserved for perpetuity as public.</p>	<p>Staff and Legal Counsel are working with Steve Bryant and Kevin Brazil to complete the final Appraisal Report for a final state review for the acquisition of Assessor Parcel Nos 7237-020-053; 054.</p>

Item 9: Workplan Update

<p>Los Cerritos Wetlands LLC Restoration and Oil Consolidation Project</p>	<p>The project would implement a comprehensive wetlands restoration project which will restore a privately-owned oil field in the City of Long Beach through creation of a wetlands mitigation bank. The project includes the relocation of oil operations currently located on the Synergy Site and City-owned property to two off-site properties (LCWA's OTD Parcel and Pumpkin Patch site).</p>	<p>The project was approved by the LB Planning Commission on November 30, 2017. It was then approved by the LB City Council on January 16, 2018. The LCP amendment was approved at the California Coastal Commission hearing on August 8th, 2018 in Redondo Beach. The CDP application went before the California Coastal Commission on December 13th, 2018 and was passed. The LCWA and BOMP are working collaboratively to meet the conditions set forth by the Coastal Commission staff report.</p> <p>LCWA continues to track all other aspects of the project including the mitigation bank, land exchange agreement, and entitlement process.</p>
<p>Southern Los Cerritos Wetlands Restoration Project</p>	<p>This project will build off conceptual designs in the CRP (2015) and PEIR (2020) and complete 65% ecological restoration designs, environmental certification, and permitting applications for the 100-acre Southern Los Cerritos Wetlands site in Seal Beach, CA.</p>	<p>Initial funding has been awarded from CDFW Prop 1 funds. LCWA released a RFP to select a consulting team for this work on September 29, 2020, and received two proposals. A resolution considering an award to Moffat & Nichol for this project is being considered at today's LCWA Board meeting.</p>
<p>Option Agreement to transfer properties between Los Cerritos Wetlands LLC(LCWLLC) and the LCWA</p>	<p>LCWLLC and the LCWA executed an option agreement that provides for the exchange of real property. Agreement was signed on 9/2/16 to transfer the LCWA APN 7237-019-809, approximately 5.11 acres for the LCWLLC property described as APNs 7237-017-010; 7237-017-011; 7237-017-012; 7237-0217-013; 7237-017-014; 7237-017-019; 7237-017-805; 7237-017-806; 7237-017-807; 7237-017-808;7237-017-809 approximately 154 acres.</p>	<p>The LCWA received the option agreement funds which will be used to hire consultants to review technical studies.</p>
<p>LCWA Mitigation Policy</p>	<p>Staff will require consultant services in order to assist in the development of the mitigation policy and currently the FY18/19 Budget does not have any unrestricted funds to support authorizing a consultant contract.</p>	<p>The LCWA would require additional funds from its joint partners in order to provide the financial support for authorizing a consultant contract for services and development of the mitigation policy. The cost to develop the mitigation policy would range from \$50,000 to \$100,000. These cost estimates were determined by researching various non-profits, regulatory agencies and other local and state agencies whom have completed similar and comparable mitigation polices.</p>

Task	Description	Status
City of Long Beach Pending Environmental Documents		
City of Long Beach Southeast Area Specific Plan (SEASP)	The City of Long Beach continues to work on the Southeast Area Specific Plan which covers approximately 1,500-acres of southeast Long Beach. http://www.lbds.info/seadip_update/	The Coastal Commission approved SEASP on October 8, 2020 with sixteen (16) modifications https://documents.coastal.ca.gov/reports/2020/10/Th11a/th11a-10-2020-report.pdf

Task	Description	Status
Lease Agreements		
OTD/Edison Parcel Los Angeles County APN 7237-019-809 Ellis Equipment, Inc. Lease Agreement Lease Fee = \$2,222 per month	The OTD Parcel is located on the northeast corner of Studebaker road and 2nd Street in the City of Long Beach and commonly referred to as the 'Edison Parcel' or 'Offer to Dedicate (OTD) Parcel.'	Ellis lease agreement utilizes only a portion of the OTD Parcel for storage of construction material. Ellis lease agreement has an end date of September 30, 2021.
OTD/Edison Parcel Los Angeles County APN 7237-019-809 D & S Washout Systems Lease Agreement Lease Fee = \$981 per month	The OTD Parcel is located on the northeast corner of Studebaker road and 2nd Street in the City of Long Beach and commonly referred to as the 'Edison Parcel' or 'Offer to Dedicate (OTD) Parcel.'	D & S Washout Systems Lease Agreement utilizes a portion of the OTD parcel for the storage of work trucks and construction materials. The lease agreement has an end date of September 30, 2020, with an option to extend an additional year at a new monthly rate of \$1,010. Agreement Pending
California State Lands Commission Lease Agreement PRC9005.9. Orange County APNs: 043- 160-47; 043-160-36; 043-160-45; and 043- 160-53 August 14, 2012 through August 13, 2022	The State Lands Commission issued the LCWA a lease agreement for four parcels approximately totaling four acres adjacent to the Los Cerritos Wetlands Authority Hellman/Phase 2 in the City of Seal Beach.	Staff coordinates with SLC office for ongoing repairs of fence property and continues to stage the Los Cerritos Wetlands Stewardship Program from this site.

<p>City of Long Beach Marketplace Marsh License Agreement for Los Angeles County APN 7237-020-21</p> <p>June 7, 2010 through June 30, 2025</p>	<p>The property is approximately 29.38-acres south of 2nd Street. The license agreement to allows LCWA access and tours of the wetlands at this site.</p>	<p>On August 18, 2020, Long Beach City council approved an extension of this license agreement. The license agreement is valid through June 30, 2025.</p>
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Task	Description	Status
Grants – COMPLETED		
<p>A total of 12 grants have been completed by the LCWA and LCWLT as of November 2018</p>	<p>A total of \$6,228,400 grant funds has been acquired and applied towards acquisition, restoration studies, restoration projects, and education programs.</p>	<p>See link for details on all completed grants.</p>
Grants – ACTIVE		
<p>National Coastal Wetlands Conservation Grant Application</p> <p><u>Active</u></p>	<p>The State Coastal Conservancy (SCC) applied on behalf of the LCWA for the NCWC grant.</p> <p>Performance Period January 29, 2013 through December 31, 2020</p> <p>Total Funding \$1,000,000 Funding Remaining \$1,000,000</p>	<p>The National Coastal Wetlands Conservation Grant was submitted on July 13, 2012 by the SCC for the acquisition of the Steam Shovel Slough. The SCC was awarded the \$1,000,000 grant for the acquisition of Steam Shovel Slough on January 29, 2013. The funds have been re-assigned to the Bryant acquisition.</p> <p>An amendment to extend this grant from December 31, 2019 to December 31, 2020 was approved.</p> <p>Landowner negotiations are no longer active, so funding will be returned to USFWS.</p>
<p>State Coastal Conservancy Proposition 1</p> <p>Los Cerritos Wetlands Planning and Restoration Project</p> <p><u>Active</u></p>	<p>Grants funds to complete the environmental review of the CRP per CEQA. Environmental review of the CRP’s three proposed alternatives or a hybrid alternative.</p> <p>Performance Period June 5, 2017 through April 25, 2020</p> <p>Total Funding \$500,000 Funding Remaining: \$23,110.74</p>	<p>The LCWA was successfully awarded the grant funds for the CEQA Planning Document. Implementation of the project has commenced.</p>

Item 9: Workplan Update

<p>San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy Grant State Coastal Conservancy Proposition 1</p> <p>Los Cerritos Wetlands Acquisition of Bryant Properties</p> <p>Active</p>	<p>Grant funds to acquire the frontage and remaining Bryant-Dakin, LLC Properties located along 2nd Street/ Westminster Ave in the City of Long Beach, totaling approximately 18 acres (LA County Assessor Nos 7237-020-053 and 7327-020-054).</p> <p>Performance Period: January 23, 2027 through December 31, 2020</p> <p>Total Funding: \$1,000,000</p> <p>Funding Remaining: \$988,768.75</p>	<p>Landowner negotiations are no longer active, and remaining funding after the final reimbursement will be returned to RMC.</p>
<p>San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy Grant State Coastal Conservancy Proposition 1</p> <p>Los Cerritos Wetlands Planning and Restoration Project Proposition 1 Grants</p> <p>Active</p>	<p>Grants funds to complete the environmental review of the CRP per CEQA. Environmental review of the CRP's three proposed alternatives or a hybrid alternative.</p> <p>Performance Period January 23, 2017 through June 30, 2020</p> <p>Total Funding \$500,000</p> <p>Funding Remaining: \$144,728.93</p>	<p>The LCWA was successfully awarded the grant funds for the CEQA Planning Document, implementation of the project has commenced.</p>
<p>National Fish and Wildlife Foundation – National Coastal Resilience Fund 2018</p> <p>Los Cerritos Wetlands Planning and Restoration Project</p> <p>Active</p>	<p>Grant funds to complete 65% designs, environmental compliance, and permit applications for the 100-acre Southern Los Cerritos Wetlands site.</p> <p>Performance Period: August 1, 2020 – July 31, 2023</p> <p>Total Funding: \$405,828.00</p> <p>Funding Remaining: \$405,828.00</p>	<p>The LCWA was successfully awarded the grant funds this project.</p>

Task	Description	Status
Consultant Contracts - ACTIVE		
LCWA 19501 Los Cerritos Wetlands Stewards Homeless Liaison Contract Amended <u>Active</u>	The Los Cerritos Wetlands Stewards and the LCWA have a mutual interest in the implementation of the Stewardship Program which will promote and provide leadership in conservation for educating members as well as the community to further the appreciation of the wetlands' habitat conservation.	The contract addresses the safety and security of the LCWA properties and meets the LCWA goals and objectives. Currently the Los Cerritos Wetlands Stewards are coordinating any removal of homeless encampments at several locations within the LCWA properties. The contract with LCWS was renewed on May 2, 2019 (LCWA Resolution 2019 – 07) for three years until May 2, 2022, with the option of 2 one-year extensions.
LCWA 19502 Moffat & Nicol Mitigation Bank Technical Review <u>Active</u>	The LCWA is currently working with BOMP on the formation of the Upper Los Cerritos Wetlands Mitigation Bank. Additional technical services were needed to review the mitigation bank.	A contract was approved at the August 1, 2019 Board meeting (LCWA Resolution 2019 – 11) for an amount not to exceed \$10,000.
LCWA 19503 RWG Law Mitigation Bank Legal Services <u>Active</u>	The LCWA is currently working with BOMP on the formation of the Upper Los Cerritos Wetlands Mitigation Bank. Additional legal services were needed to review the mitigation and associated documents.	A contract was approved at the August 1, 2019 Board meeting (LCWA Resolution 2019 – 11) for services rendered based on a fee schedule.
LCWA 19504 RWG Law Puvunga Wetlands Protectors v. California Coastal Commission, et al Legal Services <u>Active</u>	The LCWA has been named as a real party in interest on the matter of Puvunga Wetlands Protectors v. California Coastal Commission, et al, Los Angeles Superior Court Case No. 19STCP00435. This lawsuit challenges a coastal development permit issued by the California Coastal Commission, which relates to the Land Swap Option Agreement (Option Agreement) entered into on September 2, 2016 with Los Cerritos Wetlands, LLC (the LLC). Thus, LCWA must retain outside counsel to represent it in this litigation.	A contract was ratified at the August 1, 2019 Board meeting (LCWA Resolution 2019 – 10) for services rendered based on a fee schedule.

Memorandum of Understanding/Agreements		
<p>LCWA08008 Signal Hill Petroleum, Inc. Coastal Development Permit for Vegetation Removal</p> <p>LCWA Phase 1 Properties</p> <p><u>Active</u></p>	<p>Signal Hill Petroleum, Inc. conducts the following activities (1) removing vegetation, debris and soil from the storm water collection and retention system, (2) controlling vegetation surrounding all oil pumps, electrical poles, and pipelines, and (3) removing vegetation surrounding all oil production facilities and buildings.</p> <p>Performance Period February 1, 2020 through January 31, 2022</p> <p>Total Funding: \$20,000 Remaining Funding: \$20,000</p>	<p>Tidal Influence was contracted to manage MOA.</p> <p>Signal Hill Petroleum, Inc. annually provides \$10,000 to offset their impacts from proposed work. The LCWA completed the 2018-2019 workplan and is working with Coastal Commission staff to approve a spending plan for 2020-2021.</p>
<p>LCWA13002 Southern California Edison Company Memorandum of Agreement</p> <p><u>Active</u></p>	<p>The LCWA entered into a Memorandum of Agreement with Southern California Edison Company to accept funds to provide out-of-kind compensatory mitigation for impacts to shoreline habitat at Catalina Island.</p> <p>Performance Period June 14, 2014 through June 30, 2020</p> <p>Total Funding: \$25,000 Remaining Funding: \$0.00</p>	<p>Tidal Influence was contracted to manage this MOA. Staff has completed the Habitat Mitigation and Monitoring Plan which allowed for procurement and installation of 425 salt marsh plants in Spring 2015. Quarterly vegetation monitoring began in May 2015 and will continue until February 2020.</p> <p>Tidal Influence prepared the year 5 monitoring report to submit to Southern California Edison for the purpose of presenting the existing conditions of the 0.16-acre restoration site at Zedler marsh and comparing it to the data collected in previous years. The project met all performance standards.</p>

LCW Stewardship Program		
Task	Description	Status
Potential Funding Sources		
City of Long Beach Measure A, Public Safety, Infrastructure Repair and Neighborhood Services Measure	The City of Long Beach established a one percent (1%) transactions and use (sales) tax for six years, generating approximately \$48 million annually, declining to one-half percent for four years and then ending, requiring a citizens' advisory committee and independent audits, with all funds remaining in Long Beach.	The City of Long Beach allocated an estimated \$500,000 for restoration work for the Los Cerritos Wetlands. The status of the funding is pending.
Los Angeles County: Safe, Clean Neighborhood Parks, Open Space, Beaches, Rivers Protection, and Water Conservation Measure Section 6(e); subsection 2(A) Supervisor Janice Hahn, Fourth District Potentially \$463,983 in funding	To replace expiring local funding for safe, clean neighborhood/city/county parks; increase safe playgrounds, reduce gang activity; keep neighborhood recreation/senior centers, drinking water safe; protect beaches, rivers, water resources, remaining natural areas/open space; 1.5 cents will be levied annually per square foot of improved property in Los Angeles County, with bond authority, requiring citizen oversight, independent audits, and funds used locally. Funding Remaining: \$17,458.97 as of July 31, 2020	Up to fifteen percent (15%) shall be set aside and designated as the maintenance and servicing amount, and shall be used only to maintain and service, including resource protection activities for the capital outlay projects funded by the District... ...The maintenance and servicing amount shall be allocated each year as follows: ...point five percent (0.5%) to the Los Cerritos Wetlands Authority... \$67,770.92 has been allocated to fund maintenance of the LCW trails system. This funding was released in Q2 of 2019, and the LCWA has begun utilizing these funds for the maintenance of the Zedler Marsh Trails.
Education Programs		
Public Access Improvement and Wetlands Restoration	Restoration and enhancement of existing wetlands function is one of the primary objectives of the LCWA. Public access for wildlife viewing and enjoyment may involve site improvements.	LCWA has successfully partnered with Los Cerritos Wetlands Land Trust (LCWLT), who have sponsored guided nature walks in Los Cerritos Wetlands as well as secured funding to support Los Cerritos Wetlands Stewardship Program events. Please refer to the attached Exhibit B: Los Cerritos Wetlands Stewardship Program updates for a full report.

Task	Description	Status
Capital Projects & Initiatives		
<p>County of Orange, OC Public Works Contract (MA-080-15010071)</p> <p><u>Active</u></p>	<p>Orange County Public Works entered into contract with LCWA to provide wetland restoration services and supplies including five years of monitoring reports from the LCWA's Stewardship Program</p> <p>Performance Period October 28, 2019 through October 27, 2020</p> <p>Total Funding: \$20,660.00 Funding Remaining: \$0</p>	<p>Tidal Influence was contracted to manage and implement the project. Planting and site maintenance regularly occur on the Orange County mitigation site, and staff continue to monitor the progress on the project.</p> <p>A Year 6 Monitoring Report was prepared, coordination with agencies has occurred, and Coastal Commission has signed off on this mitigation project. All special conditions have been met. Additional maintenance of the site is currently being negotiated with OC.</p>
<p>Tarplant Mitigation Project - Ascon</p> <p><u>Active</u></p>	<p>The LCWA entered into a Memorandum of Agreement with Ascon to accept mitigation funds for the Southern Tarplant Mitigation Plan for a five-year mitigation plan to grow and monitor Southern Tarplant at Zedler Marsh</p> <p>Performance Period November 3, 2016 through November 1, 2021</p> <p>Year 4 Funding: \$60,110 Year 4 Remaining Funding: \$5,941.31 as of July 31, 2020</p>	<p>Tidal Influence was contracted to manage and implement this project, seeding, and monitoring plan at Zedler Marsh. Staff continues to monitor the progress on the project.</p> <p>Regular watering and invasive species control are currently conducted on site. Annual monitoring was conducted in July of 2020 resulted in a total of 269,019 tarplant individuals. The site has not successfully reach its goal of sustaining more than 189,774 individuals for two consecutive years.</p> <p>An endowment for this site is currently being worked on for long term care.</p>
Grants – COMPLETED		
<p>A total of 12 grants completed by the LCWA and LCWLT</p>	<p>A total of \$6,228,400 grant funds was acquired and used towards acquisition, restoration studies, restoration projects, and education programs.</p>	<p>See link for details on all completed grants.</p>

Task	Description	Status
Grants – ACTIVE		
<p>The Orange County Community Fund</p> <p>Warne Family Endowment Fund for Endangered Species Protection Grant</p> <p><u>Active</u></p>	<p>The LCWLT applied for the Warne Foundation Grant Program to fund Belding's Savannah Surveys at Los Cerritos Wetlands. This is a competitive grant that needs to be reapplied to annually.</p>	<p>Belding's Savannah Sparrow (BSS) surveys were conducted during breeding and nesting season to determine breeding territories for pairs of Belding's. Least Bell's Vireo (LBV) surveys began to determine potential nesting areas. Surveys were completed along with restoration of BSS and LBV habitat outside of nesting season.</p> <p>This grant was first awarded to the LCWLT on January 1, 2017, and then reapplied for and approved for a fourth year of monitoring and restoration efforts for 2020.</p>
Memorandum of Understanding/Agreements		
<p>Signal Hill Petroleum, Inc. (SHPI) Memorandum of Agreement</p> <p><u>Active</u></p>	<p>The LCWA entered into a Memorandum of Agreement with SHPI to use specific areas within the SHPI current exclusive easement for growth of Southern Tarplant under the Southern Tarplant Mitigation Plan.</p> <p>Performance Period February 3, 2017 through perpetuity</p>	<p>The LCWA will have access to these specific areas within the SHPI exclusive easement into perpetuity.</p>
<p>LCWA13001 Aquarium of the Pacific Memorandum of Agreement</p> <p><u>Active</u></p>	<p>The LCWA entered into a Memorandum of Agreement in order to provide a citizen science sea turtle monitoring program for the general public.</p> <p>Performance Period August 11, 2016 through December 30, 2020.</p>	<p>For updates on the citizen science sea turtle monitoring program, please visit http://www.aquariumofpacific.org/give/membership/seaturtles</p> <p>This agreement has been extended from December 30, 2019 to December 30, 2020.</p>
<p>LCWA13000 Los Cerritos Wetlands Land Trust Memorandum of Agreement</p> <p><u>Active</u></p>	<p>The LCWA entered into a MOA with the Los Cerritos Wetlands Land Trust for stewardship services of the Los Cerritos Wetlands Stewardship Program</p> <p>Performance Period August 11, 2016 through December 30, 2020.</p>	<p>Please see the attached Los Cerritos Wetlands Stewardship Program Summary Report.</p> <p>This agreement has been extended from December 30, 2019 to December 30, 2020.</p>

Task	Description	Status
Memorandum of Understanding/Agreements		
<p>Memorandum of Agreement with the El Dorado Audubon</p> <p><u>Active</u></p>	<p>El Dorado Audubon is working with the LCWA to develop bird walks at LCWA Phase 2 properties.</p> <p>Performance Period February 11, 2016 through December 30, 2020.</p>	<p>Please see the attached El Dorado Audubon Society report for a summary of the Los Cerritos Wetlands Nature/Bird Walks. For more information, please visit http://eldoradoaudubon.org/</p> <p>This agreement has been extended from December 30, 2018 to December 30, 2020.</p>
<p>Sea and Sage Monthly Bird Counts</p>	<p>Darrell Wilson conducts bird counts using a research permit on the Hellman Properties.</p>	<p>Bird counts from monthly surveys are summarized in reports submitted to LCW Ebird account.</p>

Field Report Memorandum

To: Sally Gee, LCWA

From: Marcelo Ceballos, Tidal Influence, LLC

Cc: Eric Zahn, Tidal Influence, Lenny Arkinstall, Salian Garcia, Mark Stanley

Date: October 6th, 2020

Subject: Land Management Field Report

Sites Inspected: Zedler Marsh, Bryant Lease West, Hellman/Gum Grove, State Lands Parcel, & OTD Parcel

Inspection Date: September 22nd, 2020

Note: The locations of critical observations and issues noted in this document are called out on the map on the final page. Photos of certain issues/observations are attached at the end of the report.

OTD Parcel

1. Gates –
 - a. Entrance gate damaged by a vehicle on September 21st. (See Photos)
Leasee staff have taken responsibility for and are coordinating replacement of the gate. Tidal Influence staff will coordinate with the leasee and verify replacement.
2. Trails – OK
3. Fences – OK
4. Homeless –
 - a. Encampment observed along the southern fence line of property off of 2nd Street. Two inhabitants were observed during the walkthrough along with shopping carts full of materials. (See Photos)
We recommend the LCWA's Homeless contractor work to outreach to and remediate this encampment as soon as possible.

Zedler Marsh

5. Gates – OK
6. Trails –
 - a. Two trash clean up events were conducted on September 15th and 18th in coordination with a super volunteer following COVID protocols. This event acted as a trial event for establishing the return of public programs. (See Photos)
Tidal Influence will continue to monitor the presence of trash throughout the site and remove as necessary.
7. Fences – OK
8. Homeless – OK

State Lands Parcel

9. Gates –
 - a. The eastern gate was left unsecured. The chain and lock were left intact.
Tidal Influence staff have resecured the site by changing the lock combination. They will continue to closely monitor this for possible unapproved entry onto site.
10. Trails – OK
11. Fences – OK
12. Homeless – OK

Hellman

13. Gates – OK

14. Trails –

- a. Minor erosion has occurred to the path leading to the access gate adjacent to Gum Grove Park. (See Photos)
Tidal Influence staff will monitor this erosion. An assessment and repairs will be scheduled once stewardship programs resume to ensure visitor safety.
- b. The underbrush of a non-native pepper tree along the stewardship trail is growing back. This pepper tree will require maintenance to ensure line of site visibility for visitor and staff safety. (See Photos)
Tidal influence staff will work to conduct maintenance in the coming months. A staff biologist will check for any nesting bird activity before this maintenance is conducted to ensure no biological impacts are made.
- c. Vegetation has begun to encroach along the stewardship trail system. (See Photos)
Tidal Influence staff will monitor growth and trail maintenance will be scheduled once stewardship programs resume to ensure visitor safety.

15. Fences –

- a. Vegetation growing along a portion of the fence line of stewardship program parking area.
Tidal Influence staff will monitor and schedule fence line maintenance once stewardship programs resume.

16. Homeless – OK

Bryant Lease West

17. Gates –

- a. According to LCWA homeless report all levee gates were locked subsequent to encampment cleanups however the locks and chains for the gates along the levee have been removed and all gates are open. (See Photos)
We recommend LCWA staff meet with LA County to determine a new approach to secure this property. We recommend adjusting the fence line location to provide a thoroughfare along the levy path.

18. Trails –

- a. A large rubble pile consisting of asphalt, concrete, and metal have been dumped near the entrance gate to the LCWA's Bryant West Property. This pile is currently located on property currently owned by the Bryant's. At the time of observations tire tracks were observed leading up to the rubble pile but no other indications of the responsible party were found. Clean up of this rubble was started on July 23rd, 2019 by the LCWA's Homeless contractor and the City of Long Beach's Clean team, with an additional cleanup effort needed to finish removing the remaining material.
Tidal Influence staff will track the progress of the clean up effort and assess the site for impacts once the clean ups are complete.
- b. A small fire occurred on the northwest portion of the property approximately 250 feet from eastern fence line on Wednesday September 23rd, 2020. The local fire department quickly extinguished the fire with 0.35 acres of vegetation being affected. During the night of September 23rd an attempt to start a second fire on the property was reported by the local fire department. (See Photos)
Tidal Influence staff have conducted a site walkthrough identifying potential fire risks. Staff will work with the oil operators and LCWS to reduce fire loads in the areas.

19. Fences –

- a. A previously patched fence line approximately 200 meters south of the main encampment has been breached and requires repairs.
Tidal Influence staff will work to repair the breached portion of fence line in the coming months.
- b. Graffiti was observed on the river side of the concrete base of San Gabriel River trail fencing below the cattle grates. (See Photos)
Tidal Influence staff will work with the LCWA's contractor to contact LA County staff to resolve this item.

20. Homeless –

- a. As of September 22nd, the encampment area remains vacant. (See Photos)
Tidal Influence will patch fence lines and repost no trespassing signs in this area. Tidal Influence will coordinate with the LCWA's homeless contractor for the maintenance of the non-native shrubs growing along the fence line to deter future encampments from establishing in this area.

Map

The photos of the issues and observations detailed above are labeled by number. The number on the map below indicates the location of these issues and observations.



OTD



Entrance gate damaged by vehicle



Encampment on southern property border

Zedler Marsh



Trash collected in and around Zedler Marsh

State Lands



Western property gate resecured

Hellman



Non-native pepper tree growing onto trail



Vegetation growing along stewardship trail system



Erosion along back trail

Bryant Lease West



Main encampment clear of materials and vacated



Levee gates left open



Small fire in north western section of property



Graffiti on levee bank

Homeless Outreach and Relocation Report

Los Cerritos Wetlands Stewards

Lenny Arkinstall

October 2020

Five Acres



Many calls came in about homeless and debris on the OTD parcel on Studebaker Road and Second Street. This was also reported on Marcello land report. We got on this immediately.



Officer Depello, Armond east division and I made contact. Our first priority is to offer services, a snack and sanitation kit. We let them know that they cannot stay at this location. Most homeless know and trust us and will move on, most refuse services. Kat however wanted to go back home to Florida and to her family, we know that we have to act immediately, strike when the iron is hot.



Next day arrangements are made and ticket was purchased. Kat was hand carried down to buss station and escorted onto the buss, she was given some cash for her jorney. This lady has been a huge problem for the city and wetlands for over ten years. She has cost the city thousands of dollars using police, fire and hospital resources. We saved a life this time and helped the community quality of life.



Next day, assisted by officers, Armond, Depello, and Murphy to keep us safe stood by. Large cleanup was done in.



My crew was assisted by 4 community service workers. We also knew across the street we had abandon shopping carts and the crew picked them up also. Now we took care of two birds with one stone 😊.



We have all the connections and officer Depello contacted our shopping cart guy to come over right away and haul off the shopping carts we collected.



Now the five acres are free and clear of homeless.



The OTD parcel is overgrown with vegetation, it has become a magnet for the homeless. It is critical to get this property cleaned up, it is a fire hazard and it is the gateway to our city. LCWS can get this done before the quick approaching nesting season that soon will be a pawn us.



The vegetation on the property is growing out onto the street causing anyone riding in the bike lane to transverse out into the traffic lane, a major liability. Also notice we have an on going water leak coming off the property.



The next day LBPd, LCWS staff patrolled the levy we have cleared of homeless the month before to make sure no stragglers came back. We cleared the small palms that was a great hiding place for homeless not seen from PCH.



Next we went over to the pipe bridge that was Jimmy's last home and cleared the bridge of his camp. The space under the bridge needs to be filled in to prevent homeless from getting in there another perfect hiding spot.



We found no homeless on any of LCWA property, all the gates have been locked and not disturbed for two weeks now. We have never accomplished this before it would be great to get all of these recommendations done, this will help keep the wetlands free and clear of unwanted homeless. Thank you.

Los Cerritos Wetlands Authority

Date: November 5, 2020
To: Governing Board Members
From: Salian Garcia, Fiscal Manager
Through: Mark Stanley, Executive Officer
Subject: Item 9d: Receive and File Expenditure Report

Attached as Exhibit A is the FY 2019/2020 Budget with balances as of October 23, 2020. Though the FY 2020 ended on September 30, 2020, the Authority is accruing revenues and expenditures through the end of October. Attached as Exhibit B is the FY 2020/2021 Budget with balances as of October 23, 2020.

Key elements of the Expenditure Report for FY 2019/2020 (Exhibit A) are summarized below:

- Contracts and Mitigation Revenue are higher than budget projections primarily due to additional wetland restoration services conducted with Orange County Public Works and Tarplant Mitigation services.
- Grant revenue are lower than budget projections as current health mandates deterred project management and operational tasks as well as the loss of an acquisition. Subsequently, Operational and Capital Outlay expenses are below budget projections.
- Staff is awaiting reimbursement from several grants, contracts, and JPA contributions. The revenue will be reflected when submitted costs expended under the grant has been approved for reimbursement and the reimbursement is received.

The Expenditure Report for FY 2020/2021 (Exhibit B) is summarized below:

- As the Authority is into only 6% of the current fiscal year, activity has been minimal with no recorded expenditures as of October 23, 2020.
- Revenue is also minimal as the Authority's only receipt of revenue is from its OTD Parcel tenants for the month of October 2020.

**LOS CERRITOS WETLANDS AUTHORITY
REVENUES AND EXPENDITURES FISCAL YEAR 2019-2020**

	FY 19/20 Budget	As of 10/23/20	Remaining Budget Balance	Remaining % Budget Balance	Actuals % FY2019 Budget Spent
Revenues					
General Administrative & Operating Revenue					
JPA Contributions	20,000	10,000	10,000	50%	50%
Lease Revenue	72,416	68,296	4,120	6%	94%
Contracts	22,135	75,099	(52,964)	-239%	339%
Fees	2,546	2,873	(327)	-13%	113%
Permits	10,000	10,000	-	0%	100%
Other - Local Revenue	67,770	-	67,770	100%	0%
Subtotal-General Administrative & Operating	194,867	166,267	28,600	15%	85%
Grants and Special Projects Revenue					
Grant - State Coastal Conservancy	225,368	208,856	16,512	7%	93%
Grant - Rivers & Mountains Conservancy	937,219	251,400	685,819	73%	27%
Grant - Other Federal, State, County & Local Funds	249,500	74,061	175,439	70%	30%
Mitigation Revenue	50,924	57,455	(6,531)	-13%	113%
Contracts - Other MOA	2,722	-	2,722	100%	0%
Other - Donations	-	-	-		
Other - Miscellaneous	5,000	1,829	3,171	63%	37%
Subtotal-Grants and Special Projects	1,470,733	593,602	877,131	60%	40%
Total Revenue	1,665,600	759,869	905,731	54%	46%
Expenses					
Insurance - D & O Policy	2,691	2,786	(95)	-4%	104%
Audit Services	9,600	9,600	-	0%	100%
Website	1,000	969	31	3%	97%
Miscellaneous Administrative Costs	1,500	-	1,500	100%	0%
Administration Expense Subtotal	14,791	13,355	1,436	10%	90%
Grant & Land Management - General	35,000	26,700	8,300	24%	76%
Grant Management - Contracted Services	19,700	16,980	2,720	14%	86%
Insurance - General Liability/Umbrella	10,683	9,501	1,182	11%	89%
LCWA Measure A - M/O	67,770	57,168	10,602	16%	84%
Security	8,700	6,525	2,175	25%	75%
Signage	3,000	-	3,000	100%	0%
MOAs	18,000	6,310	11,690	65%	35%
Miscellaneous	2,500	-	2,500	100%	0%
Operational Expense Subtotal	165,353	123,185	42,168	26%	74%
Consultant Services	7,000	5,537	1,463	21%	79%
Grant - State Coastal Conservancy	231,967	208,856	23,111	10%	90%
Grant - Rivers & Mountains Conservancy	921,064	114,546	806,518	88%	12%
Grant - Other Federal, State, County & Local Projects	274,500	174,925	99,575	36%	64%
Other - Mitigation Projects	50,924	61,605	(10,681)	-21%	121%
Other - Miscellaneous	-	-	-		
Capital Outlay Expense Subtotal	1,485,455	565,469	919,986	62%	38%
Total Expense	1,665,600	702,009	963,590	58%	42%
Ending Net Position	-	57,860	(57,860)		

**LOS CERRITOS WETLANDS AUTHORITY
REVENUES & EXPENDITURES FISCAL YEAR 2020-2021**

	FY 20/21 Budget	As of 10/23/20	Remaining Budget Balance	Remaining % Budget Balance	Actuals % FY21 Budget Spent
Revenues					
General Administrative & Operating Revenue					
JPA Contributions	40,000	-	40,000	100%	0%
Lease Revenue	73,470	3,168	70,302	96%	4%
Contracts	15,520	-	15,520	100%	0%
Fees	-	-	-		
Permits	10,000	-	10,000	100%	0%
Other - Local Revenue	65,000	-	65,000	100%	0%
Subtotal-General Administrative & Operating	203,990	3,168	200,822	98%	2%
Grants and Special Projects Revenue					
Grant - State Coastal Conservancy	10,652	-	10,652	100%	0%
Grant - Rivers & Mountains Conservancy	152,037	-	152,037	100%	0%
Grant - Other Federal, State, County & Local Funds	100,000	-	100,000	100%	0%
Mitigation Revenue	-	-	-		
Contracts - Other MOA	10,000	-	10,000	100%	0%
Other - Donations	-	-	-		
Other - Miscellaneous	5,000	-	5,000	100%	0%
Subtotal-Grants and Special Projects	277,689	-	277,689	100%	0%
Total Revenue	481,679	3,168	478,511	99%	1%
Expenses					
Insurance - D & O Policy	3,043	-	3,043	100%	0%
Audit Services	9,850	-	9,850	100%	0%
Website	1,000	-	1,000	100%	0%
Miscellaneous Administrative Costs	1,500	-	1,500	100%	0%
Administration Expense Subtotal	15,393	-	15,393	100%	0%
Grant & Land Management - General	19,200	-	19,200	100%	0%
Grant Management - Contracted Services	25,000	-	25,000	100%	0%
Insurance - General Liability/Umbrella	11,751	-	11,751	100%	0%
LCWA Measure A - M/O	81,058	-	81,058	100%	0%
Security	9,570	-	9,570	100%	0%
Signage	3,000	-	3,000	100%	0%
MOAs	10,000	-	10,000	100%	0%
Miscellaneous	2,500	-	2,500	100%	0%
Operational Expense Subtotal	162,079	-	162,079	100%	0%
Consultant Services	51,400	-	51,400	100%	0%
Grant - State Coastal Conservancy	-	-	-		
Grant - Rivers & Mountains Conservancy	127,807	-	127,807	100%	0%
Grant - Other Federal, State, County & Local Projects	100,000	-	100,000	100%	0%
Other - Mitigation Projects	25,000	-	25,000	100%	0%
Other - Miscellaneous	-	-	-		
Capital Outlay Expense Subtotal	304,207	-	304,207	100%	0%
Total Expense	481,679	-	481,679	100%	0%
Ending Net Position	-	3,168	(3,168)		

Los Cerritos Wetlands Authority**Date: November 5, 2020****To: Governing Board Members****From: Sally Gee, Project Manager****Through: Mark Stanley, Executive Officer****Subject: Item 10: Consideration of a resolution certifying the Final Program Environmental Impact Report prepared for the Los Cerritos Wetlands Restoration Plan and adopting Findings and Facts and a Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act (State Clearinghouse No. 2019039050)**

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) certify the Final Program Environmental Impact Report prepared for the Los Cerritos Wetlands Restoration Plan, adopt Findings and Facts, and adopt a Mitigation Monitoring and Reporting Program.

PROJECT DESCRIPTION: The Los Cerritos Wetlands Authority (LCWA), as the Lead Agency pursuant to CEQA, is proposing to implement a restoration program for the Los Cerritos Wetlands Complex. The Los Cerritos Wetlands Restoration Plan (proposed program) identifies conceptual restoration designs for approximately 503 acres of land and water located on the border of Orange County and Los Angeles County in the cities of Seal Beach and Long Beach (Exhibit A). The program area contains large expanses of open space, including wetland habitat, as well as other uses described in more detail in the Program Environmental Impact Report (PEIR). Due to its size, the Final PEIR is not attached to this report, but may be downloaded on the LCWA website at: <http://intoloscerritoswetlands.org/the-lcws-eir/>. This PEIR serves as a first-tier environmental document that focuses on the overall effects of implementing the activities that make up the proposed program. The final proposed program is described in Appendix A, Chapter 2 Project Description of the Final PEIR. As a first-tier environmental document, this PEIR will serve as the foundation for subsequent CEQA analysis (e.g., project-level EIRs, addendums) which may be conducted for project-specific restoration designs. To provide LCWA with the broadest of foundations as a first-tier environmental document, where appropriate, assumptions have been made in describing the program features that would potentially result in the worst-case impacts. This ensures that the analysis in the PEIR documents the potential for environmental impacts from all of the projects under this program – (Exhibit B, Table 5-1 Summary of Program and Alternative Impacts). Once LCWA begins the process of designing specific restoration projects, it will seek to minimize impactful aspects of the project, wherever feasible.

This PEIR has been prepared to address the potential environmental impacts associated with implementing the proposed program. Since the Los Cerritos Wetlands Restoration Plan consists of numerous conceptual restoration designs that involve implementation of projects over a long time period, a PEIR has been prepared (see Appendix A, Chapter 1, Section 1.2, Purpose of the Environmental Impact Report). CEQA Guidelines Section 15168 states that a PEIR may be used to evaluate a plan or program that has multiple components (projects and actions) or addresses a series of related actions. The proposed program would restore wetland, transition, and upland habitats throughout the program area. This would involve remediation of contaminated soil and

groundwater, grading, revegetation, construction of new public access opportunities (including trails, visitor center, parking lots, and viewpoints), construction of flood management facilities (including earthen levees and berms, and walls), and modification of existing infrastructure and utilities.

The goals and objectives of the proposed program are presented below and are similar to the goals and objectives identified in the Los Cerritos Wetlands Final Conceptual Restoration Plan (CRP) (Moffatt & Nichol, 2015):

1. Restore tidal wetland processes and functions to the maximum extent possible.
 - a. Increase estuarine habitat with a mix of tidal channels, mudflat, salt marsh, and brackish/ freshwater marsh and ponds.
 - b. Provide adequate area for wetland-upland ecotone and upland habitat to support wetlands.
 - c. Restore and maintain habitat that supports important life history phases for species of special concern (e.g., federal and state listed species), essential fish habitat, and migratory birds as appropriate.
 - d. Solicit and address feedback on restoration design from members of the community, Native American tribes, and other interested parties.
2. Maximize contiguous habitat areas and maximize the buffer between habitat and sources of human disturbance.
 - a. Maximize wildlife corridors within the LCW Complex and between the LCW Complex and adjacent natural areas within the region.
 - b. Incorporate native upland vegetation buffers between habitat areas and human development to mitigate urban impacts (e.g., noise, light, unauthorized human encroachment, domestic animals, wastewater runoff) and reduce invasion by non-native organisms.
 - c. Design the edges of the LCW Complex to be respectful and compatible with current neighboring land uses.
3. Create a public access and interpretive program that is practical, protective of sensitive habitat and ongoing oil operations, economically feasible, and will ensure a memorable visitor experience.
 - a. Build upon existing beneficial uses.
 - b. Minimize public impacts on habitat/wildlife use of the LCW Complex.
 - c. Design interpretive concepts that promote environmental stewardship and the connection between the wetlands and the community.
 - d. Solicit and address feedback from members of the community, Native American tribes, and other interested parties.
 - e. Encourage equitable access of the LCW as a regional resource.
4. Incorporate phasing of implementation to accommodate existing and future potential changes in land ownership and usage, and as funding becomes available.
 - a. Include projects that can be implemented as industrial operations are phased out and other properties are acquired over the near, mid, and long terms (next 10 years, 10–20 years, and 20+ years).
 - b. Investigate opportunities to restore levels of tidal influence that are compatible with current oil leases and neighboring private land holdings.
 - c. Remove/realign/consolidate existing infrastructure (roads, pipelines, etc.) and accommodate future potential changes in infrastructure, to the maximum extent feasible.
5. Strive for long-term restoration success.
 - a. Implement an adaptive management framework that is sustainable.

- b. Restore habitats in appropriate areas to minimize the need for long-term maintenance activities that are extensive and disruptive to wildlife.
 - c. Design habitats that will accommodate climate changes (e.g., incorporate topographic and habitat diversity and natural buffers and transition zones to accommodate migration of wetlands with rising sea levels).
 - d. Provide economic benefit to the region.
6. Integrate experimental actions and research into the project, where appropriate, to inform restoration and management actions for this project.
- a. Include opportunities for potential experiments and pilot projects to address gaps in information (e.g., effect of warm river water on salt marsh ecosystem) that are protective of sensitive habitat and wildlife and that can be used to adaptively manage the restoration project.
 - b. Include areas on the site, where appropriate, that prioritize research opportunities (such as those for adaptive management) over habitat sensitivities

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. 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, the CRP identifies goals and objectives (see above) and three restoration design alternatives (minimum alteration, moderate alteration, and maximum alteration) with varying degrees of alterations to existing site conditions 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 20 resource and permitting agencies, and research groups covering federal, state, regional, and local jurisdictions), and the public (based on input during 6 community workshops). The plan is supported by 8 technical reports that provide baseline information for numerous topics including hydrology and hydraulics, soils, watersheds, and habitat. The CRP identified the next step in the restoration design process:

“Further concept development of a hybrid alternative may occur at some point in the future to maximize benefits and minimize impacts of restoration. This work may include “mixing” and “matching” certain footprints of particular alternatives with those of different alternatives to create more alternatives that may provide more overall benefit than any of these individual concepts” (pg 7).

In 2017, LCWA received funding to further the design of the alternatives identified in the CRP with the development of a program-level restoration design, to prepare a PEIR, and to prepare a Los Cerritos Wetlands Optimized Restoration Plan (expected to be completed in late 2020). The proposed program along with alternatives to the proposed program (described in Appendix A, Chapter 5) 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 2 community workshops). The PEIR has been prepared to evaluate the environmental impacts associated with the proposed program.

Following certification of the PEIR by the LCWA Governing Board, the Los Cerritos Wetlands Optimized Restoration Plan will be finalized with input from public agencies, tribal representatives, stakeholders, landowners, and the community, and adopted by the LCWA Governing Board. The

restoration design presented in the Los Cerritos Wetlands Optimized Restoration Plan will be informed by this PEIR and public input while maintaining consistency with the framework provided by the CRP. The purpose of the Los Cerritos Wetlands Optimized Restoration Plan is to provide a conceptual basis of design for the restoration of the Los Cerritos Wetlands Complex, and to provide guidance for future phases of the restoration process.

Future phases of the restoration would involve identifying individual projects, performing required analyses and field surveys (i.e., wetland delineation reports, habitat surveys, archaeological and cultural surveys, soil samplings, etc.), engaging stakeholders, and developing more detailed, project-level designs (i.e., engineering designs, grading plans). As each individual restoration project is proposed, it will be evaluated for consistency with the Los Cerritos Wetlands Optimized Restoration Plan and the goals and objectives identified in this PEIR. Individual restoration projects will be developed with input from public agencies, tribal representatives, stakeholders, landowners, and the community, and adopted by the LCWA Board. As required by CEQA Guidelines Section 15168(c), subsequent activities in furtherance of a program (or plan) must be examined in the light of the Program EIR to determine whether additional environmental documentation must be prepared.

DISCUSSION: In conformance with CEQA and the CEQA Guidelines, the LCWA conducted an extensive environmental review of the proposed program. The environmental review process has included:

- ❖ Completion of an Initial Study (IS)/Notice of Preparation (NOP) on March 8, 2019. The 30-day public review period extended from March 8, 2019, to April 8, 2019. The NOP was posted at the Los Angeles County Clerk's office on March 8, 2019. Copies of the IS were made available for public review at the Bay Shore Neighborhood Library, located at 195 Bay Shore Avenue, Long Beach, CA 90803, at the Mary Wilson Library, located at 707 Electric Avenue, Seal Beach, CA 90740, and on LCWA's website (<http://intoloscerritoswetlands.org/the-lcws-eir/>).
- ❖ Completion of the scoping process where LCWA invited the public to participate in a scoping meeting held on March 21, 2019, at the Community Center in Recreation Park, 4900 East 7th Street, Long Beach, CA. The notice of a public scoping meeting was included in the NOP.
- ❖ Preparation of a Draft PEIR, which was made available for a 45-day public review period beginning May 8, 2020, and ending June 22, 2020. The public review period was extended by 15 days to July 6, 2020 for a total of 60-days. The scope of the Draft PEIR was determined based on the Initial Study, comments received in response to the NOP, and comments received at the scoping meeting conducted by LCWA. Draft PEIR Section 1.3.5, Known Areas of Controversy and Issues of Concern, describes the issues identified for analysis in the Draft PEIR. The Notice of Availability (NOA) for the Draft PEIR was sent to interested persons and organizations, sent to the State Clearinghouse in Sacramento for distribution to public agencies and posted on LCWA's website (<http://intoloscerritoswetlands.org/the-lcws-eir/>). The NOA was posted at the Los Angeles County Clerk's office and on the Project Site on May 11, 2020. The NOA was also posted at the Orange County Clerk's office on May 12, 2020. In addition, the Notice of Completion was sent to the Office of Planning and Research pursuant to CEQA Guidelines Section 15085, for distribution to the responsible regional agencies on May 8, 2020, with a review period ending on July 6, 2020. Two virtual public meeting webinars on the Draft PEIR were held on May 21, 2020 and on June 4, 2020.

The Draft PEIR contains the following sections:

- **Executive Summary.** This chapter summarizes the contents of the Draft PEIR.
 - **Chapter 1, Introduction.** This chapter discusses the CEQA process and the purpose of the PEIR.
 - **Chapter 2, Project Description.** This chapter provides an overview of the proposed program, describes the need for and objectives of the proposed program, and provides detail on the characteristics of the proposed program.
 - **Chapter 3, Environmental Setting, Impacts and Mitigation Measures.** This chapter describes the environmental setting and identifies impacts of the proposed program for each of the following environmental resource areas; *Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology, Soils, and Paleontological Resources; Greenhouse Gas Emissions and Energy; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Noise; Public Services; Recreation; Transportation; Tribal Cultural Resources; and Utilities and Service Systems.* Measures to mitigate the impacts of the proposed program are presented for each resource area.
 - **Chapter 4, Other CEQA Considerations.** This chapter describes the effects that were found not to be significant and those that were found to be significant and unavoidable. In addition, this section discusses the significant irreversible environmental changes and growth-inducing impacts associated with the proposed program.
 - **Chapter 5, Alternatives.** This chapter presents an overview of the alternatives development process and describes the alternatives to the proposed program that were considered.
 - **Chapter 6, Report Preparation.** This chapter identifies the key staff at LCWA and the authors involved in preparing this Draft PEIR.
 - **Appendices.** This PEIR includes appendices that provide either background information or additional technical support for the analysis. The following technical reports have been prepared and incorporated into the PEIR:
 - Appendix A – NOP/IS, Scoping Meeting Materials, and NOP and Scoping Meeting Comments
 - Appendix B – Air Quality Technical Report
 - Appendix C – Biological Resources
 - Appendix D – Cultural Resources Assessment Report
 - Appendix E – Paleontological Resources Assessment
 - Appendix F – Greenhouse Gas Emissions Technical Report
 - Appendix G – Energy Calculations
 - Appendix H – Hydrodynamic Modeling Technical Report
 - Appendix I – Sediment Dynamics and Sediment Budget Analysis
 - Appendix J – Sediment and Water Quality Investigation Technical Report
 - Appendix K – Noise Analysis Report
 - Appendix L – Summary of Environmental Effects and Mitigation Measures for the Los Cerritos Wetlands Oil Consolidation and Restoration Project
- ❖ Preparation of a Final PEIR, including comments, the responses to comments on the Draft PEIR, revisions to the Draft PEIR, and a Mitigation Monitoring and Reporting Program. The Final PEIR was released on October 22, 2020, for a two-week agency review period prior to certification of the Final PEIR and was posted to the LCWA's website and distributed to the public and commenting individuals, agencies, and organizations through

email. Due to the length of the Final PEIR, it has not been attached as an exhibit to this staff report, but can be publicly viewed on the LCWA website at <http://intoloscerritoswetlands.org/the-lcws-eir/>. A notice of public hearing for certification of the Final PEIR was circulated at the same time as the release of the Final PEIR.

The Final PEIR contains the following sections:

- **Chapter 1, Introduction to the Final PEIR.** This chapter describes CEQA requirements and the content of the Final PEIR.
- **Chapter 2, Responses to Comments.** This chapter provides a list of agencies, organizations, and interested individuals who commented on the Draft PEIR; copies of their comment letters received during the public review period; and responses to their individual comments.
- **Chapter 3, Draft PEIR Revisions.** This chapter contains a table identifying the sections of the Draft PEIR that have been revised as a result of the comments received by tribes, agencies, organizations and individuals as described in Chapter 2, and/or errors and omissions discovered subsequent to release of the Draft PEIR for public review. LCWA has determined that none of this material constitutes significant new information that requires recirculation of the Draft PEIR for further public comment under CEQA Guidelines Section 15088.5. The additional material clarifies existing information prepared in the Draft PEIR and does not present any new substantive information. None of this new material indicates that the project would result in a significant new environmental impact not previously disclosed in the Draft PEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, nor that there would be any of the other circumstances requiring recirculation described in Section 15088.5.
- **Chapter 4, Mitigation Monitoring and Reporting Program.** This chapter includes the Mitigation Monitoring and Reporting Program (MMRP). The MMRP was prepared based on the mitigation measures included in this Final PEIR.
- **Appendix A, Revised Draft PEIR.** This appendix includes the chapters and sections from the Draft PEIR that have been revised in response to comments received by tribes, agencies, organizations and individuals.

The Final PEIR Added and/or changed the following:

- Executive Summary (Revised)
- Chapter 1 – Introduction (Revised)
- Chapter 2 – Project Description (Revised)
- Chapter 3 – Individual Sections (Revised)
 - Section 3.2 – Air Quality (Revised)
 - Section 3.3 – Biological Resources (Revised)
 - Section 3.4 – Cultural Resources (Revised)
 - Section 3.5 – Geology and Soils (Revised)
 - Section 3.6 – Greenhouse Gas Emissions and Energy (Revised)
 - Section 3.7 – Hazards and Hazardous Materials (Revised)
 - Section 3.8 – Hydrology and Water Quality (Revised)
 - Section 3.9 – Land Use and Planning (Revised)
 - Section 3.13 – Recreation (Revised)
 - Section 3.15 – Tribal Cultural Resources (Revised)

Section 3.16 – Utilities and Service Systems (Revised)
 Chapter 4 – Other CEQA Considerations (Revised)
 Chapter 5 – Alternatives (Revised)

- **Appendix B, Monitoring and Adaptive Management Plan.** This appendix provides a framework for the Los Cerritos Wetlands Restoration Program for monitoring, assessing, and managing potential hydrodynamic and water and sediment quality impacts to biological resources and human health from and to the program after construction.

FURTHER DISCUSSION/ IDENTIFICATION AND DISCLOSURE OF ENVIRONMENTAL IMPACTS:

The LCWA, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft PEIR and Final PEIR. The Findings and Facts, and Statement of Overriding Considerations is included as Exhibit C.

Significant Unavoidable Adverse Environmental Impacts:

Although many of the proposed program impacts have been substantially avoided or mitigated, as described in the Findings and Facts, there remain some potential impacts concerning air quality, cultural resources, and tribal cultural resources for which complete mitigation is not feasible. For these impacts, mitigation measures were identified and adopted by the Lead Agency, however, even with implementation of the measures, the LCWA finds that the impacts described below cannot be reduced to a level of less than significant. The impacts and alternatives are described below and were also addressed in the Findings. As identified in the Final PEIR, implementation of the proposed program would result in the following significant impacts even after imposition of all feasible mitigation measures:

- ❖ Impact AQ-1a (construction), Impact AQ-3a (construction), Cumulative: If all subphases of construction associated with the near-term phase were to occur concurrently (which was conservatively analyzed in the earliest possible year), maximum daily emissions from construction activities would exceed the SCAQMD regional threshold for NOX. With implementation of mitigation measures, regional impacts would be mitigated to a less than significant level. However, localized impacts to sensitive receptors at the program-level would be considered potentially significant even after incorporation of mitigation. Therefore, localized impacts from program construction pertaining to NOX emissions would be significant and unavoidable (Impact AQ-3), if all subphases of construction associated with the near-term phase were to occur concurrently (which was conservatively analyzed in the earliest possible year). In addition, as the proposed program would have a localized impact from NOX emissions, the proposed program would also conflict with Criterion 1 for determining the proposed program's consistency with the AQMP (Impact AQ-1a and Impact AQ-3a).
- ❖ Impact CUL-1, Impact CUL-2, and Cumulative: There are 23 potential historical resources within or immediately adjacent to the program area, including 15 archaeological resources and 8 historical architectural resources. In addition, the Los Cerritos Wetlands is part of a tribal cultural landscape identified by some tribal representatives during consultation with the CCC. Furthermore, given that the entire program area was not systematically surveyed as part of this assessment, there could be additional as-yet unidentified archaeological and historical architectural resources within the program area. As such, the proposed

program would implement Mitigation Measure CUL-1 through CUL-17 to reduce impacts to historical resources by requiring qualified cultural resources personnel to conduct future project-specific studies; development of appropriate treatment for significant resources; and archaeological and Native American monitoring of ground disturbance. The proposed program also includes Mitigation Measures BIO-1 through BIO-11 that would lessen potential construction-related impacts to plants and animals that are considered part of the tribal cultural landscape. However, even with implementation of these mitigation measures, impacts to historical resources and archaeological resources would be significant and unavoidable at the program level during construction of the proposed program. Once specific projects are designed, additional cultural resources studies would be completed as necessary and impacts resulting from specific projects would be considered. It is possible that project-level impacts to historical and archaeological resources may be mitigated to a less than significant level. Project-level impacts would be analyzed as part of future CEQA analysis.

- ❖ Impact TRI-1 and Impact TRI-2: Since the publication of the Draft PEIR, although the tribal cultural landscape has not been formally documented, geographically defined, nor evaluated for listing in the California Register or in a local register of historical resources, using its discretion and supported by substantial evidence, the LCWA has determined it to be a tribal cultural resource. Implementation of Mitigation Measures CUL-1 and CUL-4 through CUL-17 would lessen the impact to archaeological resources that contribute to the significance of the tribal cultural landscape. The proposed program also includes Mitigation Measures BIO-1 through BIO-11 that would lessen potential construction-related impacts to plants and animals that are considered part of the tribal cultural landscape. Even with implementation of these measures, the destruction or material alteration of an archaeological resource that contributes to the landscape's significance would constitute a substantial adverse change since it would no longer be present on the landscape. Since avoidance and preservation in place of such resources cannot be guaranteed, impacts to Native American or prehistoric archaeological resources that convey the significance of the tribal cultural landscape are considered significant and unavoidable at the program level. Once specific projects are designed, additional tribal consultation would be conducted as necessary and impacts resulting from specific projects would be considered. 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. Project-level impacts would be analyzed as part of future CEQA analysis.

Further discussions regarding impact findings of less than significant impacts, mitigated to less than significant, and program alternatives can be found in the Findings and Facts (Exhibit C).

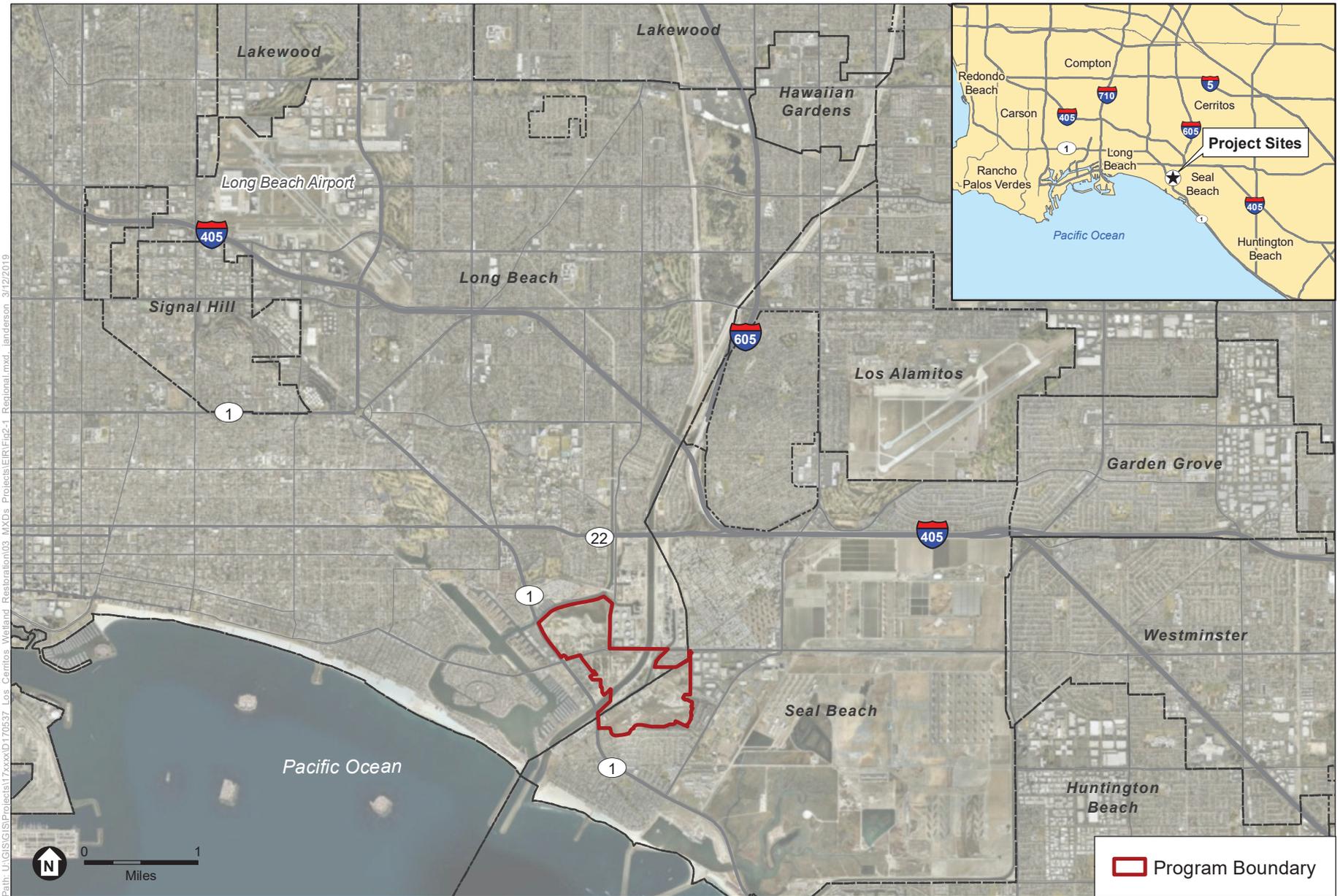
In conclusion, the LCWA has identified and analyzed all potentially significant impacts of the proposed program and has concluded that construction-related air quality impacts, cultural resource impacts and tribal cultural resource impacts will remain unavoidable and adverse after all mitigation measures have been examined. In addition, these impacts would also result from implementation of Alternative 2 (Exhibit B). The LCWA has identified economic and social benefits and important public policy objectives that will result from implementation of the proposed program (see Exhibit C, Section 3.3 Statement of Overriding Considerations, for a list of considerations). The proposed program will provide benefits to members of the public from surrounding cities and the region. Pursuant to Public Resources Code Section 21081(b) and *CEQA Guidelines* Section 15093, the LCWA has balanced the benefits of the proposed program against the unavoidable adverse impacts associated with the proposed program and has adopted

all feasible mitigation measures with respect to these impacts. Given the substantial social and public benefits that will accrue to the region from the implementation of the proposed program, the LCWA finds that the proposed program's identified benefits override the program's identified significant environmental impacts.

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 Chapter 4 of the Final EIR and is incorporated into this report as Exhibit D.

FISCAL: The CEQA filing fee for an Environmental Impact Report is \$3,418.25.

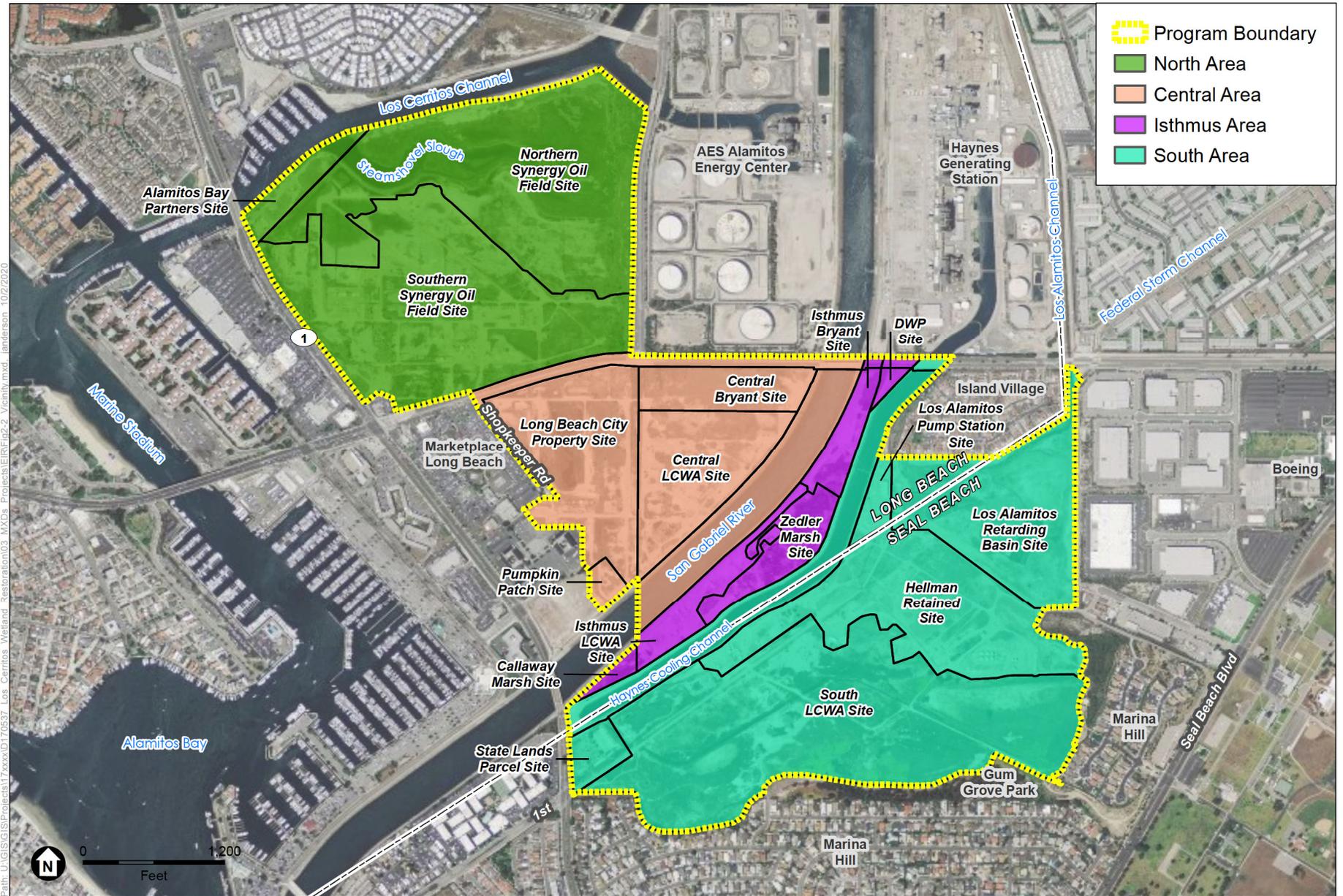


Path: U:\GIS\GIS\Projects\17xxxx\170537_Los_Cerritos_Wetland_Restoration\03_MXDs_Projects\EIR\Fig2-1_Regional.mxd, landerson, 3/12/2019

SOURCE: ESRI

Los Cerritos Wetlands Restoration Plan Draft Program EIR

Figure 2-1
Regional Location



SOURCE: Mapbox, LCWA

Los Cerritos Wetlands Restoration Plan Draft Program EIR

Figure 2-2
Revised Project Site and Local Vicinity

**TABLE 5-1
SUMMARY OF PROGRAM AND ALTERNATIVE IMPACTS**

Environmental Issue	Program Impact	Alternative 1: No Program (No Build)	Alternative 2: Culvert Connection to San Gabriel River with Perimeter Levee
Aesthetics			
Impact AES-1: Scenic Vistas	LTS	LTS (Greater)	LTS (Similar)
Impact AES-2: Scenic Resources	LTS	NI (Less)	LTS (Similar)
Impact AES-3: Regulations Governing Scenic Quality	LTS	NI (Less)	LTS (Similar)
Impact AES-4: Light and Glare	LTS with MM	NI (Less)	LTS with MM (Similar)
Air Quality			
Impact AQ-1: Air Quality Plan	SU for construction; LTS for operation	NI for construction and operation (Less)	SU for construction (Similar); LTS for operation (Similar)
Impact AQ-2: Cumulative Considerable Net Increase	LTS with MM for construction; LTS for operation	NI for construction and operation (Less)	LTS with MM for construction (Similar); LTS for operation (Similar)
Impact AQ-3: Sensitive Receptors	SU for construction; LTS for operation	NI for construction and operation (Less)	SU for construction (Similar); LTS for operation (Similar)
Impact AQ-4: Odors	LTS	LTS (Similar)	LTS (Similar)
Biological Resources			
Impact BIO-1: Candidate, Sensitive or Special-Status Species	LTS with MM	NI (Less)	LTS with MM (Less)
Impact BIO-2: Riparian Habitat or Sensitive Natural Community	LTS with MM	NI (Less)	LTS with MM (Less)
Impact BIO-3: State or Federally Protected Wetlands	LTS with MM	NI (Less)	LTS with MM (Less)
Impact BIO-4: Native Resident or Migratory Fish or Wildlife Species	LTS with MM	NI (Less)	LTS with MM (Less)
Impact BIO-5: Biological Resources Protection Policies	LTS	NI (Less)	LTS (Similar)
Cultural Resources			
Impact CUL-1: Historical Resources	SU	NI (Less)	SU (Similar)
Impact CUL-2: Archaeological Resources	SU	NI (Less)	SU (Similar)
Impact CUL-3: Human Remains	LTS with MM	NI (Less)	LTS with MM (Similar)

**TABLE 5-1
SUMMARY OF PROGRAM AND ALTERNATIVE IMPACTS**

Environmental Issue	Program Impact	Alternative 1: No Program (No Build)	Alternative 2: Culvert Connection to San Gabriel River with Perimeter Levee
Geology, Soils, and Paleontological Resources			
Impact GEO-1a: Fault Rupture	LTS	NI (Less)	LTS (Similar)
Impact GEO-1b: Seismic Ground Shaking	LTS	NI (Less)	LTS (Similar)
Impact GEO-1c: Seismic-Related Ground Failure	LTS	NI (Less)	LTS (Similar)
Impact GEO-2: Soil Erosion and Topsoil Loss	LTS	NI (Less)	LTS (Less)
Impact GEO-3: Geologic Instability	LTS	NI (Less)	LTS (Similar)
Impact GEO-4: Expansive Soil	LTS	NI (Less)	LTS (Similar)
Impact GEO-5: Septic Tanks	NI	NI (Less)	NI (Similar)
Impact GEO-6: Paleontological Resources	LTS with MM	NI (Less)	LTS with MM (Similar)
Greenhouse Gas Emissions and Energy			
Impact GHG-1: GHG Emissions	LTS	LTS (Less)	LTS (Less)
Impact GHG-2: GHG Regulations	LTS	LTS (Similar)	LTS (Similar)
Impact EN-1: Wasteful, Inefficient, or Unnecessary	LTS	NI (Less)	LTS (Less)
Impact EN-2: Conflict or Obstruct State or Local Plan	LTS	LTS (Similar)	LTS (Similar)
Hazards and Hazardous Materials			
Impact HAZ-1: Routine Transport, Use, Or Disposal	LTS	NI (Less)	LTS (Similar)
Impact HAZ-2: Hazardous Materials Near Schools	NI	NI (Similar)	NI (Similar)
Impact HAZ-3: List of Hazardous Materials	LTS with MM	NI (Less)	LTS with MM (Similar)
Impact HAZ-4: Public Airport or Public Use Airport	NI	NI (Similar)	NI (Similar)
Impact HAZ-5: Wildland Fires	NI	NI (Similar)	NI (Similar)
Hydrology and Water Quality			
Impact HYD-1: Water Quality Standards	LTS with MM	NI (Less)	LTS with MM (Similar)
Impact HYD-2: Groundwater Supplies	LTS	NI (Less)	LTS (Similar)
Impact HYD-3a: Drainage Patterns – Erosion or Siltation	LTS with MM	NI (Less)	LTS with MM (Less)
Impact HYD-3b: Drainage Patterns - Flooding	LTS	LTS (Greater)	LTS (Similar)

**TABLE 5-1
SUMMARY OF PROGRAM AND ALTERNATIVE IMPACTS**

Environmental Issue	Program Impact	Alternative 1: No Program (No Build)	Alternative 2: Culvert Connection to San Gabriel River with Perimeter Levee
Impact HYD-3c: Drainage Patterns – Stormwater Drainage Systems	LTS	NI (Less)	LTS (Similar)
Impact HYD-3d: Drainage Patterns – Flood Flows	LTS	NI (Less)	LTS (Similar)
Impact HYD-4: Flood Hazards, Tsunami, Seiche	LTS	LTS (Similar)	LTS (Similar)
Impact HYD-5: Water Quality Control Plan	LTS	LTS (Greater)	LTS (Similar)
Land Use and Planning			
Impact LU-1: Applicable Land Use Plan, Policy, or Regulation	LTS	LTS (Greater)	LTS (Similar)
Mineral Resources			
Impact MIN-1: Mineral Resource Loss or Locally Important Mineral Resource Recovery Site Loss	NI	NI (Similar)	NI (Similar)
Noise			
Impact NOI-1: Noise Standard Exceedance	LTS	NI (Less)	LTS (Greater)
Impact NOI-2: Groundborne Vibration	LTS	NI (Less)	LTS (Greater)
Public Services			
Impact PS-1a: Fire Protection	LTS with MM	NI (Less)	LTS with MM (Similar)
Impact PS-1b: Police Protection	LTS	NI (Less)	LTS (Similar)
Impact PS-1c: Parks	LTS	NI (Less)	LTS (Similar)
Recreation			
Impact REC-1: Neighborhood and Regional Parks	LTS	NI (Less)	LTS (Similar)
Impact REC-2: Expansion of Recreational Facilities	LTS	NI (Less)	LTS (Similar)
Transportation			
Impact TRA-1: Program Plan, Ordinance, or Policy	LTS with MM	NI (Less)	LTS with MM (Similar)
Impact TRA-2: CEQA Guidelines section 15064.3, subdivision (b)	LTS	NI (Less)	LTS (Similar)
Impact TRA-3: Traffic Hazards	LTS with MM	NI (Less)	LTS with MM (Similar)

**TABLE 5-1
SUMMARY OF PROGRAM AND ALTERNATIVE IMPACTS**

Environmental Issue	Program Impact	Alternative 1: No Program (No Build)	Alternative 2: Culvert Connection to San Gabriel River with Perimeter Levee
Tribal Cultural Resources			
Impact TRI-1: Listed or Eligible Tribal Cultural Resource	SU	NI (Less)	SU (Similar)
Impact TRI-2: Tribal Cultural Resource Determined by the Lead Agency	SU	NI (Less)	SU (Similar)
Utilities and Service Systems			
Impact UTL-1: Expanded Facilities	LTS with MM	NI (Less)	LTS with MM (Similar)
Impact UTL-2: Sufficient Water Supplies	LTS	NI (Less)	LTS (Similar)
Impact UTL-3: Adequate Wastewater Treatment Capacity	LTS	NI (Less)	LTS (Similar)
Impact UTL-4: Solid Waste Capacity	LTS	NI (Less)	LTS (Similar)
Impact UTL-5: Solid Waste Regulations	LTS	NI (Less)	LTS (Similar)
NI = No Impact LTS = Less than Significant LTS with MM = Less than Significant with mitigation measures SU = Significant and unavoidable impacts			

CHAPTER 1

Background

The California Environmental Quality Act (CEQA) requires that written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to *CEQA Guidelines* Sections 15091 and 15093 and Public Resources Code Section 21081. This document provides the findings required by CEQA and the specific reasons for considering the proposed program acceptable even though the proposed program has significant impacts that are infeasible to mitigate.

The lead agency is responsible for ensuring the adequacy and objectivity of the EIR. The Los Cerritos Wetlands Authority (LCWA), as lead agency, has subjected the Draft Programmatic EIR (PEIR) and Final PEIR to the agency's own review and analysis process.

1.1 Program Summary

The LCWA, as the Lead Agency pursuant to CEQA, is proposing a restoration program for the Los Cerritos Wetlands Complex. The proposed program identifies conceptual restoration designs for approximately 503 acres of land located on the border of Orange County and Los Angeles County in the cities of Seal Beach and Long Beach. The program area consists of the South, Isthmus, Central and North areas. The proposed program would restore wetland, transition, and upland habitats throughout the program area. This would involve remediation of contaminated soil and groundwater, grading, revegetation, construction of new public access opportunities (including trails, visitor center, parking lots, and viewpoints), construction of flood management facilities (including earthen levees and berms, and walls), and modification of existing infrastructure and utilities.

1.2 Los Cerritos Wetlands Restoration Plan Goals and Objectives

The goals and objectives of the proposed program are presented below and are similar to the goals and objectives identified in the Los Cerritos Wetlands Final Conceptual Restoration Plan (CRP) (Moffatt & Nichol, 2015):

1. Restore tidal wetland processes and functions to the maximum extent possible.
 - a. Increase estuarine habitat with a mix of tidal channels, mudflat, salt marsh, and brackish/freshwater marsh and ponds.
 - b. Provide adequate area for wetland-upland ecotone and upland habitat to support wetlands.

- c. Restore and maintain habitat that supports important life history phases for species of special concern (e.g., federal and state listed species), essential fish habitat, and migratory birds as appropriate.
 - d. Solicit and address feedback on restoration design from members of the community, Native American tribes, and other interested parties.
 2. Maximize contiguous habitat areas and maximize the buffer between habitat and sources of human disturbance.
 - a. Maximize wildlife corridors within the LCW Complex and between the LCW Complex and adjacent natural areas within the region.
 - b. Incorporate native upland vegetation buffers between habitat areas and human development to mitigate urban impacts (e.g., noise, light, unauthorized human encroachment, domestic animals, wastewater runoff) and reduce invasion by non-native organisms.
 - c. Design the edges of the LCW Complex to be respectful and compatible with current neighboring land uses.
 3. Create a public access and interpretive program that is practical, protective of sensitive habitat and ongoing oil operations, economically feasible, and will ensure a memorable visitor experience.
 - a. Build upon existing beneficial uses.
 - b. Minimize public impacts on habitat/wildlife use of the LCW Complex.
 - c. Design interpretive concepts that promote environmental stewardship and the connection between the wetlands and the community.
 - d. Solicit and address feedback from members of the community, Native American tribes, and other interested parties.
 - e. Encourage equitable access of the LCW as a regional resource.
 4. Incorporate phasing of implementation to accommodate existing and future potential changes in land ownership and usage, and as funding becomes available.
 - a. Include projects that can be implemented as industrial operations are phased out and other properties are acquired over the near, mid, and long terms (next 10 years, 10–20 years, and 20+ years).
 - b. Investigate opportunities to restore levels of tidal influence that are compatible with current oil leases and neighboring private land holdings.
 - c. Remove/realign/consolidate existing infrastructure (roads, pipelines, etc.) and accommodate future potential changes in infrastructure, to the maximum extent feasible.
 5. Strive for long-term restoration success.
 - a. Implement an adaptive management framework that is sustainable.
 - b. Restore habitats in appropriate areas to minimize the need for long-term maintenance activities that are extensive and disruptive to wildlife.
 - c. Design habitats that will accommodate climate changes (e.g., incorporate topographic and habitat diversity and natural buffers and transition zones to accommodate migration of wetlands with rising sea levels).
 - d. Provide economic benefit to the region.

6. Integrate experimental actions and research into the project, where appropriate, to inform restoration and management actions for this project.
 - a. Include opportunities for potential experiments and pilot projects to address gaps in information (e.g., effect of warm river water on salt marsh ecosystem) that are protective of sensitive habitat and wildlife and that can be used to adaptively manage the restoration project.
 - b. Include areas on the site, where appropriate, that prioritize research opportunities (such as those for adaptive management) over habitat sensitivities.

1.3 Environmental Review Process

In conformance with CEQA and the *CEQA Guidelines*, the LCWA conducted an extensive environmental review of the proposed program. The environmental review process has included:

- Completion of an Initial Study (IS)/Notice of Preparation (NOP) on March 8, 2019. The 30-day public review period extended from March 8, 2019, to April 8, 2019. The NOP was posted at the Los Angeles County Clerk's office on March 8, 2019. Copies of the IS were made available for public review at the Bay Shore Neighborhood Library, located at 195 Bay Shore Avenue, Long Beach, CA 90803, at the Mary Wilson Library, located at 707 Electric Avenue, Seal Beach, CA 90740, and on LCWA's website (<http://intoloscerritoswetlands.org/the-lcws-eir/>).
- Completion of the scoping process where LCWA invited the public to participate in a scoping meeting held on March 21, 2019, at the Community Center in Recreation Park, 4900 East 7th Street, Long Beach, CA. The notice of a public scoping meeting was included in the NOP.
- Preparation of a Draft PEIR, which was made available for a 45-day public review period beginning May 8, 2020, and ending June 22, 2020. The public review period was extended by 15 days to July 6, 2020 for a total of 60-days. The scope of the Draft PEIR was determined based on the Initial Study, comments received in response to the NOP, and comments received at the scoping meeting conducted by LCWA. Draft PEIR Section 1.3.5, Known Areas of Controversy and Issues of Concern, describes the issues identified for analysis in the Draft PEIR. The Notice of Availability (NOA) for the Draft PEIR was sent to interested persons and organizations, sent to the State Clearinghouse in Sacramento for distribution to public agencies and posted on LCWA's website (<http://intoloscerritoswetlands.org/the-lcws-eir/>). The NOA was posted at the Los Angeles County Clerk's office and on the Project Site on May 11, 2020. The NOA was also posted at the Orange County Clerk's office on May 12, 2020. In addition, the Notice of Completion was sent to the Office of Planning and Research pursuant to *CEQA Guidelines* Section 15085, for distribution to the responsible regional agencies on May 8, 2020, with a review period ending on July 6, 2020. Two virtual public meeting webinars on the Draft PEIR were held on May 21, 2020 and on June 4th 2020.
- Preparation of a Final PEIR, including comments, the responses to comments on the Draft PEIR, and revisions to the Draft PEIR. The Final PEIR was released for a two-week agency review period prior to certification of the Final PEIR.
- The LCWA Board held a public hearing on the proposed program on November 5, 2020.

1.4 Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed program includes, but is not limited to, the following documents and other evidence:

- The NOP, the NOA, and all other public notices issued by LCWA in conjunction with the proposed program.
- The Draft PEIR and Final PEIR for the proposed program.
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR.
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR.
- All written and verbal public testimony presented during a noticed public hearing for the proposed program.
- The Mitigation Monitoring and Reporting Program.
- The reports and technical memoranda included or referenced in the Draft PEIR and Final PEIR.
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft PEIR and Final PEIR.
- The Resolution adopted by the LCWA in connection with the proposed program, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto.
- Matters of common knowledge to the LCWA, including but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings.

1.5 Custodian and Location of Records

Due to the COVID-19 pandemic and closure of public libraries and gathering spaces, the documents and other materials that constitute the administrative record for LCWA's actions related to the proposed program will be made available only on an appointment basis for those that cannot view the document online. Please contact Sally Gee from the Los Cerritos Wetlands Authority at 626-815-1019 x 104 or sgee@rmc.ca.gov to make arrangements to view the document. LCWA is committed to making this document accessible to the public during these unique times. Copies of these documents, which constitute the record of proceedings, are available upon request. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

CHAPTER 2

Findings and Facts

The LCWA, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the Draft PEIR and Final PEIR.

Specifically, regarding findings, *CEQA Guidelines* Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

2.1 Organization

Chapter 2 is divided into the following subsections:

- **Section 2.2, Findings Regarding No Impact and Less than Significant Impacts Identified in the PEIR**, presents the impacts of the proposed program that were determined in the Draft PEIR to be less than significant without the addition of mitigation measures.
- **Section 2.3, Findings Regarding Impacts Which Can Be Mitigated to Less Than Significant**, presents significant impacts of the proposed program that were identified in the Final PEIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, and the rationales for the findings.
- **Section 2.4, Findings Regarding Impacts Not Fully Mitigated to Less Than Significant**, presents significant impacts of the proposed program that were identified in the Final PEIR, the mitigation measures identified in the Mitigation Monitoring and Reporting Program, the findings for significant impacts, and the rationales for the findings.
- **Section 2.5, Findings Regarding Program Alternatives**, presents alternatives to the proposed program and evaluates them in relation to the findings set forth in *CEQA Guidelines* Section 15091(a)(3), which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, social, or other considerations.
- **Section 2.5, Findings Regarding the Final PEIR**, provides a determination regarding the Final EIR.

2.2 Findings Regarding No Impact and Less than Significant Impacts Identified in the EIR

The PEIR found that the proposed program would have *no impacts or less than significant impacts without the imposition of mitigation* on a number of environmental topic areas. The no impact or less than significant environmental impact determination was made for each of the following topic areas listed in Table 1, *No Impact or Less Than Significant Impacts*, below, based on the more expansive discussions contained in the PEIR.

TABLE 1
NO IMPACT OR LESS THAN SIGNIFICANT IMPACTS

Impact Statement	Page Number	Description/Finding
Aesthetics		
<p>AES-1: The proposed program would not have a substantial adverse effect on a scenic vista.</p>	<p>EIR Section 3.1, p. 3.1-23 to 3.1-30</p>	<p>Construction activities would restore and enhance the wetlands and would be temporary in nature. Since views from public roads surrounding the site are from the same elevation as the program area, restoration and construction work viewed from these roads would be seen in the foreground views and would not block or obscure broader views of background scenic vistas, such as those of the San Gabriel Mountains. All restoration and construction activities would be temporary in nature.</p> <p>While development of the proposed program would change views of the scenic vistas, a majority of the viewpoints would be enhanced and new ones created by the proposed program due to the restoration of native vegetation and wetland habitat and consolidation of oil production facilities as shown in Figures 3.1 7 through Figure 3.1 12.</p>
<p>AES-2: The proposed program would not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.</p>	<p>EIR Section 3.1, p. 3.1-37</p>	<p>Views of scenic resources on the program area are for the most part not visible from Pacific Coast Highway (PCH). While views of wetlands located on the North Area are somewhat visible from PCH, the construction and operation of the proposed program would remove non-native vegetation and phase out oil production facilities, which would enhance the scenic value of the proposed program.</p>
<p>AES-3: The proposed program would not conflict with applicable zoning and other regulations governing scenic quality in an urbanized area.</p>	<p>EIR Section 3.1, p. 3.1-37</p>	<p>Zoning and other regulations governing scenic quality applicable to the proposed program include the City of Seal Beach General Plan, Hellman Ranch Specific Plan, City of Long Beach General Plan, adopted Southeast Area Development and Improvement Plan (SEADIP), the proposed Southeast Area Specific Plan (SEASP) 2060 (for informational purposes), and City of Long Beach's Local Coastal Program (LCP). Generally, these regulations emphasize preserving views, preserving open space, and creating and enhancing public access. The development of the proposed program would be consistent with these regulations.</p>

TABLE 1
NO IMPACT OR LESS THAN SIGNIFICANT IMPACTS

Impact Statement	Page Number	Description/Finding
Air Quality		
AQ-1b: The proposed program would not conflict with or obstruct implementation of the applicable air quality plan during operation of the proposed program.	EIR Section 3.2, p. 3.2-23	Under the two consistency criterion for the Air Quality Management Plan (AQMP), as it relates to 1) an increase in the frequency or severity of existing air quality violations, and 2) exceeding the assumptions in the AQMP, under operation of the proposed program, the proposed program would restore wetlands and habitat areas which would reduce emissions in the long term from the existing environmental setting as oil operations cease. The proposed program would not increase population growth as it includes no housing and would generate a minimal number of jobs for maintenance of the facilities. The improvements to pedestrian access would help decrease vehicle miles traveled region-wide as it provides a recreational area near existing residential communities in the cities of Seal Beach and Long Beach thereby reducing the need to travel long distances for recreation.
AQ-2b (operation): The proposed program would not result in a cumulatively considerable net increase of criteria pollutants during operation of the proposed program.	EIR Section 3.2, p. 3.2-25	As shown in Table 3.2-5, Maximum Unmitigated Regional Operational Emissions (Pounds per Day), all operational criteria air pollutants emissions would be well below the South Coast Air Quality Management District (SCAQMD) regional thresholds during operation. In addition, Table 3.2-6, Comparison of Program-Level Operational Emissions and South Coast Air Basin Emissions (Tons per Year), compares program-level operational emissions with South Coast Air Basin emissions. The net increase in emissions from the proposed program would be minuscule in comparison to basin-wide emissions.
AQ-3b (operation): The proposed program would not expose sensitive receptors to substantial pollutant concentrations during operation of the proposed program.	EIR Section 3.2, p. 3.2-30	As shown in Table 3.2-9, Operational Screening LSTs (Pounds per Day), the unmitigated on-site operational emissions would not exceed any of the operational screening localized significance thresholds since most of the operational emissions are from mobile sources (off site).
AQ-4: The proposed program would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	EIR Section 3.2, p. 3.2-32	The proposed program would decommission oil wells and pipelines, thus, odors would be expected to be reduced compared to the existing setting. Through mandatory compliance with SCAQMD Rules, no construction activities or materials are expected to create objectionable odors affecting a substantial number of people. Therefore, the proposed program would not create adverse odors affecting a substantial number of people.

**TABLE 1
NO IMPACT OR LESS THAN SIGNIFICANT IMPACTS**

Impact Statement	Page Number	Description/Finding
Biological Resources		
<p>BIO-5: The proposed program would not have a substantial adverse effect and conflict with biological resources protected by local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</p>	<p>EIR Section 3.3, p. 3.3-116</p>	<p>As it relates to protected trees, the proposed program would comply with the City of Seal Beach's Protective Tree Ordinance and the City of Long Beach's Tree Maintenance Policy, or the California Coastal Commission Special Condition 1. Tree Trimming and Tree Removal Policy, as appropriate, during any construction or operational activities. As it relates to Environmentally Sensitive Habitat Areas (ESHA), ground disturbing activities during construction of the proposed program would temporarily impact ESHA; however, overall ESHA would be expanded due to the conversion of non-ESHA to ESHA. Any negligible impacts that occur by foot traffic from maintenance personnel during operation of the proposed program, are permitted in accordance with Section 30240 and Section 30233(a)(b) of the California Coastal Act.</p>
<p>BIO-6: The proposed program would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.</p>	<p>EIR Section 3.3, p. 3.3-118</p>	<p>Based on a review of the California Department of Fish and Wildlife California Regional Conservation Plans, there are no Habitat Conservation Plans or other approved habitat conservation plans prepared for the program area.</p>
Geology and Soils		
<p>GEO-1a: The proposed program would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.</p>	<p>EIR Section 3.5, p. 3.5-40</p>	<p>Based on compliance with existing regulations, the proposed uses, limited hours of use, and anticipated number of people visiting the site, exposure of people to fault rupture impacts on the program area during operation would be unlikely. The proposed program would also not exacerbate the potential for earthquakes because the proposed program does not include changes to the existing injection and extraction of oil and produced water.</p>
<p>GEO-1b: The proposed program would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.</p>	<p>EIR Section 3.5, p. 3.5-41</p>	<p>Based on the proposed uses, limited hours of use and anticipated number of people visiting the site, exposure of people to seismic shaking impacts on the program area during operation would be unlikely. The proposed visitor's center structure would be required to comply with the California Building Code (CBC) and would be required to undergo appropriate project level design-level geotechnical evaluations prior to the final design and construction. In addition, the removal of wells and associated infrastructure would reduce the exposure of wells and infrastructure to seismic shaking.</p>

TABLE 1
NO IMPACT OR LESS THAN SIGNIFICANT IMPACTS

Impact Statement	Page Number	Description/Finding
GEO-1c: The proposed program would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction, lateral spreading, and landslides.	EIR Section 3.5, p. 3.5-43	Based on the proposed uses, limited hours of use, and anticipated number of people visiting the site, exposure of people to liquefaction and lateral spreading impacts on the program area during operation would be unlikely. The proposed visitor's center structure would be required to comply with the requirements of the CBC and local ordinances and would be required to undergo appropriate project level design-level geotechnical evaluations, which would include recommendations to address geotechnical issues, including liquefaction and lateral spreading. In addition, the removal of wells and associated infrastructure would reduce the exposure of wells and infrastructure to liquefaction and lateral spreading.
GEO-2: The proposed program would not result in substantial soil erosion or the loss of topsoil.	EIR Section 3.5, p. 3.5-45	Because the overall footprint of construction activities would exceed 1 acre, the proposed program would be required to comply with regulatory requirements including the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and applicable erosion control ordinances. In addition, during operation of the proposed program, after some initial channel adjustment, erosion during typical tides is expected to be minimal.
GEO-3: The proposed program would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed program, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.	EIR Section 3.5, p. 3.5-47	The program area is relatively flat and the wetlands habitat restoration efforts would not result in slope susceptible to landslide. The proposed program also does not include the extraction of shallow groundwater and collapse would not occur.
GEO-4: The proposed program would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.	EIR Section 3.5, p. 3.5-47	Based on the proposed uses, limited hours of use, and anticipated number of people visiting the site, exposure of people to expansive soil impacts on the program area during operation would be unlikely. The proposed visitor's center structure would be required to comply with the requirements of the CBC and local ordinances and would be required to undergo appropriate project level design-level geotechnical evaluations.
GEO-5: The proposed program would not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.	EIR Section 3.5, p. 3.5-49	The proposed program does not include the construction or operation of septic tanks or alternative waste water disposal systems.
Greenhouse Gas Emissions and Energy		
GHG-1: The proposed program would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	EIR Section 3.6, p. 3.6-21	The proposed program's annual emissions, including construction and operational emissions, would be below the 10,000 metric tons of carbon dioxide per year (MTCO ₂ e/year) threshold.

**TABLE 1
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Impact Statement	Page Number	Description/Finding
<p>GHG-2: The proposed program would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.</p>	<p>EIR Section 3.6, p. 3.6-22</p>	<p>During construction, construction contractors would comply with regulations including the United States Environmental Protection Agency (USEPA) Heavy Duty Vehicle Greenhouse Gas Regulation and the California Air Resources Board (CARB) Airborne Toxic Control Measures that limits heavy-duty diesel motor vehicle idling. Implementation of these measures would ensure that greenhouse gas (GHG)-efficient equipment and practices in accordance with applicable plans, policies, and regulations would be used. As it relates to operation, the proposed program is expected to align with the strategies of the Long Beach Climate Action and Adaptation Plan (CAAP). In addition, the proposed program would not conflict with the Southern California Association of Governments (SCAG) 2016 Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS) goals of improving air quality, increasing accessibility to natural areas, preserving open space, and encouraging active transportation (e.g., bicycling and walking).</p>
<p>EN-1: The proposed program would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during program construction or operation.</p>	<p>EIR Section 3.6, p. 3.6-23</p>	<p>The conservatively estimated construction energy demand for the proposed program would represent a very small fraction of the County's total fuel consumption. Program construction trucks would also be required to comply with fuel saving regulations. During operation, the amount of energy used would not represent a substantial fraction of the available energy supply in terms of building energy or transportation fuels and would not increase the need for new energy infrastructure. The proposed program would incorporate green building measures consistent with energy efficiency standards in city policy and CALGreen.</p>
<p>EN-2: The proposed program would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.</p>	<p>EIR Section 3.6, p. 3.6-27</p>	<p>The proposed program would be consistent with energy efficiency standards in the City of Seal Beach municipal code, City of Long Beach municipal code, and CALGreen Code. The proposed program would also not conflict with the SCAG 2016 RTP/SCS general goals and strategies of increasing accessibility to natural areas, preserving open space, and encouraging active transportation (e.g., bicycling and walking) thereby minimizing transportation fuel demand.</p>

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Impact Statement	Page Number	Description/Finding
Hazards and Hazardous Materials		
<p>HAZ-1: The proposed program would not create a significant hazard to the public or the environment through the routine transport, use, or disposal, or reasonable foreseeable upset and accident conditions that release hazardous materials.</p>	<p>EIR Section 3.7, p. 3.7-31</p>	<p>Construction activities are required to comply with numerous hazardous materials and storm water regulations designed to ensure that hazardous materials are transported, used, stored, and disposed of in a safe manner to protect worker safety, to reduce the potential for a release of construction-related fuels or other hazardous materials to affect storm water and downstream receiving water bodies, and to respond to accidental spills, if any. In addition, as it relates to well plugging and abandonment, the proposed program would comply with existing regulations including Public Resources Code (PRC) Section 3229, Division 3 and California Department of Health Services regulations in Section 30346 of CCR Title 17, Division 1, Chapter 5, Subchapter 4, Group 3, Article 7. Pipelines would also be removed from service, cleaned, and disposed of per Geologic Energy Management Division (CalGEM) and Department of Toxic Substances Control (DTSC) requirements. Newly installed pipelines would be subject to federal regulations (49 CFR Part 192 and 49 CFR Part 195) that mandate hydrostatic testing of new, cathodically protected pipelines prior to placing the pipeline into operation. Such tests are designed to prove that the pipe, fittings, and weld sections would maintain mechanical integrity under pressure without failure or leakage.</p> <p>Upon completion of restoration activities, the operations would not use hazardous materials. No new wells would be drilled and put into production, and thus there would be no changes to operation that would increase the risk of a spill over the existing conditions. The visitor center would occasionally use small quantities of cleaning products and paints, solvents, and thinners for routine maintenance. As previously discussed, the Hazardous Materials Business Plan (HMBP) would require the materials be stored and labeled in appropriate containers.</p>
<p>HAZ-2: The proposed program would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.</p>	<p>EIR Section 3.7, p. 3.7-36</p>	<p>There are no schools within one-quarter mile of the program area.</p>
<p>HAZ-4: The proposed program would not result in a safety hazard or excessive noise for people residing or working in the program area plan.</p>	<p>EIR Section 3.7, p. 3.7-36</p>	<p>The are no airports within two miles of the program area.</p>

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Impact Statement	Page Number	Description/Finding
<p>HAZ-5: The proposed program would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</p>	<p>EIR Section 3.7, p. 3.7-39</p>	<p>The proposed program would not stage or store construction materials or construction equipment on public roadways. The proposed program would not propose any public road closures or rerouting of the existing public roadway network. Program-generated traffic trips during construction and operation would be minimal and would not interfere with an adopted emergency response plan.</p>
<p>HAZ-6: The proposed program would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.</p>	<p>EIR Section 3.7, p. 3.7-40</p>	<p>The program area is not located within or near a very high or high fire hazard severity zone.</p>
<p>Hydrology and Water Quality</p>		
<p>HYD-2: The proposed program would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the proposed program may impede sustainable groundwater management of the basin.</p>	<p>EIR Section 3.8, p. 3.8-32</p>	<p>Construction water demand could include use of groundwater supplies although demand would be temporary and unlikely to be substantial. During operation the proposed program would not substantially decrease groundwater supplies or impede sustainable groundwater management of the basin due to different sources of water supply and limited water demand. The area would largely remain pervious with restoration and would provide large areas of groundwater recharge.</p>
<p>HYD-3b: The proposed program would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.</p>	<p>EIR Section 3.8, p. 3.8-35</p>	<p>The proposed program would involve altered drainage patterns compared with the existing sites in order to improve drainage to support tidal wetlands on the Project Site. Modeling performed for the South Area, Isthmus Area, and Central Area indicate water levels would decrease on the South Area, remain the same on the Isthmus Area, and increase within the Central Area. While water levels would increase on the Central Area, the proposed program would increase levee elevations compared to existing conditions, resulting in an increased freeboard, which is a beneficial effect.</p>
<p>HYD-3c: The proposed program would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</p>	<p>EIR Section 3.8, p. 3.8-44</p>	<p>Replacement stormwater storage volume would be provided by creating low areas (e.g., basins or swales) between the roads and the proposed levee in the Central Area. These infiltration basins or bioswales would be sized to accommodate the local area drainage and would function as water quality treatment measures for a portion of the runoff from the existing paved areas. All drainage features throughout the program area would be designed in accordance with National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) permit requirements.</p>

TABLE 1
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Impact Statement	Page Number	Description/Finding
HYD-3d: The proposed program would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows.	EIR Section 3.8, p. 3.8-44	The levees, berms, or flood walls would be constructed in accordance with 33 U.S. Code Section 408 permit requirements. Above ground structures (i.e., the Visitor Centers) and improvements would be constructed in accordance with flood control requirements and with the expanded floodplain habitat created by the proposed program, they would not impede or redirect flood flows.
HYD-4: The proposed program would not risk release of pollutants due to program inundation.	EIR Section 3.8, p. 3.8-45	The proposed program would include flood protection measures that would be designed to limit flooding to the intended habitat areas consistent with pre-development conditions and provide sufficient protection to off-site areas. The berms or flood walls would be constructed in accordance with 33 U.S. Code Section 408 permit requirements which would minimize the potential for activities associated with the proposed program to cause flooding off site or release pollutants from inundation. In addition, there would not be any storage of substantive quantities of hazardous materials anywhere within the program area such that there would be risk of release from program inundation.
HYD-5: The proposed program would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan rise.	EIR Section 3.8, p. 3.8-46	The Los Cerritos Channel and San Gabriel River are listed as impaired waterbodies for a number of constituents through the 303(d) and Total Maximum Daily Load (TMDL) programs as identified in the Basin Plan. Implementation of the proposed program would allow for tidal flows into the program area, creating favorable water quality conditions by limiting retention time and enhancing tidal exchange. This flushing would also minimize the impacts of sediment accumulation with high levels of constituents deposited on the restored program area during high storm flow events. During operation, water demand would be primarily for the Visitor Centers and would be low. The proposed program would not interfere with the goals of the Water Replenishment District of Southern California Groundwater Basins Master Plan.
Land Use		
LU-1: The proposed program would not physically divide an established community.	EIR Section 3.9, p. 3.9-15	The proposed program is located in a largely urbanized and generally built out area with a fully developed roadway system, surrounded by the Los Cerritos Channel, the Alamitos Energy Center (AES) and Haynes Generation Station to the north, Pacific Coast Highway and commercial-retail strip mall to the west, residential development to the south, and residential and industrial development to the east, including a Boeing office complex. The proposed program would restore wetlands within the program area and construct new public access opportunities that would increase access through/along the program area.

**TABLE 1
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Impact Statement	Page Number	Description/Finding
<p>LU-2: The proposed program would not conflict with most applicable land use plan, policy, or regulation of an agency with jurisdiction over the proposed program, adopted for the purpose of avoiding or mitigating an environmental effect.</p>	<p>EIR Section 3.9, p. 3.9-16</p>	<p>The proposed program would be consistent with the applicable state, regional and local plans and policies, including the City of Seal Beach General Plan, Seal Beach Municipal Code, Hellman Ranch Specific Plan, City of Long Beach General Plan, Long Beach Municipal Code, adopted SEADIP, proposed SEASP 2060, Airport Environs Land Use Plan (AELUP), and California Coastal Act and Long Beach Local Coastal Program.</p>
<p>Mineral Resources</p>		
<p>MIN-1: The proposed program would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.</p>	<p>EIR Section 3.10, p. 3.10-12</p>	<p>Oil production would continue on the Central, Isthmus, and South Areas until the production decreases to below economic levels after which the oil wells would be plugged and the associated infrastructure would be removed. Thus, the economic mineral resources (petroleum) will have been removed and no economic resources would remain accessible at these locations.</p>
<p>Noise</p>		
<p>NOI-1: The proposed program would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the proposed program in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	<p>EIR Section 3.11, p. 3.11-13</p>	<p>The Noise Ordinances of the cities of Seal Beach and Long Beach exempt noise generated by construction activities during daytime hours depending on the day of the week and do not establish construction noise level limits. Therefore, program construction noise would not generate a substantial increase in ambient noise levels in the vicinity of the proposed program in excess of standards established in the local general plan or noise ordinance. However, noise reduction measures would be incorporated to reduce and minimize the construction noise generated on the program area.</p> <p>Program construction and operational traffic would not double existing traffic volumes on area roadways. Therefore, program traffic noise would result in a negligible, non-perceptible increase and impacts would be less than significant.</p>
<p>NOI-2: The proposed program would not result in generation of excessive groundborne vibration or groundborne noise levels.</p>	<p>EIR Section 3.11, p. 3.11-17</p>	<p>The proposed program would generate vibration levels at 50 feet that would not exceed the structural damage potential criteria of 0.5 in/sec peak particle velocity (PPV) or the "barely perceptible" criteria of 0.04 in/sec PPV for human annoyance. During construction at 50 feet, the maximum vibration levels would be approximately 0.031 in/sec PPV. During operation, minimal vibration would occur.</p>
<p>NOI-3: The proposed program would not expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan.</p>	<p>EIR Section 3.11, p. 3.11-19</p>	<p>The program area is located within the Airport Influence Area of the airport land use plan of the Los Alamitos Joint Forces Training Base (JFTB). However, the program area is outside of the aircraft noise contours for the JFTB; i.e., the area is not exposed to noise levels greater than 60 dBA CNEL due to operations at JFTB (Orange County ALUC, 2016). Thus, the proposed program would not expose people visiting or working in the program area to excessive aircraft noise levels.</p>

**TABLE 1
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Impact Statement	Page Number	Description/Finding
Public Services		
PS-1b: The proposed program would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection.	EIR Section 3.12, p. 3.12-9	The proposed program would not substantially increase the demand for Seal Beach Police Department's or Long Beach Police Department's, services because construction activities are localized and temporary and security measures would be in place. During operation, the proposed program would include security measures. In addition, the proposed program would pay applicable development fees associated with police services.
PS-1c: The proposed program would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks.	EIR Section 3.12, p. 3.12-10	Refer to REC-1 and REC-2, below, for a discussion and evaluation of parks and recreational resources within the program area.
Recreation		
REC-1: The proposed program would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	EIR Section 3.13, p. 3.13-10	Construction workers would come from an existing local and/or regional labor force and would not likely relocate their households. Thus, there would not be a corresponding demand or use of the existing parks and recreation facilities. While construction of new sidewalks would result in temporary inaccessibility to portions of the bikeway, all construction for this bikeway would occur within the existing right-of-way and would be implemented in accordance with the City of Long Beach standards. During operation, employees would be more likely to use parks and recreation facilities near their places of residences. The proposed program would increase the availability of recreational amenities, thereby providing a direct beneficial effect.
REC-2: The proposed program would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	EIR Section 3.13, p. 3.13-12	Once constructed and operational, the proposed program would provide a beneficial effect with respect to increased recreational opportunities for the cities of Seal Beach and Long Beach.

**TABLE 1
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Impact Statement	Page Number	Description/Finding
Transportation		
<p>TRA-2: The proposed program would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).</p>	<p>EIR Section 3.14, p. 3.14-14</p>	<p>Note that the Draft PEIR was circulated prior to July 1, 2020, the effective date of Section 15064.3. As the cities of Seal Beach and Long Beach as well as the Counties of Los Angeles and Orange have not yet formally adopted their updated transportation significance thresholds or their updated transportation impact analysis procedures, a qualitative traffic analysis was used in this PEIR to determine significance of transportation impacts.</p> <p>Per Section 15064.3 of the <i>CEQA Guidelines</i>, since the proposed program is neither a land use nor a transportation project, it can be assumed to have a less than significant impact with respect to vehicle miles traveled. While the proposed program would generate operational trips, it is anticipated that local residents and visitors staying in the area would travel to the program area, with trips originating from the surrounding communities, resulting in low vehicle miles traveled to get to and from the program area.</p>
Utilities and Service Systems		
<p>UTL-4: The proposed program would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.</p>	<p>EIR Section 3.16, p. 3.16-21</p>	<p>Construction activities would generate solid waste primarily from excavated soil that would be hauled off-site. Operation and maintenance of the proposed program would result in minimal trash generation, mainly personal waste generated by employees and visitors. Based on the available capacity of nearby landfills, there is sufficient remaining capacity to accommodate the proposed program.</p>
<p>UTL-5: The proposed program would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.</p>	<p>EIR Section 3.16, p. 3.16-22</p>	<p>The proposed program would comply with all applicable City and County requirements regarding solid waste. Recyclable materials would be segregated and sent to appropriate facilities while materials that cannot be recycled would be disposed of properly.</p>

2.3 Findings Regarding Impacts Which Can Be Mitigated to Less than Significant

2.3.1 Aesthetics

Impact AES-4: *The proposed program would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.*

Cumulative Aesthetic Impacts: *The proposed program would not result in cumulative impacts to aesthetics.*

Construction activities on the program area would occur during daylight hours, generally between 7 a.m. and 8 p.m., in compliance with both requirements of the cities of Seal Beach and Long Beach. Any construction lighting needed would be aimed toward the activity and would be mostly contained within the area where work would be occurring. A minimal amount of glare could result from reflection of sunlight off windows of trucks used during construction, but this would be negligible and would not affect daytime views in the area given that there are no light-sensitive uses directly adjacent to the program area. Security lighting would be provided after hours on all construction sites, but this lighting would be minimal, restricted to the program area, and would not exceed the level of existing night lighting levels in urban areas.

With regard to operation, the proposed program would introduce new sources of light within an urban environment. Thus, lighting is not unusual in the program area. Nevertheless, the proposed program would comply with the requirements set forth by the cities of Seal Beach and Long Beach. More specifically, for the individual sites within the City of Seal Beach, the proposed program would comply with Seal Beach Municipal Code Section 11.4.20.025, which requires that lighting in parking areas be directed away from adjacent streets and properties and shall not blink, flash, change intensity, or cause glare. String lights are prohibited. Development Standard 7.8 of the Hellman Ranch Specific Plan also requires that all lighting be installed and maintained in such a manner to confine direct rays to the premises and prevent direct rays or glare onto neighboring properties. For the individual sites within the City of Long Beach, in compliance with the standards set forth in the SEADIP (PD-1), all lighting would be directed downward and exterior lighting would be designed and located in such a way that it does not project off site or onto adjacent uses. In addition, the proposed program would comply with SEASP 2060, once adopted, which requires that prior to approval of any development within the Coastal Habitat, Wetlands, and Recreation (CHWR) land use, the project applicant shall submit a photometric plan demonstrating that the proposed program will be designed and shielded so that nighttime lighting shall be no greater than 0.10 foot-candles at the edge of the habitat. Furthermore, the individual sites within the City of Long Beach would also comply with Long Beach Municipal Code Section 21.41.259, which requires that all parking area lighting be directed and shielded to prevent light spillover to adjacent properties. With compliance with the applicant standards, impacts from light and glare would be less than significant.

With regard to cumulative impacts, Cumulative Project Nos. 22 and 23 are located in the City of Long Beach within proximity of the program area. Similar to the proposed program, the cumulative projects would adhere applicable lighting requirements. Therefore, the proposed program and cumulative projects would not cumulatively combine to result in lighting impacts during construction activities.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant impacts from new sources of lighting as identified in the Final PEIR. With the implementation of Mitigation Measure AES-1, potential lighting impacts during construction would be reduced to less-than-significant levels. With compliance with applicable lighting requirements, lighting impacts during operation would be less than significant.

Mitigation Measure AES-1: Lighting Plan. Prior to issuance of a grading permit for each individual site that requires construction, a Lighting Plan for the individual site shall be developed and implemented that requires all exterior lighting to be directed downward and focused away from adjacent sensitive uses and habitats to encourage wayfinding and provide security and safety for individuals walking to and from parking areas.

Basis for Finding: Mitigation Measure AES-1 requires a construction Lighting Plan to ensure that exterior lighting will be placed and oriented downward to encourage wayfinding and provide security, thereby limiting the spillover of lighting to sensitive uses and habitats. With implementation of Mitigation Measure AES-1, the construction activities would not create a new source of substantial light or glare and impacts would be less than significant. Cumulative projects would be required to comply with applicable lighting standards during construction. With implementation of Mitigation Measure AES-1 and compliance with applicable lighting standards, the proposed program and cumulative projects would not cumulatively combine to result in lighting impacts during construction activities.

2.3.2 Air Quality

Impact AQ-2a (construction): *The proposed program would not violate the air quality standard and contribute substantially to an existing or projected air quality violation for construction-related NO_x emissions.*

Construction emissions would vary temporally and spatially as the exact construction schedules, staging areas, and work plans are not known at this time. Despite the long construction duration for near-term, mid-term, and long-term activities, emissions from a singular activity would not be concentrated in one place for an extended duration. However, the program-level analysis concludes that construction of the proposed program could result in exceedances to the SCAQMD daily regional threshold for NO_x during individual construction subphases. In addition, there is potential for subphases to overlap as well, thereby worsening the exceedances for NO_x, but likely not causing a new exceedance. The emissions for CO, SO₂, PM₁₀, and PM_{2.5} would not be exceeded even if all subphases of construction occurred at the same time. It is anticipated that a project-level analyses would be conducted when more specific construction information is known. At a program level, construction emissions could potentially exceed the SCAQMD daily regional thresholds for the nonattainment ozone precursor emissions (i.e., NO_x), construction impacts would be potentially significant.

With regard to health risk, the impacts of ozone are typically considered on a basin-wide or regional basis and not on a localized basis. The mass emissions significance thresholds used in CEQA air quality analysis are not intended to be indicative of human health impacts that a project may have (SCAQMD, 2012; SJVAPCD, 2015). Therefore, the proposed program's exceedance of the mass regional emissions threshold prior to mitigation (i.e., proposed program construction NO_x exceedance) from program-related activities does not necessarily indicate that the proposed program would cause or contribute to the exposure of sensitive receptors to ground-level concentrations in excess of health-protective levels.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant air quality impacts during construction as identified in the Final PEIR. With the implementation of Mitigation Measure AQ-1, potential air quality impacts during construction would be reduced to less-than-significant levels.

Mitigation Measure AQ-1: Construction NO_x Reduction Measures. The Applicant for the proposed program shall be responsible for the implementation of the following construction-related NO_x reduction measures:

- Require all off-road diesel-powered construction equipment greater than 50 hp (e.g., excavators, graders, dozers, scrapers, tractors, loaders, etc.) to comply with EPA-Certified Tier IV emission controls where commercially available. Documentation of all off-road diesel equipment used for this proposed program including Tier IV certification, or lack of commercial availability if applicable, shall be maintained and made available by the contractor to the local permitting agency (City of Seal Beach and City of Long Beach) for inspection upon request. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB such as certified Level 3 Diesel Particulate Filter or equivalent. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. If Tier IV construction equipment is not available, LCWA shall require the contractor to implement other feasible alternative measures, such as reducing the number and/or hp rating of construction equipment, and/or limiting the number of individual construction subphases occurring simultaneously. The determination of commercial availability of Tier IV construction equipment shall be made by the City prior to issuance of grading or building permits based on applicant-provided evidence of the availability or unavailability of Tier IV equipment and/or evidence obtained by the City from expert sources such as construction contractors in the region.
- Require all main engines for tugboats to comply with EPA-Certified Tier IV emission controls.
- Eliminate the use of all portable generators. Require the use of electricity from power poles rather than temporary diesel or gasoline power generators.
- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow, including during the transportation of oversized equipment and vehicles.
- Provide dedicated turn lanes for movement of construction trucks and equipment on site and off site. The location of these dedicated lanes shall be addressed in the Construction Trip Management Plan.
- Reroute construction trucks away from congested streets or sensitive receptor areas.
- Prohibit the idling of on-road trucks and off-road equipment in excess of 5 continuous minutes, except for trucks and equipment where idling is a necessary function of the activity, such as concrete pour trucks. The Applicant or construction contractor(s) shall post signs at the entry/exit gate(s), storage/lay

down areas, and at highly visible areas throughout the active portions of the construction site of the idling limit.

- On-road heavy-duty diesel haul trucks with a gross vehicle weight rating of 19,500 pounds or greater used to transport construction materials and soil to and from the program area shall be engine model year 2010 or later or shall comply with the USEPA 2007 on-road emissions standards.

Basis for Finding: Mitigation Measure AQ-1 requires the implementation of construction-related NO_x reduction measures, such as the use of certain equipment that complies with Tier IV emission controls, use of Best Available Control Technology devices, prohibition of equipment idling in excess of five minutes, prohibition of use of portable generators, and routing of construction trucks. With implementation of Mitigation Measure AQ-1, the construction activities would not result in emissions that will violate the air quality standard and contribute substantially to an existing or projected air quality violation and impacts will be less than significant. In addition, implementation of Mitigation Measure AQ-1 would also minimize construction-related air pollution health effects.

2.3.3 Biological Resources

Impact BIO-1: *The proposed program would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.*

Special-Status Plants. Suitable habitat is present or individuals have been observed in the proposed program area for 31 special-status plant species, including within the South, Isthmus, Central and North Areas (Final PEIR, Table 3.3-4). Ecosystem restoration activities, development of public access, and infrastructure and utility modifications may impact these species should they be present. The loss of any of these species, should they be present, would be significant.

Non-Special-Status Invertebrates. Wetlands are among the world's most valuable and most threatened habitats, and invertebrates are an extremely important component in these ecosystems. These invertebrates are one of the primary trophic links between lower plants and higher vertebrates (i.e., amphibians, birds and fish). Grading within wetland or mudflat areas could result in mortality of non-special-status invertebrates.

Special-Status Wildlife. Suitable habitat is present or individuals have been observed in the proposed program area for 9 special-status invertebrates, 2 special-status fish, 7 special-status reptiles, 23 special-status birds, and 5 special-status mammals (Final PEIR, Table 3.3-6). The purpose of the proposed program is to enhance and restore habitat that is suitable for wildlife and as such, implementation of the proposed program would have a net benefit on this species. However, temporary direct impacts to special status species could occur from direct loss of individuals and from grading activities and removal of suitable habitat. Construction noise and dust could result in significant indirect impacts to sensitive status wildlife.

During operation, the proposed program would not have an effect on tidal-influenced or storm-generated water levels based on modeling of sea-level rise scenarios (see Final PEIR Section 3.8, *Hydrology and Water Quality*). Therefore, no impacts to tidal marsh-dependent species would occur following the implementation of the proposed program. However, operational impacts associated with the ecosystem restoration activities could include the introduction and spread of noxious, invasive weeds that could compete with native plants for water and nutrients and alter habitat conditions for some wildlife species and nighttime lighting of the visitor center and parking lot areas include disruption to nocturnal wildlife species that could affect their breeding and foraging habits. These could result in potentially significant impacts to special-status wildlife.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant impacts to biological resources as identified in the Final PEIR. With the implementation of Mitigation Measures BIO-1 through BIO-8, potential impacts to special-status species would be reduced to less-than-significant levels.

Mitigation Measure BIO-1: Avoidance of Special-Status Plants. Prior to LCWA's approval of project plans or publication of subsequent CEQA documents, a qualified botanist/biologist shall conduct a habitat assessment to determine the presence or absence of suitable habitat for special-status plant species. If suitable habitat is determined to be present, focused plant surveys should be conducted in accordance with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, March 20, 2018). Consistent with the CDFW protocol, such focused special-status plant surveys will be conducted during the appropriate blooming period for these species, with May and June likely having the highest number of species in flower. The results of focused special-status plant species will be incorporated into restoration design plans. The locations of any special-status plants within 25 feet of proposed disturbance areas shall be identified and mapped. Individual plants shall be flagged for avoidance and an avoidance buffer of at least 10 feet shall be established around the plant(s).

If special-status plants cannot be avoided, they shall be incorporated into the proposed program's restoration design at a minimum ratio of 1:1 (one plant planted for every one plant removed, or 1 square foot of absolute cover planted for every 1 square foot of absolute cover removed). For special-status plant species with small population numbers (less than 50 individuals), higher mitigation ratios up to 7:1 will be incorporated, where on-site seed sources are available. Higher mitigation ratios of up to 3:1 will be incorporated where suitable habitat area can support populations of large individual numbers. Special-status plants that cannot be avoided shall be salvaged prior to impacts using species-specific propagation methods, such as transplanting, seed and cuttings. Seed collection shall occur during the appropriate time of year for each species. Seeds shall be propagated by a qualified horticulturalist or in a local nursery, and shall be incorporated into habitat-specific seed mixes that will be used for revegetation of the restoration areas. Plant transplantation of perennial species is a potential mitigation technique but must be used sparingly and only when receiving site parameters are a suitable match from the donor location. Performance standard for the success of propagated or transplanted species will be achieved with the survival of the appropriate number of individuals meeting the mitigation ratio (1:1 for most species) after five years

of growth and the establishment of a self-propagating population for annual species for a minimum of three years after revegetation completion for a specific area.

Mitigation Measure BIO-2: Environmental Awareness Training and Biological Monitoring. Prior to commencement of activities within the program area, a qualified biologist shall prepare a Worker Environmental Awareness Program (WEAP) that provides a description of potentially occurring special-status species and methods for avoiding inadvertent impacts. The WEAP training shall be provided to all construction personnel. Attendees shall be documented on a WEAP training sign-in sheet.

Initial grading and vegetation removal activities shall be supervised by a qualified monitoring biologist, who will be present during all construction activities. The biologist shall ensure that impacts to special-status plants and wildlife, including wetland vegetation, are minimized to the greatest extent feasible during implementation of program activities on the South, Isthmus, Central and North Areas. If any special-status wildlife species are encountered during construction and cannot be avoided, the monitoring biologist shall have the authority to temporarily halt construction activities until a plan for avoidance has been prepared and approved by CDFW, and implemented by the monitoring biologist. Relocation of a federal- or state-listed species shall not be allowed without first obtaining take authorization from USFWS and/or CDFW.

Mitigation Measure BIO3: Belding's Savannah Sparrow Breeding Habitat. Prior to LCWA's approval of project plans or publication of subsequent CEQA documents, a qualified biologist shall map suitable Belding's savannah sparrow habitat as the location and amount of suitable habitat is anticipated to change over time. The results of habitat mapping will be incorporated into restoration design plans. Project activities shall be limited to July 16 through February 14 within suitable coastal marsh habitat to avoid impacts to breeding Belding's savannah sparrow. Suitable Belding's savannah sparrow breeding habitat that will be impacted by the proposed program shall be created within the program area at a minimum ratio of 1:1 (area created:area impacted). Restored breeding habitat shall consist of a minimum 60 percent absolute cover of salt marsh vegetation, and shall consist of a hydrologic regime similar to that currently present in the North Area or South Area, respectively. Other unique conditions within coastal salt marsh communities shall exist as well, such as, similar slope, aspect, elevation, soil, and salinity. A Mitigation, Maintenance and Monitoring Program shall be prepared and approved by CDFW prior to implementation. The proposed program shall be implemented by a qualified restoration ecologist, and at a minimum, shall include success criteria and performance standards for measuring the establishment of Belding's savannah sparrow breeding habitat, responsible parties, maintenance techniques and schedule, 5-year monitoring and reporting schedule, adaptive management strategies, and contingencies. Moreover, in accordance the CESA, an Incidental Take Permit (or other mitigation options identified in accordance with Fish & Game Code, §§ 2080.1, 2081, subs. (b) and (c)) shall be obtained from CDFW if any Belding's savannah sparrow may be impacted during construction or operations of the program. The amount of potential take shall be determined prior to design approval of each restoration area based on consultation with CDFW. Lastly, take authorization shall be obtained prior to commencement of any ground disturbing activities.

Mitigation Measure BIO-4: Nesting Bird and Raptor Avoidance. A qualified biologist shall identify areas where nesting habitat for birds and raptors is present prior to LCWA's approval of project plans or publication of subsequent CEQA documents. To

ensure the avoidance of impacts to nesting avian species, the following measures shall be implemented:

- Construction and maintenance activities shall be limited to the non-breeding season (September 1 through December 31) to the extent feasible. If construction or maintenance activities will occur during the avian nesting season (January 1 through August 31), a qualified biologist shall conduct pre-construction nesting avian surveys within no more than 5 days prior to the initiation of construction activities to identify any active nests. If a lapse in work of 5 days or longer occurs, another survey shall be conducted to verify if any new nests have been constructed prior to work being reinitiated.
- If active nests are observed, an avoidance buffer shall be demarcated by a qualified biologist with exclusion fencing and shall be maintained until the biologist determines that the young have fledged and the nest is no longer active.

Mitigation Measure BIO5: Habitat Assessment and Pre-Construction Surveys for Burrowing Owl. A qualified biologist shall conduct a pre-construction burrowing owl survey of each restoration area (including required survey buffer areas) prior to LCWA's approval of project plans or publication of subsequent CEQA documents. If burrowing owls are detected, the habitat will be avoided and /or enhanced by the restoration design. In addition, a Burrowing Owl Management Plan shall be prepared and approved by CDFW, and implemented, prior to commencement of construction. The Burrowing Owl Management Plan shall be prepared in accordance with the CDFW 2012 Staff Report on Burrowing Owl Mitigation and shall address specific minimization and avoidance measures for burrowing owls, such as avoidance of occupied habitat, translocation of individuals, and on site revegetation.

Mitigation Measure BIO-6: Minimization of Light Spillage. A Program Lighting Plan shall be designed to minimize light trespass and glare into adjacent habitat areas prior to the commencement of activities within the program area. Nighttime lighting associated with the visitor center, parking lot, and trails shall be shielded downward and/or directed away from habitat areas to minimize impacts to nocturnal species, including breeding birds.

Mitigation Measure BIO-7: Pre-Construction Bat Surveys. A qualified biologist shall conduct a pre-construction bat survey of each restoration area prior to final approval of the area's restoration plan. If suitable bat roosting habitat is determined to be present, a presence/absence survey shall be conducted prior to commencement of construction activities. A qualified biologist shall conduct the preconstruction clearance survey of suitable bat roosting habitat, such as mature palm trees. If bats are determined to be roosting, the biologist will determine whether it is a day roost (non-breeding) or maternity roost (lactating females and dependent young). If a day roost is determined, the biologist shall ensure that direct mortality to roosting individuals will not occur by requiring that trees with roosts are not directly impacted (e.g., removed) until after the roosting period.

If a maternity roost is determined to be present, the biologist shall determine a suitable buffer distance between construction activities and the roosting site. If direct disturbance to the maternity roost could occur, a Bat Exclusion Plan shall be prepared and approved by CDFW, and implemented, prior to impacting the roost. At a minimum, the Plan shall

include avoidance and minimization measures to reduce potential impacts to breeding bats during construction activities and prescribed methods to safely and humanely evict bats from the roost to avoid mortality.

Mitigation Measure BIO-8: Focused Surveys for Special-Status Wildlife Species.

Should suitable habitat occur for terrestrial or aquatic special-status species, a qualified biologist shall conduct focused habitat assessments and focused surveys to determine presence, absence and/or abundance for special-status wildlife species listed in Table 3.3-5. Both habitat assessments and focused surveys shall occur prior to LCWA's approval of the project plans or the publication of subsequent CEQA documents for any project site that potentially contains special-status species. Agency-approved protocols shall be used for specific species where appropriate during the required or recommended time of year. For all other target (special-status) species, prior to initiating surveys, survey methods shall be verified and approved in writing by CDFW and USFWS or NMFS for all state- and/or federally-protected species, respectively. If special-status species are detected, the project-specific restoration plan should be designed to minimize impacts to special-status wildlife to the greatest extent feasible and a Wildlife Avoidance Plan shall be prepared and approved by CDFW and USFWS or NMFS prior to commencement of construction. The Wildlife Avoidance Plan shall include specific species minimization and avoidance measures, measures to minimize impacts to occupied habitat, such as avoidance and revegetation, as well as relocation/translocation protocols. The plan shall require that a qualified biological monitor approved by CDFW be onsite prior to and during ground and habitat disturbing activities to move special status species or other wildlife of low mobility out of harm's way that could be injured or killed by ground disturbing activities.

If special-status species cannot be avoided, Incidental Take Permits from the National Marine Fisheries Service or United States Fish and Wildlife Service and California Department of Fish and Wildlife will be required. The amount of potential take shall be determined prior to design approval of each restoration area based on consultation with NMFS or USFWS and CDFW and take authorization shall be obtained prior to commencement of any ground disturbing activities. If an incidental take permit is being obtained, compensatory mitigation for the loss of occupied habitat shall be provided through purchase of credit from an existing mitigation bank, private purchase of mitigation lands, or on-site preservation, as approved by the resource agencies. Compensatory mitigation shall be provided at a minimum 1:1 ratio to reduce potential effects to less-than-significant levels.

Basis of Finding: Mitigation Measure BIO-1 requires avoidance and/or re-establishment of special-status plants, restoration of any impacts to these special-status species, and the preparation and implementation of weed management, maintenance, and monitoring procedures. Mitigation Measure BIO-2, BIO-3, and BIO-5 require the implementation of a Worker Education Awareness Program (WEAP), monitoring of initial work efforts by a qualified biological monitoring, and a minimum habitat replacement ratio of 1:1. Mitigation Measure BIO-4 that requires minimization and avoidance measures for preserving active bird nests. Mitigation Measure BIO-6 requires the preparation of a lighting plan and requires that nighttime lighting is shielded downward to minimize spillage onto adjacent areas. Mitigation Measure BIO-7 requires pre-construction bat surveys and appropriate steps if a maternity roost is determined to be present. Mitigation Measure BIO-8 requires focused habitat

assessments and focused surveys for terrestrial or aquatic special-status species to determine presence, absence and/or abundance as well as necessary steps if such species cannot be avoided. With implementation of Mitigation Measures BIO-1 through BIO-8, impacts to special-status species would be reduced to less-than-significant levels.

Impact BIO-2: *The proposed program would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.*

The following CDFW Sensitive Natural Communities and riparian habitats are present within the program area: *Anemopsis californica* – *Helianthus nuttallii* – *Solidago spectabilis* Herbaceous Alliance, *Arthrocnemum subterminale* Herbaceous Alliance, *Baccharis salicina* Provisional Shrubland Alliance, *Cressa truxillensis* – *Distichlis spicata* Herbaceous Alliance, *Frankenia salina* Herbaceous Alliance, *Isocoma menziesii* Shrubland Alliance, *Leymus cinereus* – *Leymus triticoides* Herbaceous Alliance, *Salicornia pacifica* Herbaceous Alliance, *Salix gooddingii* Woodland Alliance, *Schoenoplectus californicus* – *Typha (angustifolia, domingensis, latifolia)* Herbaceous Alliance and *Spartina foliosa* Herbaceous Alliance. Implementation of the proposed program consist of grading, berm installation, fill for the overlook terrace, berm/road removal, sidewalk grading, and relocation of infrastructure and utilities, which would result in direct impacts. Given that these areas would be restored to coastal salt marsh, transitional wetland, or other native habitat as part of the proposed program, impacts would be temporary and there would be no net loss of habitat following implementation of the proposed program. While no impacts to CDFW Sensitive Natural Communities or riparian habitats are expected to occur, in the event that inadvertent and temporary impacts result impacts would be significant.

Operational impacts associated with the ecosystem restoration activities, flood risk and stormwater management, development of public access and visitor facilities, and infrastructure and utility modifications could result in adverse direct impacts to Sensitive Natural Communities or riparian habitats, such as the introduction and spread of noxious, invasive weeds that could compete with native plants for water and nutrient and alter the composition of communities.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant impacts to riparian habitat or other sensitive natural community as identified in the Final PEIR. With the implementation of Mitigation Measure BIO-1 and BIO-9, potential impacts to riparian habitat or other sensitive natural community would be reduced to less-than-significant levels. See Impact BIO-1 for Mitigation Measure BIO-1.

Mitigation Measure BIO-9: Revegetation of Sensitive Natural Communities. Sensitive natural communities located on the program area include: *Anemopsis californica* – *Helianthus nuttallii* – *Solidago spectabilis* Herbaceous Alliance, *Arthrocnemum subterminale* Herbaceous Alliance, *Baccharis salicina* Provisional Shrubland Alliance, *Cressa truxillensis* – *Distichlis spicata* Herbaceous Alliance, *Frankenia salina* Herbaceous Alliance, *Isocoma menziesii* Shrubland Alliance, *Leymus cinereus* – *Leymus triticoides* Herbaceous Alliance, *Salicornia pacifica* Herbaceous Alliance, *Salix gooddingii*

Woodland Alliance, *Schoenoplectus californicus* – *Typha* (*angustifolia*, *domingensis*, *latifolia*) Herbaceous Alliance and *Spartina foliosa* Herbaceous Alliance.

Prior to LCWA's approval of project plans or publication of subsequent CEQA documents, the area(s) that will be impacted shall be delineated and quantified using current Global Information System (ArcGIS) mapping software. Sensitive Natural Communities that will be impacted by the proposed program shall be created within the program area at a minimum ratio of 1:1 (area created:area impacted). A mitigation ratio of a minimum 2:1 for natural communities with a rarity ranking of S3 or higher will be incorporated into the restoration designs. Restored Sensitive Natural Communities shall consist of a minimum 60 percent absolute vegetation cover and shall include community-specific growing conditions, such as, similar slope, aspect, elevation, soil, and salinity. Moreover, soils within mudflat areas shall be salvaged (where feasible) for areas that are proposed for activities such as grading, and reintroduced in new mudflat and/or wetland areas that will be created. A Mitigation, Maintenance and Monitoring Program shall be prepared and approved by CDFW prior to implementation. The Program shall be implemented by a qualified restoration ecologist, and at a minimum, shall include success criteria and performance standards for measuring the establishment of Sensitive Natural Communities, responsible parties, maintenance techniques and schedule, 5-year monitoring and reporting schedule, adaptive management strategies, and contingencies.

Basis of Finding: Mitigation Measure BIO-9 requires reestablishment of Sensitive Natural Communities that will be impacted by restoration activities. In addition, Mitigation Measure BIO-1, which requires the preparation and implementation of weed management, maintenance and monitoring procedures, will address direct impacts caused by the invasion of weed species. With the implementation of Mitigation Measure BIO-1 and BIO-9, impacts to sensitive natural communities during construction and operation will be reduced to less-than-significant levels.

Impact BIO-3: *The proposed program would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, and coastal wetlands) through direct removal, filling, hydrological interruption, or other means.*

The primary goal of the proposed program is the restoration and expansion of coastal salt marsh throughout much of the program area, much of which includes jurisdictional waters, resulting in a net increase in jurisdictional wetlands and waters. There will be upland areas transformed into jurisdictional wetlands following implementation of the proposed program.

Direct impacts to jurisdictional waters and wetlands would occur on all four areas. Potential inadvertent impacts would be considered significant. As such, the proposed program has the potential to result in significant impacts to state or federally protected wetlands.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant impacts to state and federally protected wetlands as identified in the Final PEIR. With the implementation of Mitigation Measure BIO-9 through BIO-11, potential impacts to state and federally protected wetlands would be reduced to less-than-significant levels. See Impact BIO-2 for Mitigation Measure BIO-9.

Mitigation Measure BIO-10: Jurisdictional Resources Permitting. Prior to LCWA's approval of project plans or publication of subsequent CEQA documents, a jurisdictional delineation report shall be prepared that describes these jurisdictional resources and the extent of jurisdiction under the USACE, RWQCB, CDFW, and CCC. If it is determined during final siting that jurisdictional resources cannot be avoided, the project applicant shall be subject to provisions as identified below:

1. If avoidance is not feasible, prior to ground disturbance activities that could impact these aquatic features, the project applicant shall file the required documentation and receive the following.
 - a. Nationwide Permit or equivalent permit issued from USACE;
 - b. Water Quality Certification issued from the Los Angeles RWQCB;
 - c. Streambed Alteration Agreement issued from CDFW; and
 - d. Coastal Development Permit issued from CCC.
2. Compensatory mitigation for impacts to jurisdictional resources is not anticipated as the proposed program's goal is the restoration and expansion of coastal salt marsh within the proposed program.
3. The project proponent shall comply with the mitigation measures detailed in permits issued from the USACE, RWQCB, CDFW, and CCC.

Mitigation Measure BIO-11: Monitoring and Adaptive Management Plan. In conjunction with Section 3.8, *Hydrology and Water Quality*, a Monitoring and Adaptive Management Plan (MAMP) shall be prepared and implemented prior to commencement of construction or restoration activities. The MAMP shall provide a framework for monitoring site conditions in response to the proposed program implementation. The MAMP shall include provisions for conducting a pre-construction survey to collect baseline data for existing wetland function. The MAMP shall require that monitoring focus on the functional wetland values as well as sediment quality in areas subject to the greatest deposition from storm events and that are also not subject to regular tidal flushing, (e.g., the southwestern corner of the Long Beach Property site). The MAMP shall identify habitat functions, such as biotic structure and hydrology, that shall be monitored as part of the proposed program's monitoring and reporting requirements. The MAMP shall identify sediment quality monitoring requirements that shall be performed at a frequency that would capture the potential build-up of contaminants in the deposited sediment before concentrations are reached that would impact benthic macro-invertebrates and other sensitive species. The MAMP shall require that the findings of the monitoring efforts be used to identify any source of functional loss of wetlands and water quality impairment, and if discovered, provide measures to improve wetland function and for remediation of the sediment source area(s). Upon completion of restoration activities, the proposed program shall demonstrate a no net loss of aquatic resource functions and demonstrate an increase in wetland functions and values throughout the entire site.

The MAMP shall be submitted for review and approval to responsible permitting agencies prior to commencement of construction or restoration activities.

Basis of Finding: Mitigation Measure BIO9 requires re-establishment of permanent and temporary impacts to CDFW Sensitive Natural Communities; Mitigation Measure BIO-10 requires a jurisdictional delineation and issuance of jurisdictional resources permits; and

Mitigation Measure BIO-11 requires a functional assessment of the wetland areas that will be restored in the program area. Implementation of the mitigation measures will result in habitat restoration. The habitat types proposed for restoration will include coastal salt marsh and transitional wetland habitats, as well as establishment of upland scrub buffers. There will be a net increase in jurisdictional wetlands and waters following implementation of the proposed program. With implementation of Mitigation Measure BIO-9 through BIO-11, impacts to jurisdictional waters and wetlands will be reduced to a less-than-significant level.

Impact BIO-4: *The proposed program would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.*

Terrestrial wildlife movement within the program area is primarily localized due to the surrounding urban landscape that includes Pacific Coast Highway, Studebaker Road, and Westminster Boulevard. The San Gabriel River levees act as a terrestrial wildlife corridor within or adjacent to the program area. Direct impacts to the San Gabriel River levees, which include breaching segments, are not considered significant as project impacts would restore habitats adjacent to the levees providing additional opportunities for terrestrial wildlife movement adjacent to the levees. In addition, indirect impacts from increased noise and dust could occur although they are not considered significant as an existing bike bath, Pacific Coast Highway and Westminster Boulevard provide a high level of disturbance to terrestrial wildlife movement in the program area. Future project impacts will restore habitats adjacent to the levees providing additional opportunities for terrestrial wildlife movement in the program area. The San Gabriel River and Alamitos Bay are the only waterways that have an outlet and have connectivity to other water bodies allowing a corridor for marine animals to move through the program area. Alamitos Bay, Los Cerritos Channel, and Steamshovel Slough would be avoided during construction activities and no in-water work would occur within these waterways. However, potentially significant impacts to corridors for marine animals could occur. During operation, in the event some minor improvements are required to be conducted and will interfere with aquatic wildlife movement, impacts could be significant. However, such potentially significant impacts would be reduced to a less-than-significant level with implementation of Mitigation Measure BIO-8 (see Impact BIO-1, above).

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant impacts regarding the movement of any native resident or migratory fish or wildlife species as identified in the Final PEIR. With the implementation of Mitigation Measure BIO-8, potential impacts would be reduced to less-than-significant levels. See Impact BIO-1 for Mitigation Measure BIO-8.

Basis of Finding: Mitigation Measure BIO-8 requires focused habitat assessments and focused surveys, a Wildlife Avoidance Plan, biological monitoring, preconstruction surveys and relocation. With implementation of Mitigation Measure BIO-8, impacts related to the movement of terrestrial and marine animals would be reduced to a less-than-significant level.

Cumulative Impacts to Biological Resources: *The proposed program would not have a cumulatively considerably impact to biological resources.*

With regard to cumulative impacts, the development of the proposed program could result in significant impacts to biological resources. The construction-related impacts associated with restoration activities within the program area would be short-term, as the majority of area would be temporary impacts and would be largely avoided or enhanced by design and are very limited in extent. Upon completion of the proposed program and any nearby cumulative projects, including the Los Cerritos Wetlands Oil Consolidation and Restoration Project, the Seal Beach Residential Project, and the Haynes Generating Station Intake Channel Infill Project, the proposed program would be required to comply with federal and state regulations, as well as applicable municipal codes, pertaining to the protection of biological resources. Mitigation Measures BIO-1, BIO-6, and BIO-8 through BIO-11 will continue to be implemented during operation to avoid, minimize and mitigate for impacts to sensitive biological resources. Therefore, the cumulative impacts to biological resources during operations would not be cumulatively considerable. Therefore, cumulative impacts to biological resources during construction and operation would not be cumulatively considerable.

2.3.4 Cultural Resources

Impact CUL-3: *The proposed program would not disturb any human remains, including those interred outside of formal cemeteries.*

The proposed program is located in an area where numerous Native American burials have been previously recovered, including from an archaeological site that appears to overlap the fringes of the program area. Given the prehistoric and ethnohistoric occupation of the area, it is possible that Native American human remains, including those interred outside of formal cemeteries, could be located within the program area. No formal or historic-era cemeteries are known to be located within the program area. Ground-disturbing activities during construction, such as excavation and grading, have the potential to disturb human remains. Therefore, impacts would be potentially significant.

Operation of the proposed program would include ongoing inspection and maintenance of the perimeter levees and berms, flood walls and water-control structures; removal of non-native vegetation in restored habitat and stormwater management features; trash removal within the restored wetlands; and operation of the visitor centers and associated parking lots. Any ground disturbance associated with these activities would occur within soils that have already been subject to ground disturbance, and they are unlikely to disturb human remains. Impacts to human remains from operation of the proposed program would be less than significant.

With regard to cumulative impacts, with implementation of Mitigation Measure CUL-18 the proposed program impacts on human remains would be less than significant. It is assumed that any other projects in the geographic scope of analysis have or would also follow state law. Therefore, cumulative impacts on human remains during construction of the proposed program would not be cumulatively considerable.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant cultural resource impacts during construction as identified in the Final PEIR. With the implementation of Mitigation Measure CUL-18, potential impacts on human remains during construction would be reduced to less-than-significant levels.

Mitigation Measure CUL-18. Human Remains Discoveries: If human remains are encountered, then LCWA or its contractor shall halt work in the vicinity (within 100 feet) of the discovery and contact the appropriate County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5, which requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the County Coroner determines the remains are Native American, then the Coroner will notify the California Native American Heritage Commission (NAHC) within 24 hours in accordance with Health and Safety Code subdivision 7050.5(c), and Public Resources Code Section 5097.98. The California Native American Heritage Commission shall then identify the person(s) thought to be the Most Likely Descendant (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the landowner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. LCWA and the landowner shall discuss and confer with the MLD on all reasonable options regarding the MLD's preferences for treatment.

Until LCWA and the landowner have conferred with the MLD, the contractor shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity and is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials.

If the NAHC is unable to identify an MLD, or the MLD identified fails to make a recommendation, or the landowner rejects the recommendation of the MLD and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the facility property in a location not subject to further and future subsurface disturbance.

Basis of Finding: Mitigation Measure CUL-18 requires compliance with California Health and Safety Code Section 7050.5 and California PRC Section 5097.98 in the event that humans are discovered and ensures that human remains and any associated funerary objects or grave goods are treated in a manner consistent with state law. With implementation of Mitigation Measure CUL-18 impacts to human remains will be less than significant.

2.3.5 Geology and Soils

Impact GEO-6: *The proposed program would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

Cumulative Geology and Soils Impacts: *The proposed program would not result in cumulative impacts to geology, soils, and paleontological resources.*

The artificial fill and estuarine deposits on the site have no or low paleontological sensitivity, respectively. However, they overlie young alluvium and old shallow marine deposits at an undetermined depth, which have low-to-high or high paleontological sensitivity, respectively. Therefore, the program area is considered to have low-to-high paleontological potential, increasing with depth. While the exact depth of the artificial fill overlying the majority of the program area is unknown and may vary across the program area, 5 feet below ground surface is used as a conservative estimate of the transition from low to high potential since there have been fossil discoveries in the region from a similar depth. Therefore, ground disturbing activities related to development of the proposed program have the potential to encounter significant paleontological resources. Disturbance of such resources could constitute a significant impact on the environment.

Operation of the proposed program would include ongoing inspection and maintenance of the perimeter levees and berms, flood walls and water-control structures; removal of non-native vegetation in restored habitat and stormwater management features; trash removal within the restored wetlands; and operation of the visitor centers and associated parking lots. Any ground disturbance associated with these activities would occur within soils that have already been subject to ground disturbance, and they are unlikely to disturb paleontological. Impacts to paleontological resources from operation of the proposed program would be less than significant.

Construction-related cumulative impacts to paleontological resources could occur if one or more of the cumulative projects in conjunction with the proposed program, would have impacts on paleontological resources that, when considered together, would be significant.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant program and cumulative paleontological resource impacts during construction as identified in the Final PEIR. With the implementation of Mitigation Measures GEO-1 through GEO-7, potential impacts on paleontological resources during construction would be reduced to less-than-significant levels. Impacts during operation would be less than significant.

Mitigation Measure GEO-1: Retention of a Qualified Professional Paleontologist.

Prior to the start of construction of any near-term, mid-term, or long-term project, LCWA shall retain a Qualified Professional Paleontologist as defined by the Society of Vertebrate Paleontology to carry out all mitigation related to paleontological resources including: project-level review (Mitigation Measure GEO-2); paleontological resources sensitivity training (GEO-3); oversight of paleontological resources monitoring (Mitigation Measure GEO-4); and recovery, treatment, analysis, curation, and reporting (Mitigation Measures GEO-5, GEO-6, and GEO-7).

Mitigation Measure GEO-2: Project-Level Paleontological Resources Review and Monitoring Recommendations. Prior to LCWA approval of any near-term, mid-term, and long-term project, the Qualified Professional Paleontologist shall review the *Los Cerritos Wetlands Program Paleontological Resources Assessment* (ESA, 2019), grading plans, and any available geotechnical reports/data to determine the potential for ground disturbance to occur within older alluvium and old shallow marine deposits. If available data is sufficient to accurately determine the depth of older alluvium and old shallow marine deposits within a project site, monitoring shall be required beginning at or just above that depth. If available data is insufficient to determine the depth of older alluvium and old shallow marine deposits, monitoring shall be required beginning at 5 feet below surface (consistent with the accepted depth at which high sensitivity sediments could occur based on regional evidence). The results of the reviews shall be documented in technical memoranda to be submitted to LCWA prior to the start of ground disturbance, along with recommendations specifying the locations, depths, duration, and timing of any required monitoring. The technical memoranda shall include map figures that outline where monitoring is required and at what depths, and shall stipulate whether screen washing is necessary to recover small specimens. Any required screen washing shall follow SVP Guidelines.

Mitigation Measure GEO-3: Paleontological Resources Sensitivity Training. Prior to the start of ground disturbance for any near-term, mid-term, or long-term project, the Qualified Professional Paleontologist shall conduct paleontological resources sensitivity training. The training shall focus on the recognition of the types of paleontological resources that could be encountered within the program area, the procedures to be followed if they are found, confidentiality of discoveries, and safety precautions to be taken when working with paleontological monitors. LCWA shall ensure that construction personnel are made available for and attend the training, and retain documentation demonstrating attendance. The training should be repeated as necessary for incoming construction personnel.

Mitigation Measure GEO-4: Paleontological Resources Monitoring. A qualified paleontological monitor, as defined by the Society of Vertebrate Paleontology, shall monitor all ground-disturbing activities occurring in the older alluvium and old shallow marine deposits for each near term, mid-term, or long-term project. Monitoring shall be implemented consistent with the locations, depths, duration, and timing recommendations specified in the technical memorandum for the project. Monitors shall work under the direction of the Qualified Professional Paleontologist. The number of monitors required to be on site during ground-disturbing activities shall be determined by the Qualified Professional Paleontologist and shall be based on the construction scenario – specifically the number of pieces of equipment operating at the same time, the distance between these pieces of equipment, and the pace at which equipment is working – with the goal of monitors being able to effectively observe sediments as they are exposed. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to recover the fossil specimens, and to request assistance from construction equipment operators to recover samples for screen washing as necessary. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries. The Qualified Professional Paleontologist, in consultation with LCWA, shall have the ability to modify (i.e., increase, reduce, or discontinue) monitoring requirements based on observations of soil types and frequency of discoveries. Requests for modifications shall be submitted in writing to LCWA for approval prior to implementation.

Mitigation Measure GEO-5: Paleontological Discoveries. If any potential fossils are discovered by paleontological resources monitors or construction personnel, all work shall cease at that location (within 100 feet) until the Qualified Professional Paleontologist has assessed the discovery and made recommendations as to the appropriate treatment. The paleontological resources monitor (if one is present) or construction personnel (if a monitor is not present) shall flag the fossiliferous area for avoidance until the Qualified Professional Paleontologist can evaluate the discovery and develop plans for avoidance or removal/salvage of the specimen(s), if deemed significant. Significant discoveries shall be salvaged following SVP Guidelines. LCWA shall consult with the State Lands Commission Staff Attorney regarding any paleontological resources discoveries on state lands.

Mitigation Measure GEO-6: Preparation, Identification, Cataloging, and Curation Requirements. All significant fossil discoveries shall be prepared to the point of identification to the lowest taxonomic level possible, cataloged, and curated into a certified repository with retrievable storage (such as a museum or university). All GPS data, field notes, photographs, locality forms, stratigraphic sections, and other data associated with the recovery of the specimens shall be deposited with the institution receiving the specimens. The Qualified Professional Paleontologist shall be responsible for obtaining a signed curation agreement from a certified repository in southern California prior to the start of the program. Given the length of the program, multiple agreements may be necessary due to changing capacities of repositories. The final disposition of paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.

Mitigation Measure GEO-7: Reporting Requirements. The Qualified Professional Paleontologist shall prepare weekly status reports detailing activities and locations observed (with maps) and summarizing any discoveries to be submitted to LCWA via email for each week in which monitoring activities occur. Monthly progress reports summarizing monitoring efforts shall be prepared and submitted to LCWA for the duration of monitored ground disturbance. Reports detailing the results of monitoring for any near-term, mid-term, or long-term project and treatment of significant discoveries shall be submitted to LCWA within 120 days of completion of treatment, or within 30 days of completion of monitoring if no significant discoveries occurred. If significant fossils are recovered, the Qualified Professional Paleontologist shall file the final report with the Natural History Museum of Los Angeles County and the certified repository.

Basis of Finding: Mitigation Measures GEO-1 through GEO-7 require retention of qualified professionals; a project-level review to assess the potential for each project to encounter paleontological resources; training for construction personnel on how to identify paleontological resources and the procedures to follow should they be encountered; paleontological resources monitoring in sensitive sediments; and treatment, curation, and reporting of significant discoveries. With implementation of Mitigation Measures GEO-1 through GEO-7, impacts to paleontological resources will be reduced to a less-than-significant level. Cumulative projects will also be required to implement similar measures to address the potential for paleontological resources, if any. As such, the proposed program's contribution to impacts on paleontological resources is less than cumulatively considerable.

2.3.6 Hazards and Hazardous Materials

Impact HAZ-3: *The proposed program would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.*

The program area has several individual sites listed on one or more hazardous materials lists for the presence of active, idle, or plugged oil wells; historical releases of contamination; and/or the presence of landfill materials. Restoration and construction activities are anticipated to encounter contamination associated with known landfills on the program area sites in the Central, Isthmus, and South Areas that could include crude oil, its degradation byproducts, tank bottom sludge, and metals. For landfilled areas where the fill materials are inappropriate for a wetlands habitat, it may be necessary to remove some or all of the landfill materials. Thus, the restoration and construction activities could encounter hazardous materials associated with these sites, exposing workers or the environment to hazardous materials. As such, the proposed program could result in potentially significant impacts relative to hazards and hazardous materials during construction.

Issues regarding hazardous materials would be addressed during construction. The proposed program would not use hazardous materials during operations. The ongoing operations of the oil wells and pipelines are regulated outside of the proposed program under CalGEM and other regulations. During operations, there would be no impact.

With regard to cumulative impacts, all of these cumulative projects would be subject to the same regulatory requirements, including the implementation of health and safety plans, and soil and groundwater management plans, as needed. Cumulative projects involving the potential releases of hazardous materials also would be required to remediate their respective sites to the same established regulatory standards. The proposed program would not cause or contribute to a cumulatively significant impact with respect to the use of hazardous materials during construction activities. During operation, the proposed program would not use hazardous materials and, therefore, could not cause or contribute to a cumulatively significant impact.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant hazards and hazardous materials impacts during construction as identified in the Final PEIR. With the implementation of Mitigation Measures HAZ-1 and HAZ-2, potential impacts related to hazards and hazardous materials during construction would be reduced to less-than-significant levels. During operations, no impacts would occur.

Mitigation Measure HAZ-1: Health and Safety Plan. The contractor(s) shall prepare and implement site-specific Health and Safety Plans as required by and in accordance with 29 CFR 1910.120 to protect construction workers and the public during all excavation and grading activities. This Plan shall be submitted to LCWA, the Orange County Environmental Health Division (the CUPA for the City of Seal Beach area), or Long Beach/Signal Hill Joint Powers Authority (the CUPA for the Long Beach area), for review prior to commencement of construction. The Health and Safety Plans shall include, but are not limited to, the following elements:

- Designation of a trained, experienced site safety and health supervisor who has the responsibility and authority to develop and implement the site Health and Safety Plan;

- A summary of all potential risks to construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals;
- Specified personal protective equipment and decontamination procedures, if needed;
- Emergency procedures, including route to the nearest hospital; and
- Procedures to be followed in the event that evidence of potential soil or groundwater contamination (such as soil staining, noxious odors, debris or buried storage containers) is encountered. These procedures shall be in accordance with hazardous waste operations regulations and specifically include, but are not limited to, the following: immediately stopping work in the vicinity of the unknown hazardous materials release, notifying the LCWA, and the Orange County Environmental Health Division (the CUPA for the City of Seal Beach area), or the Long Beach/Signal Hill Joint Powers Authority (the CUPA for the Long Beach area), the LARWQCB, or CalGEM, as appropriate, and retaining a qualified environmental firm to perform sampling and remediation.

Mitigation Measure HAZ-2: Soil, Landfill Materials, and Groundwater Management Plan. In support of the Health and Safety Plan described in Mitigation Measure HAZ-1, the contractor(s) shall develop and implement a Soil, Landfilled Materials, and Groundwater Management Plan that includes a materials disposal plan specifying how the contractor will remove, handle, transport, and dispose of all excavated material in a safe, appropriate, and lawful manner. The Plan shall identify protocols for soil and landfilled materials testing and disposal, identify the approved disposal site, and include written documentation that the disposal site can accept the waste. Contract specifications shall mandate full compliance with all applicable federal, state, and local regulations related to the identification, transportation, and disposal of hazardous materials, including those encountered in excavated soil, landfilled materials, or dewatering effluent.

As part of the Soil, Landfill Materials, and Groundwater Management Plan, the contractor shall develop a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent), if encountered, will be handled and disposed of in a safe, appropriate and lawful manner. The Plan shall identify the locations at which groundwater dewatering is likely to be required, the test methods to analyze groundwater for hazardous materials, the appropriate treatment and/or disposal methods, and approved disposal site(s), including written documentation that the disposal site can accept the waste. The contractor may also discharge the effluent under an approved permit to a publicly owned treatment works, in accordance with any requirements the treatment works may have.

This Plan shall be submitted to the LCWA, and the Orange County Environmental Health Division (the CUPA for the City of Seal Beach area), or the Long Beach/Signal Hill Joint Powers Authority (the CUPA for the Long Beach area), or the Orange County Environmental Health Division (the CUPA for the City of Seal Beach area) for review and approval prior to commencement of construction.

Basis of Finding: Mitigation Measure HAZ-1 requires that construction contractors prepare a health and safety plan in accordance with Cal OSHA regulations. The plan will provide hazard recognition and monitoring information, specify personal protective equipment for

workers, outline construction measures to reduce the potential for workers' exposures to hazardous materials in soil, landfill materials, and groundwater, and describe procedures for handling accidental hazardous materials releases and unanticipated contamination. Mitigation Measure HAZ-2 requires construction contractors to prepare and implement a Soil, Landfilled Materials, and Groundwater Management Plan in compliance with all relevant environmental regulations for the management and disposal of excavated fill, soil, and groundwater. The plan would include describing soil, landfilled materials, and groundwater testing procedures to identify the appropriate reuse and/or disposal options, the containers to be used to transport the materials, and the proposed recycling or disposal facilities along with each facilities acceptance criteria. With compliance with existing regulations, and with implementation of Mitigation Measures HAZ-1 and HAZ-2, the potential for harmful exposure to hazardous materials present in soil, landfilled materials, or groundwater during removal of the landfill will be reduced to less than significant with mitigation.

2.3.7 Hydrology and Water Quality

Impact HYD-1: *The proposed program would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.*

During construction, exposure and removal of topsoil and the underlying sub-soils could generate sediment that, if mobilized by stormwater runoff or runoff from applied water during construction, could expose sediments to erosion and could potentially mobilize contaminated sediments that adversely affects water quality of receiving waters.

The construction activities for the proposed restoration activities would be required to comply with the Construction General Permit for the state and the County MS4 Permit required as part of the permitting process. For work in the channel, the proposed program also would be required to comply with a Section 401 Water Quality Certification. Compliance with the General Construction Permit, MS4 Permit, and 401 Certification would ensure that the proposed activities would include adequate stormwater protection through BMPs and monitoring, to limit increased turbidity and decreased water quality from sediment and other pollutants leaving the construction site.

Contaminated water and sediment from upstream sources would not be adverse since work is being done in the watershed, outside of the proposed program, to improve the water quality in the Los Cerritos Channel and the San Gabriel River. The concentration and loading of the water quality constituents from the watershed will be reduced through compliance with the reissued MS4 Permit, TMDLs, and the WMPs. The potential for significant adverse impacts to the proposed program would, therefore, be significantly reduced.

With regard to local water bodies, erosion could result in an infrequent, temporary impact relating to the contribution of constituents to the San Gabriel River; these inputs would not have a substantial impact on the beneficial uses of the system.

With regard to groundwater quality, sampling conducted to date indicates that groundwater at the site has already been impacted by the historic site land uses. It is likely that sediment in certain areas of the site will require remediation before restoration, which would improve conditions and

be a benefit to groundwater quality. As all of the local groundwater is non-potable, there are no wells in the vicinity of the program area that draw groundwater from the shallow water table for domestic or municipal use. Although the proposed program would increase tidal inundation through the restored marsh and possibly result in some localized increase in salinity within the restoration area, the change to water quality would not be considered to have an adverse impact on water resources because the groundwater in this area is all brackish to saline and is not used for domestic or municipal supply. It is not likely the site's groundwater will be used for direct potable use due to the tidal connection and salt water intrusion. Impacts would be less than significant.

Excavated sediment would be used on site to the extent feasible, but any remaining sediment may be designated for placement in an off-site landfill or in ocean disposal sites at either the Los Angeles (LA-2) or Newport Bay (LA-3) sites. The suitability of on-site excavated sediment for placement at a designated ocean dredged material disposal site would require a Tier III evaluation, which contains sediment quality standards, in accordance with Evaluation of Dredged Material Proposed for Ocean Disposal – Testing Manual (OTM; USEPA/USACE 1991). Sediment would be placed in an ocean disposal site only if it met the standards of the OTM, therefore, there would be no adverse impact as a result of ocean disposal. If the material is determined to be suitable for this placement alternative, specific permitting for ocean disposal or open-water placement would be required for the designated site. Impacts would be less than significant.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant hydrology and water quality impacts as identified in the Final PEIR. With the implementation of Mitigation Measure HYD-1, potential impacts related to hydrology and water quality would be reduced to less-than-significant levels.

Mitigation Measure HYD-1: A Monitoring and Adaptive Management Plan (MAMP) shall be prepared and implemented prior to commencement of construction or restoration activities. The MAMP shall provide a framework for monitoring site conditions in response to the program implementation. The monitoring shall focus on sediment quality in areas subject to the greatest deposition from storm events and that are also not subject to regular tidal flushing, (e.g., the southwestern corner of the Long Beach Property site). The sediment quality monitoring shall be performed at a frequency that would capture the potential build-up of contaminants in the deposited sediment before concentration are reached that would impact benthic macro-invertebrates and other sensitive species. The findings of the monitoring efforts shall be used to identify any source of impairment, and if discovered, provide measures for remediation of the sediment source area(s).

The MAMP shall be submitted for review and approval to permitting agencies prior to commencement of construction or restoration activities.

Basis of Finding: Mitigation Measure HYD-1 will ensure monitoring and adaptive management is conducted to recognize and address any erosion or sediment quality issues. The MAMP will include sediment erosion and deposition monitoring post large storm events to evaluate whether erosion from the marsh is depositing in the San Gabriel River and increasing the flood risk. The monitoring will also determine if the marsh habitats are being impacted by erosion and provide

measures for addressing the impacts. With implementation of Mitigation Measure HYD-1, impacts will be reduced to a less-than-significant level.

Impact HYD-3a: *The proposed program would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on site or off site.*

The proposed program would require ground disturbance, vegetation removal, and/or grading to restore and enhance the wetlands, and build levees and berms around the Central and South Areas. Exposure and removal of topsoil and the underlying sub-soils during construction could generate sediment that, if mobilized by stormwater runoff or runoff from applied water during construction, could deliver sediment-laden runoff to the San Gabriel River or adjacent sites, including the beach, which could result in localized and downstream siltation. Compliance with the General Construction Permit, MS4 Permit, and 401 Certification would ensure that the proposed activities would include adequate stormwater protection through BMPs and monitoring, to limit increased turbidity and decreased water quality from sediment and other pollutants leaving the construction site.

Post-construction, the proposed program would reconnect the San Gabriel River to the Central Area and open up the Central Area to full tidal connection with the river. Reconnection of the river to the floodplain and removal of the levees could cause erosion of the marsh during a large storm event, which could deliver sediment-laden runoff further down the river or to the ocean. If this sediment deposited in the San Gabriel River or the entrance of Alamitos Bay, it could impact flood management or navigation. Thus, the proposed program could result in a potentially significant impact.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant hydrology and water quality impacts as identified in the Final PEIR. With the implementation of Mitigation Measure HYD-1, potential impacts related to hydrology and water quality would be reduced to less-than-significant levels. See HYD-1a, above, for Mitigation Measure HYD-1.

Basis of Finding: As indicated above, Mitigation Measure HYD-1 will ensure monitoring and adaptive management is conducted to recognize and address any erosion or sediment quality issues. With implementation of Mitigation Measure HYD-1, impacts will be reduced to a less-than-significant level.

2.3.8 Public Services

Impact PS-1a: *The proposed program would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.*

Activities associated with demolition and construction requiring electrical power, fuel, or handling oil would increase the fire risk on site and subsequent potential need for fire protection services. Construction activities would temporarily increase the number of persons on site, which could increase the need for fire protection and emergency medical services. Since construction workers would likely come from the area and would not likely relocate their households as a consequence of working on the proposed program, the short-term increased employment of construction workers on the program area would not result in a notable increase in the residential population. However, in light of the construction activity on the site, impacts associated with fire protection services could be potentially significant.

The proposed program would result in new structures and persons on site, which could increase the fire hazard potential of the area and the subsequent potential need for fire protection and emergency medical services. Since employees and volunteers are anticipated to be local residents or regional commuters, the potential increase in service population would be minimal. In addition, building fees would be required in accordance with the County of Orange's and the City of Long Beach's Fire Facilities Impact Fees to compensate for anticipated impacts to fire services from its operation. OCFA and LBFD would review site design plans for compliance with appropriate safety codes prior to construction. Additionally, fuel modification would result from the proposed program's habitat restoration activities, which would further reduce the potential for fires to occur during operation of the proposed program. Therefore, during operation the proposed program would not result in the need for new or physically altered facilities to maintain acceptable response times for fire protection and emergency medical services. Impacts would be less than significant.

With regard to cumulative impacts, the geographic area for cumulative analysis is the service territory for the providers. With implementation of mitigation measure during construction and compliance with regulatory requirements, the proposed program would not contribute to a cumulatively significant impact.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant impacts to fire protection services during construction as identified in the Final PEIR. With the implementation of Mitigation Measure PS-1, potential construction related impacts to fire protection services would be reduced to less-than-significant levels. Operational impacts would be less than significant.

Mitigation Measure PS-1: Fire Prevention and Protection Training. Prior to the start of construction activities, the Applicant shall prepare and conduct a fire prevention and protection training for all construction personnel associated with the proposed program. Topics shall include general fire prevention practices such as avoiding smoking on the program area as well as specific preventative measures pertaining to high-fire-risk activities including handling of oil and welding and cutting. Personal protection measures including the locations of fire extinguishers on the program area and site exit routes should also be disclosed to ensure construction worker safety in the event of a fire. The material for the training shall be obtained in consultation with the Orange County Fire Authority and the Long Beach Fire Department.

Basis of Finding: Mitigation Measure PS-1 requires fire safety prevention training for construction workers regarding activities that pose a potential fire risk, such as handling of oil and other flammable liquids and welding and cutting. Given that the proposed program would be implemented in multiple phases and the temporary nature of construction work, as well as implementation of Mitigation Measure PS-1, the proposed program will not substantially increase the service demand for fire protection and emergency medical services in the area during construction. Therefore, impacts would be less than significant.

2.3.9 Transportation

Impact TRA-1: *The proposed program would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.*

Construction of the program components would temporarily generate additional truck and vehicle trips within the cities of Seal Beach and Long Beach and on the regional circulation system although traffic levels would not substantially increase and would be temporary in nature as traffic levels would return to pre-construction conditions once construction is complete. However, construction trucks accessing the program area would use designated truck routes to the extent feasible, which would keep heavy trucks moving at slower speeds along roadways that have been designed to accommodate these types of vehicles. In addition, while full or partial roadway closures are not anticipated at this time to be required during construction of the program components, there could be the need for a roadway closure as the design process progresses. If a full or partial roadway is required during construction, a significant impact to roadway operations could occur.

With regard to potential cumulative construction transportation impacts, the geographic scope for potential cumulative impacts to traffic and transportation is the regional and local roadways within the cities of Seal Beach and Long Beach and the surrounding portions of Orange and Los Angeles counties. Given the different types and size of the projects included in the cumulative scenario, it is reasonable to assume that when considering the amounts of additional truck trips generated by all of the cumulative projects during construction, a potentially significant transportation cumulative impact could occur.

During operation, trips would result from maintenance and employees and visitors to the site. Absent specific trip generation rate for the visitor center land use, the amount of operational trips generated by the proposed program was calculated by applying the trip generation rate of the Public Park land use by the total acreage of the program area (503 acres).¹ Based on that calculation, the proposed program is anticipated to generate approximately 393 trips on weekdays, 986 trips on Saturdays, and 1,102 trips on Sundays. Based on similar, nearby visitor centers, the majority of these trips are not anticipated to occur during the peak traffic hours and would be spread out throughout the day. Therefore, the number of peak hour trips would be minimal while the remainder of trips would be spread throughout the day. The amount of trips

¹ The trip generation rate for the Public Park land use is 0.78 trips per acre for weekdays, 1.96 trips per acre for Saturdays, and 2.19 trips per acre for Sundays. This estimate provides a conservative estimation of the operational trips generated as that land use is a more intense land use than the proposed land use under the proposed program.

generated by operation and maintenance of the proposed program would not result in a substantial increase to existing traffic volumes and would vary throughout the week as well as the year depending on seasons.

In addition, the proposed program would not alter the local roadway configuration or permanently disrupt bus stops or bike lanes once operational, and therefore would be consistent with all applicable transportation and traffic plans. Furthermore, the proposed program could install new sidewalks around the perimeter of the program area where there are currently none and a crosswalk at the intersection of Shopkeeper Road and 2nd Street to improve public access between the North Area, Long Beach Visitor Center, and Central Area. These components would increase connectivity and safety for pedestrians and bicyclists. Thus, operation of the proposed program would not affect the performance of the local or regional circulation systems and impacts would be less than significant. In addition, the proposed program would not contribute to a cumulative transportation impact during operation.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant transportation impacts during construction that could conflict with local and regional traffic thereby resulting in a conflict with a program plan, ordinance or policy addressing the circulation system as identified in the Final PEIR. With the implementation of Mitigation Measure TRA-1, potential construction related transportation impacts would be reduced to less-than-significant levels. Operational impacts would be less than significant.

Mitigation Measure TRA-1: Prior to the start of construction of the program component(s) that require a full or partial roadway closure, LCWA shall require the construction contractor(s) to prepare a traffic control plan. The traffic control plan will show all signage, striping, delineated detours, flagging operations and any other devices that will be used during construction to guide motorists, bicyclists, and pedestrians safely through the construction area and allow for adequate access and circulation to the satisfaction of the cities of Seal Beach and Long Beach and Orange and Los Angeles Counties, as applicable. The traffic control plan shall be prepared in accordance with the applicable jurisdiction's traffic control guidelines and will be prepared to ensure that access will be maintained to individual properties, and that emergency access will not be restricted. Additionally, the traffic control plan will ensure that congestion and traffic delays are not substantially increased as a result of the construction activities. Furthermore, the traffic control plan will include detours or alternative routes for bicyclists using on-street bicycle lanes as well as for pedestrians using adjacent sidewalks. LCWA shall provide written notice at least two weeks prior to the start of construction to owners/occupants along streets to be affected during construction.

During construction, LCWA will maintain continuous vehicular and pedestrian access to any affected residential driveways from the public street to the private property line, except where necessary construction precludes such continuous access for reasonable periods of time. Access will be reestablished at the end of the workday. If a driveway needs to be closed or interfered with as described above, LCWA shall notify the owner or occupant of the closure of the driveway at least five working days prior to the closure. The traffic control plan shall include provisions to ensure that the construction of the

proposed program does not interfere unnecessarily with the work of other agencies such as mail delivery, school buses, and municipal waste services.

LCWA shall also notify local emergency responders of any planned partial or full lane closures or blocked access to roadways or driveways required for program construction. Emergency responders include fire departments, police departments, and ambulances that have jurisdiction within the program area. Written notification and disclosure of lane closure location must be provided at least 30 days prior to the planned closure to allow emergency response providers adequate time to prepare for lane closures.

Basis of Finding: Implementation of Mitigation Measure TRA-1 requires the preparation and implementation of a traffic control plan in the event of necessary lane closures, which would reduce all effects to the regional and local circulation system, including existing transit routes, bicycle lanes, and emergency response access, to a less than significant level. With implementation of Mitigation Measure TRA-1, transportation impacts during construction of the proposed program will be reduced to a less-than-significant level. In addition, with implementation of Mitigation Measure TRA-1 the proposed program's contribution to cumulative impacts to traffic and transportation would not be cumulatively considerable.

Impact TRA-3: *The proposed program would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).*

Cumulative Transportation Impacts: *The proposed program would not result in cumulative impacts to transportation.*

Construction of the proposed program would include the use of heavy trucks to bring construction materials to and from the program area. Construction of the program components could require full or partial road closures, which could result in hazardous driving conditions. Operation of the proposed program would include routine maintenance activities as well as operation of the Seal Beach Visitor Center and passive recreational trails and would not require heavy equipment nor does it include a change to existing roadway configurations. Thus, operation of the proposed program would result in a less-than-significant impact with regard to hazards and incompatible uses.

The geographic scope for potential cumulative impacts to traffic and transportation is the regional and local roadways within the cities of Seal Beach and Long Beach and the surrounding portions of Orange and Los Angeles counties. Given the different types and size of the projects included in the cumulative scenario, it is reasonable to assume that when considering the amounts of additional truck trips generated by all of the cumulative projects during construction, a potentially significant transportation cumulative impact could occur.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant transportation impacts related to geometric design features or incompatible uses as identified in the Final PEIR. With the implementation of Mitigation Measure TRA-1, potential construction related transportation

impacts would be reduced to less-than-significant levels. Operational impacts would be less than significant.

Basis of Finding: Implementation of Mitigation Measure TRA-1 would require the preparation and implementation of a traffic control plan to minimize the effects on roadway safety. Therefore, construction of the proposed program would not result in a hazardous design feature within the program area or cumulative construction traffic impacts. Transportation impacts during construction would be less than significant with mitigation.

2.3.10 Tribal Cultural Resources

Cumulative Tribal Cultural Resources Impacts: *The proposed program would not result in cumulative impacts to tribal cultural resources.*

The geographic scope for cumulative analysis of tribal cultural resources encompasses the broadly defined coastal zone of Orange and Los Angeles Counties, from roughly Santa Monica in the north to Newport Beach in the south. Potential impacts from the proposed program on the tribal cultural landscape are considered significant and unavoidable. The cumulative projects proposed throughout the geographic scope of this analysis have the potential to result in a substantial adverse change in the significance of the tribal cultural landscape as some of these projects are also within or in the vicinity of the tribal cultural landscape. Past projects, such as California State University – Long Beach, United States Veterans Administration Hospital, Rancho Los Alamitos/Bixby Hill, and Heron Pointe, as well as present and foreseeable projects have resulted in or could result in the demolition or material alteration to some aspects of the tribal cultural landscape that convey its significance. Some past projects have encroached upon the wetlands leading to habitat degradation and loss, resulting in the material alteration of waterways, and plant habitat, and animal habitat. Future projects could also materially alter the tribal cultural landscape through the introduction of development that is incompatible with the landscape's setting or through ground disturbance within archaeological sites that contribute to the significance of the landscape. When taken together, past, present, and foreseeable projects result in a significant cumulative impact to the tribal cultural landscape.

The purpose of the proposed program is to restore the wetlands and the proposed program would result in an overall benefit to several of the essential physical characteristics of the landscape, such as the waterways, plants, and animals. Other projects have in the past resulted in greater impacts to the landscape than the proposed program, including impacts to archaeological sites associated with the villages of *Puvungna* and *Motuucheyngna*, as well as other Native American or prehistoric archaeological resources that may have contributed to the significance of the landscape, and impacts to waterways (including wetlands), plant habitat, and animal habitat. The incremental effects of the proposed program are not considered significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant cumulative impacts to tribal cultural resources as identified in the Final PEIR. With the implementation of BIO-1 through BIO-9 (Final PEIR, Section 3.3, *Biological Resources*; Impact BIO-1 and BIO-2, above), and Mitigation

Measures CUL-1, and CUL-4 through CUL-17 (Final PEIR, Section 3.4, *Cultural Resources*; Impact CUL-1), the incremental contribution of the proposed program on impacts to the tribal cultural landscape as a tribal cultural resource would not be cumulatively considerable.

Basis of Finding: Mitigation Measures BIO-1 through BIO-9 (Final PEIR, Section 3.3, *Biological Resources*; Impact BIO-1 and BIO-2, above), and Mitigation Measures CUL-1, and CUL-4 through CUL-17 (Final PEIR, Section 3.4, *Cultural Resources*) will incorporate measures to protect biological resources and cultural resources. Since the proposed program will restore the wetlands, the proposed program will provide an overall benefit to several of the essential physical characteristics of the landscape, such as the waterways, plants and animals. Thus, the incremental contribution of the proposed program on impacts to the tribal cultural landscape as a tribal cultural resource would not be cumulatively considerable.

2.3.11 Utilities and Service Systems

Impact UTL-1: *The proposed program would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.*

Water Infrastructure. The proposed program would be constructed and implemented in three phases over a 20-year period. In the long-term, 1st Street would be removed to allow for restoration of the berm and the existing water line would be relocated off site. The design and installation of the new water line would be required to meet applicable City standards. Construction impacts associated with the installation would primarily involve trenching in order to place the water distribution lines below grade and reconnect existing domestic and fire water services for the affected surrounding properties. Prior to ground disturbance, contractors would coordinate with OCWD and LBWD to identify the locations and depth of all lines and send notices in advance of proposed ground disturbance activities to avoid water lines and disruption of water service. Compliance with applicable standards and requirements would ensure that impacts to water infrastructure during construction would be less than significant.

During operation, water for the Seal Beach Visitor Center and irrigation as well as fire suppression would be provided by the OCWD and LBWD through domestic water mains surrounding the program boundary that are maintained by the cities of Seal Beach and Long Beach. The water mains are relatively large for irrigation use and available for new water meter services. Construction impacts would be limited to the one to two days required for each meter and lateral installation. Since the design of the visitor center is unknown at this time, impacts could be potentially significant and Mitigation Measure UTL-1 will be implemented to ensure that significant impacts are reduced to a less-than-significant level.

Wastewater Infrastructure. All wastewater generated during construction, including water from washing down trucks, equipment, and concrete construction pads, would be stored on site within temporary storage tanks. Construction workers would use portable sanitary units during construction activities for the proposed program. Wastewater generated during construction of the proposed program would be minimal. After settling out the solids, the waste water would be sent to

the Orange County Sanitation District (OCSD) and Los Angeles County Sanitation District (LACSD) treatment facilities for treatment and disposal. Because construction of new or expanded facilities is not required to accommodate the construction of the proposed program, there would be no construction impacts associated with the provision of these facilities to serve the proposed program.

Sanitary wastewater generated at the Seal Beach Visitor Center would be conveyed for treatment using existing sewer lines. The proposed program would result in a large reduction in wastewater compared with oil production. Thus, there would be no requirement for the construction of new or expanded wastewater treatment facilities to serve the proposed program. In addition, the existing sewer lines have sufficient capacity to accommodate the volume of wastewater produced from the proposed program. As stated in the City of Seal Beach Sewer Master Plan (2018), there were no sewer pipe capacity deficiencies identified and sufficient capacity was available at the Adolfo Lopez pump station, the closest pump station to the program area. However, since the design of the visitor center is unknown at this time, impacts could be potentially significant and Mitigation Measure UTL-2 will be implemented to ensure that significant impacts are reduced to a less-than-significant level.

Stormwater. The proposed program would require construction of new flood risk and stormwater management elements, including modifications to Los Angeles County Drainage Area project structures within the program area by modifying the existing levee along the San Gabriel River, constructing new flood risk management structures (e.g., earthen levees and berms, or flood walls), restoring the wetland floodplain, constructing new water-control structures that allow for increased tidal connections, and constructing new stormwater management features (e.g., bioswales). Compliance with applicable regulatory requirements and implementation of BMPs would ensure impacts related to the need to construct or expand stormwater drainage facilities would be less than significant. With regard to cumulative impacts, because the area is urban, developed, and is generally covered with impervious surfaces, development of cumulative projects would not result in a substantial increase in impervious surfaces in the area or substantially increase stormwater and runoff flows through the stormwater drainage system. The increases of runoff from cumulative projects that could combine to impact stormwater drainage capacity would be less than cumulatively significant.

Electric. The proposed program would require infrastructure and utility modifications, including the relocation and undergrounding of electric lines, which could create a temporary environmental disturbance. However, program design features and mitigation measures identified in the MMRP would reduce impacts associated with changes to the infrastructure. As such, construction and operation of the proposed program is not anticipated to adversely affect the electrical infrastructure serving the surrounding uses or utility system capacity and would not result in the construction of new electric power facilities or expansion of existing facilities, which could cause significant environmental effects the impact would be less than significant. Cumulative electricity infrastructure impacts are considered on a system-wide basis and are associated with the capacity of existing and planned infrastructure. As the proposed program would likely tie into existing off-site facilities surrounding the program boundary and construction and operation is not anticipated to adversely affect the electrical infrastructure, the

proposed program would not have a cumulatively considerable contribution to potential significant cumulative impacts associated with electric power infrastructure.

Natural Gas. No natural gas consumption would occur during construction of the proposed program. However, construction of the visitor center would involve installation of new natural gas connections to serve the visitor center, creating a temporary environmental disturbance. Given that the area surrounding the visitor center is served by existing natural gas infrastructure, extensive off-site infrastructure improvements would not be needed to serve the program area. Environmental impacts associated with the installation would be less than significant with the implementation of program design features and mitigation measures identified in the MMRP. Construction and operation of the proposed program is not anticipated to adversely affect the natural gas infrastructure serving the surrounding uses or utility system capacity and would not result in the construction of new natural gas facilities or expansion of existing facilities, which could cause significant environmental effects the impact would be less than significant. Cumulative natural gas infrastructure impacts are considered on a system-wide basis and are associated with the capacity of existing and planned infrastructure. While additional natural gas infrastructure is needed for the proposed program, the proposed program would not result in the construction of new natural gas facilities or expansion of existing facilities. Therefore, the proposed program would not have a cumulatively considerable contribution to potential significant cumulative impacts associated with natural gas infrastructure.

Telecommunication. Telecommunication service providers already deliver their services to a large number of homes in in the vicinity of the program area. Since service is already provided and the demand would be minimal, it is anticipated that existing telecommunications facilities would be sufficient to support the proposed program's needs for telecommunication services and impacts would be less than significant. Considering the cumulative scenario, expansion of telecommunication infrastructure is typically at the discretion of the service providers and would occur as needed. Installation of new telecommunications infrastructure for the cumulative projects are anticipated to be limited to on-site telecommunications distribution and minor off-site work associated with connections to the public system. Therefore, the proposed program would not have a cumulatively considerable contribution to potential significant cumulative impacts associated with telecommunication infrastructure.

Finding: The LCWA finds that impacts regarding stormwater, electrical, natural gas and telecommunications would be less than significant and no mitigation measures for these utilities would be necessary. The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant impacts regarding utilities as identified in the Final PEIR. With the implementation of Mitigation Measures UTL-1 and UTL-2, potential impacts with regard to water and wastewater infrastructure would be reduced to less-than-significant levels.

Mitigation Measure UTL-1: Water Will Serve Letter. Prior to issuance of a certificate of occupancy of the visitor center, a will serve letter will be obtained to verify that the water mains surrounding the program boundary have the capacity to serve the visitor center.

Mitigation Measure UTL-2: Sewer Capacity Study. Prior to issuance of a certificate of occupancy of the visitor center, a sewer capacity study will be performed to verify that the sewer lines surrounding the program boundary have the capacity to serve the visitor center.

Basis of Finding: Mitigation Measure UTL-1 requires obtaining a water will serve letter prior to issuance of a certificate of occupancy for the visitor center to ensure that water mains surrounding the program boundary have sufficient capacity to serve the visitor center. Mitigation Measure UTL-2 requires the completion of a sewer capacity study prior to issuance of a certificate of occupancy for the visitor center to ensure that sewer lines surrounding the program boundary have sufficient capacity to serve the visitor center. Implementation of Mitigation Measures UTL-1 and UTL-2 will ensure that impacts to water and wastewater infrastructure remain less than significant.

Impact UTL-2: *The proposed program would have sufficient water supplies available to serve the proposed program and reasonably foreseeable future development during normal, dry and multiple dry years.*

Water use during construction would be typical and would include water for mixing with cement for the visitor center, water for the cleaning of equipment and dust suppression, as well as water for mixing with bentonite clay and cement to plug the wells in the South Area. However, water usage during construction would be minimal and impacts would be less than significant.

During operations, drinking water and other potable water use would be nominal at the Seal Beach Visitor Center in the South Area. Water would also be required for restoration and irrigation to ensure vegetation is established. While the water demand would be nominal and the OCWD and LBWD have sufficient water supplies to meet all demands through the year 2040 during normal, single dry year, and multiple dry year hydrologic conditions, Mitigation Measure UTL-1 would be require obtaining a will serve letter to verify that surrounding water mains surrounding the program boundary have capacity to provide service to the visitor center.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant impacts regarding water supply as identified in the Final PEIR. With the implementation of Mitigation Measure UTL-1, potential impacts with regard to water supply would be reduced to less-than-significant levels. (See Impact UTL-1 above for Mitigation Measure UTL-1.)

Basis of Finding: Mitigation Measure UTL-1 requires obtaining a water will serve letter prior to issuance of a certificate of occupancy for the visitor center to ensure that water mains surrounding the program boundary have sufficient capacity to serve the visitor center. Implementation of Mitigation Measure UTL-1 will ensure that impacts remain less than significant.

Impact UTL-3: *The proposed program would not result in a determination by the wastewater treatment provider which serves or may serve the proposed program that it has adequate capacity to serve the proposed program's projected demand in addition to the provider's existing commitments.*

Wastewater generated during construction, including water from washing down trucks, equipment, and concrete construction pads, would be stored on site within temporary storage tanks. Construction workers would use portable sanitary units. Wastewater generated during construction would be minimal and would be periodically hauled off site for treatment and disposal at the OCSD and LACSD treatment facilities or other appropriate facility. Construction of the proposed program would not require the construction of new or expanded wastewater facilities and impacts would be less than significant.

Operation of the proposed Seal Beach Visitor Center would result in a nominal increase in the amount of sanitary wastewater generated as a result of employees and visitors and would be treated at the existing OCSD treatment facilities. Although the volume of wastewater during operation would nominally increase, the nature of wastewater would remain unchanged and would, therefore, still be acceptable under the existing site discharge requirements. No sewer pipe capacity deficiencies were identified within the City of Seal Beach's Sewer Master Plan 2018 and sufficient capacity was determined at the Adolfo Lopez pump station, the closest pump station to the program area. As the design of the visitor center is unknown at this time, verification of the capacity of the sewer lines would be needed.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that substantially lessen significant impacts regarding wastewater as identified in the Final PEIR. With the implementation of Mitigation Measure UTL-2, potential impacts with regard to wastewater would be reduced to less-than-significant levels.

Basis of Finding: As indicated above, Mitigation Measure UTL-2 requires obtaining a sewer capacity study prior to operation of the visitor center to verify that sewer lines surrounding the program boundary have capacity to provide service to the visitor center. With implementation of Mitigation Measure UTL-2, the impact of the additional wastewater from the Seal Beach Visitor Center would be less than significant.

2.4 Findings Regarding Impacts Not Fully Mitigated to Less Than Significant

2.4.1 Air Quality

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 SCAQMD is required, pursuant to the Clean Air Act, to reduce emissions of criteria pollutants for which the Air Basin is in non-attainment of the NAAQS (e.g., O₃ and PM_{2.5}). The Air Basin is also in non-attainment of the CAAQS (e.g., O₃, PM₁₀, and PM_{2.5}). Criteria for determining the proposed program's consistency with the AQMP are defined in Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD's CEQA Air Quality Handbook. While maximum daily emissions from construction activities would exceed the SCAQMD regional threshold for NO_x (Final PEIR, Table 3.2-4; Impact AQ-2, above), with the implementation of mitigation measures, regional construction emissions of NO_x would be less than significant (Final PEIR,

Table 3.2-7). However, localized impacts to sensitive receptors at the program-level during construction would be considered potentially significant (Impact AQ-3a, below). Operational emissions would be less than significant (Final PEIR, Table 3.2-4) and no mitigation measures would be required. While incorporation of mitigation would reduce regional construction emissions to less than significant, the proposed program could still potentially result in significant localized construction impacts and as such, could conflict with Criterion No. 1 and would result in a potentially significant impact for construction emissions.

Under Consistency Criterion No. 2, the AQMP contains air pollutant reduction strategies based on the SCAG's latest growth forecasts, and SCAG's growth forecasts were defined in consultation with local governments and with reference to local general plans. The proposed program would be required to comply with CARB requirements to minimize short-term emissions from on-road and off-road diesel equipment, and with SCAQMD's regulations for controlling fugitive dust and other construction emissions. Construction would only occur for short periods of time in each location, thus construction emissions and duration would be considered short-term and would not conflict with the AQMP. The proposed program would restore wetlands and habitat areas which would reduce emissions in the long term from the existing environmental setting as oil operations cease. The proposed program would not increase population growth as it includes no housing and would generate a minimal number of jobs for maintenance of the facilities. The improvements to pedestrian access would help decrease vehicle miles traveled region-wide as it provides a recreational area near existing residential communities in the cities of Seal Beach and Long Beach thereby reducing the need to travel long distances for recreation. Program emissions would be only a small percentage of overall Basin-wide emissions (Final PEIR, Table 3.2-6). Therefore, the proposed program would not conflict with Criterion No. 2.

Since the proposed program could conflict with Criterion No. 1, the proposed program would conflict with or obstruct implementation of the applicable air quality plan and impacts would be significant.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that reduce significant impacts regarding potential conflict with applicable plans through the reduction of construction emissions as identified in the Final PEIR. The proposed program would implement Mitigation Measure AQ-1, which would reduce NO_x emissions during construction (see Impact AQ-2a for Mitigation Measure AQ-1). However, specific economic, legal, social, technological, or other considerations, make it infeasible to mitigate this impact to below the level of significance, and even with the implementation of this measure, the proposed program could conflict with applicable air quality plans. Impacts would remain significant and unavoidable.

Basis for Finding: Mitigation Measure AQ-1 requires the implementation of construction-related NO_x reduction measures, such as the use of certain equipment that complies with Tier IV emission controls, use of Best Available Control Technology devices, prohibition of equipment idling in excess of five minutes, prohibition of use of portable generators, and routing of construction trucks. While Mitigation Measure AQ-1 will reduce NO_x emissions during

construction, the proposed program could conflict with Criterion No. 1 thereby conflicting with applicable air quality plans. Impacts would remain significant and unavoidable.

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

Cumulative Air Quality Impacts: *The proposed program would result in potentially significant cumulative localized construction air quality impacts.*

The South Coast Air Basin is in attainment of the NAAQS for PM₁₀, CO and SO₂, and also in attainment of the CAAQS for CO and SO₂. Sensitive receptors surround the program area with residents located adjacent to the southern border of the program area. The program area includes both Seal Beach, located in Source Receptor Area (SRA) 18 and Long Beach, located in SRA 4 (see Final PEIR, Table 3.2-8 for construction screening thresholds). The air quality analysis was conservatively analyzed assuming all subphases of construction associated with the near-term phase were to occur concurrently. Based on this conservative analysis, localized impacts from program construction pertaining to NO_x emissions would be significant and unavoidable. However, on-site emissions for the proposed program will vary greatly in location and by subphase for the proposed program. Therefore, it is not possible to conduct a quantified localized analysis without speculating due to the uncertainty of the specific locations, timing, and intensity of construction activities, particularly in areas near sensitive receptors. Without a specific quantitative analysis, the impact to sensitive receptors at the program-level during construction would be considered potentially significant.

During operation, all criteria pollutants would be below the SCAQMD regional thresholds (Final PEIR, Table 3.2-5). The unmitigated on-site operational emissions would not exceed any of the operational screening less than significant thresholds since most of the operational emissions are from mobile sources (off site). Emissions associated with operation would be less than significant.

With regard to toxic air contaminants, a quantitative evaluation of emissions from toxic air contaminants, particularly for program construction activities, would be speculative given the uncertainty of the specific locations, timing, and intensity of construction activities. Therefore, a construction Health Risk Assessment (HRA) cannot be conducted for the program-level analysis. Localized air quality emissions, including toxic air contaminants, would be evaluated quantitatively at the project-level when adequate information is known for individual wetland restoration projects. At the program-level, any subsequent projects within the program area would be required to implement Tier IV engines per Mitigation Measure AQ-1, which would reduce NO_x emissions and other TACs (including diesel particulate matter). However, without a specific construction scenario, impacts to toxic air contaminants at the program-level would be considered potentially significant.

With regard to cumulative impacts, because the City of Seal Beach and City of Long Beach have not adopted their own citywide significance thresholds for air quality impacts, it is appropriate to rely on thresholds established by the SCAQMD (refer to *CEQA Guidelines* Section 15064.7). It would not be meaningful to sum multiple cumulative or related project emissions as there are no

thresholds set for comparison. Additionally, regional emissions from a project have the potential to affect the Air Basin as a whole, and it is not possible to establish a geographical radius from a specific project site where potential cumulative impacts from regional emissions would be limited. Therefore, consistent with accepted and established SCAQMD cumulative impact evaluation methodologies, the potential for the proposed program to result in cumulative air quality impacts is assessed based on the SCAQMD thresholds. Thus, given the potentially significant localized construction impact at the program-level, cumulative localized construction air quality impacts would be potentially significant.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that reduce significant impacts during construction as identified in the Final PEIR. The proposed program would implement Mitigation Measure AQ-1, which would reduce NO_x emissions during construction (see Impact AQ-2a for Mitigation Measure AQ-1). However, specific economic, legal, social, technological, or other considerations, make it infeasible to mitigate this impact to below the level of significance, and even with the implementation of this measure, the proposed program would expose sensitive receptors to substantial pollutant concentrations during construction. Impacts would remain significant and unavoidable. In addition, given the potentially significant localized construction impact at the project-level, cumulative localized construction air quality impacts would be significant and unavoidable during construction.

Basis for Finding: Mitigation Measure AQ-1 requires the implementation of construction-related NO_x reduction measures, such as the use of certain equipment that complies with Tier IV emission controls, use of Best Available Control Technology devices, prohibition of equipment idling in excess of five minutes, prohibition of use of portable generators, and routing of construction trucks. While Mitigation Measure AQ-1 will reduce NO_x emissions during construction, construction would result in emissions that would expose sensitive receptors to substantial pollutant concentrations. Impacts would remain significant and unavoidable. Given the potentially significant localized construction impact, cumulative localized construction air quality impacts would be significant and unavoidable during construction.

2.4.2 Cultural Resources

Impact CUL1: *The proposed program would cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.*

Cumulative Cultural Resources Impacts: *The proposed program would result in potentially significant cumulative impacts to historical resources.*

There are 23 potential historical resources within or immediately adjacent to the proposed program area, including 15 archaeological resources (11 prehistoric sites, 3 historic-period sites, and 1 multicomponent site) and 8 historic architectural resources (Final PEIR, Table 3.4-3). In addition, the Los Cerritos Wetlands is part of a tribal cultural landscape identified by some tribal representatives during consultation with the CCC. Furthermore, given that the entire program area was not systematically surveyed as part of this assessment, there could be additional as-yet unidentified archaeological and historical architectural resources within the program area.

The proposed program would implement Mitigation Measure CUL-1 through CUL-17 to reduce impacts to historical resources by requiring qualified cultural resources personnel to conduct future project-specific studies; development of appropriate treatment for significant resources; and archaeological and Native American monitoring of ground disturbance (see Section 3.4, *Cultural Resources*, of this PEIR). The proposed program also includes several mitigation measures (see Mitigation Measures BIO-1 through BIO-11 in Section 3.3, *Biological Resources*, of this PEIR) that would lessen potential construction-related impacts to waterways, plants, and animals that are considered part of the tribal cultural landscape. However, even with implementation of these mitigation measures, impacts to historical resources and archaeological resources would be significant and unavoidable at the program level during construction of the proposed program. Once specific projects are designed, additional cultural resources studies would be completed as necessary and impacts resulting from specific projects would be considered. It is possible that project-level impacts to historical and archaeological resources may be mitigated to a less than significant level. Project-level impacts would be analyzed as part of future CEQA analysis.

Operation of the proposed program would include ongoing inspection and maintenance of the perimeter levees and berms, flood walls and water-control structures; removal of non-native vegetation in restored habitat and stormwater management features; trash removal within the restored wetlands; and operation of the visitor centers and associated parking lots. These actions would have no impact to historic architectural resources. If ground disturbance associated with these activities were to occur, it would occur within soils that have already been subject to ground disturbance and archaeological/Native American monitoring, and they are unlikely to unearth archaeological resources. While the proposed program would increase public access to the area, the public access program would constrain visitors to pedestrian trails and bike paths, elevated perimeter pedestrian walkways, and designated viewing areas with overlooks. It would also include educational and interpretive features that would educate the public about the cultural significance of the area, and the implications of unauthorized tampering with resources. Impacts to historic architectural resources and archaeological resources from operation of the proposed program would be less than significant.

With regard to cumulative historic impacts, related projects proposed throughout the geographic scope of the analysis have the potential to impact historic architectural resources as some of the projects would demolish or alter historic architectural resources. When taken together, the incremental contribution of the construction of the proposed program when combined with other projects in the geographic scope is cumulatively considerable.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that reduce significant impacts to historic and archaeological resources during construction as identified in the Final PEIR. Even with implementation of the mitigation measures, impacts will remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, make it infeasible to mitigate this impact to below the level of significance, and even with the implementation of the measures, the proposed program would result in potentially significant impacts to historic and archaeological resources and impacts would remain significant and unavoidable. In addition, there is no feasible mitigation for

cumulative impacts to historic architectural and archaeological resources other than not undertaking the proposed program.

Mitigation Measure CUL-1: Cultural Resources Personnel Professional

Qualifications Standards. Cultural resources consulting staff shall meet, or be under the direct supervision of an individual meeting, the minimum professional qualifications standards (PQS) set forth by the Secretary of the Interior (SOI) (codified in 36 Code of Federal Regulations [CFR] Part 61; 48 FR 44738-44739).

Mitigation Measure CUL-2: Historic Resources Assessment. For each near-term, mid-term, and long-term project, LCWA shall retain an SOI-qualified architectural historian (Qualified Architectural Historian) to conduct a historic resources assessment including: a records search at the South Central Coastal Information Center; a review of pertinent archives and sources; a pedestrian field survey; recordation of all identified historic resources on California Department of Parks and Recreation 523 forms; and preparation of a technical report documenting the methods and results of the assessment. The report(s) shall be submitted to LCWA for review and approval prior to LCWA's approval of project plans or publication of subsequent CEQA documents. The Qualified Architectural Historian shall file a copy of the final report(s) with the South Central Coastal Information Center within 30 days of its completion. A Historic Resources Assessment shall not be required for any project site that has already undergone the same or similar assessment as part of the program as long as the assessment is deemed adequate by the Qualified Architectural Historian for the purposes of the project currently under consideration.

Mitigation Measure CUL-3: Historic Resources Evaluation. Prior to LCWA's approval of project plans or the publication of subsequent CEQA documents for any project site containing unevaluated historic resources, a Qualified Architectural Historian shall determine if the project has the potential to result in adverse impacts to identified historic resources. For any historic resource that may be adversely impacted, the Qualified Architectural Historian shall evaluate the resource for listing in the California Register under Criteria 1-4 in order to determine if the resource qualifies as a historical resource. If a historic resource is found eligible, the Qualified Architectural Historian shall determine if the project would cause a substantial adverse change in the significance of the resource. If a substantial adverse change would occur (i.e., the project would demolish the resource or materially alter it in an adverse manner), the Qualified Architectural Historian shall develop appropriate mitigation measures to be incorporated into subsequent CEQA documents. These measures may include, but would not be limited to, relocation, HABS/HAER/HALS documentation, development and implementation of an interpretative and commemorative program, or development and implementation of a salvage plan. All evaluations and resulting technical reports shall be completed and approved by LWCA prior to LCWA's approval of project plans or publication of subsequent CEQA documents. The Qualified Architectural Historian shall file a copy of the final report(s) with the South Central Coastal Information Center within 30 days of its acceptance by LCWA.

Mitigation Measure CUL-4: Archaeological Resources Assessment. For each near-term, mid-term, and long-term project that involves ground disturbance, LCWA shall retain an SOI-qualified archaeologist (Qualified Archaeologist) to conduct an archaeological resources assessment including: a records search at the South Central Coastal Information Center; a Sacred Lands File search at the Native American Heritage

Commission; updated geoarchaeological review incorporating previously unavailable data (such as geotechnical studies); a pedestrian field survey; recordation of all identified archaeological resources on California Department of Parks and Recreation 523 forms; and preparation of a technical report. The technical report shall: document the methods and results of the study; provide an assessment of the project's potential to encounter subsurface archaeological resources and human remains based on a review of the project plans, depth of proposed ground disturbance, and available project-specific geotechnical reports; and provide recommendations as to whether additional studies are warranted (i.e., Extended Phase I presence/absence testing or resource boundary delineation, Phase II testing and evaluation). The report(s) shall be submitted to LCWA for review and approval prior to approval of project plans or publication of subsequent CEQA documents. The Qualified Archaeologist shall file a copy of the final report(s) with the South Central Coastal Information Center within 30 days of its completion. An Archaeological Resources Assessment shall not be required for any project site that has already undergone the same or similar assessment as part of the program as long as the assessment is deemed adequate by the Qualified Archaeologist for the purposes of the project currently under consideration.

Mitigation Measure CUL-5: Extended Phase I Archaeological Investigation. Prior to LCWA's approval of project plans or the publication of subsequent CEQA documents for any project with a high potential to encounter subsurface archaeological resources as determined by the project-specific archaeological resources assessment conducted under **Mitigation Measure CUL-4: Archaeological Resources Assessment**, a Qualified Archaeologist shall conduct an Extended Phase I investigation to identify the presence/absence of subsurface archaeological resources. Prior to the initiation of field work for any Extended Phase I investigation, the Qualified Archaeologist shall prepare a work plan outlining the investigation's objectives, goals, and methodology (e.g., field and lab procedures, collection protocols, curation and reporting requirements, Native American input/monitoring, schedule, security measures). For investigations related to Native American archaeological resources, monitoring shall be required in accordance with **Mitigation Measures CUL-13: Native American Monitoring**. All work plans shall outline the protocols and procedures to be followed in the event that human remains and associated funerary objects or grave goods (i.e., artifacts associated with human remains) are encountered in accordance with **Mitigation Measure CUL-18: Human Remains Discoveries**. Disposition of archaeological materials recovered during Extended Phase I investigations shall be in accordance with **Mitigation Measure CUL-15: Curation and Disposition of Cultural Materials**. Disposition of human remains and any associated funerary objects or grave goods shall be in accordance with **Mitigation Measure CUL-18: Human Remains Discoveries**. Projects occurring within the same timeframe may be covered by one overarching work plan. All investigations and resulting technical reports shall be completed and approved by LCWA prior to LCWA's approval of project plans or publication of subsequent CEQA documents. The Qualified Archaeologist shall file a copy of the final report(s) with the South Central Coastal Information Center within 30 days of its acceptance by LCWA. An Extended Phase I investigation shall not be required for any project site or resource that has already undergone the same or similar investigation as part of the program as long as the investigation is deemed adequate by the Qualified Archaeologist for the purposes of the project currently under consideration.

Mitigation Measure CUL-6: Phase II Archaeological Investigation. Prior to LCWA's approval of project plans or the publication of subsequent CEQA documents for any

project site containing known unevaluated archaeological resources as identified by the project-specific archaeological resources assessment conducted under **Mitigation Measure CUL-4: Archaeological Resources Assessment**, a Qualified Archaeologist shall determine if the project has the potential to result in adverse impacts to identified **archaeological** resources (this may include initial Extended Phase I testing to identify the boundaries of resources, if necessary to properly assess potential impacts, following the procedures outlined under **Mitigation Measure CUL-5: Extended Phase I Archaeological Investigation**). For any archaeological resource that may be adversely impacted, the Qualified Archaeologist shall conduct Phase II testing and shall evaluate the resource for listing in the California Register under Criteria 1-4 in order to determine if the resource qualifies as a historical resource. LCWA shall consider the significance of the resource to Native American groups prior to requiring any Phase II subsurface testing. If the resource does not qualify as a historical resource, it shall then be considered for qualification as a unique archaeological resource. Native American or prehistoric archaeological resources shall also be considered as contributors to the tribal landscape to determine if they contribute to the significance of the landscape. Prior to the initiation of field work for any Phase II investigation, the Qualified Archaeologist shall prepare a work plan outlining the investigation's objectives, goals, and methodology (e.g., research design, field and lab procedures, collection protocols, data requirements/thresholds, evaluation criteria, curation and reporting requirements, Native American input/monitoring, schedule, security measures). The Qualified Archaeologist and LCWA shall coordinate with participating Native American Tribes during preparation of Phase II work plans related to Native American archaeological resources to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered in the evaluation, including those related to the tribal cultural landscape. For investigations related to Native American archaeological resources, Native American Tribal coordination and monitoring shall be required in accordance with **Mitigation Measures CUL-12: Native American Coordination** and **CUL-13: Native American Monitoring**. All work plans shall outline the protocols and procedures to be followed in the event that human remains and associated funerary objects or grave goods (i.e., artifacts associated with human remains) are encountered in accordance with **Mitigation Measure CUL-18: Human Remains Discoveries**. Disposition of archaeological materials recovered during Extended Phase I or Phase II investigations shall be in accordance with **Mitigation Measure CUL-15: Curation and Disposition of Cultural Materials**. Disposition of human remains and any associated funerary objects or grave goods shall be in accordance with **Mitigation Measure CUL-18: Human Remains Discoveries**. Projects occurring within the same timeframe may be covered by one overarching work plan. All investigations and resulting technical reports shall be completed and approved by LWCA prior to LCWA's approval of project plans or publication of subsequent CEQA documents. The Qualified Archaeologist shall file a copy of the final report(s) with the South Central Coastal Information Center within 30 days of its acceptance by LCWA.

Mitigation Measure CUL-7: Avoidance and Preservation in Place of Archaeological Resources. In the event historical resources or unique archaeological resources or resources that contribute to the significance of the tribal cultural landscape are identified, avoidance and preservation in place shall be the preferred manner of mitigating impacts to such resources. Preservation in place maintains the important relationship between artifacts and their archaeological context and also serves to avoid conflict with traditional and religious values of groups who may ascribe meaning to the resource. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation

easement. If avoidance is determined by the LCWA to be infeasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations, then that resource shall be subject to **Mitigation Measure CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan**. If avoidance and preservation in place of a resource is determined by LCWA to be feasible, then that resource shall be subject to **Mitigation Measure CUL-9: Archaeological Resources Monitoring and Mitigation Plan**.

Mitigation Measure CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan. A Qualified Archaeologist shall prepare a Phase III Archaeological Resources Data Recovery and Treatment Plan for significant archaeological resources (i.e., resources that qualify as historical resources or unique archaeological resources or that contribute to the significance of the tribal cultural landscape) that will be adversely impacted by a project. Consistent with *CEQA Guidelines* Section 15126.4, data recovery shall not be required for a historical resource if LCWA determines that testing or studies already completed have adequately recovered the scientifically consequential information for resources eligible under California Register Criterion 4. The Qualified Archaeologist and LCWA shall consult with interested Native American Tribes for recovery/treatment of Native American archaeological resources during preparation of the plan(s) to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered in assessing treatment, including those related to the tribal cultural landscape. Projects occurring within the same timeframe may be covered by one overarching plan. The plan(s) shall be submitted to LCWA for review and approval prior to the start of field work for data recovery efforts for resources that are eligible under California Register Criterion 4 (data potential). Data recovery field work shall be completed prior to the start of any project-related ground disturbance. Treatment for archaeological resources that are eligible under California Register Criterion 1 (events), Criterion 2 (persons), or Criterion 3 (design/workmanship) shall be completed within 3 years of completion of the project. Each plan shall include:

- a. *Research Design.* The plan shall outline the applicable cultural context(s) for the region, identify research goals and questions that are applicable to each resource or class of resources, and list the data needs (types, quantities, quality) required to answer each research question. The research design shall address all four California Register Criteria (1–4) and identify the methods that will be required to inform treatment, such as subsurface investigation, documentary/archival research, and/or oral history, depending on the nature of the resource. The research design shall also include consideration of Native American or prehistoric archaeological resources as contributors to the tribal cultural landscape.
- b. *Data Recovery for Resources Eligible under Criterion 4.* The plan shall outline the field and laboratory methods to be employed, and any specialized studies that will be conducted, as part of the data recovery effort for resources that are eligible under California Register Criterion 4 (data potential). If a resource is eligible under additional criteria, treatment beyond data recovery shall be implemented (see **CUL-6c**).
- c. *Treatment for Resources Eligible under Criteria 1, 2, or 3.* In the event a resource is eligible under California Register Criterion 1 (events), Criterion 2 (persons), or Criterion 3 (design/workmanship), then resource-specific treatment shall be developed to mitigate project-related impacts to the degree feasible. This

could include forms of documentation, interpretation, public outreach, ethnographic and language studies, publications, and educational programs, depending on the nature of the resource, and may require the retention of additional technical specialists. Treatment measures shall be generally outlined in the plan based on existing information on the resource. Once data recovery is completed and the results are available to better inform resource-specific treatment, the treatment measures shall be formalized and implemented.

Treatment shall be developed by the Qualified Archaeologist in consultation with LCWA and Native American Tribal representatives for resources that are Native American in origin, including those related to the tribal cultural landscape.

- d. *Security Measures.* The plan shall include recommended security measures to protect archaeological resources from vandalism, looting, and non-intentionally damaging activities during field work.
- e. *Procedures for Discovery of Human Remains and Associated Funerary Objects or Grave Goods.* The plan shall outline the protocols and procedures to be followed in the event that human remains and associated funerary objects or grave goods are uncovered. Protocols and procedures shall be in accordance with **Mitigation Measure CUL-18: Human Remains Discoveries.**
- f. *Reporting Requirements.* Upon completion of data recovery for resources eligible under Criterion 4, the Qualified Archaeologist shall document the findings in an Archaeological Data Recovery Report. The draft Archaeological Data Recovery Report shall be submitted to the LCWA within 360 days after completion of data recovery, and the final Archaeological Data Recovery Report shall be submitted to LCWA within 60 days after the receipt of LCWA comments. The Qualified Archaeologist shall submit the final Archaeological Data Recovery Report to the South Central Coastal Information Center within 30 days of its acceptance by LCWA.

Upon completion of all other treatment for resources eligible under Criteria 1, 2, or 3, the Qualified Archaeologist shall document the resource-specific treatment that was implemented for each resource and verification that treatment has been completed in a technical document (report or memorandum). The document shall be provided to LCWA within 30 days after completion of treatment.

- g. *Curation or Disposition of Cultural Materials.* The plan shall outline the requirements for final disposition of all cultural materials collected during data recovery. Disposition of all archaeological materials shall be in accordance with **Mitigation Measure CUL-15: Curation and Disposition of Cultural Materials.** Disposition of human remains and any associated funerary objects or grave goods shall be in accordance with **Mitigation Measure CUL-18: Human Remains Discoveries.**
- h. *Protocols for Native American Coordination and Monitoring.* The plan shall outline the role and responsibilities of Native American Tribal representatives in accordance with **Mitigation Measure CUL-12: Native American Coordination.** It shall outline communication protocols, timelines for review of archaeological resources documents, and provisions for Native American monitoring. The plan shall include provisions for full-time Native American monitoring of all data recovery field work for resources that are Native American in origin, including those related to the tribal cultural landscape, in accordance with **Mitigation Measure CUL-13: Native American Monitoring.**

Mitigation Measure CUL-9: Archaeological Resources Monitoring and Mitigation Plan. For each near-term, mid-term, and long-term project that involves ground disturbance, a Qualified Archaeologist shall prepare an Archaeological Resources Mitigation and Monitoring Plan taking into account the final LCWA-approved project design plans, depths/locations of ground disturbance, proximity to known archaeological resources, and potential to encounter subsurface archaeological resources. Projects occurring within the same timeframe may be covered by one overarching plan. The Qualified Archaeologist and LCWA shall coordinate with participating Native American Tribes during preparation of the plan(s). Each plan shall include:

- a. *Establishment of Environmentally Sensitive Areas.* The plan shall outline areas that will be designated Environmentally Sensitive Areas (including maps), if needed. Significant or unevaluated archaeological resources that are being avoided and are within 50 feet of the construction zone shall be designated as Environmentally Sensitive Areas. The resources shall be delineated with exclusion markers to ensure avoidance. These areas shall not be marked as archaeological resources, but shall be designated as “exclusion zones” on project plans and protective fencing in order to discourage unauthorized disturbance or collection of artifacts.
- b. *Provisions for Archaeological Monitoring.* The plan shall outline requirements for archaeological monitoring and the archaeological monitor(s) role and responsibilities in accordance with **Mitigation Measure CUL-11: Archaeological Resources Monitoring.** Ground disturbance in locations/depths that have been previously monitored as part of the program shall not be subject to additional monitoring.
- c. *Procedures for Discovery of Archaeological Resources.* Procedures to be implemented in the event of an archaeological discovery shall be fully defined in the plan and shall be in accordance with **Mitigation Measure CUL-14: Archaeological Resources Discoveries.** Procedures outlined shall include stop-work and protective measures, notification protocols, procedures for significance assessments, and appropriate treatment measures. The plan shall state avoidance or preservation in place is the preferred manner of mitigating impacts to historical resources, unique archaeological resources, and contributors to the significance of the tribal cultural landscape, but shall provide procedures to follow should avoidance be infeasible in light of factors such as the nature of the find, project design, costs, and other considerations.

If, based on the recommendation of a Qualified Archaeologist, it is determined that a discovered archaeological resource constitutes a historical resource or unique archaeological resource or is a contributor to the significance of the tribal cultural landscape, then avoidance and preservation in place shall be the preferred manner of mitigating impacts to such a resource in accordance with **Mitigation Measure CUL-7: Avoidance and Preservation in Place of Archaeological Resources.** In the event that preservation in place is determined to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Data Recovery and Treatment Plan shall be prepared and implemented following the procedures outlined in **Mitigation Measure CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan.** LCWA shall consult with appropriate Native American representatives in determining treatment of resources that are Native

American in origin to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered, including those related to the tribal cultural landscape.

- d. *Procedures for Discovery of Human Remains and Associated Funerary Objects or Grave Goods.* The plan shall outline the protocols and procedures to be followed in the event that human remains and associated funerary objects or grave goods are uncovered. Protocols and procedures shall be in accordance with **Mitigation Measure CUL-18: Human Remains Discoveries.**
- e. *Reporting Requirements.* The plan shall outline provisions for weekly and final reporting. The Qualified Archaeologist shall prepare weekly status reports detailing activities and locations observed (including maps) and summarizing any discoveries for the duration of monitoring to be submitted to LCWA via email for each week in which monitoring activities occur. The Qualified Archaeologist shall prepare a draft Archaeological Resources Monitoring Report and submit it to LCWA within 180 days after completion of the monitoring program or treatment for significant discoveries should treatment extend beyond the cessation of monitoring. The final Archaeological Resources Monitoring Report shall be submitted to LCWA within 60 days after receipt of LCWA comments. The Qualified Archaeologist shall also submit the final Archaeological Resources Monitoring Report to the South Central Coastal Information Center.
- f. *Curation or Disposition of Cultural Materials.* The plan shall outline the requirements for final disposition of all cultural materials collected during data recovery. Disposition of all archaeological materials shall be in accordance with **Mitigation Measure CUL-15: Curation and Disposition of Cultural Materials.** Disposition of human remains and any associated funerary objects or grave goods shall be in accordance with **Mitigation Measure CUL-18: Human Remains Discoveries.**
- g. *Protocols for Native American Coordination and Monitoring.* The plan shall outline requirements for Native American coordination and monitoring, and the Native American monitor(s) role and responsibilities in accordance with **Mitigation Measures CUL-12: Native American Coordination and CUL-13: Native American Monitoring.**

Mitigation Measure CUL-10: For each near-term, mid-term, and long-term project that involves ground disturbance, LCWA shall retain a Qualified Archaeologist to implement a cultural resources sensitivity training program. The Qualified Archaeologist, or their designee, and a Native American representative shall instruct all construction personnel of the importance and significance of the area as a tribal cultural landscape, the types of archaeological resources that may be encountered, the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains, confidentiality of discoveries, and safety precautions to be taken when working with cultural resources monitors. In the event that construction crews are phased, additional trainings shall be conducted for new construction personnel. LCWA or their contractors shall ensure construction personnel are made available for and attend the training. LCWA shall retain documentation demonstrating attendance.

Mitigation Measure CUL-11: Archaeological Resources Monitoring. For each near-term, mid-term, and long-term project, full-time archaeological monitoring of ground disturbance (i.e., demolition, pavement removal, pot-holing or auguring, boring, drilling,

grubbing, vegetation removal, brush clearance, weed abatement, grading, excavation, trenching, or any other activity that has potential to disturb soil) shall be conducted in areas and at depths where there is a potential to encounter archaeological materials or human remains, including excavations into existing artificial fill and native soils, based on the project-specific archaeological resources assessment prepared under **Mitigation Measure CUL-4: Archaeological Resources Assessment**. Ground disturbance in locations/depths that have been previously monitored as part of the program shall not be subject to additional monitoring. The archaeological monitor(s) shall be familiar with the types of resources that could be encountered and shall work under the direct supervision of a Qualified Archaeologist. The number of archaeological monitors required to be on site during ground-disturbing activities is dependent on the construction scenario, specifically the number of pieces of equipment operating at the same time, the distance between these pieces of equipment, and the pace at which equipment is working, with the goal of monitors being able to effectively observe soils as they are exposed. Generally, work areas more than 500 feet from one another will require additional monitors. The archaeological monitor(s) shall keep daily logs detailing the types of activities and soils observed, and any discoveries. Archaeological monitor(s) shall have the authority to halt and re-direct ground disturbing activities in the event of a discovery until it has been assessed for significance and treatment implemented, if necessary, based on the recommendations of the Qualified Archaeologist in coordination with LCWA, and the Native American representatives in the event the resource is Native American in origin, and in accordance with the protocols and procedures outlined in **Mitigation Measure CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan**. Reporting of archaeological monitoring shall be conducted in accordance with the provisions outlined in **Mitigation Measure CUL-9: Archaeological Resources Monitoring and Mitigation Plan**.

Mitigation Measure CUL-12: Native American Coordination. LCWA shall seek input from participating Native American Tribes during the preparation of documents required under **Mitigation Measures CUL-5: Extended Phase I Archaeological Investigation, CUL-6: Phase II Archaeological Investigation, CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan, Mitigation Measure CUL 9: Archaeological Resources Monitoring and Mitigation Plan, and CUL-14: Archaeological Resources Discoveries**, including but not limited to work plans, research designs, treatment plans, and associated technical reports. LCWA shall provide participating Native American Tribes with electronic copies of draft documents and afford them 30 days from receipt of a document to review and comment on the document. Native American comments will be provided in writing for consideration by LCWA. LCWA shall document comments and how the comments were/were not addressed in a tracking log.

Mitigation Measure CUL-13: Native American Monitoring. For each near-term, mid-term, and long-term project, full-time Native American monitoring of ground disturbance (i.e., demolition, pavement removal, pot-holing or auguring, boring, drilling, grubbing, vegetation removal, brush clearance, weed abatement, grading, excavation, trenching, or any other activity that has potential to disturb soil) shall be conducted in areas and at depths where there is a potential to encounter archaeological materials or human remains, including excavations into existing artificial fill and native soils, based on the project-specific study prepared under **Mitigation Measure CUL-4: Archaeological Resources Assessment**. LCWA shall retain a Native American monitor(s) from a California Native American Tribe that is culturally and geographically affiliated with the program area

(according to the California Native American Heritage Commission) to conduct the monitoring. If more than one Tribe is interested in monitoring, LCWA shall contract with each Tribe that expresses interest and prepare a monitoring rotation schedule. LCWA shall rotate monitors on an equal and regular basis to ensure that each Tribal group has the same opportunity to participate in the monitoring program. If a Tribe cannot participate when their rotation comes up, they shall forfeit that rotation unless LCWA can make other arrangements to accommodate their schedule. The number of Native American monitors required to be on site during ground disturbing activities is dependent on the construction scenario, specifically the number of pieces of equipment operating at the same time, the distance between these pieces of equipment, and the pace at which equipment is working, with the goal of monitors being able to effectively observe soils as they are exposed. Generally, work areas more than 500 feet from one another require additional monitors. Native American monitors shall have the authority to halt and re-direct ground disturbing activities in the event of a discovery until it has been assessed for significance.

The Native American monitor(s) shall also monitor all ground disturbance related to subsurface investigations and data recovery efforts conducted under **Mitigation Measures CUL-5: Extended Phase I Archaeological Investigation, CUL-6: Phase II Archaeological Investigation, and CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan** for any resources that are Native American in origin, according to the rotation schedule, including those related to the tribal cultural landscape.

Mitigation Measure CUL-14: Archaeological Resources Discoveries. In the event archaeological resources are encountered during construction of the proposed program, all activity in the vicinity of the find shall cease (within 100 feet), and the protocols and procedures for discoveries outlined in **Mitigation Measure CUL-9: Archaeological Resources Monitoring and Mitigation Plan** shall be implemented. The discovery shall be evaluated for potential significance by the Qualified Archaeologist. If the Qualified Archaeologist determines that the resource may be significant (i.e., meets the definition for historical resource in *CEQA Guidelines* subdivision 15064.5(a) or for unique archaeological resource in PRC subdivision 21083.2(g) or is a contributor to the tribal cultural landscape), the Qualified Archaeologist shall develop an Archaeological Resources Data Recovery and Treatment Plan for the resource following the procedures outlined in **Mitigation Measure CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan**. When assessing significance and developing treatment for resources that are Native American in origin, including those related to the tribal cultural landscape, the Qualified Archaeologist and LCWA shall consult with the appropriate Native American representatives. The Qualified Archaeologist shall also determine if work may proceed in other parts of the project site while data recovery and treatment is being carried out. LCWA shall consult with the State Lands Commission Staff Attorney regarding any cultural resources discoveries on state lands.

Mitigation Measure CUL-15: Curation and Disposition of Cultural Materials. LCWA shall curate all Native American archaeological materials, with the exception of funerary objects or grave goods (i.e., artifacts associated with Native American human remains). LCWA shall consult with Native American representatives regarding the final disposition of Native American archaeological materials and on the selection of the curation facility, with preference given to tribal museums. LCWA shall first consider repositories that are accredited by the American Association of Museums and that meet the standards outlined in 36 CFR 79.9. If a suitable accredited repository is not identified, then LCWA shall

consider non-accredited repositories as long as they meet the minimum standards set forth by 36 CFR 79.9. If a suitable non-accredited repository is not identified, then LCWA shall donate the collection to a local California Native American Tribe(s) (Gabrielino or Juañeno) for educational purposes. Disposition of Native American human remains and associated funerary objects or grave goods shall be determined by the landowner in consultation with LCWA and the Most Likely Descendant in accordance with **Mitigation Measure CUL 18: Human Remains Discoveries**.

LCWA shall curate all historic-period archaeological materials that are not Native American in origin at a repository accredited by the American Association of Museums that meets the standards outlined in 36 CFR 79.9. If no accredited repository accepts the collection, then LCWA may curate it at a non-accredited repository as long as it meets the minimum standards set forth by 36 CFR 79.9. If neither an accredited nor a non-accredited repository accepts the collection, then LCWA shall offer the collection to a public, non-profit institution with a research interest in the materials, or to a local school or historical society in the area for educational purposes. If no institution, school, or historical society accepts the collection, LCWA may retain it for on-site display as part of its interpretation and educational elements.

The final disposition of cultural resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.

Prior to start of each project, LCWA shall obtain a curation agreement and shall be responsible for payment of fees associated with curation for the duration of the program.

Mitigation Measure CUL-16: Future Native American Input. LCWA shall consult with participating California Native American Tribes, to the extent that they wish to participate, during future design of project-level components, plant and native plant selections or palettes, and development of content for educational and interpretative elements, such as signage and Visitors Center displays.

Mitigation Measure CUL-17: Tribal Access Plan. Prior to the start of construction, LCWA shall develop a written access plan to preserve and enhance tribal members' access to, and use of, the restoration project area for religious, spiritual, or other cultural purposes. This plan will allow access to the extent LCWA has the authority to facilitate such access, and be consistent with existing laws, regulations, and agreements governing property within the program area. The access plan may place restrictions on access into certain areas, such as oil operations and other exclusive easements the LCWA does not have access rights to. This access plan shall be developed in coordination with participating California Native American Tribes, to the extent that they wish to participate.

In addition, Mitigation Measures BIO-1 through BIO-11 (Final PEIR, Section 3.3, *Biological Resources*) would also serve to reduce significant impacts.

Basis of Finding: Mitigation Measure CUL-1 through CUL-17 require qualified cultural resources personnel to conduct future project-specific studies; development of appropriate treatment for significant resources; archaeological and Native American monitoring of ground disturbance; and preparation of a tribal access plan. The proposed program also includes Mitigation Measures BIO-1 through BIO-11 that would lessen potential construction-related

impacts to plants and animals that are considered part of the tribal cultural landscape. However, even with implementation of these mitigation measures, impacts to historical resources and archaeological resources would be significant and unavoidable at the program level during construction of the proposed program. Once specific projects are designed, additional cultural resources studies would be completed as necessary and impacts resulting from specific projects would be considered. It is possible that project-level impacts to historical and archaeological resources may be mitigated to a less than significant level. Project-level impacts would be analyzed as part of future CEQA analysis. In addition, there is no feasible mitigation for cumulative impacts to historic architectural resources and archaeological resources other than not undertaking the proposed program.

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

Cumulative Cultural Resources Impacts: The proposed program would result in potentially significant cumulative impacts to archaeological resources. As described under Impact CUL-1, there are 15 known archaeological resources within or in the immediate vicinity of the program area. The entire program area was not systematically surveyed and therefore, there could be additional as-yet-unidentified archaeological resources within the program area. The program area is considered to have a high potential to encounter buried prehistoric and historic-period archaeological resources. Intact prehistoric resources could be encountered below depth of fill, although historic-period archaeological resources, particularly those associated with the oil industry, could be encountered within fill layers. Ground-disturbing activities, such as soil remediation, excavation, and grading, have the potential to adversely impact archaeological resources. Therefore, impact to archaeological resources could be significant.

The proposed program would include ongoing inspection and maintenance although any ground disturbance associated with these activities would occur within soils that have already been subject to ground disturbance and archaeological/Native American monitoring. Operation of the proposed program would include increased public access to the program area, and could potentially result in the vandalism or disturbances to archaeological resources. However, the public access program would constrain visitors to pedestrian trails and bike paths, elevated perimeter pedestrian walkways, and designated viewing areas with overlooks. The proposed program would also include educational and interpretative features that would educate the public about the biological and cultural significance of the area, and the implications of unauthorized tampering with wetlands and its resources. Impacts to archaeological resources from operation of the proposed program would be less than significant.

With regard to cumulative archaeological impacts, related projects proposed throughout the geographic scope of this analysis have the potential to impact archaeological resources as some of the projects would include ground disturbance. When taken together, the incremental contribution of construction of the proposed program when combined with other projects in the geographic scope is cumulatively considerable.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that reduce significant impacts to archaeological resources during construction as identified in the Final PEIR. Even with implementation of the mitigation measures, impacts will remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, make it infeasible to mitigate this impact to below the level of significance, and even with the implementation of the measures, the proposed program would result in potentially significant impacts to archaeological resources and impacts would remain significant and unavoidable. In addition, there is no feasible mitigation for cumulative impacts to archaeological resources other than not undertaking the proposed program.

Basis for Finding: Mitigation Measures CUL-1, and CUL-4 through CUL-15 would reduce impacts to archaeological resources by requiring qualified cultural resources personnel conduct future project-specific studies; development of appropriate treatment for significant resources; and archaeological and Native American monitoring of ground disturbance. In addition, Mitigation Measures BIO-1 through BIO-11 that would lessen potential construction-related impacts to plants and animals that are considered part of the tribal cultural landscape. However, even with implementation of these mitigation measures, impacts to archaeological resources would be significant and unavoidable at the program level. In addition, there is no feasible mitigation for cumulative impacts to archaeological resources other than not undertaking the proposed program.

Once specific projects are designed, additional cultural resources studies would be completed as necessary and impacts resulting from specific projects would be considered. It is possible that project-level impacts to historical and archaeological resources may be mitigated to a less than significant level. Project-level impacts would be analyzed as part of future CEQA analysis.

2.4.3 Tribal Cultural Resources

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).*

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.*

In connection with the Los Cerritos Wetland Oil Consolidation and Restoration Project, the Los Cerritos Wetlands were identified as part of a tribal cultural landscape by some tribal representatives. Since the publication of the Draft PEIR, although the tribal cultural landscape has not been formally documented, geographically defined, nor evaluated for listing in the California Register or in a local register of historical resources, using its discretion and supported by substantial evidence, the LCWA has determined it to be a tribal cultural resource.

Some of the essential physical features of the tribal cultural landscape would not be impacted (archaeological manifestations of the village sites of *Puvungna* and *Motuucheyngna*), or could be enhanced by the restoration elements of the proposed program (jurisdictional wetlands, plant and animal habitats). However, since the proposed program includes ground disturbing activities that have the potential to result in a substantial adverse change to Native American or prehistoric archaeological resources within the Los Cerritos Wetlands and would also result in a temporary loss of wetland habitat and associated resources that are of value to tribes and that tribes use for spiritual, cultural, and recreational purposes. Since these types of resources contribute to the significance of the tribal cultural landscape, the proposed program could materially impair the landscape's ability to convey its significance even with the implementation of mitigation. Therefore, impacts to tribal cultural resources would be significant and unavoidable at the program level.

With regards to potential impacts to the waterways, plants, and animals, the purpose of the proposed program is to restore the natural waterways and habitat of the Los Cerritos Wetlands. However, there could be temporary impacts associated with the removal of existing salt marshes, which are of importance to some tribes. The proposed program would develop channels that resemble more natural waterways, resulting in a more natural tidal influence between the saltwater/freshwater sources and the wetlands. While the one of the goals of the proposed program is to restore and expand tidal salt marshes, construction could result in the temporary loss of some of the wetlands and associated natural resources to which tribes ascribe value and use for spiritual, cultural, and recreational purposes. However, there would be some salt marsh available throughout the entirety of the construction phase of the proposed program.

Restoration of native habitat would attract wildlife back to the area and would allow for a variety of species to again flourish within the wetlands, creating an ecosystem more closely resembling the one that existed historically and in pre-contact times. However, there could be temporary impacts associated with the removal of existing habitat. While the one of the goals of the proposed program is to restore, maintain, and maximize native habitat and wildlife corridors, construction could result in the temporary loss of some of native habitat and associated biological resources to which tribes ascribe value and use for spiritual, cultural, and recreational purposes.

Operation of the proposed program would include ongoing inspection and maintenance and would increase public access to the program area thereby potentially resulting in the vandalism of or disturbances to potential tribal cultural resources. Any ground disturbance associated with operational activities would occur within soils that have already been subject to ground disturbance and archaeological/Native American monitoring, and they are unlikely to unearth Native American or prehistoric archaeological resources associated with the landscape. With the

implementation of biological mitigation measures (Mitigation Measures BIO1, BIO6, and BIO8 through BIO11) operational impacts to plants and animals would be minimal or would be reduced to less-than-significant levels. Also, resulting modification to existing waterways or creation of new waterways would result in a net increase in jurisdictional wetlands, and with implementation of BIO10, operational impacts on the wetlands would be assessed. As such, no operational impacts are anticipated to wetlands habitat and associated resources that are of value to tribes and that tribes use for spiritual, cultural, and recreational purposes. Operational impacts would be less than significant.

Finding: The LCWA finds that changes or alterations have been required in, or incorporated into, the proposed program that reduce significant impacts during construction as identified in the Final PEIR. The proposed program would implement Mitigation Measures BIO-1 through BIO-11 (Final PEIR, Section 3.3, *Biological Resources*) and Mitigation Measures CUL-1, and CUL-4 through CUL-17 (Final PEIR, Section 3.4, *Cultural Resources*). However, specific economic, legal, social, technological, or other considerations, make it infeasible to mitigate this impact to below the level of significance, and even with the implementation of these measures, the proposed program would result in impacts to tribal cultural resources. Impacts would remain significant and unavoidable.

Basis for Finding: Implementation of Mitigation Measures CUL-1, CUL-4 through CUL-17 (Final PEIR, Section 3.4, *Cultural Resources*) would lessen the impact to archaeological resources that contribute to the significance of the tribal cultural landscape. Mitigation Measures BIO-1 through BIO-11 (Final PEIR, Section 3.3, *Biological Resources*) would lessen potential construction-related impacts to plants and animals that are considered part of the tribal cultural landscape. However, even with implementation of these measures, the destruction or material alteration of an archaeological resource that contributes to the landscape's significance would constitute a substantial adverse change since it would no longer be present on the landscape. Since avoidance and preservation in place of such resources cannot be guaranteed, impacts to Native American or prehistoric archaeological resources that convey the significance of the tribal cultural landscape are considered significant and unavoidable at the program level.

Once specific projects are designed, additional tribal consultation would be conducted as necessary and impacts resulting from specific projects would be considered. 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.

2.5 Findings Regarding Program Alternatives

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. As discussed above, the impacts under the proposed program that could not be mitigated below a level of significance are localized air quality impacts during construction; conflict with the AQMP; cumulative air quality impacts; impacts to historical resources; impacts to archaeological resources; cumulative impacts to cultural resources; and impacts to Native American or prehistoric archaeological resources that convey the significance of the tribal

cultural landscape. The PEIR analyzed two alternatives to the proposed program that could reduce some, if not all, of the impacts. Nine alternatives were considered, but were not selected for further environmental analysis due to a failure to meet one or more of the following: most of the Program Goals and Objectives, infeasibility, or an inability to avoid significant environmental impacts. Two alternatives were comprehensively evaluated in the Draft PEIR, including the “no project” and a culvert connection from the San Gabriel River to the Central Area with perimeter levee. CEQA Guidelines Section 15126.6(c) requires an EIR to identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process. Of the alternatives considered for the EIR, nine were eliminated from further consideration (See PEIR Section 5.2).

CEQA Guidelines Section 15126.6(e)(2) also indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR, and that if the “no project” alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives. In general, the environmentally superior alternative is the alternative with the least adverse impacts on the environment.

The impacts of the alternatives are compared to the proposed program’s impacts in PEIR Chapter 5, *Alternatives*, with a summary of comparative impacts provided in PEIR Table 5-1.

2.5.1 Alternative 1: No Program (No Build) Alternative

CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate and analyze the impacts of the “No-Project” Alternative. Under the No Program (No Build) Alternative (Alternative 1), none of the proposed program components would be implemented and existing conditions would remain unchanged. This alternative assumes the restoration activities and development covered by the Los Cerritos Wetlands Oil Consolidation and Restoration Project would occur. The following would occur under Alternative 1:

- The South Area, which includes the Haynes Cooling Channel site, State Lands Parcel site, South LCWA site, Hellman Retained site, Los Alamitos Pump Station site, and Los Alamitos Retarding Basin site, would continue to exist as under the existing conditions. In particular, the Haynes Cooling Channel would continue to pull water from the Alamitos Bay Marina and discharge water into the San Gabriel River until it is decommissioned as part of the Haynes Generating Station modernization project in 2029. The State Lands Parcel and South LCWA sites would remain as they currently exist. The Hellman Retained site would continue to operate as an active oil field. In addition, the Los Alamitos Retarding Basin would continue to operate as a retention basin as operated by the County of Orange Flood Control District. Furthermore, the Los Alamitos Pump station would continue to operate as a pump station to move the stormwater runoff from the Los Alamitos Retarding Basin into the San Gabriel River. Restricted public access within the South Area would continue to be provided as under existing conditions and the gate on 1st Street would remain as well.
- The Isthmus Area, which includes the Callaway Marsh site, DWP site, Zedler Marsh site, Isthmus LCWA site, and Isthmus Bryant site, would continue to exist as under existing conditions. In particular, the Callaway Marsh site, the Isthmus Bryant site, and DWP site would remain vacant. In addition, the Zedler Marsh site would continue to be enhanced as

part of the LCWA Stewardship Program. Furthermore, the Isthmus LCWA site would continue as an active oil field, which would be maintained and operated by the Signal Hill Petroleum Inc., as under existing condition. Existing public access to trails and other public amenities would be maintained as under existing conditions. In addition, the San Gabriel River Trail would be maintained on the south bank of the San Gabriel River.

- The Central Area, which includes a portion of the Pumpkin Patch site, Long Beach City Property site, Central LCWA site, Central Bryant site, and San Gabriel River, would continue to exist as under existing conditions. The Pumpkin Patch site and Long Beach City Property site, in particular, would continue as approved under the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR (State Clearinghouse Number 2016041083). This would include construction of an aboveground pipeline system from the corner of 2nd Street and Studebaker Road to the Pumpkin Patch site. The Pumpkin Patch site would be remediated and graded, and new oil facilities would be constructed at the site. After 20 years, in the second phase of the project, oil operations would be removed from the Long Beach City Property site and contaminated areas would be remediated. The Long Beach City Property site would remain vacant. The Central LCWA site would continue to operate as an active oil field and the Central Bryant site would continue to operate as a vacant site. The San Gabriel River levees along the south and north banks of the river would remain intact. Restricted access to the Central LCWA site would be maintained.
- The North Area includes the Northern Synergy Oil Field site, Southern Synergy Oil Field site, and Alamitos Bay Partners site. As part of the Los Cerritos Wetlands Oil Consolidation and Restoration Project, existing oil operations and associated facilities would be consolidated and removed and a wetlands habitat restoration project would be implemented on the Northern and Southern Synergy Oil Field sites. The first phase of the project would be focused on the 76.52-acres Northern Synergy Oil Field site, and provide the conditions necessary for the reestablishment of coastal salt marsh habitat and associated hydrologic, biogeochemical, and habitat functions. The first phase of the project would also include work on the Southern Synergy Oil Field site, including relocating the existing office building on-site to house the Long Beach Visitor Center, and construction of a parking lot, trails, overlook, sidewalk enhancements, and bikeway improvements. After 20 years, in the second phase of the project, all remaining wells would be removed and the 73.07-acres Southern Synergy Oil Field site would be restored to tidal salt marsh by breaching or lowering the earthen berm and removing the sheet pile wall. The Alamitos Bay Partners site would be maintained as an active oil field as with existing conditions.

2.5.1.1 Environmental Impacts

Under Alternative 1, none of the proposed program components would be implemented and existing conditions would remain unchanged. Therefore, Alternative 1 would avoid the proposed program's significant and unavoidable construction air quality impacts, historical resource impacts, archeological impacts, and tribal cultural resources impacts. All impacts associated with Alternative 1 would be similar or less than the proposed program because there would be no new construction or development, with the following exceptions: scenic vistas, drainage patterns related to flooding on or off site, water quality control plan, and consistency with land use plans, policies, or regulations. Under Alternative 1, although construction impacts to a scenic vista would be less than the proposed program, overall operational impacts would be greater since conditions would remain the same. In addition, existing levees along the San Gabriel River do not account for sea-level rise, while the levees proposed under the proposed program would be designed to account for sea-level rise. As such, impacts under Alternative 1 would be greater than

the less-than-significant impacts related to flooding on or off site. Furthermore, the benefits to water quality would not be realized under this alternative as with the proposed program, which includes implementation of a restoration program that would allow for tidal flows into the vegetated wetlands and would create favorable water quality conditions by limiting retention time and enhancing tidal exchange. Additionally, Alternative 1 would not include habitat restoration (beyond restoration activities covered by the Los Cerritos Wetlands Oil Consolidation and Restoration Project). As such, Alternative 1 would conflict with land use plans, policies, or regulations related to habitat restoration including the Hellman Ranch Specific Plan, adopted South East Area Development and Improvement Plan (SEADIP), the proposed Southeast Area Specific Plan (SEASP) 2060 (for informational purposes), the California Coastal Act, and Long Beach Local Coastal Program.

2.5.1.2 Ability to Achieve Program Objectives

No restoration activities or new development of a Seal Beach Visitor Center would be introduced on the program area under Alternative 1 and existing oil production would continue. No oil production facilities would be decommissioned to allow for restoration of tidal wetlands and habitat buffers and no visitor center or public access trails (beyond those covered by the Los Cerritos Wetlands Oil Consolidation and Restoration Project) would be constructed. As a result, none of the proposed program objectives would be achieved by Alternative 1.

2.5.1.3 Finding

Although the majority of the impacts associated with this alternative would be similar or less than the proposed program, this alternative would result in greater impacts with respect to scenic vistas, drainage patterns related to flooding on or off site, water quality control plan, and consistency with land use plans, policies, or regulations. In addition, this alternative would not accomplish any of the program objectives. For these reasons, the LCWA rejects Alternative 1.

2.5.2 Alternative 2: Culvert Connection to San Gabriel River with Perimeter Levee

Under Alternative 2, a culvert or set of culverts would be installed within the northern San Gabriel River levee to connect the river to the Central Area rather than breaching the levee as in the proposed program. The following would occur under Alternative 2:

- The South Area, which includes the Haynes Cooling Channel site, State Lands Parcel site, South LCWA site, Hellman Retained site, Los Alamitos Pump Station site, and Los Alamitos Retarding Basin site, would be restored as described for the proposed program. Public access would be improved as described for the proposed program.
- The Isthmus Area, which includes the Callaway Marsh site, DWP site, Zedler Marsh site, Isthmus LCWA site, and Isthmus Bryant site, would be restored as described for the proposed program. Public access would be improved as described for the proposed program.
- The Central Area, which includes the Pumpkin Patch site, Long Beach City Property site, Central LCWA site, Central Bryant site, and San Gabriel River, would be restored similar to the proposed program, except instead of breaching the San Gabriel River to restore tidal connection to the site, a culvert or set of culverts would be installed in the levee to provide

tidal connection to the site. The following sections describe the changes from the proposed program that would be included in this alternative.

- The North Area, which includes the Northern Synergy Oil Field site, Southern Synergy Oil Field site, and Alamitos Bay Partners site, would be restored as described for the proposed program. Public access would be improved as described for the proposed program.

2.5.2.1 Environmental Impacts

Under Alternative 2, a culvert or set of culverts would be installed within the northern San Gabriel River levee to connect the river to the Central Area rather than breaching the levee as in the proposed program. Additionally, the height and footprint of the Perimeter and Interim Levees would be reduced, compared to the proposed program. As such, all components of this alternative would remain the same as the proposed program except for the change to install a culvert or set of culverts rather than breach the levee in the Central Area and to reduce the height and footprint of the levees. Impacts related to noise and vibration were found to be greater under Alternative 2 as equipment associated with the installation of the culvert(s) within the San Gabriel River levee would require the use of vibratory pile drivers. Use of this equipment would generate noise greater under Alternative 2 as compared to the proposed program. Impacts related to soil erosion and top soil, GHG emissions, and wasteful, inefficient, and unnecessary consumption of energy would be less than the impacts under the proposed program. Impacts related to biological resources related to candidate, sensitive or special-status species, riparian habitat or sensitive natural communities, state or federally protected wetlands, native residential or migratory fish or wildlife species would be less than the impacts under the proposed program, but Alternative 2 would also create less wetland habitat than the proposed program because a portion of the levee along the San Gabriel River would not be removed and restored to wetlands. All impacts associated with the remaining environmental issues would be similar to impacts associated with the proposed program.

2.5.2.2 Ability to Achieve Program Objectives

Similar to the proposed program, Alternative 2 would meet all of the program objectives, in that it contains the same components as the proposed program.

2.5.2.3 Finding

Alternative 2 would not avoid or substantially lessen the proposed program's significant and unavoidable air quality, cultural resources, or tribal cultural resources impacts. While some of the environmental impacts, such as biological resources related to candidate, sensitive or special-status species, riparian habitat or sensitive natural communities, state or federally protected wetlands, native residential or migratory fish or wildlife species, soil erosion and top soil, GHG emissions, and wasteful, inefficient, and unnecessary consumption of energy may be reduced as compared to the proposed program, many of the other environmental impacts of this alternative would be similar to the proposed program. For these reasons, the LCWA rejects Alternative 2. However, while the LCWA is approving the Program as defined in EIR Chapter 2, Project Description, circumstances could change and some of the program uncertainties could be resolved. If uncertainties are resolved and LCWA were to determine that Alternative 2 is feasible and would provide benefits, LCWA may choose to implement Alternative 2. If this were to occur, the appropriate CEQA process would be followed.

2.6 Findings Regarding the Final EIR

Under Section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when “significant new information” is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term “information” can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.

“Significant new information” requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines, § 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) “Recirculation was intended to be an exception, rather than the general rule.” (*Ibid.*)

LCWA recognizes that the Final EIR contains additions, clarifications, modifications, and other changes to the Draft PEIR. LCWA has determined that none of this material constitutes significant new information that requires recirculation of the Draft PEIR for further public comment under *CEQA Guidelines* Section 15088.5. The additional material clarifies existing information prepared in the Draft PEIR and does not present any new substantive information. None of this new material indicates that the proposed program would result in a significant new environmental impact not previously disclosed in the Draft PEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, nor that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

CHAPTER 3

Statement of Overriding Considerations

3.1 Introduction

The LCWA is the Lead Agency under CEQA for preparation, review and certification of the Final PEIR for the Los Cerritos Wetlands Restoration Plan. As the Lead Agency, the LCWA is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed program. In making this determination the LCWA is guided by *CEQA Guidelines* Section 15093 which provides as follows:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal (sic) project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and *CEQA Guidelines* Section 15093, the LCWA has balanced the benefits of the proposed program against the following unavoidable adverse impacts associated with the proposed program and has adopted all feasible mitigation measures with respect to these impacts. The LCWA also has examined alternatives to the

proposed program, none of which both meet the project objectives and is environmentally preferable to the proposed program for the reasons discussed in the Findings and Facts in Support of Findings.

The LCWA, the Lead Agency for this proposed program, having reviewed the Final PEIR, and reviewed all written materials within LCWA's public record and heard all oral testimony presented at the LCWA Board public hearing, adopts this Statement of Overriding Considerations, which balances the benefits of the proposed program against its significant unavoidable adverse environmental impacts in reaching its decision to approve the proposed program.

3.2 Significant Unavoidable Adverse Environmental Impacts

Although many of the proposed program impacts have been substantially avoided or mitigated, as described in the Findings and Facts in Support of Findings, there remain some potential impacts concerning air quality, cultural resources, and tribal cultural resources for which complete mitigation is not feasible. For these impacts, mitigation measures were identified and adopted by the Lead Agency, however, even with implementation of the measures, the LCWA finds that the impacts described below cannot be reduced to a level of less than significant. The impacts and alternatives are described below and were also addressed in the Findings. As identified in the Final PEIR, implementation of the proposed program would result in the following significant impacts even after imposition of all feasible mitigation measures:

- **Impact AQ-1a (construction), Impact AQ-3a (construction), Cumulative:** If all subphases of construction associated with the near-term phase were to occur concurrently (which was conservatively analyzed in the earliest possible year), maximum daily emissions from construction activities would exceed the SCAQMD regional threshold for NO_x. With implementation of mitigation measures, regional impacts would be mitigated to a less than significant level. However, localized impacts to sensitive receptors at the program-level would be considered potentially significant even after incorporation of mitigation. Therefore, localized impacts from program construction pertaining to NO_x emissions would be significant and unavoidable (Impact AQ-3), if all subphases of construction associated with the near-term phase were to occur concurrently (which was conservatively analyzed in the earliest possible year). In addition, as the proposed program would have a localized impact from NO_x emissions, the proposed program would also conflict with Criterion 1 for determining the proposed program's consistency with the AQMP (Impact AQ-1a and Impact AQ-3a).
- **Impact CUL-1, Impact CUL-2, and Cumulative:** There are 23 potential historical resources within or immediately adjacent to the program area, including 15 archaeological resources and 8 historical architectural resources. In addition, the Los Cerritos Wetlands is part of a tribal cultural landscape identified by some tribal representatives during consultation with the CCC. Furthermore, given that the entire program area was not systematically surveyed as part of this assessment, there could be additional as-yet unidentified archaeological and historical architectural resources within the program area. As such, the proposed program would implement Mitigation Measure CUL-1 through CUL-17 to reduce impacts to historical resources by requiring qualified cultural resources personnel to conduct

future project-specific studies; development of appropriate treatment for significant resources; and archaeological and Native American monitoring of ground disturbance. The proposed program also includes Mitigation Measures BIO-1 through BIO-11 that would lessen potential construction-related impacts to plants and animals that are considered part of the tribal cultural landscape. However, even with implementation of these mitigation measures, impacts to historical resources and archaeological resources would be significant and unavoidable at the program level during construction of the proposed program. Once specific projects are designed, additional cultural resources studies would be completed as necessary and impacts resulting from specific projects would be considered. It is possible that project-level impacts to historical and archaeological resources may be mitigated to a less than significant level. Project-level impacts would be analyzed as part of future CEQA analysis.

- **Impact TRI-1 and Impact TRI-2:** Since the publication of the Draft PEIR, although the tribal cultural landscape has not been formally documented, geographically defined, nor evaluated for listing in the California Register or in a local register of historical resources, using its discretion and supported by substantial evidence, the LCWA has determined it to be a tribal cultural resource. Implementation of Mitigation Measures CUL-1 and CUL-4 through CUL-17 would lessen the impact to archaeological resources that contribute to the significance of the tribal cultural landscape. The proposed program also includes Mitigation Measures BIO-1 through BIO-11 that would lessen potential construction-related impacts to plants and animals that are considered part of the tribal cultural landscape. Even with implementation of these measures, the destruction or material alteration of an archaeological resource that contributes to the landscape’s significance would constitute a substantial adverse change since it would no longer be present on the landscape. Since avoidance and preservation in place of such resources cannot be guaranteed, impacts to Native American or prehistoric archaeological resources that convey the significance of the tribal cultural landscape are considered significant and unavoidable at the program level. Once specific projects are designed, additional tribal consultation would be conducted as necessary and impacts resulting from specific projects would be considered. 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. Project-level impacts would be analyzed as part of future CEQA analysis.

3.3 Statement of Overriding Considerations

The LCWA, after balancing the specific economic, legal, social, technological, and other benefits of the proposed program, has determined that the unavoidable adverse environmental impacts identified above may be considered acceptable due to the following specific considerations, which outweigh the unavoidable, adverse environmental impacts of the proposed program in accordance with CEQA Section 21081(b) and CEQA Guideline Section 15093.

1. Until the late 1800s, the wetlands within and beyond the program area spanned approximately 2,400 acres and consisted of a network of tidal channels, vegetated wetlands, and upland areas. Beginning in the late 1800s, the Los Cerritos Wetlands Complex began to undergo significant alterations due to cattle and beet farming, the demands of a growing population, and oil extraction. Today, nearly all of the program area has been converted from its historic wetland habitat, though a few remnant and degraded historic habitats remain. This is part of a larger regional trend: approximately 90% of the historical coastal wetlands in the region have been lost due to human impacts. What is left today in Southern California is a

patchwork of remnant systems, many of which have altered hydrology and reduced biodiversity.

2. The restoration of the Los Cerritos Wetlands has been identified by the Southern California Wetlands Recovery Project as a priority project for the region and is included in their work plan as a key project. The proposed program would restore wetland, transition, and upland habitats throughout the program area in order to provide enhanced and more extensive habitat for wetland species.
3. The proposed program will restore the natural waterways and habitat of the Los Cerritos Wetlands and will create a more natural connection between the wetlands and surrounding water sources. The proposed program will restore the tidal wetland processes and functions and will increase estuarine habitat with a mix of tidal channels, mudflat, salt marsh, and brackish/freshwater marsh and ponds. Implementation of the proposed program will provide adequate area for wetland-upland ecotone and upland habitat to support wetlands.
 - c. The proposed program will restore and maintain native habitat and maximize wildlife corridors.
 - d. The proposed program will remediate or contain contaminated soil and groundwater, thereby improving environmental conditions within the wetlands.
 - e. The proposed program will preserve and enhance tribal members access to, and use of, the restoration project area for religious, spiritual, or other cultural purposes through a written tribal access plan.
 - f. The proposed program will create educational or interpretive features that will allow for the public to learn more about and experience the restored wetlands habitat and tribal cultural landscape.
 - g. The proposed program will provide a recreational amenity through the creation of pedestrian trails and elevated perimeter pedestrian walkways. The location for the trails and overlook will be protective of sensitive habitat and adjacent land uses.
 - h. The proposed program will provide improved public access to the wetlands both on foot and by bicycle within a populated urban area in the City of Seal Beach and City of Long Beach. The area will be accessible to local area residents, employees, and visitors through the provision of amenities, including a visitor center and trails, that can reduce transportation-related fuel demand.
 - i. The proposed program will create large contiguous wetland areas thereby contributing to wildlife corridors within the Los Cerritos Complex and between the Los Cerritos Complex and adjacent natural areas within the region.
 - d. Through the creation of native upland vegetation buffers between habitat areas and human development, the proposed program will mitigate urban impacts, such as noise, light, unauthorized human encroachment, domestic animals, and wastewater runoff.
 - e. The proposed program will accommodate climate changes through the incorporation of topographic and habitat diversity as well as natural buffers and transition zones that will accommodate migration of wetlands with rising sea levels.
 - f. The proposed program will provide a large open space resource for Long Beach and Seal Beach areas for residents and visitors which will improve the quality of life, including public health and wellbeing, thereby indirectly contributing to the economy.

- g. The proposed program will utilize scientific investigations to adaptively manage each restoration project.
- h. The proposed program will implement phasing so that subsequent phases are informed by previous phases as conditions change with time.
- i. The proposed program will provide critical habitat for migratory bird species along the pacific flyway and at the terminus of the San Gabriel River watershed.
- j. The proposed program will provide critical habitat through enhancement and restoration for a variety of special status species, many of which are state- and/or federally-listed.
- k. The proposed program will control numerous species of invasive non-native plant species and replace those populations with diverse coastal plant communities specific to the region.

The proposed program will increase the opportunity for the involvement of the public in stewardship programs, citizen science programs, and environmental education programs.

3.4 Conclusion

In conclusion, the LCWA has identified and analyzed all potentially significant impacts of the proposed program and has concluded that construction-related air quality impacts, cultural resource impacts and tribal cultural resource impacts will remain unavoidable and adverse after all mitigation measures have been examined. In addition, these impacts would also result from implementation of Alternative 2. The LCWA has identified economic and social benefits and important public policy objectives that will result from implementation of the proposed program. The proposed program will provide benefits to members of the public from surrounding cities and the region. The LCWA has sought to balance these substantial economic and social benefits against the significant and unavoidable adverse environmental effects of the proposed program. Given the substantial social and public benefits that will accrue to the region from the implementation of the proposed program, the LCWA finds that the proposed program's identified benefits override the program's identified significant environmental impacts.

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CHAPTER 4

Mitigation Monitoring and Reporting Program

4.1 Introduction to the Mitigation Monitoring and Reporting Program

Pursuant to Public Resources Code (PRC) Section 21081.6 and *CEQA Guidelines* Section 15097, a lead agency is required to adopt a mitigation monitoring and reporting program (MMRP) for assessing and ensuring compliance with the required mitigation measures applied to a proposed project for which an EIR has been prepared. As stated in PRC Section 21081.6(a):

... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the PEIR. The lead agency, Los Cerritos Wetlands Authority, may delegate reporting or monitoring responsibilities to another public agency or a private entity that accepts such delegation. LCWA, however, remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

4.2 Mitigation Monitoring and Reporting Program Matrix

Table 4-1, *Mitigation Monitoring and Reporting Program*, lists mitigation measures and project design features that are required to reduce the significant effects of the proposed project. These measures correspond to those discussed in Draft EIR Sections 3.1 through 3.16, and those revised in this Final EIR (see Chapter 9, *Draft EIR Revisions*). To ensure that the mitigation measures are properly implemented, a monitoring program has been devised that identifies the timing and responsible entity for monitoring each measure. LCWA will have the responsibility for implementing the measures, and various public agencies will have the primary responsibility for enforcing, monitoring, and reporting the implementation of the mitigation measures.

**TABLE 4-1
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
Aesthetics			
<p>Mitigation Measure AES-1: Lighting Plan. Prior to issuance of a grading permit for each individual site that requires construction, a Lighting Plan for the individual site shall be developed and implemented that requires all exterior lighting to be directed downward and focused away from adjacent sensitive uses and habitats to encourage wayfinding and provide security and safety for individuals walking to and from parking areas.</p>	<p>Written verification; visual inspection.</p>	<p>By LCWA prior to issuance of grading permit and continuously during construction.</p>	<p>City of Long Beach City of Seal Beach</p>
Air Quality			
<p>Mitigation Measure AQ-1: Construction NO_x Reduction Measures. The Applicant for the proposed program shall be responsible for the implementation of the following construction-related NO_x reduction measures:</p> <ul style="list-style-type: none"> Require all off-road diesel-powered construction equipment greater than 50 hp (e.g., excavators, graders, dozers, scrappers, tractors, loaders, etc.) to comply with EPA-Certified Tier IV emission controls where commercially available. Documentation of all off-road diesel equipment used for this proposed program including Tier IV certification, or lack of commercial availability if applicable, shall be maintained and made available by the contractor to the local permitting agency (City of Seal Beach and City of Long Beach) for inspection upon request. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB such as certified Level 3 Diesel Particulate Filter or equivalent. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. If Tier IV construction equipment is not available, LCWA shall require the contractor to implement other feasible alternative measures, such as reducing the number and/or hp rating of construction equipment, and/or limiting the number of individual construction subphases occurring simultaneously. The determination of commercial availability of Tier IV construction equipment shall be made by the City prior to issuance of grading or building permits based on applicant-provided evidence of 	<p>Included in contractor's scope of work; written verification</p>	<p>By LCWA continuously during construction.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>the availability or unavailability of Tier IV equipment and/or evidence obtained by the City from expert sources such as construction contractors in the region.</p> <ul style="list-style-type: none"> • Require all main engines for tugboats to comply with EPA-Certified Tier IV emission controls. • Eliminate the use of all portable generators. Require the use of electricity from power poles rather than temporary diesel or gasoline power generators. • Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow, including during the transportation of oversized equipment and vehicles. • Provide dedicated turn lanes for movement of construction trucks and equipment on site and off site. The location of these dedicated lanes shall be addressed in the Construction Trip Management Plan. • Reroute construction trucks away from congested streets or sensitive receptor areas. • Prohibit the idling of on-road trucks and off-road equipment in excess of 5 continuous minutes, except for trucks and equipment where idling is a necessary function of the activity, such as concrete pour trucks. The Applicant or construction contractor(s) shall post signs at the entry/exit gate(s), storage/lay down areas, and at highly visible areas throughout the active portions of the construction site of the idling limit. • On-road heavy-duty diesel haul trucks with a gross vehicle weight rating of 19,500 pounds or greater used to transport construction materials and soil to and from the program area shall be engine model year 2010 or later or shall comply with the USEPA 2007 on-road emissions standards. 			

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
Biological Resources			
<p>Mitigation Measure BIO-1: Avoidance of Special-Status Plants. Prior to LCWA’s approval of project plans or publication of subsequent CEQA documents, a qualified botanist/biologist shall conduct a habitat assessment to determine the presence or absence of suitable habitat for special-status plant species. If suitable habitat is determined to be present, focused plant surveys should be conducted in accordance with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, March 20, 2018). Consistent with the CDFW protocol, such focused special-status plant surveys will be conducted during the appropriate blooming period for these species, with May and June likely having the highest number of species in flower. The results of focused special-status plant species will be incorporated into restoration design plans. The locations of any special-status plants within 25 feet of proposed disturbance areas shall be identified and mapped. Individual plants shall be flagged for avoidance and an avoidance buffer of at least 10 feet shall be established around the plant(s).</p> <p>If special-status plants cannot be avoided, they shall be incorporated into the proposed program’s restoration design at a minimum ratio of 1:1 (one plant planted for every one plant removed, or 1 square foot of absolute cover planted for every 1 square foot of absolute cover removed). For special-status plant species with small population numbers (less than 50 individuals), higher mitigation ratios up to 7:1 will be incorporated, where on-site seed sources are available. Higher mitigation ratios of up to 3:1 will be incorporated where suitable habitat area can support populations of large individual numbers. Special-status plants that cannot be avoided shall be salvaged prior to impacts using species-specific propagation methods, such as transplanting, seed and cuttings. Seed collection shall occur during the appropriate time of year for each species. Seeds shall be propagated by a qualified horticulturalist or in a local nursery, and shall be incorporated into habitat-specific seed mixes that will be used for revegetation of the restoration areas. Plant transplantation of perennial species is a potential mitigation technique but must be used sparingly and only when receiving site parameters are a suitable match from the donor location. Performance standard for the success of propagated or transplanted species will be achieved with the</p>	<p>Written verification.</p>	<p>Prior to LCWA’s approval of project plans or publication of subsequent CEQA documents</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission California Department of Fish and Wildlife</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>survival of the appropriate number of individuals meeting the mitigation ratio (1:1 for most species) after five years of growth and the establishment of a self-propagating population for annual species for a minimum of three years after revegetation completion for a specific area.</p>			
<p>Mitigation Measure BIO-2: Environmental Awareness Training and Biological Monitoring. Prior to commencement of activities within the program area, a qualified biologist shall prepare a Worker Environmental Awareness Program (WEAP) that provides a description of potentially occurring special-status species and methods for avoiding inadvertent impacts. The WEAP training shall be provided to all construction personnel. Attendees shall be documented on a WEAP training sign-in sheet.</p> <p>Initial grading and vegetation removal activities shall be supervised by a qualified monitoring biologist, who will be present during all construction activities. The biologist shall ensure that impacts to special-status plants and wildlife, including wetland vegetation, are minimized to the greatest extent feasible during implementation of program activities on the South, Isthmus, Central and North Areas. If any special-status wildlife species are encountered during construction and cannot be avoided, the monitoring biologist shall have the authority to temporarily halt construction activities until a plan for avoidance has been prepared and approved by CDFW, and implemented by the monitoring biologist. Relocation of a federal- or state-listed species shall not be allowed without first obtaining take authorization from USFWS and/or CDFW.</p>	<p>Included in construction contractor's scope of work and agreements; written verification</p>	<p>Prior to commencement of construction activities</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission California Department of Fish and Wildlife</p>
<p>Mitigation Measure BIO-3: Belding's Savannah Sparrow Breeding Habitat. Prior to LCWA's approval of project plans or publication of subsequent CEQA documents, a qualified biologist shall map suitable Belding's savannah sparrow habitat as the location and amount of suitable habitat is anticipated to change over time. The results of habitat mapping will be incorporated into restoration design plans. Project activities shall be limited to July 16 through February 14 within suitable coastal marsh habitat to avoid impacts to breeding Belding's savannah sparrow. Suitable Belding's savannah sparrow breeding habitat that will be impacted by the proposed program shall be created within the program area at a minimum ratio of 1:1 (area created:area impacted). Restored breeding habitat shall consist of a minimum 60 percent absolute cover of salt marsh vegetation, and shall consist of a hydrologic regime similar to that</p>	<p>Written verification</p>	<p>Prior to LCWA's approval of project plans or publication of subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission California Department of Fish and Wildlife</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>currently present in the North Area or South Area, respectively. Other unique conditions within coastal salt marsh communities shall exist as well, such as, similar slope, aspect, elevation, soil, and salinity. A Mitigation, Maintenance and Monitoring Program shall be prepared and approved by CDFW prior to implementation. The proposed program shall be implemented by a qualified restoration ecologist, and at a minimum, shall include success criteria and performance standards for measuring the establishment of Belding's savannah sparrow breeding habitat, responsible parties, maintenance techniques and schedule, 5-year monitoring and reporting schedule, adaptive management strategies, and contingencies. Moreover, in accordance the CESA, an Incidental Take Permit (or other mitigation options identified in accordance with Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)) shall be obtained from CDFW if any Belding's savannah sparrow may be impacted during construction or operations of the program. The amount of potential take shall be determined prior to design approval of each restoration area based on consultation with CDFW. Lastly, take authorization shall be obtained prior to commencement of any ground disturbing activities.</p>			
<p>Mitigation Measure BIO-4: Nesting Bird and Raptor Avoidance. A qualified biologist shall identify areas where nesting habitat for birds and raptors is present prior to LCWA's approval of project plans or publication of subsequent CEQA documents. To ensure the avoidance of impacts to nesting avian species, the following measures shall be implemented:</p> <ul style="list-style-type: none"> • Construction and maintenance activities shall be limited to the non-breeding season (September 1 through December 31) to the extent feasible. If construction or maintenance activities will occur during the avian nesting season (January 1 through August 31), a qualified biologist shall conduct pre-construction nesting avian surveys within no more than 5 days prior to the initiation of construction activities to identify any active nests. If a lapse in work of 5 days or longer occurs, another survey shall be conducted to verify if any new nests have been constructed prior to work being reinitiated. • If active nests are observed, an avoidance buffer shall be demarcated by a qualified biologist with exclusion fencing and shall be maintained until the biologist determines that the young have fledged and the nest is no longer active. 	<p>Written verification</p>	<p>Prior to LCWA's approval of project plans or subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Mitigation Measure BIO-5: Habitat Assessment and Pre-Construction Surveys for Burrowing Owl. A qualified biologist shall conduct a pre-construction burrowing owl survey of each restoration area (including required survey buffer areas) prior to LCWA's approval of project plans or publication of subsequent CEQA documents. If burrowing owls are detected, the habitat will be avoided and/or enhanced by the restoration design. In addition, a Burrowing Owl Management Plan shall be prepared and approved by CDFW, and implemented, prior to commencement of construction. The Burrowing Owl Management Plan shall be prepared in accordance with the CDFW 2012 Staff Report on Burrowing Owl Mitigation and shall address specific minimization and avoidance measures for burrowing owls, such as avoidance of occupied habitat, translocation of individuals, and on site revegetation.</p>	<p>Written verification; submittal of Burrowing Owl Management Plan</p>	<p>Prior to LCWA's approval of project plans or publication of subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission California Department of Fish and Wildlife</p>
<p>Mitigation Measure BIO-6: Minimization of Light Spillage. A Program Lighting Plan shall be designed to minimize light trespass and glare into adjacent habitat areas prior to the commencement of activities within the program area. Nighttime lighting associated with the visitor center, parking lot, and trails shall be shielded downward and/or directed away from habitat areas to minimize impacts to nocturnal species, including breeding birds.</p>	<p>Submittal of Program Lighting Plan</p>	<p>Prior to commencement of construction activities</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>
<p>Mitigation Measure BIO-7: Pre-Construction Bat Surveys. A qualified biologist shall conduct a pre-construction bat survey of each restoration area prior to final approval of the area's restoration plan. If suitable bat roosting habitat is determined to be present, a presence/absence survey shall be conducted prior to commencement of construction activities. A qualified biologist shall conduct the preconstruction clearance survey of suitable bat roosting habitat, such as mature palm trees. If bats are determined to be roosting, the biologist will determine whether it is a day roost (non-breeding) or maternity roost (lactating females and dependent young). If a day roost is determined, the biologist shall ensure that direct mortality to roosting individuals will not occur by requiring that trees with roosts are not directly impacted (e.g., removed) until after the roosting period.</p> <p>If a maternity roost is determined to be present, the biologist shall determine a suitable buffer distance between construction activities and the roosting site. If direct disturbance to the maternity roost could occur, a Bat Exclusion Plan shall be prepared and approved by CDFW,</p>	<p>Written verification; submittal of Bat Exclusion Plan (if needed)</p>	<p>Prior to final approval of the area's restoration plan.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission California Department of Fish and Wildlife</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>and implemented, prior to impacting the roost. At a minimum, the Plan shall include avoidance and minimization measures to reduce potential impacts to breeding bats during construction activities and prescribed methods to safely and humanely evict bats from the roost to avoid mortality.</p>			
<p>Mitigation Measure BIO-8: Focused Surveys for Special-Status Wildlife Species. Should suitable habitat occur for terrestrial or aquatic special-status species, a qualified biologist shall conduct focused habitat assessments and focused surveys to determine presence, absence and/or abundance for special-status wildlife species listed in Table 3.3-5. Both habitat assessments and focused surveys shall occur prior to LCWA's approval of the project plans or the publication of subsequent CEQA documents for any project site that potentially contains special-status species. Agency-approved protocols shall be used for specific species where appropriate during the required or recommended time of year. For all other target (special-status) species, prior to initiating surveys, survey methods shall be verified and approved in writing by CDFW and USFWS or NMFS for all state- and/or federally-protected species, respectively. If special-status species are detected, the project-specific restoration plan should be designed to minimize impacts to special-status wildlife to the greatest extent feasible and a Wildlife Avoidance Plan shall be prepared and approved by CDFW and USFWS or NMFS prior to commencement of construction. The Wildlife Avoidance Plan shall include specific species minimization and avoidance measures, measures to minimize impacts to occupied habitat, such as avoidance and revegetation, as well as relocation/translocation protocols. The plan shall require that a qualified biological monitor approved by CDFW be onsite prior to and during ground and habitat disturbing activities to move special status species or other wildlife of low mobility out of harm's way that could be injured or killed by ground disturbing activities.</p> <p>If special-status species cannot be avoided, Incidental Take Permits from the National Marine Fisheries Service or United States Fish and Wildlife Service and California Department of Fish and Wildlife will be required. The amount of potential take shall be determined prior to design approval of each restoration area based on consultation with NMFS or USFWS and CDFW and take authorization shall be obtained prior to commencement of any ground disturbing activities. If an incidental take permit is being obtained, compensatory</p>	<p>Written verification; submittal of Wildlife Avoidance Plan (if needed)</p>	<p>Prior to LCWA's approval of the project plans or publication of subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission California Department of Fish and Wildlife United States Fish and Wildlife Service National Marine Fisheries Service</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>mitigation for the loss of occupied habitat shall be provided through purchase of credit from an existing mitigation bank, private purchase of mitigation lands, or on-site preservation, as approved by the resource agencies. Compensatory mitigation shall be provided at a minimum 1:1 ratio to reduce potential effects to less-than-significant levels.</p>			
<p>Mitigation Measure BIO-9: Revegetation of Sensitive Natural Communities. Sensitive natural communities located on the program area include: <i>Anemopsis californica</i> – <i>Helianthus nuttallii</i> – <i>Solidago spectabilis</i> Herbaceous Alliance, <i>Arthrocnemum subterminale</i> Herbaceous Alliance, <i>Baccharis salicina</i> Provisional Shrubland Alliance, <i>Cressa truxillensis</i> – <i>Distichlis spicata</i> Herbaceous Alliance, <i>Frankenia salina</i> Herbaceous Alliance, <i>Isocoma menziesii</i> Shrubland Alliance, <i>Leymus cinereus</i> – <i>Leymus triticoides</i> Herbaceous Alliance, <i>Salicornia pacifica</i> Herbaceous Alliance, <i>Salix gooddingii</i> Woodland Alliance, <i>Schoenoplectus californicus</i> – <i>Typha (angustifolia, domingensis, latifolia)</i> Herbaceous Alliance and <i>Spartina foliosa</i> Herbaceous Alliance.</p> <p>Prior to LCWA's approval of project plans or publication of subsequent CEQA documents, the area(s) that will be impacted shall be delineated and quantified using current Global Information System (ArcGIS) mapping software. Sensitive Natural Communities that will be impacted by the proposed program shall be created within the program area at a minimum ratio of 1:1 (area created:area impacted). A mitigation ratio of a minimum 2:1 for natural communities with a rarity ranking of S3 or higher will be incorporated into the restoration designs. Restored Sensitive Natural Communities shall consist of a minimum 60 percent absolute vegetation cover and shall include community-specific growing conditions, such as, similar slope, aspect, elevation, soil, and salinity. Moreover, soils within mudflat areas shall be salvaged (where feasible) for areas that are proposed for activities such as grading, and reintroduced in new mudflat and/or wetland areas that will be created. A Mitigation, Maintenance and Monitoring Program shall be prepared and approved by CDFW prior to implementation. The Program shall be implemented by a qualified restoration ecologist, and at a minimum, shall include success criteria and performance standards for measuring the establishment of Sensitive Natural Communities, responsible parties, maintenance techniques and schedule, 5-year monitoring and reporting schedule, adaptive management strategies, and contingencies.</p>	<p>Written verification; submittal of a Mitigation, Maintenance and Monitoring Program</p>	<p>Prior to LCWA's approval of project plans or publication of subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission California Department of Fish and Wildlife</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Mitigation Measure BIO-10: Jurisdictional Resources Permitting. Prior to LCWA's approval of project plans or publication of subsequent CEQA documents, a jurisdictional delineation report shall be prepared that describes these jurisdictional resources and the extent of jurisdiction under the USACE, RWQCB, CDFW, and CCC. If it is determined during final siting that jurisdictional resources cannot be avoided, the project applicant shall be subject to provisions as identified below:</p> <ol style="list-style-type: none"> 1. If avoidance is not feasible, prior to ground disturbance activities that could impact these aquatic features, the project applicant shall file the required documentation and receive the following. <ol style="list-style-type: none"> a. Nationwide Permit or equivalent permit issued from USACE; b. Water Quality Certification issued from the Los Angeles RWQCB; c. Streambed Alteration Agreement issued from CDFW; and d. Coastal Development Permit issued from CCC. 2. Compensatory mitigation for impacts to jurisdictional resources is not anticipated as the proposed program's goal is the restoration and expansion of coastal salt marsh within the proposed program. 3. The project proponent shall comply with the mitigation measures detailed in permits issued from the USACE, RWQCB, CDFW, and CCC. 	<p>Written verification</p>	<p>Prior to LCWA's approval of project plans or publication of subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission California Department of Fish and Wildlife United States Army Corps of Engineers Regional Water Quality Control Board</p>
<p>Mitigation Measure BIO-11: Monitoring and Adaptive Management Plan. In conjunction with Section 3.8, <i>Hydrology and Water Quality</i>, a Monitoring and Adaptive Management Plan (MAMP) shall be prepared and implemented prior to commencement of construction or restoration activities. The MAMP shall provide a framework for monitoring site conditions in response to the proposed program implementation. The MAMP shall include provisions for conducting a pre-construction survey to collect baseline data for existing wetland function. The MAMP shall require that monitoring focus on the functional wetland values as well as sediment quality in areas subject to the greatest deposition from storm events and that are also not subject to regular tidal flushing, (e.g., the southwestern corner of the Long</p>	<p>Written verification; submittal of Monitoring and Adaptive Management Plan</p>	<p>Prior to commencement of construction activities</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Beach Property site). The MAMP shall identify habitat functions, such as biotic structure and hydrology, that shall be monitored as part of the proposed program's monitoring and reporting requirements. The MAMP shall identify sediment quality monitoring requirements that shall be performed at a frequency that would capture the potential build-up of contaminants in the deposited sediment before concentration are reached that would impact benthic macro-invertebrates and other sensitive species. The MAMP shall require that the findings of the monitoring efforts be used to identify any source of functional loss of wetlands and water quality impairment, and if discovered, provide measures to improve wetland function and for remediation of the sediment source area(s). Upon completion of restoration activities, the proposed program shall demonstrate a no net loss of aquatic resource functions and demonstrate an increase in wetland functions and values throughout the entire site.</p> <p>The MAMP shall be submitted for review and approval to responsible permitting agencies prior to commencement of construction or restoration activities.</p>			
Cultural Resources			
<p>Mitigation Measure CUL-1: Cultural Resources Personnel Professional Qualifications Standards. Cultural resources consulting staff shall meet, or be under the direct supervision of an individual meeting, the minimum professional qualifications standards (PQS) set forth by the Secretary of the Interior (SOI) (codified in 36 Code of Federal Regulations [CFR] Part 61; 48 FR 44738-44739).</p>	<p>Included in construction contractor's scope of work and agreements; written verification</p>	<p>By LCWA prior to the commencement of construction.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>
<p>Mitigation Measure CUL-2: Historic Resources Assessment. For each near-term, mid-term, and long-term project, LCWA shall retain an SOI-qualified architectural historian (Qualified Architectural Historian) to conduct a historic resources assessment including: a records search at the South Central Coastal Information Center; a review of pertinent archives and sources; a pedestrian field survey; recordation of all identified historic resources on California Department of Parks and Recreation 523 forms; and preparation of a technical report documenting the methods and results of the assessment. The report(s) shall be submitted to LCWA for review and approval prior to LCWA's approval of project plans or publication of subsequent CEQA documents. The Qualified Architectural Historian shall file a copy of the final report(s) with the South Central Coastal</p>	<p>Written verification, submittal of assessment</p>	<p>By LCWA prior to approval of project plans or preparation of subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Information Center within 30 days of its completion. A Historic Resources Assessment shall not be required for any project site that has already undergone the same or similar assessment as part of the program as long as the assessment is deemed adequate by the Qualified Architectural Historian for the purposes of the project currently under consideration.</p>			
<p>Mitigation Measure CUL-3: Historic Resources Evaluation. Prior to LCWA's approval of project plans or the publication of subsequent CEQA documents for any project site containing unevaluated historic resources, a Qualified Architectural Historian shall determine if the project has the potential to result in adverse impacts to identified historic resources. For any historic resource that may be adversely impacted, the Qualified Architectural Historian shall evaluate the resource for listing in the California Register under Criteria 1-4 in order to determine if the resource qualifies as a historical resource. If a historic resource is found eligible, the Qualified Architectural Historian shall determine if the project would cause a substantial adverse change in the significance of the resource. If a substantial adverse change would occur (i.e., the project would demolish the resource or materially alter it in an adverse manner), the Qualified Architectural Historian shall develop appropriate mitigation measures to be incorporated into subsequent CEQA documents. These measures may include, but would not be limited to, relocation, HABS/HAER/HALS documentation, development and implementation of an interpretative and commemorative program, or development and implementation of a salvage plan. All evaluations and resulting technical reports shall be completed and approved by LWCA prior to LCWA's approval of project plans or publication of subsequent CEQA documents. The Qualified Architectural Historian shall file a copy of the final report(s) with the South Central Coastal Information Center within 30 days of its acceptance by LCWA.</p>	<p>Written verification, submittal of evaluation</p>	<p>By the LCWA prior to approval of project plans or preparation of subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>
<p>Mitigation Measure CUL-4: Archaeological Resources Assessment. For each near-term, mid-term, and long-term project that involves ground disturbance, LCWA shall retain an SOI-qualified archaeologist (Qualified Archaeologist) to conduct an archaeological resources assessment including: a records search at the South Central Coastal Information Center; a Sacred Lands File search at the Native American Heritage Commission; updated geoarchaeological review incorporating previously unavailable data (such as</p>	<p>Written verification, submittal of report</p>	<p>By LCWA, prior to approval of project plans or preparation of subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>geotechnical studies); a pedestrian field survey; recodation of all identified archaeological resources on California Department of Parks and Recreation 523 forms; and preparation of a technical report. The technical report shall document the methods and results of the study; provide an assessment of the project's potential to encounter subsurface archaeological resources and human remains based on a review of the project plans, depth of proposed ground disturbance, and available project-specific geotechnical reports; and provide recommendations as to whether additional studies are warranted (i.e., Extended Phase I presence/absence testing or resource boundary delineation, Phase II testing and evaluation). The report(s) shall be submitted to LCWA for review and approval prior to approval of project plans or publication of subsequent CEQA documents. The Qualified Archaeologist shall file a copy of the final report(s) with the South Central Coastal Information Center within 30 days of its completion. An Archaeological Resources Assessment shall not be required for any project site that has already undergone the same or similar assessment as part of the program as long as the assessment is deemed adequate by the Qualified Archaeologist for the purposes of the project currently under consideration.</p>			
<p>Mitigation Measure CUL-5: Extended Phase I Archaeological Investigation. Prior to LCWA's approval of project plans or the publication of subsequent CEQA documents for any project with a high potential to encounter subsurface archaeological resources as determined by the project-specific archaeological resources assessment conducted under Mitigation Measure CUL-4: Archaeological Resources Assessment, a Qualified Archaeologist shall conduct an Extended Phase I investigation to identify the presence/absence of subsurface archaeological resources. Prior to the initiation of field work for any Extended Phase I investigation, the Qualified Archaeologist shall prepare a work plan outlining the investigation's objectives, goals, and methodology (e.g., field and lab procedures, collection protocols, curation and reporting requirements, Native American input/monitoring, schedule, security measures). For investigations related to Native American archaeological resources, monitoring shall be required in accordance with Mitigation Measures CUL-13: Native American Monitoring. All work plans shall outline the protocols and procedures to be followed in the event that human remains and associated funerary objects or grave goods (i.e., artifacts associated with</p>	<p>Written verification, submittal of report</p>	<p>By LCWA, prior to approval of project plans or preparation of subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>human remains) are encountered in accordance with Mitigation Measure CUL-18: Human Remains Discoveries. Disposition of archaeological materials recovered during Extended Phase I investigations shall be in accordance with Mitigation Measure CUL-15: Curation and Disposition of Cultural Materials. Disposition of human remains and any associated funerary objects or grave goods shall be in accordance with Mitigation Measure CUL-18: Human Remains Discoveries. Projects occurring within the same timeframe may be covered by one overarching work plan. All investigations and resulting technical reports shall be completed and approved by LCWA prior to LCWA's approval of project plans or publication of subsequent CEQA documents. The Qualified Archaeologist shall file a copy of the final report(s) with the South Central Coastal Information Center within 30 days of its acceptance by LCWA. An Extended Phase I investigation shall not be required for any project site or resource that has already undergone the same or similar investigation as part of the program as long as the investigation is deemed adequate by the Qualified Archaeologist for the purposes of the project currently under consideration.</p>			
<p>Mitigation Measure CUL-6: Phase II Archaeological Investigation. Prior to LCWA's approval of project plans or the publication of subsequent CEQA documents for any project site containing known unevaluated archaeological resources as identified by the project-specific archaeological resources assessment conducted under Mitigation Measure CUL-4: Archaeological Resources Assessment, a Qualified Archaeologist shall determine if the project has the potential to result in adverse impacts to identified archaeological resources (this may include initial Extended Phase I testing to identify the boundaries of resources, if necessary to properly assess potential impacts, following the procedures outlined under Mitigation Measure CUL-5: Extended Phase I Archaeological Investigation). For any archaeological resource that may be adversely impacted, the Qualified Archaeologist shall conduct Phase II testing and shall evaluate the resource for listing in the California Register under Criteria 1-4 in order to determine if the resource qualifies as a historical resource. LCWA shall consider the significance of the resource to Native American groups prior to requiring any Phase II subsurface testing. If the resource does not qualify as a historical resource, it shall then be considered for qualification as a unique archaeological resource. Native American or prehistoric archaeological</p>	<p>Written verification, submittal of report</p>	<p>By LCWA, prior to approval of project plans or preparation of subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>resources shall also be considered as contributors to the tribal landscape to determine if they contribute to the significance of the landscape. Prior to the initiation of field work for any Phase II investigation, the Qualified Archaeologist shall prepare a work plan outlining the investigation's objectives, goals, and methodology (e.g., research design, field and lab procedures, collection protocols, data requirements/thresholds, evaluation criteria, curation and reporting requirements, Native American input/monitoring, schedule, security measures). The Qualified Archaeologist and LCWA shall coordinate with participating Native American Tribes during preparation of Phase II work plans related to Native American archaeological resources to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered in the evaluation, including those related to the tribal cultural landscape. For investigations related to Native American archaeological resources, Native American Tribal coordination and monitoring shall be required in accordance with Mitigation Measures CUL-12: Native American Coordination and CUL-13: Native American Monitoring. All work plans shall outline the protocols and procedures to be followed in the event that human remains and associated funerary objects or grave goods (i.e., artifacts associated with human remains) are encountered in accordance with Mitigation Measure CUL-18: Human Remains Discoveries. Disposition of archaeological materials recovered during Extended Phase I or Phase II investigations shall be in accordance with Mitigation Measure CUL-15: Curation and Disposition of Cultural Materials. Disposition of human remains and any associated funerary objects or grave goods shall be in accordance with Mitigation Measure CUL-18: Human Remains Discoveries. Projects occurring within the same timeframe may be covered by one overarching work plan. All investigations and resulting technical reports shall be completed and approved by LWCA prior to LCWA's approval of project plans or publication of subsequent CEQA documents. The Qualified Archaeologist shall file a copy of the final report(s) with the South Central Coastal Information Center within 30 days of its acceptance by LCWA.</p>			

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Mitigation Measure CUL-7: Avoidance and Preservation in Place of Archaeological Resources. In the event historical resources or unique archaeological resources or resources that contribute to the significance of the tribal cultural landscape are identified, avoidance and preservation in place shall be the preferred manner of mitigating impacts to such resources. Preservation in place maintains the important relationship between artifacts and their archaeological context and also serves to avoid conflict with traditional and religious values of groups who may ascribe meaning to the resource. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. If avoidance is determined by the LCWA to be infeasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations, then that resource shall be subject to Mitigation Measure CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan. If avoidance and preservation in place of a resource is determined by LCWA to be feasible, then that resource shall be subject to Mitigation Measure CUL-9: Archaeological Resources Monitoring and Mitigation Plan.</p>	<p>Field verification, written report</p>	<p>By LCWA continuously throughout construction</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>
<p>Mitigation Measure CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan. A Qualified Archaeologist shall prepare a Phase III Archaeological Resources Data Recovery and Treatment Plan for significant archaeological resources (i.e., resources that qualify as historical resources or unique archaeological resources or that contribute to the significance of the tribal cultural landscape) that will be adversely impacted by a project. Consistent with <i>CEQA Guidelines</i> Section 15126.4, data recovery shall not be required for a historical resource if LCWA determines that testing or studies already completed have adequately recovered the scientifically consequential information for resources eligible under California Register Criterion 4. The Qualified Archaeologist and LCWA shall consult with interested Native American Tribes for recovery/treatment of Native American archaeological resources during preparation of the plan(s) to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered in assessing treatment, including those related to the tribal cultural landscape. Projects occurring within the same timeframe may be covered by one overarching plan. The plan(s) shall be</p>	<p>Written verification, submittal of plan</p>	<p>By LCWA, prior to the start of field work for data recovery efforts for resources that are eligible under California Register Criterion 4 (data potential).</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>submitted to LCWA for review and approval prior to the start of field work for data recovery efforts for resources that are eligible under California Register Criterion 4 (data potential). Data recovery field work shall be completed prior to the start of any project-related ground disturbance. Treatment for archaeological resources that are eligible under California Register Criterion 1 (events), Criterion 2 (persons), or Criterion 3 (design/workmanship) shall be completed within 3 years of completion of the project. Each plan shall include:</p> <ul style="list-style-type: none"> a. <i>Research Design.</i> The plan shall outline the applicable cultural context(s) for the region, identify research goals and questions that are applicable to each resource or class of resources, and list the data needs (types, quantities, quality) required to answer each research question. The research design shall address all four California Register Criteria (1–4) and identify the methods that will be required to inform treatment, such as subsurface investigation, documentary/archival research, and/or oral history, depending on the nature of the resource. The research design shall also include consideration of Native American or prehistoric archaeological resources as contributors to the tribal cultural landscape. b. <i>Data Recovery for Resources Eligible under Criterion 4.</i> The plan shall outline the field and laboratory methods to be employed, and any specialized studies that will be conducted, as part of the data recovery effort for resources that are eligible under California Register Criterion 4 (data potential). If a resource is eligible under additional criteria, treatment beyond data recovery shall be implemented (see CUL-6c). c. <i>Treatment for Resources Eligible under Criteria 1, 2, or 3.</i> In the event a resource is eligible under California Register Criterion 1 (events), Criterion 2 (persons), or Criterion 3 (design/workmanship), then resource-specific treatment shall be developed to mitigate project-related impacts to the degree feasible. This could include forms of documentation, interpretation, public outreach, ethnographic and language studies, publications, and educational programs, depending on the nature of the resource, and may require the retention of additional technical specialists. Treatment measures shall be generally outlined in the plan based on existing information on the resource. Once data recovery is 			

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>completed and the results are available to better inform resource-specific treatment, the treatment measures shall be formalized and implemented. Treatment shall be developed by the Qualified Archaeologist in consultation with LCWA and Native American Tribal representatives for resources that are Native American in origin, including those related to the tribal cultural landscape.</p> <p>d. <i>Security Measures.</i> The plan shall include recommended security measures to protect archaeological resources from vandalism, looting, and non-intentionally damaging activities during field work.</p> <p>e. <i>Procedures for Discovery of Human Remains and Associated Funerary Objects or Grave Goods.</i> The plan shall outline the protocols and procedures to be followed in the event <i>that</i> human remains and associated funerary objects or grave goods are uncovered. Protocols and procedures shall be in accordance with Mitigation Measure CUL-18: Human Remains Discoveries.</p> <p>f. <i>Reporting Requirements.</i> Upon completion of data recovery for resources eligible under Criterion 4, the Qualified Archaeologist shall document the findings in an Archaeological Data Recovery Report. The draft Archaeological Data Recovery Report shall be submitted to the LCWA within 360 days after completion of data recovery, and the final Archaeological Data Recovery Report shall be submitted to LCWA within 60 days after the receipt of LCWA comments. The Qualified Archaeologist shall submit the final Archaeological Data Recovery Report to the South Central Coastal Information Center within 30 days of its acceptance by LCWA.</p> <p>Upon completion of all other treatment for resources eligible under Criteria 1, 2, or 3, the Qualified Archaeologist shall document the resource-specific treatment that was implemented for each resource and verification that treatment has been completed in a technical document (report or memorandum). The document shall be provided to LCWA within 30 days after completion of treatment.</p> <p>g. <i>Curation or Disposition of Cultural Materials.</i> The plan shall outline the requirements for final <i>disposition</i> of all cultural materials collected during data recovery. Disposition of all archaeological materials shall be in accordance with Mitigation Measure CUL-15: Curation and</p>			

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Disposition of Cultural Materials. Disposition of human remains and any associated funerary objects or grave goods shall be in accordance with Mitigation Measure CUL-18: Human Remains Discoveries.</p> <p>h. <i>Protocols for Native American Coordination and Monitoring.</i> The plan shall outline the role and responsibilities of Native American Tribal representatives in accordance with Mitigation Measure CUL-12: Native American Coordination. It shall outline communication protocols, timelines for review of archaeological resources documents, and provisions for Native American monitoring. The plan shall include provisions for full-time Native American monitoring of all data recovery field work for resources that are Native American in origin, including those related to the tribal cultural landscape, in accordance with Mitigation Measure CUL-13: Native American Monitoring.</p>			
<p>Mitigation Measure CUL-9: Archaeological Resources Monitoring and Mitigation Plan. For each near-term, mid-term, and long-term project that involves ground disturbance, a Qualified Archaeologist shall prepare an Archaeological Resources Mitigation and Monitoring Plan taking into account the final LCWA-approved project design plans, depths/locations of ground disturbance, proximity to known archaeological resources, and potential to encounter subsurface archaeological resources. Projects occurring within the same timeframe may be covered by one overarching plan. The Qualified Archaeologist and LCWA shall coordinate with participating Native American Tribes during preparation of the plan(s). Each plan shall include:</p> <p>a. <i>Establishment of Environmentally Sensitive Areas.</i> The plan shall outline areas that will be designated Environmentally Sensitive Areas (including maps), if needed. Significant or unevaluated <i>archaeological</i> resources that are being avoided and are within 50 feet of the construction zone shall be designated as Environmentally Sensitive Areas. The resources shall be <i>delineated</i> with exclusion markers to ensure avoidance. These areas shall not be marked as archaeological resources, but shall be designated as “exclusion zones” on project plans and protective fencing in order to discourage unauthorized disturbance or collection of artifacts.</p>	<p>Written verification, submittal of plan</p>	<p>By the LCWA, prior to approval of project plans or preparation of subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>b. <i>Provisions for Archaeological Monitoring.</i> The plan shall outline requirements for archaeological monitoring and the archaeological monitor(s) role and responsibilities in accordance with Mitigation Measure CUL-11: Archaeological Resources Monitoring. Ground disturbance in locations/depths that have been previously monitored as part of the program shall not be subject to additional monitoring.</p> <p>c. <i>Procedures for Discovery of Archaeological Resources.</i> Procedures to be implemented in the event of an archaeological discovery shall be fully defined in the plan and shall be in accordance with Mitigation Measure CUL-14: Archaeological Resources Discoveries. Procedures outlined shall include stop-work and protective measures, notification protocols, procedures for significance assessments, and appropriate treatment measures. The plan shall state avoidance or preservation in place is the preferred manner of mitigating impacts to historical resources, unique archaeological resources, and contributors to the significance of the tribal cultural landscape, but shall provide procedures to follow should avoidance be infeasible in light of factors such as the nature of the find, project design, costs, and other considerations.</p> <p>If, based on the recommendation of a Qualified Archaeologist, it is determined that a discovered archaeological resource constitutes a historical resource or unique archaeological resource or is a contributor to the significance of the tribal cultural <i>landscape</i>, then <i>avoidance</i> and preservation in place shall be the preferred manner of mitigating impacts to such a resource in accordance with Mitigation Measure CUL-7: Avoidance and Preservation in Place of Archaeological Resources. In the event that preservation in place is determined to be infeasible and data recovery through excavation is the only feasible mitigation available, an Archaeological Resources Data Recovery and Treatment Plan shall be prepared and implemented following the procedures outlined in Mitigation Measure CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan. LCWA shall consult with appropriate Native American representatives in determining treatment of resources that are Native American in origin to ensure cultural values ascribed to the resources, beyond those</p>			

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>that are scientifically important, are considered, including those related to the tribal cultural landscape.</p> <p>d. <i>Procedures for Discovery of Human Remains and Associated Funerary Objects or Grave Goods.</i> The plan shall outline the protocols and procedures to be followed in the event that <i>human</i> remains and associated funerary objects or grave goods are uncovered. Protocols and procedures shall be in accordance with Mitigation Measure CUL-18: Human Remains Discoveries.</p> <p>e. <i>Reporting Requirements.</i> The plan shall outline provisions for weekly and final reporting. The Qualified Archaeologist shall prepare weekly status reports detailing activities and locations observed (including maps) and summarizing any discoveries for the duration of monitoring to be submitted to LCWA via email for each week in which monitoring activities occur. The Qualified Archaeologist shall prepare a draft Archaeological Resources Monitoring Report and submit it to LCWA within 180 days after completion of the monitoring program or treatment for significant discoveries should treatment extend <i>beyond</i> the cessation of monitoring. The final Archaeological Resources Monitoring Report shall be submitted to LCWA within 60 days after receipt of LCWA comments. The Qualified Archaeologist shall also submit the final Archaeological Resources Monitoring Report to the South Central Coastal Information Center.</p> <p>f. <i>Curation or Disposition of Cultural Materials.</i> The plan shall outline the requirements for final disposition of all cultural materials collected during data recovery. Disposition of all archaeological materials shall be in accordance with Mitigation Measure CUL-15: Curation and Disposition of Cultural Materials. Disposition of human remains and any associated funerary objects or grave goods shall be in accordance with Mitigation Measure CUL-18: Human Remains Discoveries.</p> <p>g. <i>Protocols for Native American Coordination and Monitoring.</i> The plan shall outline requirements for Native American coordination and monitoring, and the Native American monitor(s) role and responsibilities in accordance with Mitigation Measures CUL-12: Native American Coordination and CUL-13: Native American Monitoring.</p>			

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Mitigation Measure CUL-10: Construction Worker Cultural Resources Sensitivity Training. For each near-term, mid-term, and long-term project that involves ground disturbance, LCWA shall retain a Qualified Archaeologist to implement a cultural resources sensitivity training program. The Qualified Archaeologist, or their designee, and a Native American representative shall instruct all construction personnel of the importance and significance of the area as a tribal cultural landscape, the types of archaeological resources that may be encountered, the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains, confidentiality of discoveries, and safety precautions to be taken when working with cultural resources monitors. In the event that construction crews are phased, additional trainings shall be conducted for new construction personnel. LCWA or their contractors shall ensure construction personnel are made available for and attend the training. LCWA shall retain documentation demonstrating attendance.</p>	<p>Included in construction contractor's scope of work; written verification</p>	<p>By LCWA continuously throughout construction</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>
<p>Mitigation Measure CUL-11: Archaeological Resources Monitoring. For each near-term, mid-term, and long-term project, full-time archaeological monitoring of ground disturbance (i.e., demolition, pavement removal, pot-holing or auguring, boring, drilling, grubbing, vegetation removal, brush clearance, weed abatement, grading, excavation, trenching, or any other activity that has potential to disturb soil) shall be conducted in areas and at depths where there is a potential to encounter archaeological materials or human remains, including excavations into existing artificial fill and native soils, based on the project-specific archaeological resources assessment prepared under Mitigation Measure CUL-4: Archaeological Resources Assessment. Ground disturbance in locations/depths that have been previously monitored as part of the program shall not be subject to additional monitoring. The archaeological monitor(s) shall be familiar with the types of resources that could be encountered and shall work under the direct supervision of a Qualified Archaeologist. The number of archaeological monitors required to be on site during ground-disturbing activities is dependent on the construction scenario, specifically the number of pieces of equipment operating at the same time, the distance between these pieces of equipment, and the pace at which equipment is working, with the goal of monitors being able to effectively observe soils as they are exposed. Generally, work areas more than 500 feet from one another</p>	<p>Field verification</p>	<p>By LCWA continuously throughout construction</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>will require additional monitors. The archaeological monitor(s) shall keep daily logs detailing the types of activities and soils observed, and any discoveries. Archaeological monitor(s) shall have the authority to halt and re-direct ground disturbing activities in the event of a discovery until it has been assessed for significance and treatment implemented, if necessary, based on the recommendations of the Qualified Archaeologist in coordination with LCWA, and the Native American representatives in the event the resource is Native American in origin, and in accordance with the protocols and procedures outlined in Mitigation Measure CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan. Reporting of archaeological monitoring shall be conducted in accordance with the provisions outlined in Mitigation Measure CUL-9: Archaeological Resources Monitoring and Mitigation Plan.</p>			
<p>Mitigation Measure CUL-12: Native American Coordination. LCWA shall seek input from participating Native American Tribes during the preparation of documents required under Mitigation Measures CUL-5: Extended Phase I Archaeological Investigation, CUL-6: Phase II Archaeological Investigation, CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan, Mitigation Measure CUL 9: Archaeological Resources Monitoring and Mitigation Plan, and CUL-14: Archaeological Resources Discoveries, including but not limited to work plans, research designs, treatment plans, and associated technical reports. LCWA shall provide participating Native American Tribes with electronic copies of draft documents and afford them 30 days from receipt of a document to review and comment on the document. Native American comments will be provided in writing for consideration by LCWA. LCWA shall document comments and how the comments were/were not addressed in a tracking log.</p>	<p>Written verification</p>	<p>By LCWA continuously throughout construction</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>
<p>Mitigation Measure CUL-13: Native American Monitoring. For each near-term, mid-term, and long-term project, full-time Native American monitoring of ground disturbance (i.e., demolition, pavement removal, pot-holing or auguring, boring, drilling, grubbing, vegetation removal, brush clearance, weed abatement, grading, excavation, trenching, or any other activity that has potential to disturb soil) shall be conducted in areas and at depths where there is a potential to encounter archaeological materials or human remains, including excavations into existing artificial fill and native soils, based on the project-specific study prepared under Mitigation</p>	<p>Written verification, field verification</p>	<p>By LCWA continuously throughout construction</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Measure CUL-4: Archaeological Resources Assessment. LCWA shall retain a Native American monitor(s) from a California Native American Tribe that is culturally and geographically affiliated with the program area (according to the California Native American Heritage Commission) to conduct the monitoring. If more than one Tribe is interested in monitoring, LCWA shall contract with each Tribe that expresses interest and prepare a monitoring rotation schedule. LCWA shall rotate monitors on an equal and regular basis to ensure that each Tribal group has the same opportunity to participate in the monitoring program. If a Tribe cannot participate when their rotation comes up, they shall forfeit that rotation unless LCWA can make other arrangements to accommodate their schedule. The number of Native American monitors required to be on site during ground disturbing activities is dependent on the construction scenario, specifically the number of pieces of equipment operating at the same time, the distance between these pieces of equipment, and the pace at which equipment is working, with the goal of monitors being able to effectively observe soils as they are exposed. Generally, work areas more than 500 feet from one another require additional monitors. Native American monitors shall have the authority to halt and re-direct ground disturbing activities in the event of a discovery until it has been assessed for significance.</p> <p>The Native American monitor(s) shall also monitor all ground disturbance related to subsurface investigations and data recovery efforts conducted under Mitigation Measures CUL-5: Extended Phase I Archaeological Investigation, CUL-6: Phase II Archaeological Investigation, and CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan for any resources that are Native American in origin, according to the rotation schedule, including those related to the tribal cultural landscape.</p>			
<p>Mitigation Measure CUL-14: Archaeological Resources Discoveries. In the event archaeological resources are encountered during construction of the proposed program, all activity in the vicinity of the find shall cease (within 100 feet), and the protocols and procedures for discoveries outlined in Mitigation Measure CUL-9: Archaeological Resources Monitoring and Mitigation Plan shall be implemented. The discovery shall be evaluated for potential significance by the Qualified Archaeologist. If the Qualified Archaeologist determines that the resource may be significant (i.e., meets the definition for historical resource in <i>CEQA Guidelines</i></p>	<p>Field verification</p>	<p>By LCWA continuously throughout construction</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>subdivision 15064.5(a) or for unique archaeological resource in PRC subdivision 21083.2(g) or is a contributor to the tribal cultural landscape), the Qualified Archaeologist shall develop an Archaeological Resources Data Recovery and Treatment Plan for the resource following the procedures outlined in Mitigation Measure CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan. When assessing significance and developing treatment for resources that are Native American in origin, including those related to the tribal cultural landscape, the Qualified Archaeologist and LCWA shall consult with the appropriate Native American representatives. The Qualified Archaeologist shall also determine if work may proceed in other parts of the project site while data recovery and treatment is being carried out. LCWA shall consult with the State Lands Commission Staff Attorney regarding any cultural resources discoveries on state lands.</p>			
<p>Mitigation Measure CUL 15: Curation and Disposition of Cultural Materials. LCWA shall curate all Native American archaeological materials, with the exception of funerary objects or grave goods (i.e., artifacts associated with Native American human remains). LCWA shall consult with Native American representatives regarding the final disposition of Native American archaeological materials and on the selection of the curation facility, with preference given to tribal museums. LCWA shall first consider repositories that are accredited by the American Association of Museums and that meet the standards outlined in 36 CFR 79.9. If a suitable accredited repository is not identified, then LCWA shall consider non-accredited repositories as long as they meet the minimum standards set forth by 36 CFR 79.9. If a suitable non-accredited repository is not identified, then LCWA shall donate the collection to a local California Native American Tribe(s) (Gabrielino or Juafeno) for educational purposes. Disposition of Native American human remains and associated funerary objects or grave goods shall be determined by the landowner in consultation with LCWA and the Most Likely Descendant in accordance with Mitigation Measure CUL 18: Human Remains Discoveries.</p> <p>LCWA shall curate all historic-period archaeological materials that are not Native American in origin at a repository accredited by the American Association of Museums that meets the standards outlined in 36 CFR 79.9. If no accredited repository accepts the collection, then LCWA may curate it at a non-accredited repository as long as it meets the minimum</p>	<p>Written verification, submittal of curation agreement</p>	<p>By LCWA prior to the start of each project</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission California State Lands Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>standards set forth by 36 CFR 79.9. If neither an accredited nor a non-accredited repository accepts the collection, then LCWA shall offer the collection to a public, non-profit institution with a research interest in the materials, or to a local school or historical society in the area for educational purposes. If no institution, school, or historical society accepts the collection, LCWA may retain it for on-site display as part of its interpretation and educational elements.</p> <p>The final disposition of cultural resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.</p> <p>Prior to start of each project, LCWA shall obtain a curation agreement and shall be responsible for payment of fees associated with curation for the duration of the program.</p>			
<p>Mitigation Measure CUL16: Future Native American Input. LCWA shall consult with participating California Native American Tribes, to the extent that they wish to participate, during future design of project-level components, plant and native plant selections or palettes, and development of content for educational and interpretative elements, such as signage and Visitors Center displays.</p>	Written verification	By LCWA prior to approval of project plans or preparation of subsequent CEQA documents.	City of Long Beach City of Seal Beach California Coastal Commission
<p>Mitigation Measure CUL17: Tribal Access Plan. Prior to the start of construction, LCWA shall develop a written access plan to preserve and enhance tribal members' access to, and use of, the restoration project area for religious, spiritual, or other cultural purposes. This plan will allow access to the extent LCWA has the authority to facilitate such access, and be consistent with existing laws, regulations, and agreements governing property within the program area. The access plan may place restrictions on access into certain areas, such as oil operations and other exclusive easements the LCWA does not have access rights to. This access plan shall be developed in coordination with participating California Native American Tribes, to the extent that they wish to participate.</p>	Written verification, submittal of access plan	By LCWA prior to approval of project plans or preparation of subsequent CEQA documents.	City of Long Beach City of Seal Beach California Coastal Commission
<p>Mitigation Measure CUL-18: Human Remains Discoveries: If human remains are encountered, then LCWA or its contractor shall halt work in the vicinity (within 100 feet) of the discovery and contact the appropriate County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5, which requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section</p>	Field verification; written verification	By LCWA continuously throughout construction	City of Long Beach City of Seal Beach California Coastal Commission

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>5097.98. If the County Coroner determines the remains are Native American, then the Coroner will notify the California Native American Heritage Commission (NAHC) within 24 hours in accordance with Health and Safety Code subdivision 7050.5(c), and Public Resources Code Section 5097.98. The California Native American Heritage Commission shall then identify the person(s) thought to be the Most Likely Descendant (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the landowner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. LCWA and the landowner shall discuss and confer with the MLD on all reasonable options regarding the MLD's preferences for treatment.</p> <p>Until LCWA and the landowner have conferred with the MLD, the contractor shall ensure that the immediate vicinity where the discovery occurred is not disturbed by further activity and is adequately protected according to generally accepted cultural or archaeological standards or practices, and that further activities take into account the possibility of multiple burials.</p> <p>If the NAHC is unable to identify an MLD, or the MLD identified fails to make a recommendation, or the landowner rejects the recommendation of the MLD and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the facility property in a location not subject to further and future subsurface disturbance.</p>			

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
Geology and Soils			
<p>Mitigation Measure GEO-1: Retention of a Qualified Professional Paleontologist. Prior to the start of construction of any near-term, mid-term, or long-term project, LCWA shall retain a Qualified Professional Paleontologist as defined by the Society of Vertebrate Paleontology to carry out all mitigation related to paleontological resources including: project-level review (Mitigation Measure GEO-2); paleontological resources sensitivity training (GEO-3); oversight of paleontological resources monitoring (Mitigation Measure GEO-4); and recovery, treatment, analysis, curation, and reporting (Mitigation Measures GEO-5, GEO-6, and GEO-7).</p>	<p>Included in construction contractor's scope of work; written verification</p>	<p>By LCWA prior to the commencement of construction.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>
<p>Mitigation Measure GEO-2: Project-Level Paleontological Resources Review and Monitoring Recommendations. Prior to LCWA approval of any near-term, mid-term, and long-term project, the Qualified Professional Paleontologist shall review the <i>Los Cerritos Wetlands Program Paleontological Resources Assessment</i> (ESA, 2019), grading plans, and any available geotechnical reports/data to determine the potential for ground disturbance to occur within older alluvium and old shallow marine deposits. If available data is sufficient to accurately determine the depth of older alluvium and old shallow marine deposits within a project site, monitoring shall be required beginning at or just above that depth. If available data is insufficient to determine the depth of older alluvium and old shallow marine deposits, monitoring shall be required beginning at 5 feet below surface (consistent with the accepted depth at which high sensitivity sediments could occur based on regional evidence). The results of the reviews shall be documented in technical memoranda to be submitted to LCWA prior to the start of ground disturbance, along with recommendations specifying the locations, depths, duration, and timing of any required monitoring. The technical memoranda shall include map figures that outline where monitoring is required and at what depths, and shall stipulate whether screen washing is necessary to recover small specimens. Any required screen washing shall follow SVP Guidelines.</p>	<p>Written verification, submittal of technical memoranda</p>	<p>By LCWA, prior to approval of project plans or preparation of subsequent CEQA documents.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Mitigation Measure GEO-3: Paleontological Resources Sensitivity Training. Prior to the start of ground disturbance for any near-term, mid-term, or long-term project, the Qualified Professional Paleontologist shall conduct paleontological resources sensitivity training. The training shall focus on the recognition of the types of paleontological resources that could be encountered within the program area, the procedures to be followed if they are found, confidentiality of discoveries, and safety precautions to be taken when working with paleontological monitors. LCWA shall ensure that construction personnel are made available for and attend the training, and retain documentation demonstrating attendance. The training should be repeated as necessary for incoming construction personnel.</p>	<p>Written verification</p>	<p>By LCWA prior to commencement of ground disturbance and continuously during construction.</p>	<p>City of Long Beach City of Seal Beach and/or California Coastal Commission</p>
<p>Mitigation Measure GEO-4: Paleontological Resources Monitoring. A qualified paleontological monitor, as defined by the Society of Vertebrate Paleontology, shall monitor all ground-disturbing activities occurring in the older alluvium and old shallow marine deposits for each near term, mid-term, or long-term project. Monitoring shall be implemented consistent with the locations, depths, duration, and timing recommendations specified in the technical memorandum for the project. Monitors shall work under the direction of the Qualified Professional Paleontologist. The number of monitors required to be on site during ground-disturbing activities shall be determined by the Qualified Professional Paleontologist and shall be based on the construction scenario – specifically the number of pieces of equipment operating at the same time, the distance between these pieces of equipment, and the pace at which equipment is working – with the goal of monitors being able to effectively observe sediments as they are exposed. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to recover the fossil specimens, and to request assistance from construction equipment operators to recover samples for screen washing as necessary. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries. The Qualified Professional Paleontologist, in consultation with LCWA, shall have the ability to modify (i.e., increase, reduce, or discontinue) monitoring requirements based on observations of soil types and frequency of discoveries. Requests for modifications shall be submitted in writing to LCWA for approval prior to implementation.</p>	<p>Written verification</p>	<p>By LCWA, prior to the commencement of ground disturbing activities and continuously during construction.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Mitigation Measure GEO-5: Paleontological Discoveries. If any potential fossils are discovered by paleontological resources monitors or construction personnel, all work shall cease at that location (within 100 feet) until the Qualified Professional Paleontologist has assessed the discovery and made recommendations as to the appropriate treatment. The paleontological resources monitor (if one is present) or construction personnel (if a monitor is not present) shall flag the fossiliferous area for avoidance until the Qualified Professional Paleontologist can evaluate the discovery and develop plans for avoidance or removal/salvage of the specimen(s), if deemed significant. Significant discoveries shall be salvaged following SVP Guidelines. LCWA shall consult with the State Lands Commission Staff Attorney regarding any paleontological resources discoveries on state lands.</p>	<p>Field verification; written verification</p>	<p>By LCWA continuously throughout construction</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission California State Lands Commission</p>
<p>Mitigation Measure GEO-6: Preparation, Identification, Cataloging, and Curation Requirements. All significant fossil discoveries shall be prepared to the point of identification to the lowest taxonomic level possible, cataloged, and curated into a certified repository with retrievable storage (such as a museum or university). All GPS data, field notes, photographs, locality forms, stratigraphic sections, and other data associated with the recovery of the specimens shall be deposited with the institution receiving the specimens. The Qualified Professional Paleontologist shall be responsible for obtaining a signed curation agreement from a certified repository in southern California prior to the start of the program. Given the length of the program, multiple agreements may be necessary due to changing capacities of repositories. The final disposition of paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.</p>	<p>Field verification; written verification, signed curation agreement</p>	<p>By LCWA continuously throughout construction</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission California State Lands Commission</p>
<p>Mitigation Measure GEO-7: Reporting Requirements. The Qualified Professional Paleontologist shall prepare weekly status reports detailing activities and locations observed (with maps) and summarizing any discoveries to be submitted to LCWA via email for each week in which monitoring activities occur. Monthly progress reports summarizing monitoring efforts shall be prepared and submitted to LCWA for the duration of monitored ground disturbance. Reports detailing the results of monitoring for any near-term, mid-term, or long-term project and treatment of significant discoveries shall be submitted to LCWA within 120 days of completion of</p>	<p>Written verification, submittal of weekly reports</p>	<p>By LCWA throughout the construction period in which monitoring is required.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>treatment, or within 30 days of completion of monitoring if no significant discoveries occurred. If significant fossils are recovered, the Qualified Professional Paleontologist shall file the final report with the Natural History Museum of Los Angeles County and the certified repository.</p>			
<p>Hazards and Hazardous Materials</p>			
<p>Mitigation Measure HAZ-1: Health and Safety Plan. The contractor(s) shall prepare and implement site-specific Health and Safety Plans as required by and in accordance with 29 CFR 1910.120 to protect construction workers and the public during all excavation and grading activities. This Plan shall be submitted to LCWA, the Orange County Environmental Health Division (the CUPA for the City of Seal Beach area), or Long Beach/Signal Hill Joint Powers Authority (the CUPA for the Long Beach area), for review prior to commencement of construction. The Health and Safety Plans shall include, but are not limited to, the following elements:</p> <ul style="list-style-type: none"> • Designation of a trained, experienced site safety and health supervisor who has the responsibility and authority to develop and implement the site Health and Safety Plan; • A summary of all potential risks to construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals; • Specified personal protective equipment and decontamination procedures, if needed; • Emergency procedures, including route to the nearest hospital; and <p>Procedures to be followed in the event that evidence of potential soil or groundwater contamination (such as soil staining, noxious odors, debris or buried storage containers) is encountered. These procedures shall be in accordance with hazardous waste operations regulations and specifically include, but are not limited to, the following: immediately stopping work in the vicinity of the unknown hazardous materials release, notifying the LCWA, and the Orange County Environmental Health Division (the CUPA for the City of Seal Beach area), or the Long Beach/Signal Hill Joint Powers Authority (the CUPA for the Long Beach area), the LARWQCB, or CalGEM, as appropriate, and retaining a qualified environmental firm to perform sampling and remediation.</p>	<p>Written verification, submittal of plans.</p>	<p>Prior to the issuance of a grading permit</p>	<p>City of Long Beach City of Seal Beach Orange County Environmental Health Division Long Beach/Signal Hill Joint Powers Authority</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Mitigation Measure HAZ-2: Soil, Landfill Materials, and Groundwater Management Plan. In support of the Health and Safety Plan described in Mitigation Measure HAZ-1, the contractor(s) shall develop and implement a Soil, Landfilled Materials, and Groundwater Management Plan that includes a materials disposal plan specifying how the contractor will remove, handle, transport, and dispose of all excavated material in a safe, appropriate, and lawful manner. The Plan shall identify protocols for soil and landfilled materials testing and disposal, identify the approved disposal site, and include written documentation that the disposal site can accept the waste. Contract specifications shall mandate full compliance with all applicable federal, state, and local regulations related to the identification, transportation, and disposal of hazardous materials, including those encountered in excavated soil, landfilled materials, or dewatering effluent.</p> <p>As part of the Soil, Landfill Materials, and Groundwater Management Plan, the contractor shall develop a groundwater dewatering control and disposal plan specifying how groundwater (dewatering effluent), if encountered, will be handled and disposed of in a safe, appropriate and lawful manner. The Plan shall identify the locations at which groundwater dewatering is likely to be required, the test methods to analyze groundwater for hazardous materials, the appropriate treatment and/or disposal methods, and approved disposal site(s), including written documentation that the disposal site can accept the waste. The contractor may also discharge the effluent under an approved permit to a publicly owned treatment works, in accordance with any requirements the treatment works may have.</p> <p>This Plan shall be submitted to the LCWA, and the Orange County Environmental Health Division (the CUPA for the City of Seal Beach area), or the Long Beach/Signal Hill Joint Powers Authority (the CUPA for the Long Beach area), or the Orange County Environmental Health Division (the CUPA for the City of Seal Beach area) for review and approval prior to commencement of construction.</p>	<p>Written verification, submittal of report</p>	<p>By the LCWA prior to the issuance of a grading permit</p>	<p>City of Long Beach City of Seal Beach Orange County Environmental Health Division Long Beach/Signal Hill Joint Powers Authority</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
Hydrology and Water Quality			
<p>Mitigation Measure HYD-1: A Monitoring and Adaptive Management Plan (MAMP) shall be prepared and implemented prior to commencement of construction or restoration activities. The MAMP shall provide a framework for monitoring site conditions in response to the program implementation. The monitoring shall focus on sediment quality in areas subject to the greatest deposition from storm events and that are also not subject to regular tidal flushing, (e.g., the southwestern corner of the Long Beach Property site). The sediment quality monitoring shall be performed at a frequency that would capture the potential build-up of contaminants in the deposited sediment before concentrations are reached that would impact benthic macro-invertebrates and other sensitive species. The findings of the monitoring efforts shall be used to identify any source of impairment, and if discovered, provide measures for remediation of the sediment source area(s).</p> <p>The MAMP shall be submitted for review and approval to permitting agencies prior to commencement of construction or restoration activities.</p>	Written verification, submittal of report	By the LCWA prior to the commencement of construction	City of Long Beach City of Seal Beach California Coastal Commission
Noise			
<p>Noise Reduction Measure NOISE-1: Staging Areas and Mufflers. Staging areas for construction shall be located away from existing off-site residences. All construction equipment shall use properly operating mufflers. These requirements shall be included in construction contracts.</p>	Included in construction contractor's agreements	By the LCWA prior to the commencement of construction	City of Long Beach City of Seal Beach California Coastal Commission
<p>Noise Reduction Measure NOISE-2: Limit Grading. All grading activities shall be conducted outside of the nesting season for sensitive bird species. The nesting season has been identified as extending from March 1 to August 15. (Refer to Section 3.3 Biological Resources for more information on potential impacts to bird species and the corresponding mitigation).</p>	Included in construction contractor's agreements	By the LCWA prior to the commencement of construction	City of Long Beach City of Seal Beach California Coastal Commission
<p>Noise Reduction Measure NOISE-3: Noise Barriers. Where feasible, grading plans and specifications shall include temporary noise barriers for all grading, hauling, and other heavy equipment operations that would occur within 300 feet of sensitive off-site receptors and occur for more than 20 working days. The noise barriers shall be 12-feet high, but may be shorter if the top of the barrier is at least one foot above the line</p>	Written verification, submittal of plans	By the LCWA prior to the issuance of a grading permit.	City of Long Beach City of Seal Beach California Coastal Commission

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>of sight between the equipment and the receptors. The barriers shall be solid from the ground to the top of the barrier, and have a weight of at least 2.5 pounds per square foot, which is equivalent to ¾ inch thick plywood. The barrier design shall optimize the following requirements: (1) the barrier shall be located to maximize the interruption of line-of-sight between the equipment and the receptor, which is normally at the top-of-slope when the grading area and receptor are at different elevations. However, a top-of-slope location may not be feasible if the top-of-slope is not on the project site; (2) the length and height of the barrier shall be selected to block the line-of-sight between the grading area and the receptors; (3) the barrier shall be located as close as feasible to the receptor or as close as feasible to the grading area; a barrier is least effective when it is at the midpoint between noise source and receptor.</p>			
<p>Public Services</p>			
<p>Mitigation Measure PS-1: Fire Prevention and Protection Training. Prior to the start of construction activities, the Applicant shall prepare and conduct a fire prevention and protection training for all construction personnel associated with the proposed program. Topics shall include general fire prevention practices such as avoiding smoking on the program area as well as specific preventative measures pertaining to high-fire-risk activities including handling of oil and welding and cutting. Personal protection measures including the locations of fire extinguishers on the program area and site exit routes should also be disclosed to ensure construction worker safety in the event of a fire. The material for the training shall be obtained in consultation with the Orange County Fire Authority and the Long Beach Fire Department.</p>	<p>Written verification</p>	<p>By the LCWA prior to the commencement of construction activities.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>
<p>Transportation</p>			
<p>Mitigation Measure TRA-1: Prior to the start of construction of the program component(s) that require a full or partial roadway closure, LCWA shall require the construction contractor(s) to prepare a traffic control plan. The traffic control plan will show all signage, striping, delineated detours, flagging operations and any other devices that will be used during construction to guide motorists, bicyclists, and pedestrians safely through the construction area and allow for adequate access and circulation to the satisfaction of the cities of Seal Beach and Long Beach and Orange and Los</p>	<p>Written verification, submittal of plan</p>	<p>By the LCWA construction contractor prior to the commencement of construction.</p>	<p>City of Long Beach City of Seal Beach California Coastal Commission</p>

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Angeles Counties, as applicable. The traffic control plan shall be prepared in accordance with the applicable jurisdiction's traffic control guidelines and will be prepared to ensure that access will be maintained to individual properties, and that emergency access will not be restricted. Additionally, the traffic control plan will ensure that congestion and traffic delays are not substantially increased as a result of the construction activities. Furthermore, the traffic control plan will include detours or alternative routes for bicyclists using on-street bicycle lanes as well as for pedestrians using adjacent sidewalks. LCWA shall provide written notice at least two weeks prior to the start of construction to owners/occupants along streets to be affected during construction.</p> <p>During construction, LCWA will maintain continuous vehicular and pedestrian access to any affected residential driveways from the public street to the private property line, except where necessary construction precludes such continuous access for reasonable periods of time. Access will be reestablished at the end of the workday. If a driveway needs to be closed or interfered with as described above, LCWA shall notify the owner or occupant of the closure of the driveway at least five working days prior to the closure. The traffic control plan shall include provisions to ensure that the construction of the proposed program does not interfere unnecessarily with the work of other agencies such as mail delivery, school buses, and municipal waste services.</p> <p>LCWA shall also notify local emergency responders of any planned partial or full lane closures or blocked access to roadways or driveways required for program construction. Emergency responders include fire departments, police departments, and ambulances that have jurisdiction within the program area. Written notification and disclosure of lane closure location must be provided at least 30 days prior to the planned closure to allow emergency response providers adequate time to prepare for lane closures.</p>			
Utilities and Service Systems			
<p>Mitigation Measure UTL-1: Water Will Serve Letter. Prior to issuance of a certificate of occupancy of the visitor center, a will serve letter will be obtained to verify that the water mains surrounding the program boundary have the capacity to serve the visitor center.</p>	Written verification.	By the LCWA prior to issuance of a certificate of occupancy.	City of Seal Beach

Mitigation Measure	Method of Verification	Responsibility/Timing of Implementation	Enforcement Agency
<p>Mitigation Measure UTL-2: Sewer Capacity Study. Prior to issuance of a certificate of occupancy of the visitor center, a sewer capacity study will be performed to verify that the sewer lines surrounding the program boundary have the capacity to serve the visitor center.</p>	<p>Written verification.</p>	<p>By the LCWA prior to issuance of a certificate of occupancy.</p>	<p>City of Seal Beach</p>

November 5, 2020 - Item 10

Resolution 2020-08

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY
CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT
PREPARED FOR THE LOS CERRITOS WETLANDS RESTORATION PLAN
AND ADOPTING FINDINGS AND FACTS, STATEMENT OF OVERRIDING
CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(STATE CLEARINGHOUSE NO. 2019039050)

WHEREAS, the Los Cerritos Wetlands Authority (LCWA) 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, the Los Cerritos Wetlands Restoration Plan (proposed program) proposes a restoration program for the Los Cerritos Wetlands Complex; and

WHEREAS, the proposed program identifies conceptual restoration designs for approximately 503 acres of land located on the border of Orange County and Los Angeles County in the cities of Seal Beach and Long Beach, to restore wetland, transition, and upland habitats throughout the program area; and

WHEREAS, a Program Environmental Impact Report is a public document used by local regulators and the public in their review of the potential environmental impacts of proposed activities, alternatives, and mitigation measures that would minimize or avoid potential environmental effects, and may be used to evaluate a plan or program that has multiple components (projects and actions) or addresses a series of actions that are related; and

WHEREAS, the LCWA is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) responsible for preparing the Final Program Environmental Impact Report for the proposed program (Final PEIR); and

WHEREAS, the Final PEIR more fully describes the proposed program, a copy of which, including the complete proposed Project Description, is incorporated into this Resolution by this reference as if fully set forth herein; and

WHEREAS, program implementation will require certification of the Final PEIR; and

WHEREAS, pursuant to CEQA Guidelines Sections 15082 and 15063, the LCWA prepared and circulated an NOP and Initial Study (NOP/IS) from March 8, 2019, to April 8, 2019 to determine

the appropriate scope of analysis for the PEIR. The NOP/IS was circulated to solicit input from interested public agencies and interested individuals on the scope and content of the PEIR; and

WHEREAS, pursuant to CEQA Guidelines Section 15083, the LCWA held a scoping meeting during the 30-day scoping period on March 21, 2019, at the Community Center in Recreation Park, 4900 East 7th Street, Long Beach, CA. The purpose of the meeting was to present the proposed program and receive public input regarding the proposed scope of the PEIR analysis; and

WHEREAS, pursuant to CEQA Guidelines Section 15085, a Notice of Completion (NOC) was sent to the Office of Planning and Research on May 8, 2020, for distribution to the responsible regional agencies.

WHEREAS, a Notice of Availability (NOA) for the Draft PEIR for the proposed program (Draft PEIR) was sent to interested persons and organizations, sent to the State Clearinghouse in Sacramento for distribution to public agencies, and posted on LCWA's website on May 8, 2020. The NOA was posted at the Los Angeles County Clerk's office and on the Project Site on May 11, 2020. The NOA was also posted at the Orange County Clerk's office on May 12, 2020. A 45-day public review period was initiated on May 8, 2020, and ending June 22, 2020. The public review period was extended by 15 days to July 6, 2020 for a total of 60-days.

WHEREAS, due to the COVID-19 pandemic and closure of public libraries and gathering spaces, in-person viewing of the Draft PEIR was made available only on an appointment basis by contacting the LCWA; and

WHEREAS, during the 45-day public review and comment period for the Draft PEIR, LCWA publicly noticed and held 2 virtual public meeting webinars on the Draft PEIR on May 21, 2020 and on June 4, 2020 to present the Draft PEIR and solicit input and comments from public agencies and the general public; and

WHEREAS, pursuant to CEQA Guidelines Section 15088, the LCWA evaluated written public comments received during the public review period from tribes, public agencies, organizations, and individuals, and provided written responses to each comment, which are included in the Final PEIR; and

WHEREAS, the Final PEIR contains the following chapters: Chapter 1 Introduction to the Final PEIR, Chapter 2 Responses to Comments, Chapter 3 Draft PEIR Revisions, Chapter 4 Mitigation and Monitoring and Reporting Program, Appendix A Revised Draft PEIR sections, and Appendix B Monitoring and Adaptive Management Plan; and

WHEREAS, on October 22, 2020, LCWA posted on its website the Final PEIR, and circulated a Notice of Public Hearing two weeks prior to certification of the Final PEIR. Pursuant to Public Resources Code Section 21092.5, copies of the written responses to public agencies were forwarded to those agencies at least 10 days prior to certification of the Final PEIR; and

WHEREAS, the additional clarifications and revisions to the Draft PEIR in response to comments received and/or typographical errors, included in the Final PEIR, did not constitute significant new information that requires recirculation of the Draft PEIR for further public comment under CEQA Guidelines section 15088.5; and

WHEREAS, pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097, LCWA is required to adopt a mitigation monitoring and reporting program for assessing and ensuring compliance with the required mitigation measures applied to a proposed project for which an EIR has been prepared; and

WHEREAS, pursuant to CEQA Guidelines Sections 15091 and 15093 and Public Resources Code Section 21081, written findings must be made by LCWA in connection with certification of an environmental impact report prior to approval of the project, for each alternative and each significant environmental impact identified in the Draft PEIR and Final PEIR; and

WHEREAS, CEQA Guidelines require that where the decision of a public agency allows the occurrence of significant environmental effects that are identified in the EIR, but are not fully mitigated to a level of insignificance, that the public agency state in writing the reasons for approving the proposed program despite its significant environmental effects in a Statement of Overriding Considerations, in accordance with CEQA Guidelines Section 15093 and Public Resources Code Section 21081(b); and

WHEREAS, in accordance with CEQA requirements set forth herein, LCWA has prepared a Mitigation Monitoring and Reporting Program, incorporated into this Resolution by this reference as if fully set forth herein; and

WHEREAS, LCWA has prepared Findings and Fact, incorporated into this Resolution by this reference as if fully set forth herein; and

WHEREAS, LCWA has prepared a Statement of Overriding Considerations, incorporated into this Resolution by this reference as if fully set forth herein; and

WHEREAS, the LCWA Governing Board has had the opportunity to review the Final PEIR as well as the staff report related to the Final PEIR, and determined that the Final PEIR considered all potentially significant environmental impacts of the proposed program and are complete and adequate and fully comply with all requirements of CEQA; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; NOW

Therefore be it resolved, that the LCWA hereby:

1. FINDS that the Final PEIR prepared for the Los Cerritos Wetlands Restoration Plan was adequate and completed in compliance with CEQA.
2. FINDS that the Final PEIR was presented to the LCWA Governing Board, and the LCWA Governing Board has reviewed and considered the information contained in the Final PEIR.
3. FINDS that the Final PEIR reflects the LCWA Governing Board's independent judgement and analysis.
4. FINDS that the Final PEIR incorporates in full the Draft PEIR, including an Executive Summary, Chapters 1 – 6, and Appendices A – L.
5. ADOPTS the Mitigation Monitoring and Reporting Program.

6. ADOPTS Findings and Facts and a Statement of Overriding Considerations.
7. ADOPTS the staff report dated November 5, 2020.
8. CERTIFIES the Final PEIR for the Los Cerritos Wetlands Restoration Plan.
9. DIRECTS the Executive Officer, or designee, to file a Notice of Determination within five (5) working days after approval of the Project.
10. DIRECTS the Executive Officer, or designee, to make the documents and other materials that constitute the administrative record for LCWA's actions related to the proposed program available at the LCWA's main office, 100 N. Old San Gabriel Canyon Road, Azusa, California to facilitate public access to these documents.

~ End of Resolution ~

Passed and Adopted by the Board of the Los Cerritos Wetlands Authority
On November 5, 2020

Sam Schuchat, Board Chair

ATTEST: _____
Christina Bull Arndt
Deputy Attorney General

Los Cerritos Wetlands Authority

Date: November 5, 2020

To: Governing Board Members

From: Sally Gee, Project Manager

Through: Mark Stanley, Executive Officer

Subject: Item 11: Consideration of a resolution to negotiate and award a contract to Moffat & Nichol for the Southern Los Cerritos Wetlands Restoration Project – 65% Design and Environmental Compliance

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) authorize the Executive Officer, or designee, to negotiate and award a contract to Moffat & Nichol for the Southern Los Cerritos Wetlands Restoration Project – 65% Design and Environmental Compliance for a not to exceed amount of \$756,000.

PROJECT DESCRIPTION: 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 (Exhibit A - RFP). The project will build on conceptual designs in the [Los Cerritos Wetlands Conceptual Restoration Plan](#) and the [Los Cerritos Wetlands Restoration Plan Final Program Environmental Impact Report](#).

The final deliverable for this project will provide the 65% design plans containing enough detail for completion of permit applications. The plans will include:

- 1) restoration of tidal marsh, as well as transition zones and coastal upland habitat to allow for upslope wetland migration in response to sea level rise,
- 2) creation of public access trails and facilities,
- 3) relocation or redesign of existing utilities and roadways,
- 4) a soil management plan covering the remediation of contaminated soils and details regarding the beneficial reuse of cut material, and
- 5) improved hydrological connections and flood management facilities.

It was explained in the RFP that it was expected that prior to the completion of 65% designs, preliminary designs will be developed at a level of detail sufficient for CEQA compliance (see full scope of work in Section III of the RFP, Exhibit A).

The RFP was posted on the LCWA website and emailed to a known consultant list of 18 unique consultant firms that conduct these types of work activities. Only two firms, Moffat & Nichol (M&N) and Environmental Science Associates (ESA), had indicated interest in submitting proposals. Questions on the RFP were welcomed and were accepted no later than 11:59pm October 8, 2020. LCWA staff received 1 question regarding insurance requirements in LCWA's contracting policy, no further questions were asked. The response was posted on the LCWA's website and emailed to the firms who indicated interest in submitting a proposal by October 12, 2020.

The closing date for proposal submittal was October 19, 2020. LCWA received two proposals, one from M&N and the other from ESA, who each included qualified specialists in tidal salt marsh habitat restoration design and engineering, geotechnical analyses, archeological & tribal cultural resources, hydrology and geomorphology, public engagement, CEQA planning and other appropriate environmental planning and permitting disciplines.

A review team consisting of one member from each of the LCWA's JPA agencies thoroughly reviewed each proposal and invited each team to participate in an interview on October 27, 2020. The scores are summarized below:

Rank	Firm	Eval #1	Eval #2	Eval #3	Eval #4	Average
1	Moffat & Nichol	91	94	87	92	91
2	Environmental Science Associates	80	86	80	88	83.5

Based on these scores, staff recommends negotiating and awarding a contract to Moffat & Nichol for consultant services detailed in M&N's proposal (Exhibit B). This proposal was determined to be the most successful proposal. 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.

The assumptions on the scope of work outlined in the RFP, regarding Task 3: project level CEQA compliance, relies on the certification of the PEIR. A recommendation to certify the Final PEIR was considered at the LCWA Board meeting on today's agenda, November 5, 2020. If the Final PEIR is not certified today, and depending on the LCWA Board's directions, LCWA staff may need to reevaluate the CEQA approach proposed in the M&N proposal. Both M&N and ESA had proposed a similar approach. The approval of this resolution would allow the Executive Officer or designee to negotiate the terms of this contract with M&N. Additional funding may be needed for additional CEQA work.

BACKGROUND: The LCWA adopted the CRP in August 2015, which identified opportunities for restoring tidal connections, creation of new wetland and associated upland habitats, consolidation of oil operations, improvement to passive recreation facilities, creation of a visitor's center, and accommodation of special status species at the Los Cerritos Wetlands. Following the CRP process, the LCWA has prepared a PEIR utilizing the CRP designs to create a program description for a 503-acre program area. The potential impacts of this proposed program were analyzed, and mitigation measures were determined for potentially impacted resources. M&N was the leading firm to complete the CRP, and ESA was the leading firm to complete the PEIR.

The PEIR identified phasing for potential projects to eventually tier-off from the program. One of the near-term projects identified by the PEIR is located in the South Area on 105 acres identified as the South LCWA site (aka Hellman Ranch Lowlands) and the State Lands Commission site (together comprising the Project Area), both managed by LCWA. This Project Area was historically salt marsh but has been altered through anthropogenic activities. The site currently

contains former sumps, landfills, foundations, and contaminated areas from prior oil operations and land uses.

FISCAL: The consultant, M&N, will perform a scope of services that includes conducting technical studies, preparation of 30% and 65% designs, completion of environmental compliance, preparation of permit applications, and associated stakeholder outreach. The proposed budget, and schedule are to be negotiated for a not to exceed contract amount of \$756,000. The FY 20/21 budget will be updated accordingly. The M&N proposed budget can be found in Section 5 of their proposal (Exhibit B).

At the time of this report, LCWA has not secured all funding to complete the full scope of the project. This contract will be paid partially by Proposition 1 Grant Funds awarded to the LCWA by the CDFW. Staff has applied for additional grant funding from the State Coastal Conservancy (SCC) and Orange County Community Fund (OCCF) to support this project. Additionally, staff will be seeking gap funding from the Rivers and Mountains Conservancy (RMC) Prop 68 call for projects. Staff anticipates better understanding of the funding gap need after the November 19, 2020 SCC Board Meeting.

Based on the funding scenario presented above, the amounts are anticipated to be as follows:

Funding Source	Amount	Status
CDFW	\$340,000.00 (subconsultant work)	Certified Grant Agreement
SCC	\$237,000	Application submitted; Pending award at SCC Board Meeting November 19, 2020
OCCF	\$16,000	Application submitted; Pending award at OCCF Board Meeting December 16, 2020
RMC	\$163,000	Application Pending
Total	\$756,000	

Other potential funding sources for this phase and future phases of the project include the Los Cerritos Wetlands Fund and Once Through Cooling Mitigation Funds collected from the Haynes Generating Station.

Due to the current funding gap, staff recommends negotiating this contract with a phased approach, having discretion on deliverables to be met. A contract option is to negotiate for work to advance this project equal to the amount of funding the LCWA has received by the end of November. Initial contracting tasks could focus on data collection, resources assessments, technical reporting, preliminary designs, and CEQA compliance. As funding becomes available, a notice to proceed with additional phase(s) or optional tasks may be issued. If for any reason, additional gap funding is not secured, staff would bring this item back to the LCWA Board for reconsideration at the next Board Meeting.

Approval of this resolution today would allow planning for the next phase of restoration at the Los Cerritos Wetlands to move forward without delay and meet the funding timeline proposed in the California Department of Fish and Wildlife (CDFW) grant agreement for the Southern Los Cerritos Wetlands Restoration Project.



LOS CERRITOS WETLANDS AUTHORITY

REQUEST FOR PROPOSALS

For

**SOUTHERN LOS CERRITOS WETLANDS
RESTORATION PROJECT – 65% DESIGN AND
ENVIRONMENTAL COMPLIANCE**

Los Cerritos Wetlands Authority
100 North Old San Gabriel Canyon Road
Azusa, CA 91702
intoloscerritoswetlands.org

Contact: Sally Gee, 626-815- 1019 ext 104
sgee@rmc.ca.gov



LOS CERRITOS WETLANDS AUTHORITY

Request for Proposals

Southern Los Cerritos Wetlands Restoration Project -
65% Design and Environmental Compliance

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Exhibit A: Project Area

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I. INTRODUCTION AND OVERVIEW:

The Los Cerritos Wetlands Authority (LCWA) is requesting proposals from qualified firms to provide professional 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 (Exhibit A). The project will build on conceptual designs in the [Los Cerritos Wetlands Conceptual Restoration Plan](#) and the [Los Cerritos Wetlands Restoration Plan Draft Program Environmental Impact Report](#).

The LCWA is a joint powers authority of San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC), State Coastal Conservancy (SCC), City of Long Beach (LBC) and City of Seal Beach (SBC) whose mission is to provide for a comprehensive program of acquisition, protection, conservation, restoration, maintenance and operation, and environmental enhancement of the Los Cerritos Wetlands Complex consistent with the goals of flood protection, habitat protection and restoration, and improved water supply, water quality, groundwater recharge and water conservation.

The LCWA anticipates that the project team will include specialists in tidal salt marsh habitat restoration design and engineering, geotechnical analyses, archeological & tribal cultural resources, hydrology and geomorphology, public engagement, CEQA planning and other appropriate environmental planning and permitting disciplines. The LCWA intends to contract the work with a single primary consultant, which may perform the work in-house or through one or more subcontractors. Proposals must be submitted by **October 19, 2020**, according to the guidelines set forth in Section VI: Submittals of Proposal.

II. PROJECT DESCRIPTION:

The Los Cerritos Wetlands Complex on the border of Los Angeles and Orange Counties affords the opportunity to restore salt marsh, seasonal wetlands, and other freshwater wetlands within an approximately 503-acre area. The Southern California Wetland Recovery Project (WRP), a partnership of 17 state and federal agencies, has identified the acquisition and restoration of the Los Cerritos Wetlands as a high regional priority. The restored habitat will provide multiple benefits, including provision of critical habitat for listed species and other fish and wildlife, carbon sequestration, improved flood control, sea level rise resiliency, preservation of tribal cultural resources, and improved public access to open space.

The Los Cerritos Wetlands Complex adjoins the lower reach of the San Gabriel River where, prior to channelization, the mouth of the San Gabriel River migrated back and forth across the coastal plain. Historically, the complex covered approximately 2,400 acres and stretched approximately two miles inland, varying from freshwater and brackish wetlands in its inland areas to salt marsh closer to the ocean. Channelization of the San Gabriel River began in the 1930s and cut off tidal action to much of the wetland area. The size of the historic wetlands has been reduced by farming, placement of fill and excavation of channels and basins for oil fields and landfill burn dumps, and urban development. There is ongoing oil production throughout the area and much of the remnant salt marsh is within a grid of dikes, berms, roadways, and levees. Other channels which service upstream power plants also bifurcate sections of the complex. Today, remnants of the historic wetlands occur in degraded patches, divided into the following four areas: North, Central, Isthmus, and South.

Furthermore, the Los Cerritos Wetlands and salt marsh hold significant tribal cultural history to the Tongva/Gabrieleno and Acjachemen/Juaneno tribes. Tribal representatives described the Los Cerritos Wetlands and its surroundings as sacred lands that encompass a larger area of connected tribal sites. The Los Cerritos Wetlands are located in between *Puvungna* and *Motuucheyngna*, and are thus considered by tribes to be part of the larger cultural landscape of *Puvungna* and the surrounding villages.

Through the conceptual restoration planning process, the LCWA determined what opportunities exist for Los Cerritos Wetlands restoration, public access, and interpretation that will meet the needs of the agency, community, and stakeholders. This included identifying opportunities for restoring tidal connections, creation of new wetland and associated upland habitats, consolidation of oil operations, improvement to passive recreation facilities, creation of a visitor's center, and accommodation of special status species. This analysis culminated in the Los Cerritos Wetlands Conceptual Restoration Plan that was adopted by the LCWA Board of Director in August 2015; a copy of that plan can be downloaded at <http://intoloscerritoswetlands.org/conceptual-restoration-plan/>.

Following the CRP process, the LCWA has prepared a Program Environmental Impact Report (PEIR). This PEIR used the CRP designs to create a program description for a 503-acre program area. The potential impacts of this proposed program were analyzed, and mitigation measures were determined for potentially impacted resources. This program also included phasing for potential projects to eventually tier-off from the program. The Draft PEIR can be found at <http://intoloscerritoswetlands.org/the-lcws-eir/>.

One of the near-term projects identified by the PEIR is located in the South Area on 105 acres identified as the South LCWA site (aka Hellman Ranch Lowlands) and the State Lands Commission site (together comprising the Project Area), both managed by LCWA (Exhibit A). This Project Area was historically salt marsh but has been altered through anthropogenic activities. The site currently contains former sumps, landfills, foundations, and contaminated areas from prior oil operations and land uses.

This RFP is focused on restoration design services and permitting for the Project Area. The purpose of this project is to develop 65% designs that build on the CRP and PEIR and produce the necessary project-level environmental review and permitting documents for these 105 acres under the jurisdiction of several agencies, including the City of Seal Beach, California Coastal Commission, State Lands Commission, State Water Board, California Department of Fish and Wildlife, and US Army Corp of Engineers.

The final deliverable for this project will provide the 65% design plans containing enough detail for completion of permit applications. The plans will include:

- 1) restoration of tidal marsh, as well as transition zones and coastal upland habitat to allow for upslope wetland migration in response to sea level rise,
- 2) creation of public access trails and facilities,
- 3) relocation or redesign of existing utilities and roadways,
- 4) a soil management plan covering the remediation of contaminated soils and details regarding the beneficial reuse of cut material, and
- 5) improved hydrological connections and flood management facilities.

It is expected that prior to the completion of 65% designs, preliminary designs will be developed at a level of detail sufficient for the project to complete CEQA compliance. At the time of release

of this RFP, the Final PEIR has not been completed, therefore proposers should base their assumptions in the proposals from information in the CRP and Draft PEIR. The Final PEIR is expected to be certified by the LCWA Board prior to initiation of the Scope of Work.

The Consultant will work closely with LCWA Project Managers and Steering Committee to achieve all deliverables of this project.

III. **SCOPE OF WORK:**

Task 1 Technical Studies: Data Collection and Analysis

The Consultant shall complete data collection and analysis by 7/31/2021. All data will be managed per the specifications of the LCWA and their partner agencies. The LCWA will provide biological resources data that will include vegetation mapping, sensitive species surveys, and wetlands delineation study, further explained under "Services Provided by LCWA". Studies fall into the following categories, which will provide information needed to complete restoration plans and achieve environmental compliance:

Subtask 1.1 Geotechnical and Environmental Site Assessment

Geotechnical investigations will include site borings and test pits to help determine design for flood management (berms), the stability of the grading site, and inform a Phase II Environmental Site Assessment. The Consultant shall obtain permits for and complete geotechnical investigations, review past environmental site assessment data provided by LCWA, and compile existing topographic data provided by LCWA to inform analyses.

Subtask 1.2 Archeological, Paleontological, and Cultural Resources Assessment:

The Consultant shall conduct archeological/paleontological monitoring and cultural resources studies according to mitigation measures CUL-2, CUL-3, CUL-4, CUL-5, CUL-6, CUL-9, and GEO-2, which will build off the database search and reconnaissance survey conducted for the PEIR. This study will determine nature and extent of resource sensitive areas. It is expected that the Consultant will work through LCWA to obtain tribal input and interpretation of tribal cultural resources findings.

Deliverables:

- Technical reports on:
 - Geotechnical investigations
 - Phase II Environmental Assessment
 - Archeological and Cultural Resources

Task 2 – Prepare 65% Restoration Plans: Preparation of 65% wetlands restoration and public access plans for the 105-acre Project Area that provide sufficient detail for the completion of permit applications. The LCWA does not have site control over the State Lands Commission (SLC) Parcel, therefore designs for this site may be less detailed than the South LCWA Site. The LCWA anticipates applying to the SLC for a lease to allow

restoration and enhancement activities and/or development of public access facilities. The Consultant is not expected to design a visitor center, as called for in conceptual designs, but should acknowledge plans for visitor amenities on the SLC Parcel.

Subtask 2.1 Complete Preliminary (30%) Design

Completion of the preliminary design will produce the following drawings and documents by 4/30/2022:

Preliminary Design Drawings: The Consultant shall develop preliminary design plans to approximately 30% to resolve any potential outstanding design issues and inform the 65% design deliverable. At a minimum these preliminary designs should include agreed upon limit of work, a grading plan, habitat distributions, a soil management plan, utilities relocation and roadway design, flood management systems, and bridge/water conveyance structure design.

Basis of Design Report: The consultant shall complete a report defining the project by describing the basis of geomorphic design including locations for channel grading and marsh plain elevations, flood management, and sea level rise considerations. The report should also include the basis for design of the proposed ecological communities from subtidal to supratidal including considerations for sub-habitat types like eelgrass, salt panne, and/or marsh-upland ecotones. Justifications should be made for the plant schedule, enhancement of special status plant populations and habitat distributions. This report should be built off the existing LCW Habitat Restoration Plan.

Hydrology and Hydraulics Report: To complement the Basis of Design Report, the Consultant shall produce a report that includes a complete data set and analysis of field and modeling data related to the site's hydrology and hydraulics used to determine the hydrological improvements and flood management designs. This report will build off the hydrodynamic modeling conducted for the PEIR.

Preliminary designs should be at a sufficient level of detail to complete CEQA compliance (see Task 3).

Subtask 2.2 65% Design Drawings and Specifications

The Consultant shall finalize details on 65% design drawings including agreed upon limit of work, grading plan, habitat distributions, plant schedule and planting plan, soil management plan, utilities relocation and roadway design, flood management system, bridge/water conveyance structure design, conceptual irrigation plan, and trail and associated public access facilities design, as well as drawing details and design specifications by 12/31/2022. 65% designs should be at a sufficient level of detail to complete permit applications (see Task 4).

Deliverables:

- 30% Design Plans
- Basis of Design Report
- Hydrology and Hydraulics Report
- 65% design plans and specifications
- Construction cost estimates

Task 3.0 - Complete CEQA

The Consultant shall complete and document the project-level CEQA compliance process based on 30% design plans by April 30, 2022. The project-level restoration design will be consistent with the PEIR that is expected to be certified by November 2020 (it is possible project-level planning may result in changes to the conceptual designs). The Consultant will determine what additional environmental documentation is required for CEQA compliance (e.g. Supplemental EIR, Focused EIR, Addendum), and prepare them as determined necessary. A Mitigation Monitoring and Reporting Program will be provided by the LCWA after certification of the Final PEIR.

Deliverables:

- Project Description
- CEQA Checklist
- Completion of PEIR's Mitigation Monitoring and Reporting Program
- Supplemental CEQA Documentation in final form

Task 4.0 – Prepare Permit Applications

Prepare permit applications for the restoration of 105-acre Project Area by 12/31/2022. The Consultant will conduct the following activities in order to complete the necessary permit applications:

Subtask 4.1 Consult with Army Corp of Engineers (USACE) to determine if a Clean Water Act Section 408, Section 404, or other permit is required and submit the necessary complete application information;

Subtask 4.2 Submit a complete application for a Section 7 Endangered Species Act (ESA) consultation to the United States Fish and Wildlife Service (USFWS);

Subtask 4.3 Complete a Section 106 consultation to achieve compliance with the National Historic Preservation Act (NHPA);

Subtask 4.4 Submit a complete Section 1602 Streambed Alteration Notification to CDFW;

Subtask 4.5 Submit a complete Coastal Development Permit application to the California Coastal Commission;

Subtask 4.6 Submit a complete application for a Section 401 Water Quality Certification to the Santa Ana Regional Water Quality Control Board;

Subtask 4.7 Submit a complete application to State Lands Commission for modification of lease agreement;

Subtask 4.8 Consult and submit a complete application for any required permits from the South Coast Air Quality Management District;

Subtask 4.9 Consult and submit a complete application for any required permits from Caltrans.

Subtask 4.10 Consult and submit a complete application for any required permits from Orange County Public Works; and

Subtask 4.11 Submit a complete application for any required permits from the City of Seal Beach.

Deliverables:

- Final submitted permit applications

Task 5.0 – Stakeholder Outreach - The Consultant will work with LCWA Project Managers and Steering Committee to solicit and incorporate input from the general public, LCWA's Technical Advisory Committee, tribal groups, and other stakeholders on the restoration designs and necessary meetings for CEQA compliance by 12/31/2022.

Subtask 5.1 Public Outreach Meetings – The Consultant shall lead and conduct a minimum of three (3) outreach events to the general public to solicit public input.

Subtask 5.2 Technical Advisory Committee – The Consultant shall lead and conduct a minimum of three (3) TAC meetings to solicit input.

Subtask 5.3 Tribal Committee Meeting – The Consultant shall participate in and support a minimum of five (5) Tribal Committee Meetings to be led by LCWA to solicit input on restoration designs.

Optional Tasks - Additional Outreach Meetings can be proposed as part of the proposal.

Deliverables:

- Stakeholder Outreach Plan
- Meeting materials and notes for community meetings (3)
- Meeting materials and notes for TAC meetings (3)

IV. SERVICES PROVIDED BY LCWA:

LCWA will provide access to all relevant data in its possession, including previous data collected during the CRP and PEIR planning processes, topographic files, and environmental site assessment data.

The LCWA shall provide Biological Resources Data of the Project Area including:

- Habitat assessment to determine the presence, absence or distribution of suitable habitat for special-status plants and terrestrial and aquatic wildlife species consistent with CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities
- Belding Savannah Sparrow Breeding habitat map
- Nesting birds and raptors, and roosting bat survey data and maps
- Jurisdictional Wetlands Delineation Study that describes the extent of jurisdiction under the USACE, RWQCB, CDFW, and CCC.

The LCWA shall coordinate and lead meetings with a Tribal Advisory Committee and be the liaison between tribal entities and the Consultant.

However, LCWA assumes no responsibility whatsoever with respect to the sufficiency or accuracy of any information supplied. The Consultant shall be responsible for evaluation of all information supplied by LCWA.

V. PROPOSALS AND GUIDELINES:

This RFP is a solicitation for proposals only, and is neither intended, nor to be construed as an offer to enter into an agreement or engage in any formal competitive bidding or negotiation pursuant to any statute, ordinance, rule, or regulation. Thus, the LCWA reserves the unqualified right to reject any or all proposals for any reason. LCWA is responsible only for that which is expressly stated in this RFP.

LCWA is not responsible for, and shall not be bound by, any representations otherwise made by any individual acting or purporting to act on its behalf.

LCWA shall not in any way be liable or responsible for any costs incurred in connection with the preparation, submittal, or presentation of any RFP prepared and/or submitted in response to this request. Responses to this RFP shall be made according to the specifications and instructions contained herein. Failure to adhere to RFP instructions may be cause for rejection of any proposal.

LCWA reserves the right to interpret or change any provisions of this RFP at any time prior to the proposal submittal date. Such interpretations or changes shall be in the form of addenda to this RFP. Such addenda will become part of this RFP and may become part of the resultant contract. Such addenda shall be made available to each person or organization which has received an RFP. Should such addenda require additional information not previously requested, a Proposer's failure to address the requirements of such addenda may result in the LCWA's disregard of the Proposer's submittal. LCWA, at its sole discretion, may determine that a time extension is required for submittal of proposals, in which case an addendum shall indicate the new proposal submittal date.

No changes to the proposals shall be allowed after submittal to LCWA.

Any agreement entered into by the Proposer shall be consistent with applicable federal, state, and local laws. Proposers understand and agree that submittal of a proposal will constitute acknowledgment and acceptance of, and a willingness to comply with, all of the terms, conditions, and criteria contained in this RFP, including attachments thereto, except as otherwise specified in the proposal. Any and all parts of the submitted proposal may become part of any resultant contract between the selected Consultant and the LCWA.

LCWA will select a successful Proposer based on qualifications that represent the best service, regardless of race, creed, color, or gender. The successful Proposer is also referred to as the Consultant in this document.

The project shall be overseen by the LCWA Project Manager or designee assigned by the Executive Officer of the LCWA. The LCWA Project Manager oversees, directs and coordinates project activity and serves as a liaison to other entities.

The Consultant shall take all formal direction from the LCWA Project Manager assigned the responsibility for the project. All activities related to administration of the Consultant's agreement will be managed by the LCWA Project Manager.

All services provided by the Consultant, and all materials, documents, reports, and other information of all types, including computer models developed by the Consultant for the project, and all works based thereon, incorporated therein, or derived there from, shall be the sole and exclusive property of the LCWA.

VI. COMPENSATION

The Consultant shall be compensated based upon the completion of agreed milestones. LCWA will reimburse the Consultant for additional copies of reports and any other written requests outside the Scope of Services. The scope of work in this RFP will be paid through grant funds, therefore mileage, lodging, and per diem expenses are not reimbursable. Invoices shall be submitted consistent with the provisions of the work plan outlined in the contract agreement.

VII. SUBMITTALS OF PROPOSAL:

The response to this RFP must be made according to the requirements set forth in this Section VI, both for content and for sequence. Submittals should be received **electronically in Adobe Acrobat (.pdf) format and emails must be received by 6:00 pm, October 19, 2020** to:

Sally Gee, LCWA Project Manager
sgee@rmc.ca.gov

cc: Dena Williams, Administrative Assistant
dwilliams@wca.ca.gov

and

Eric Zahn, Principal, Tidal Influence
eric@tidalinfluence.com

Subject: Southern Los Cerritos Wetlands RFP – [Consultant/Firm Name]

Due to COVID-19 office closures, no physical or mailed proposals will be accepted.

Questions regarding this RFP are welcome and shall be made in writing to Eric Zahn at the email above no later than 11:59pm October 8, 2020. In the interest of fairness to all potential contractors, the LCWA will not respond to individual requests for information regarding the RFP. Responses to all questions will be posted on the LCWA's website by October 12, 2020. Note that the LCWA's responses to questions and requests for clarifications will be shared with other potential proposers through e-mail and the LCWA website. It is recommended that potential proposers inform LCWA of their intent or interest in responding to this RFP. Such notification will allow for any supplemental information regarding this solicitation to be provided, including addenda and responses to questions.

MANDATORY CONTENTS:

Section 1 - Cover Letter: shall be a maximum two-page letter including the name and address of the primary firm submitting the proposal; whether the proposing firm is an individual, partnership, corporation, or joint venture; a list of subconsultants on the consulting team, and the name, address, and telephone number of the contact person who will be authorized to make representations for the primary firm.

Section 2 - Table of Contents: shall provide a clear overview of proposal content using page numbering

Section 3 - Corporate Documentation and Statement of Qualifications and Experience: shall include relevant information regarding organizational stability and strength, including a description/statement of the organization (e.g.), sole proprietorship, partnership, corporation, joint venture, etc. Designation of an experienced senior individual as the supervisor/administrator of the Consultant's staff who will be responsible for the delivery of services in accordance with the established Work Plan & Scope of Services. A list of projects which indicates related experience. Include a list of references and respective phone numbers. Call out any relevant certifications, such as small business, veteran/minority/women-owned business, etc.

Section 4 - Standard Services: shall include the Proposer's approach to providing the service deliverables described in Section 3, Scope of Work, of this RFP.

Section 5 - Work Plan: Provide a Work Plan for all services as outlined in Section 3 for the whole project. The typical Work Plan shall indicate activities in support of the services requested, including quality control reviews and participation of sub-consultants.

Provide a schedule of staffing and resources management plan for Consultant and each sub-consultant which identifies specific tasks and the level of effort and the number of hours and associated costs required for each task. Describe your current workload and capability/commitment to complete the Scope of Services in accordance with project schedules. The Consultant shall provide a likely time duration in which the Scope of Work indicated in Section 3 could be completed.

Include in the Work Plan a schedule of reports and/or presentations to the LCWA based upon milestones indicating progress.

Section 6 - Acceptance of Terms and Conditions: shall include a statement affirming the Proposer's acceptance of the terms and conditions contained in the LCWA Consultant Services Agreement and identified in this RFP.

Section 7 – Conflict of Interest Disclosure: shall include a statement identifying any potential conflicts of interest that the Consultant and sub-consultants may have.

Section 8 – Statement of Qualifications (Portfolio cut sheets, project references and project team resumes): shall include identification of principal staff members including major sub-consultants. Provide information only for the key individuals who will be providing the offered services including relevant experience, education, and completed projects.

VIII. EVALUATION CRITERIA:

Proposals will be evaluated by a panel appointed by the LCWA. Proposals that are determined to be responsive to the mandatory requirements as indicated and shall be evaluated based on the following criteria:

Approach. Detailed discussion of the team's approach to preparation of the design and permit package, including each of the project's tasks and work products. Evaluation of the team's understanding of the project will be based on this section. Proposals may suggest alternate approaches or additional tasks; however, the proposal (including the budget) must also address the tasks as described in the RFP for comparison with other proposals.

Qualifications. Description of the role and qualifications of the prime consultant and each subconsultant firm. Include descriptions of no more than five relevant projects completed by each firm. For each project team member, including subconsultants, describe their role and qualifications.

Recognition. Understanding of overall concepts and objectives; Responsiveness to RFP requirements; Work Plan for all services for the project and Schedule broken down by task.

Budget. Proposed project budget broken down by task, consultant/subconsultant, and team member. Budget should indicate both the number of hours and the cost for each task in total, and separately for each team member working on a given task. Budgets need to break out labor and other direct project costs and identify indirect costs. Indicate the hourly billing rates for each person to be employed on the project, including subconsultants, plus any related billing provisions. Identify all proposed markups for subconsultants.

Upon receipt of these documents from an interested firm the LCWA may request additional information and may conduct discussions with firms/teams regarding top-ranking proposals.

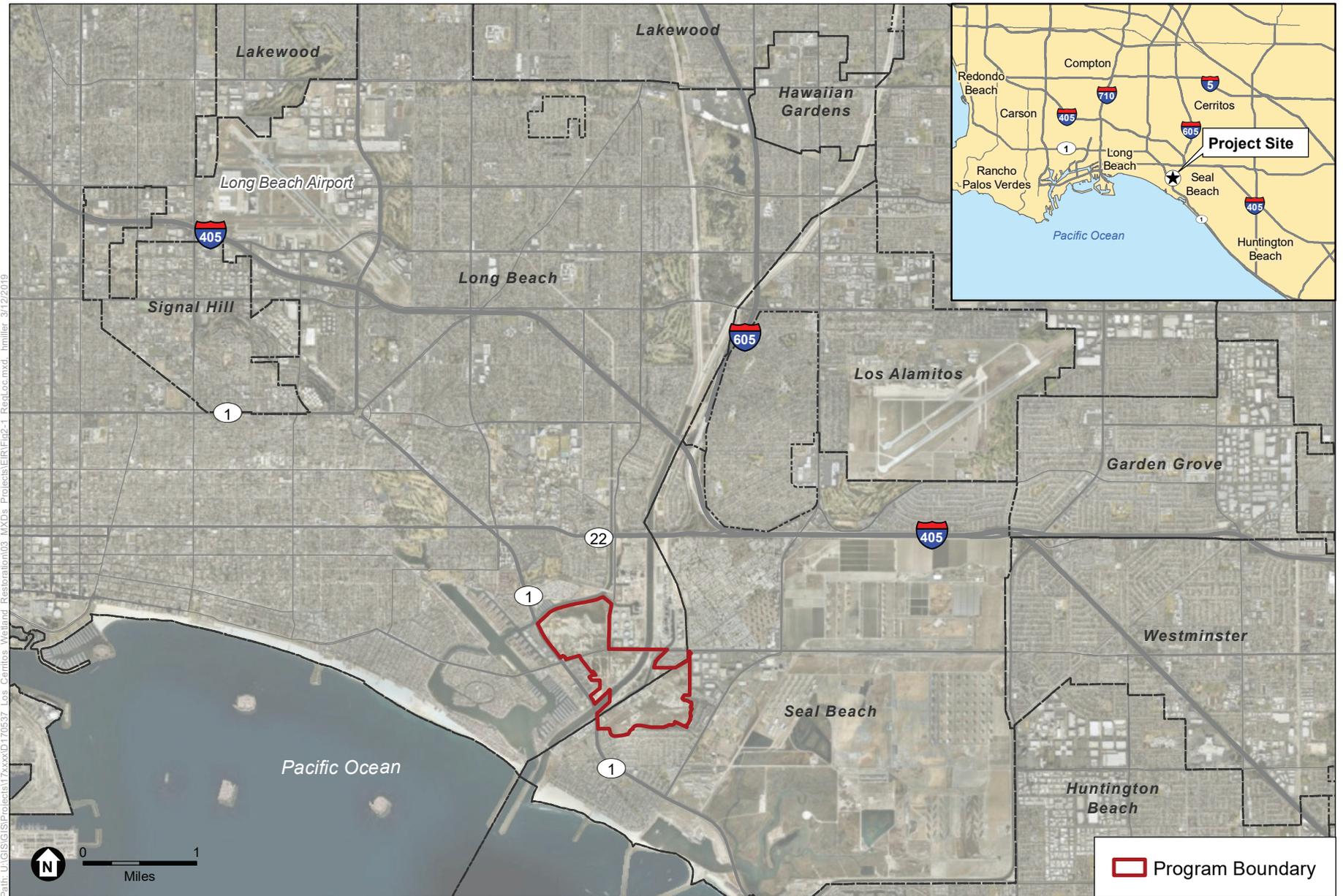
Firms selected as finalists may be asked to submit additional information regarding their financial history and contract performance, including whether the firm has ever been

- a. defendant in any litigation alleging that the firm had defaulted in its performance of its obligations under a consulting or other agreement; or
- b. found to be in default of a performance bond; or
- c. the subject of any bankruptcy or insolvency proceedings.

Final interviews for selected Consultants will be held on **Tuesday October 27, 2020**, and a recommendation to the LCWA Board for approval of awarding a contract to the successful proposal is anticipated for November 5, 2020.

The LCWA will attempt to negotiate a contract with the highest-ranking firm/team at compensation determined to be fair and reasonable. If the parties fail to conclude satisfactory arrangements, negotiations with that firm/team will be terminated and negotiations will then proceed in the same manner with the other firms/teams in order of ranking. In any event, the LCWA reserves the right to add or substitute particular sub-consultants in negotiating the contract for this project.

LCWA PROPOSAL SCORING SHEET			Consultant:
<u>Criteria Description</u>	<u>Max Points</u>	<u>Score</u>	<u>Comments</u>
Approach: Understanding of the project components and capability to adequately analyze the project's goals/objectives & opportunities/constraints.	20		
Qualifications: Recent experience with similar projects in the region and at Los Cerritos Wetlands	20		
Qualifications: Education and experience of key personnel, including principals to be assigned and the proposed level of their participation	20		
Responsiveness: Proposed work plan meets RFP requirements for each task	10		
Budget: Firm/team's ability and availability to meet the project budget and schedule	15		
Qualifications: Nature and quality of the firm/team's past completed work	5		
Qualifications: Specialized qualifications for the services to be performed	5		
Qualifications: Certified Small Business (SBE) or Disabled Veteran Business Enterprise (DVBE)	5		
TOTAL	100		



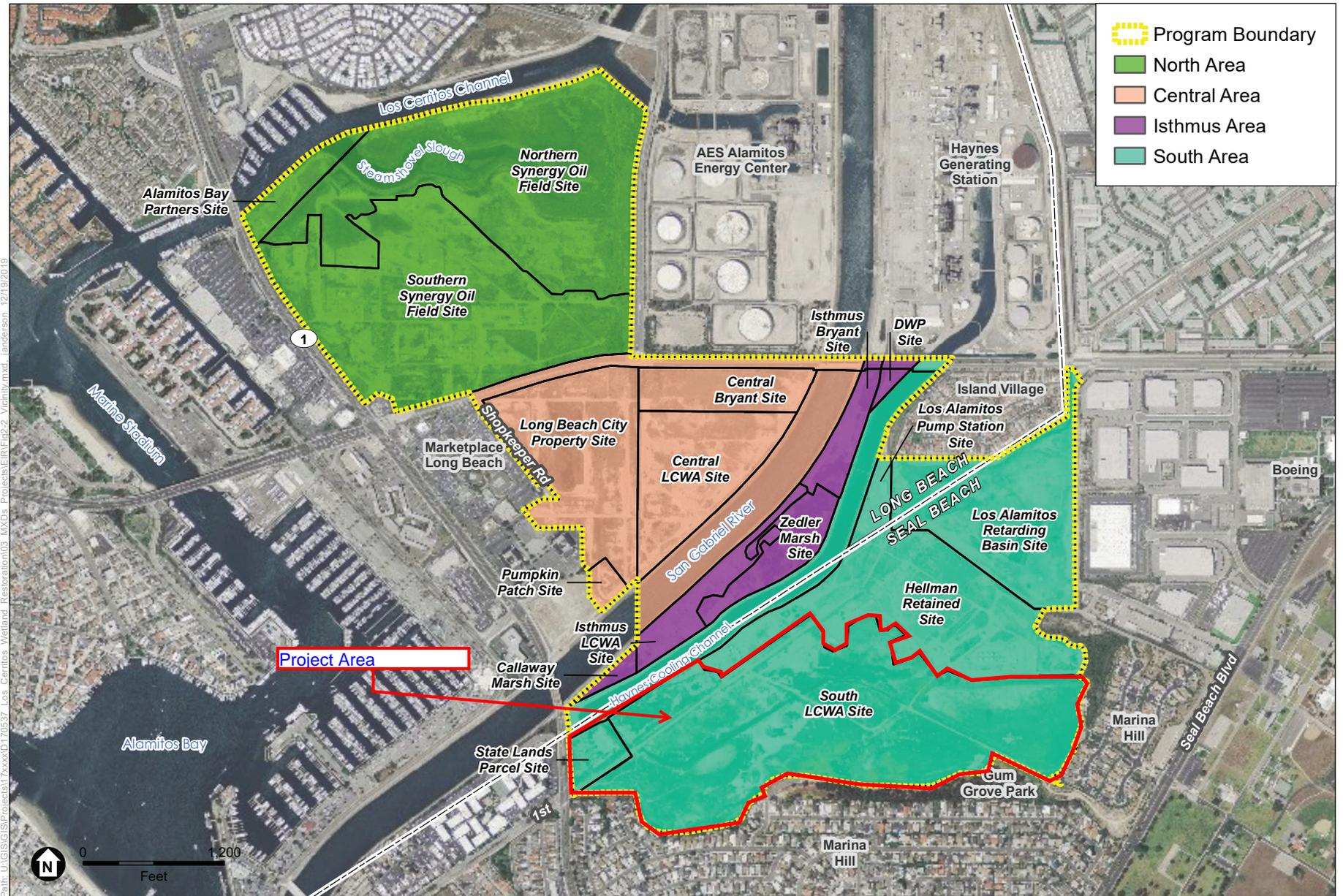
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SOURCE: ESRI

Los Cerritos Wetlands Restoration Plan Program EIR

Regional Location





SOURCE: Mapbox, LCWA

Los Cerritos Wetlands Restoration Plan Program EIR

Figure 2
Project Site and Local Vicinity



SOURCE: Mapbox, LCWA

Los Cerritos Wetlands Restoration Plan Program EIR

Figure 2-4
South Area



LOS CERRITOS WETLANDS AUTHORITY

Proposal for

SOUTHERN LOS CERRITOS WETLANDS RESTORATION PROJECT

65% Design and Environmental Compliance

Produced for the Los Cerritos Wetlands Authority | October 19, 2020



COVER LETTER



1. Cover Letter

October 19, 2020

Sally Gee, LCWA Project Manager
Los Cerritos Wetlands Authority
100 North Old San Gabriel Canyon Road
Azusa, CA 91702
sgee@rmc.ca.gov

Subject: Request for Proposal (RFP), Southern Los Cerritos Wetlands Restoration Project – 65% Design and Environmental Compliance

Dear Ms. Gee:

Moffatt & Nichol (M&N) is pleased to submit the attached proposal to the Los Cerritos Wetlands Authority (LCWA) to present our multi-disciplinary team of professional engineers, scientists, biologists, and planners to conduct studies, support environmental compliance efforts, and lead public stakeholder services for the development of the 65% design of the Southern Los Cerritos Wetlands Restoration Project. M&N has hand-picked the best set of individuals to work on this project so that all challenges can be successfully met to accomplish the objectives of the LCWA.

We have the right experts in place to solve issues before they occur. Our exclusive teaming partners, Anchor QEA, LLC (Anchor QEA), Coastal Restoration Consultants (CRC), and New West Land Company, are assembled to bring our respective shared experience at Southern Los Cerritos to the design phase of this project. Our firms will share in supporting the engineering design, California Environmental Quality Act (CEQA) support, permitting, and technical studies. We have also added two other key teaming partners, each with unique skills and relationships, to move the engineering design and permitting process forward through 65% design.

- Cogstone will provide cultural resources services with its deep bench of local staff and established relationships with the Tongva Tribe.
- Altman Environmental Consultants, LLC (AEC) will continue providing CEQA and community outreach services for consistency with ongoing CEQA activities as the environmental documents are finalized in coordination with the design progression and permit applications.

LCWA will benefit from an experienced Project Manager, Chris Webb, leading a familiar design team that has already proven to be a well-coordinated team. Chris led this team through the Concept Restoration Plan (CRP) effort and continues to work collaboratively with each teaming partner separately and together to build a rewarding and collaborative working environment for the team and the LCWA. This local team enjoys working together and is excited to support moving the restoration design effort forward.

Chris is supported by David Cannon; together, they have authored several restoration concept plans for multiple sites on the complex. Dr. Weixia Jin is the Engineer of Record and has worked throughout the complex for the last 20 years leading modeling, design, and environmental investigations. These core team members are backed by M&N's Principal-in-Charge and Vice President (authorized representative of M&N), Shelly Anghera, to ensure resources are in place to provide support to the entire team.

This proposal will demonstrate that the M&N Team is unmatched in experience and resources to complete this Project on time and on budget. For example:

- We are a known entity to the LCWA from our prior successful experience completing the CRP for this site in 2015, adding to a long history of working on the LCWA Phase II project area (formerly known as the Southern Hellman Ranch site).
- Our team members provide extensive institutional knowledge of the LCWA Phase II project area extending across three decades and two different owners. From scientific evaluations to conceptual designs to leading public meetings, our team members will bring an unmatched set of experiences to efficiently complete the design and support the ongoing permitting efforts. Our team's resources include site-specific models, electronic databases, and current relationships with agencies and stakeholders, including the oil operators and Tongva Tribe.
- Our team members are local and can efficiently support field efforts and public meetings. The LCWA will realize cost savings for less travel to meetings, which can provide for more work within the budget or lower costs. We can be onsite, in person within minutes if needed and can provide rapid response for meetings on short notice. Our local presence also provides us with an understanding of the local communities' concerns and involvement.
- The Project will benefit from our team's current and past involvement in over 13 restoration-related projects within the greater Los Cerritos Wetlands complex. We bring a unique understanding of how the pieces will fit together to create an improved human experience and elevated ecological value when the wetlands are ultimately restored.
- Our team is practiced in all phases of the restoration process (from feasibility through operation and maintenance) and brings lessons learned and award-winning design experience from our vast Southern California experience. Our team members have successfully completed over 27 wetland restoration projects in the last 20 years, more than any other team.
- Several of our local restoration projects have occurred in active oil fields (Los Cerritos, Bolsa Chica, Huntington Beach Wetlands, and Anaheim Bay) and required phasing of the restoration around oil operations. The M&N team will contribute this valuable past experience enabling the LCWA to more effectively work with the existing oil operators onsite to develop realistic and cost-effective project phasing.

We appreciate the opportunity to continue to work on this project and, with our proven experienced team, we will lead you to success. If you have any questions or require clarification, please contact us by email at cwebb@moffattnichol.com and sanghera@moffattnichol.com or telephone (562) 590.6500.

Yours sincerely,

MOFFATT & NICHOL



Chris Webb
Coastal Scientist / Project Manager



Shelly Anghera, PhD
Vice President / Principal-in-Charge

cc: Dena Williams, Administrative Assistant, dwilliams@wca.ca.gov
Eric Zahn, Principal, Tidal Influence, eric@tidalinfluence.com

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Section 3

CORPORATE DOCUMENTATION AND STATEMENT OF QUALIFICATIONS AND EXPERIENCE



3. Corporate Documentation and Statement of Qualifications and Experience

Organizational Stability and Strength

Headquartered in Long Beach, California, M&N is an internationally recognized leader in the planning and design of wetland restoration and civil infrastructure. This area of expertise is complemented by an in-house design team of coastal, environmental, structural, electrical, mechanical, and transportation engineers in addition to renowned scientists specializing in coastal and environmental restoration.

Operating out of 42 offices throughout North America, Europe, Latin America, and the Pacific Rim, M&N's practice has expanded to support the larger demands of the engineering industry globally. The firm provides clients worldwide with customized service and a level of excellence that have become M&N's hallmark in several primary practice areas – coastal, environmental, and restoration services; ports and harbors; urban waterfronts and marinas; transportation; inspection and rehabilitation; and energy.

We are accustomed to working on challenging, multi-disciplinary assignments that require coordination with owners, regulatory agencies, and stakeholders. We take pride in our ability to work effectively with diverse political, business, and community interests to resolve public concerns and bring a project to successful completion.

Project Team Supervisor

Mr. Chris Webb is the designated Project Manager on the Southern Los Cerritos Wetlands Restoration Project – 65% Design and Environmental Compliance (Project). He is our team's *experienced senior-level individual to serve as supervisor of our staff and for all deliverables*. As indicated in his resume, Mr. Webb actively leads restoration design teams throughout the region. He has led 25 restoration design teams as the Project Manager. Fourteen (14) of those projects have been successfully constructed, most recently the San Elijo Lagoon Restoration Project that involves many similar issues and can provide lessons learned. This record illustrates Chris' strong leadership in designing feasible projects that are constructible within the funding limits. Chris and his supporting team understand the common issues faced by most projects and has demonstrated the ability to successfully identify and address unique issues.

Moffatt & Nichol Founded: 1945

Organization: Corporation - Privately Owned

Incorporated: California - 1957

Employees: 850 Employees

Offices: 42 offices in 7 countries. M&N has 6 California offices servicing California accounts: Southern California offices include: Long Beach (110), Costa Mesa (80), Ontario (10), and San Diego (40). M&N has 35 employees residing in the City of Long Beach.



Point of Contact: Chris Webb | (562) 810- 3664

555 Anton Blvd., Ste. 400 Costa Mesa, CA 92626

Financial Stability: M&N is financially stable and does not have any bankruptcy, pending litigation, planned office closures, or impending mergers or acquisitions that may impede the firm's ability to perform all services required for this contract.

The Team: M&N is joined by Anchor QEA, Coastal Restoration Consultants, New West Land, Cogstone, and Altman Environmental Consulting.

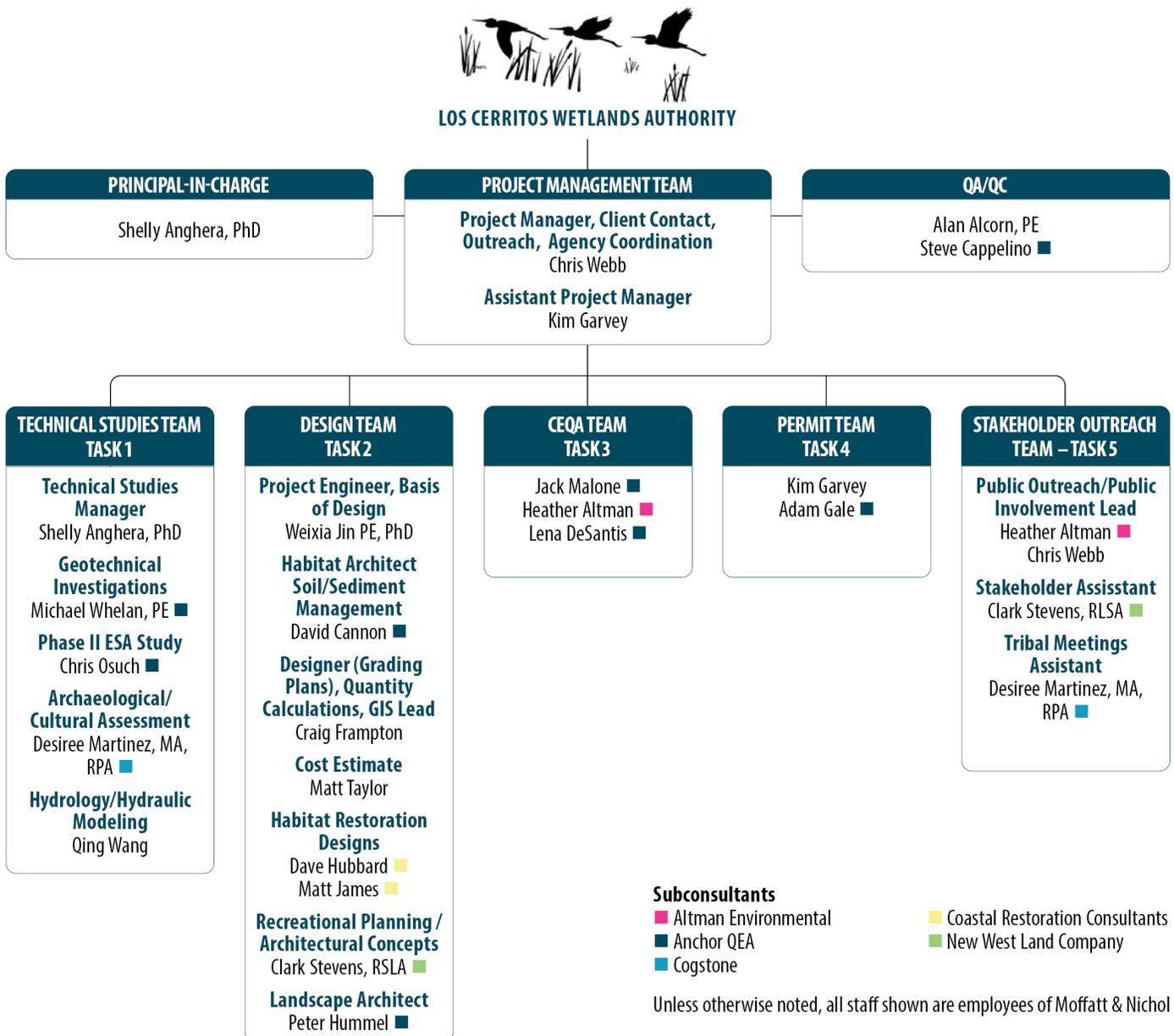


Chris Webb – Leading tour of San Elijo Lagoon Restoration Project

Chris has led multiple teams to successfully complete projects and will be responsible for the delivery of services in accordance with the established Work Plan & Scope of Services for the LCWA. Chris led this team through the Los Cerritos Wetlands CRP effort and continues to work collaboratively with each teaming partner separately and together to build a rewarding and collaborative working environment for the team and the LCWA. This local team enjoys working together and is excited to move the restoration design effort forward.

Project Team Organization

With our understanding of the project and the site, we have assembled a team that is uniquely qualified to accomplish the vision of LCWA; a vision this team helped form five years ago through the CRP. This team of familiar and experienced engineers and scientists has supported restoration-related services in the region, most having worked together for the LCWA. Our partners have also shared in designing other restoration projects throughout Southern California including Huntington Beach Wetlands, Colorado Lagoon, and Bolsa Chica, serving in the same respective roles as proposed for this Project. The Team is comprised of the following firms/personnel and their respective roles, as presented in the organization chart below.



Team Qualifications

M&N has taken great care to choose key individuals and firms that will successfully accomplish this Project. Our exclusive teaming partners that participated in the CRP - Anchor QEA, CRC, and New West Land Company- are re-assembled to bring our respective shared experience to the design phase of this Project. Our firms will share in supporting the engineering design, CEQA support, permitting, and technical studies support. We have added two key teaming partners, each with unique skills and relationships, to move the engineering design and environmental review process forward through 65% design: 1) Cogstone, who will provide cultural services with its deep bench of local staff and established relationships with the Tongva Tribe; and 2) AEC, who will continue providing CEQA and community outreach services for consistency as the environmental documents are finalized in coordination with the design progression and permit applications. All of our teaming partners are local (many living within ten miles of the site) and are knowledgeable of the local environmental conditions, the politics, and the community feelings about the Project. We are invested in this Project at professional and personal levels and will provide unparalleled dedication to this effort.

Moffatt & Nichol - Prime



moffatt & nichol

For 75 years, M&N has provided our clients with professional services for restoration projects ranging from conceptual planning, feasibility studies, and preliminary engineering through final design and construction support. As one of the original California engineering firms that specializes in wetlands, we have worked directly for the LCWA, California State Coastal Conservancy (SCC), and the Cities of Long Beach and Seal Beach, as well as many

municipalities, counties, non-profits, and other public agencies and private groups throughout California. We take pride in developing solutions that are innovative, practical, cost-effective, and constructible, while satisfying the functional and aesthetic needs and goals of the project.

In the last 20 years, M&N has led the design and supported construction on numerous wetland restoration projects throughout Southern California, including the largest and most complex lagoon restoration projects such as Batiquitos Lagoon, Bolsa Chica, and San Elijo Lagoon. Part of our success in implementing projects comes from our life cycle understanding of the project. We fully understand the front end of projects (planning, permitting, and engineering design), as well as the back end (construction management, environmental compliance, data management, and project recording and closeout). Being involved from the onset of a project, this perspective allows us to implement changes in our designs and adapt to issues that arise as the project progresses from planning and design to construction. The breadth of M&N's experiences in implementing all phases of restoration design is illustrated in the chart on Page 3-9. While each wetland has its own character and conditions, all salt-marsh restoration projects require similar studies and design features. M&N brings an unmatched skillset required for this restoration design, such as the examples listed below from among a longer list:

- Modeling to confirm saltwater inundates the system at frequencies required for habitat establishment.
- Strong and mutually respected relationships with all resource and permit agencies that render decisions.
- Tidal flushing and circulation analyses to determine water quality conditions based on outside inputs.
- Sediment characterization and beneficial re-use plans to benefit the marshes and the coastline.
- Designs that recognize the existence of adverse construction conditions requiring access, staging, and work requirements by special equipment (floating and/or on tracks) to build the project.
- Protection of special status and endangered species habitat in designs and protecting sensitive habitat and birds during construction by relating detailed protective requirements in the specifications.
- Ability to develop designs that carefully balance public access and habitat protection.
- Stakeholder sensitivities, community stewardship of the project, and the ability to listen and honor needs.
- Lessons-learned from challenging construction projects that enable us to include information in the plans and specifications to prevent the contractor from capitalizing on ambiguities to obtain change orders.
- Construction cost estimating that typically lies within the mid-point of contractor bids, thus providing the client with accurate budgets for planning and implementation.
- The capability to assist and apply for additional funding to implement projects and supplement client budgets.

Anchor QEA, LLC



Anchor QEA, LLC (a Limited Liability Partnership), provides a full range of science and engineering services to the public and private sectors, including planning and strategy development, scientific investigation, engineering design, and construction management. The firm employs more than 350 motivated

people in offices across the US who enjoy working closely with clients toward common goals on water resources, surface and groundwater quality, coastal development, habitat restoration, and contaminated sediment management projects. Anchor QEA has experience with coastal wetlands restoration projects ranging from habitat restoration planning and design, coastal and civil engineering, coastal and hydraulic modeling, water quality, tidal inlet stability, maintenance dredging design, permitting, mitigation planning and bank development, final engineering design (plans, specifications, and estimates – PS&E), and construction cost estimating. In Southern California, Anchor QEA staff have worked on at least 15 large-scale coastal restoration projects between Santa Barbara and the Mexican border, many of them are featured in the chart on Page 3-9.

Anchor QEA staff have conducted restoration planning and design work at the site for 25 years (between 1989 and 2014). This included soil characterization of the Hellman Ranch area, conducted from 2003 to 2005, as well as assistance with the CRP between 2011 and 2014. In addition, Anchor QEA has a long-term track record of successful projects for two of the four LCWA member agencies (California SCC and City of Long Beach). Finally, key Anchor QEA staff have worked collaboratively with M&N, New West Land Company, and Coastal Restoration Consultants in the past, developing solid working relationships in the process.

Coastal Restoration Consultants, Inc.



Coastal Restoration Consultants, Inc. (CRC) of Santa Barbara was formed by David Hubbard and Matt James to plan, manage, and implement large-scale habitat restoration projects, and to develop long-term management strategies for natural reserves. Their projects emphasize the importance of defining clear restoration goals and using a research-based adaptive approach to attain those

goals. Their approach integrates restoration of natural processes with principles of landscape ecology to design self-sustaining projects. They believe that the best projects not only restore ecosystem functions and values, but also engage and educate the local community and address the long-term management needs of landowners. They worked on the CRP as our habitat analysts and planners. They are currently supporting the Programmatic Environmental Impact Report (PEIR) effort and are authoring the Los Cerritos Wetland Habitat Restoration Plan.

M&N and CRC are presently working together on other projects such as the Carpinteria Living Shoreline in Santa Barbara County.

New West Land Company



New West Land Company is a conservation consulting firm that works with private owners, communities, land trusts, and conservation developers to plan for the cultural, ecological, and economic sustainability of the lands that they steward. They promote the idea that inhabitation should exist in accord with habitat. New

West Land Company is a full-service organization that provides services from consultation regarding property and investments to land-use planning, architecture, and development strategies. Their collaborative, expanded design process seeks to quantify the spaces, forms, and cultural uses of the “place” that has been created by the community’s interaction with their landscape. In this way transformation can be designed to be site-specific, balanced in natural and cultural composition, and scaled to what is best about each community. New West Land Company supports the process of community and cultural development and decision-making through constructive interaction.

M&N and New West Land Company are working together on the CRP, and restoration of Malibu Lagoon, Topanga Lagoon, Huntington Beach Wetlands, and the South Talbert Park Master Plan.

Cogstone

cogstone

PALEONTOLOGY - ARCHAEOLOGY - HISTORY

Cogstone is a woman-owned, small business, California corporation specializing in archaeological, paleontological, and historical resources investigations. Established in 2001, Cogstone has a proven track record of mobilizing on short notice and the ability to quickly assess/mitigate impacts to unanticipated cultural and paleontological resources discoveries. Cogstone understands the environmental compliance requirements associated with water and wetlands improvement projects through similar work for flood control and sanitation districts, municipalities, and public works departments. For over 19 years, Cogstone has provided quality environmental services to assist clients in meeting project compliance requirements for federal, state, and local regulations, including CEQA, National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act, Native Americans Graves Protection and Repatriation Act (NAGPRA), SB 18, and AB 52. Key personnel meet qualifications of the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. They have expertise in preparing technical studies used for the preparation for CEQA and NEPA environmental reviews and assessments. Cogstone also has extensive experience preparing and implementing mitigation plans and writing mitigation compliance reports. Cogstone maintains strong relationships with local museums, universities, state information centers, and California tribes. Cogstone is uniquely qualified for this Project as Cogstone's Task Manager is a Gabriolino (Tongva) community member and has extensive knowledge of the cultural sensitivity of the Project area and vicinity.

Altman Environmental Consulting, LLC (AEC)

Altman Environmental Consulting

Founded in 2014, Altman Environmental Consulting, LLC (AEC) is a sole proprietorship based in Long Beach, California. Over the course of her 20-year career, AEC principal Heather Altman has provided environmental consulting services for a variety of complex, multi-disciplinary projects proposed on public and private lands throughout the western US. Ms. Altman's primary responsibilities have been the management and/or preparation of environmental assessment documents as required under CEQA and/or NEPA, also supervising baseline environmental data collection and survey programs associated with these projects. Ms. Altman also has extensive experience processing entitlement applications at local, state, and federal levels, and has also designed public outreach programs intended to engage and inform the broader community, working to ensure community buy in. Her work in Long Beach has focused primarily on outreach, entitlement acquisition, and project planning for projects on the southeast side of Long Beach (including within the Los Cerritos Wetlands) and north Long Beach. She will lead the Stakeholder Outreach portion and support CEQA processes for this Project.

Why the M&N Team

This proposal demonstrates M&N as a trusted partner to assist the LCWA in engineering design and environmental support services.

- M&N is a local firm founded in Long Beach and has 75 years' experience working with state and local agencies and non-profit organizations.
- M&N has actively supported six projects and our teaming partners, another 7, in the Los Cerritos Wetland complex and is uniquely situated to provide the larger perspective owing to our work preparing the CRP.
- M&N is committed to the LCWA to deliver high-quality and cost-effective design services at a fair and competitive offering in a timely manner.
- Of the numerous wetland projects that we have designed, 65% of them have been successfully constructed. Our designs are able to be permitted, built, and function as proven by this track record.
- The Team is technically qualified, experienced, and is prepared to meet the proposed service areas.
 - The design team presented in this proposal has previous and ongoing work experience with the LCWA. Our team members have established relationships with the LCWA and stakeholders as well as an in-depth understanding of policies, procedures, standards, and LCWA's preferences.
 - Our archaeologist/cultural resource specialist has successful project experience with the Tongva Tribe.
 - The project examples included in this proposal illustrate our experience in performing similar services of similar scope and size as that anticipated for this contract.

Related Experience and References

M&N began working on the Los Cerritos Wetlands site, specifically the same southern Phase II area, in 1989 to assist the Port of Long Beach with mitigation options. That work extended into the mid-1990s for several developers of the Hellman Property. We were the wetland designers and worked around the constraints onsite such as sumps and the old City of Seal Beach dump site. We continued working at that location and expanded our work to other parcels such as the central and northern areas for other landowners. Our work was always to design marshes that increased habitat areas. The State of California hired us in the early 2000s to re-assess the Hellman site for wetland restoration feasibility with a concern about oil contamination. We worked with Anchor QEA on that effort, and that led to an assignment by a local non-profit named Earth Corps to evaluate the entire wetland complex holistically with no pre-conceived restrictions. It was to be a “no holds barred” type of design based on out-of-the-box thinking. That effort helped us see different opportunities for seawater connections and soil reuse.

The biggest obstacles to restoring the site have historically been:

- How to connect it to seawater sources because the complex is so fragmented.
- How to avoid oil contamination due to historic and active drilling over the entire site.
- How to handle the surplus soil quantities that could be generated from restoration and the need to lower the sites.

M&N was able to overcome these obstacles in a holistic study. That work positioned us well to prepare the CRP for the LCWA in 2011-2015 with staff from Anchor QEA, CRC, and New West Land Company. With free thinking, and a new skill of working with some potentially adversarial stakeholders using Tidal Influence, the basis of work was provided for the PEIR that was recently completed. Recent spin-off work has been to assist Synergy with design of the northern parcel for a mitigation bank, and with the LCWA to analyze the mitigation banking instrument for suitability if they were to take over responsibility of site management.

Now it is time to take that successful free-thinking and stakeholder support and convey it in engineering designs and plans for permits and specific environmental review. The objective is to successfully move through the next stage and get to the point of being able to justify funding for the final engineering for construction. The staff proposed for this effort include the former RIVER Team crew of Chris Webb (Project Manager), Kim Garvey (Assistant Project Manager and Permit Lead), David Cannon (Concept Development Lead), Dave Hubbard (Habitat Planner), Matt James (Habitat Analyst), and Clark Stevens (Public Access Concepts and Outreach Facilitation) to continue this work. We are looking forward to working with Heather Altman and Desiree Martinez to round out the team of experienced experts to best serve the LCWA.

Experience at the Los Cerritos Wetland Site

The Team has broad and deep experience designing and completing wetland restorations in Southern California. M&N has completed 25 of these studies managed by Chris Webb. Our team members also have extensive experience to add to this foundation. Our clear understanding of the issues involved with coastal wetland restoration and our relationships with resource and permit agency staff will strengthen the LCWA and render this Project most feasible and cost-effective. This enables us to apply insights gained from previous efforts to ensure that this Project can ultimately be constructed and function successfully.

The Team is completely up to speed on the project and the site and can conserve funds due to our existing tools available for completing the engineering designs, assessing existing hydrodynamic conditions, and in evaluating hydraulics, water quality, and public access/ interpretation for the LCWA, thereby allowing the funds to be directed toward other important tasks (e.g., sediment quality, cultural resources, and public and tribal outreach).



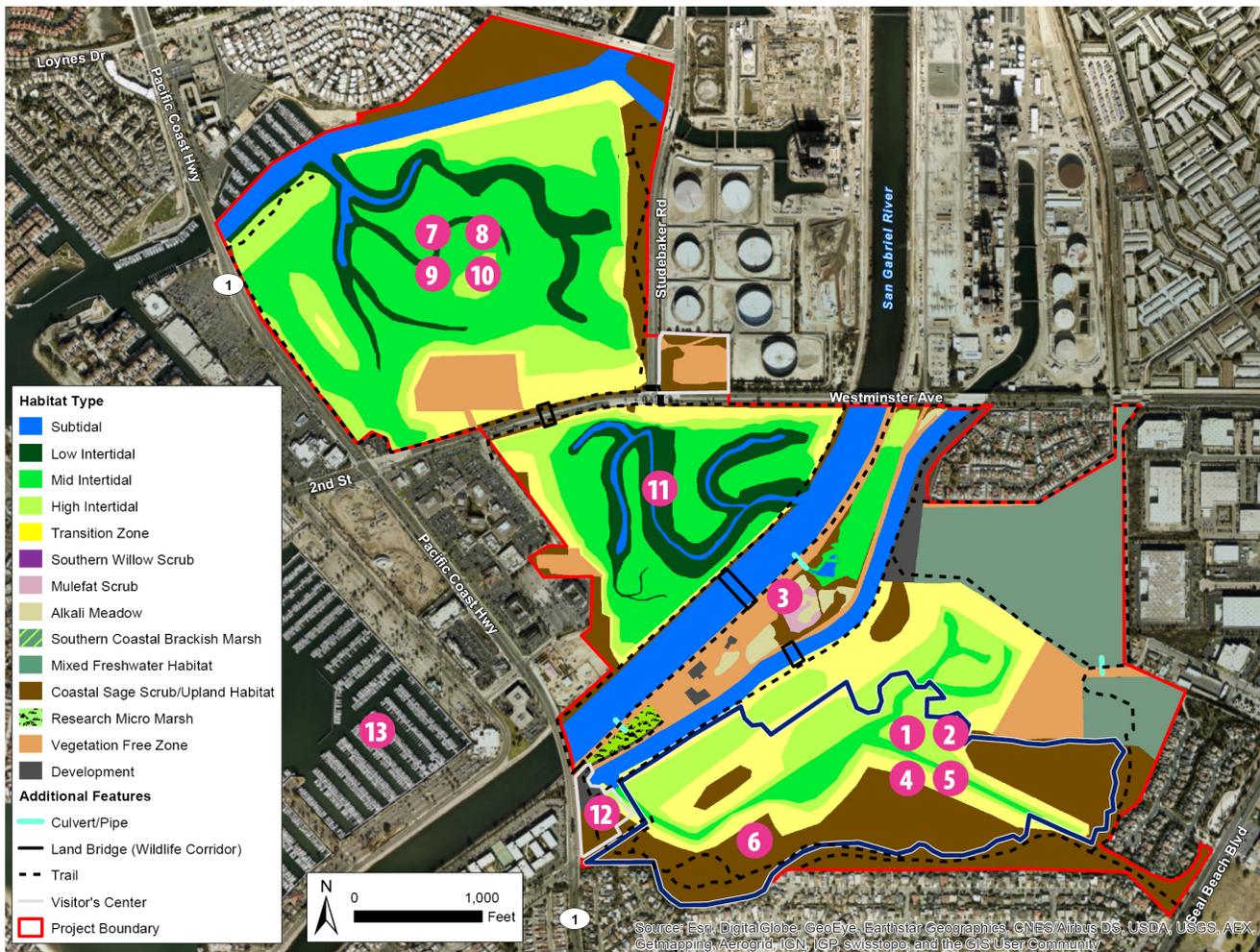


FIGURE 1. LOS CERRITOS WETLAND PROJECTS EXPERIENCE BY THE MOFFATT & NICHOL TEAM (YEAR, PROJECT, TEAM MEMBERS)

- 1 2014 – Los Cerritos Wetlands Conceptual Restoration Plan – LCWA (M&N, CRC, AQ [Everest], NWL)
- 2 2007 – Hellman Ranch Wetlands Conceptual Feasibility Study – Calif. Coastal Conservancy (M&N, AQ)
- 3 Active – LCW Restoration Plan Program Environmental Impact Report – LCWA (CRC, AEC)
- 4 2005 – Los Cerritos Wetlands Conceptual Restoration Plan – California Earth Corps (M&N)
- 5 2019 – Hellman Ranch Gas Plant SLR Study – Hellman Properties LLC (M&N)
- 6 Active – Wetland Hydraulics and SLR Impacts Analysis for Upper Los Cerritos Wetlands Restoration and Oil Consolidation Project – Synergy Oil & Gas LLC (M&N)
- 7 Active – LCW BEI Review – LCWA (M&N)
- 8 2019 – SAP for Upper Los Cerritos Wetlands Mitigation Bank – Synergy Oil & Gas LLC (M&N)
- 9 2020 – SLR study for Long Beach Southeast Specific Plan LCP (M&N)
- 10 Active – Alamitos Bay/ SGR hydrodynamic/water quality modeling (M&N)
- 11 2018 – Los Cerritos Wetlands Oil Consolidation and Restoration Project – BOMP (AEC)
- 12 2016 – State Lands Commission Parcel Entitlement Assessment – Los Cerritos Wetlands Land Trust (AEC)
- 13 2003-2005 – Hellman Ranch Soil and Sedimentation Characterization – California State Coastal Conservancy (AQ [Everest])

Regional Experience

The summary map below and the chart on the following page was developed to underscore the Team’s project experience completing scope elements associated with this Project. All referenced projects are located in Southern California. This graphic illustrates 27 in Southern California, 17 of which have been constructed. The chart on the following page provides a list of 33 projects where relevant scope elements are listed across the top and the scope item is marked if this team participated in implementing that effort for each of the listed projects. For each project, the reference is provided with a phone number.



FIGURE 2. SUCCESSFUL SOUTHERN CALIFORNIA WETLAND PROJECTS BY THE MOFFATT & NICHOL TEAM

✓ Constructed

- | | | |
|---------------------------------|---------------------------------|--------------------------|
| 1 Andree Clark Bird Refuge | ✓ 11 Golden Shore | ✓ 21 San Elijo Lagoon |
| ✓ 2 Carpinteria Marsh (1&2) | ✓ 12 Colorado Lagoon (1, 2 & 3) | ✓ 22 San Dieguito Lagoon |
| ✓ 3 Ventura River Preserve Plan | 13 Los Cerritos (See Figure 2) | ✓ 23 South Bay Salt Pond |
| ✓ 4 Ojai Meadow | ✓ 14 Anaheim Bay | 24 ReWild Mission Bay |
| ✓ 5 Hendrick Creek Nature Area | ✓ 15 Bolsa Chica | 25 Mission Bay PEIR |
| ✓ 6 Solstice Creek | ✓ 16 Huntington Beach | 26 Otay River Estuary |
| 7 Trancas Lagoon | ✓ 17 Laguna Lake | 27 Tijuana River Estuary |
| ✓ 8 Malibu Lagoon | ✓ 18 Camp Pendleton | |
| 9 Topanga Creek & Lagoon | 19 Buena Vista Lagoon | |
| 10 Cabrillo Marsh | ✓ 20 Baticuquitos Lagoon - | |

Chart of Southern California Wetland Projects Experience by the MN Team with Detailed Scope Elements and References

PROJECTS/CONTRACTS	Constructed Project	Salt Marsh Design	Transitional/Upland Design	Hydrology/Coastal Processes (H&H)	Grading/Slopes	Dredging Design Sediment-Soil Mngt	Flood Control	Geotechnical Investigation	Climate Change/SLR Resiliency	Civil Engineering	Plans, Specs & Estimates	Trail Planning /Public Access	Environmental Assessments	Archaeologic / Cultural Resource	CEQA Support	Permitting	Agency Negotiations	Public / Stakeholder Engagement	Participants, Members by Firm	Reference	Phone
																			MN= Moffatt& Nichol AQ = Anchor QEA NWL = New West Land Company CRC = Coastal Restoration Consultants, Inc.		
Los Cerritos Wetlands CRP	No	◆	◆	◆	◆	◆	◆	◆	◆	◆		◆	◆	◆	◆			◆	MN, AQ, CRC, NWL, Altman	Various - See Project Summaries in Section 8.	See Section 8.
San Elijo Lagoon Restoration Project	Yes	◆	◆	◆	◆		◆	◆	◆	◆	◆	◆			◆	◆	◆	◆	MN	Doug Gibson, Nature Collective	(760) 803-4824
Batiquitos Lagoon Enhancement Plan	Yes	◆		◆	◆	◆	◆	◆		◆	◆					◆	◆		MN	Ralph Appy, POLA (Ret.)	(310) 283-9877
Bolsa Chica Wetlands Restoration Project	Yes	◆	◆	◆	◆			◆	◆	◆	◆	◆			◆	◆	◆	◆	MN	Jim Trout, SLC (Ret.)	(916) 952-0639
Huntington Beach Wetlands Restoration	Yes	◆		◆	◆		◆	◆	◆	◆	◆	◆			◆	◆	◆	◆	MN, NWL	John Villa, HBWC	(714) 536-0141
South Bay Salt Marsh Restoration Project	Yes	◆		◆	◆	◆	◆	◆	◆	◆	◆		◆		◆	◆	◆	◆	AQ	Mayda Winter, SWIA	(619) 575-0550
Anaheim Bay Wetlands Restoration	Yes	◆		◆	◆	◆		◆		◆	◆						◆		MN	Tom Johnson, POLB (Ret.)	(310) 910-0603
Carpinteria Basin 1 and South Marsh Restoration	Yes	◆		◆	◆		◆				◆	◆				◆	◆	◆	MN	Wayne Ferren	(805) 722-2324
Colorado Lagoon Phase 1	Yes	◆	◆	◆	◆		◆				◆	◆	◆		◆	◆	◆	◆	MN, AQ	Mouhsen Habib	(562) 570.5754
Colorado Lagoon Phase 2B	Yes	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆			◆	◆	◆	◆	AQ, MN	Mouhsen Habib	(562) 570.5754
Solstice Creek	Yes					◆	◆			◆	◆				◆	◆	◆	◆	MN	Steve Williams, RCDSMM	(310) 699-1489
Cabrillo Marsh	No	◆		◆	◆	◆				◆									MN	Sal Zambrano, POLA	(310) 732-3654
Golden Shore	Yes	◆		◆	◆	◆		◆		◆	◆		◆		◆	◆			MN	City of Long Beach (Ret.)	
Laguna Lake	Yes		◆		◆	◆		◆		◆	◆	◆	◆		◆	◆	◆	◆	MN	Randy McDaniel, formerly City of Fullerton	(714) 349-9556
Camp Pendleton	Yes		◆		◆		◆	◆		◆	◆				◆	◆			MN	Bryan Deyo, Geofon	(760) 214-8509
San Dieguito Lagoon	Yes	◆	◆	◆	◆	◆	◆	◆	◆	◆		◆	◆	◆	◆			◆	MN	Mark Tarrall, Dokken Engineers	(858) 514-8377
Topanga Creek and Lagoon Restoration Project	No	◆	◆	◆	◆		◆	◆	◆	◆		◆	◆	◆	◆	◆	◆	◆	MN, NWL	Rosi Dagit, RCDSMM	(310) 455-7528
Malibu Lagoon	Yes	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	MN, NWL	Mark Abramson, formerly Heal the Bay	(310) 451-1500
Carpinteria Salt Marsh Nature Park	Yes	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	CRC	Wayne Ferren	(805) 722-2324
Ojai Meadows Preserve storm water & restoration	Yes		◆	◆	◆	◆	◆			◆	◆	◆							CRC	Derek Poultney	(805) 797-7957
Hedrick Ranch Nature Area restoration	Yes										◆	◆					◆	◆	CRC	Sandy Hedrick	Upon request
Seal Beach National Wildlife Refuge	Yes	◆				◆		◆	◆	◆	◆		◆		◆	◆	◆	◆	MN	Susan Brodeur	(949) 585-6448
Ventura River Preserve Plan	Yes										◆	◆					◆	◆	CRC	Derek Poultney	(805) 797-7957
Mission Bay Program EIR \Project	Not Yet	◆	◆	◆	◆		◆	◆	◆	◆					◆	◆		◆	MN	James Arnhardt, City of SD	(619) 533-5275
ReWild Mission Bay	Not Yet	◆	◆	◆	◆		◆		◆	◆								◆	AQ, NWL	Rebecca Schwartz Lesberg (Audubon)	(310) 433-8410
San Dieguito Lagoon W-19 Restoration Project	Not Yet	◆	◆	◆	◆		◆	◆	◆	◆					◆	◆	◆	◆	MN	Kim Smith, SANDAG	(619) 699-6949
Buena Vista Lagoon Enhancement Project	Not Yet	◆	◆	◆	◆	◆	◆	◆	◆	◆			◆		◆		◆	◆	AQ	Keith Greer, SANDAG	(619) 699-7390
Colorado Lagoon Phase 2A	Not Yet	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆				◆	◆	◆	◆	AQ, MN	Mouhsen Habib, City of LB	(562) 570.5754
University of California San Joaquin Marsh	Not Yet			◆	◆	◆	◆			◆	◆				◆				MN, Cogstone	Megan Lulow	(949) 500-8754
Otay River Estuary Restoration	Not Yet	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆		◆	◆	◆		AQ	Andy Yuen, USFWS	(619) 476-9150
Tijuana River Estuary Tidal Restoration Project	Not Yet	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆		AQ	Mayda Winter, SWIA	(619) 575-0550
Hellman Ranch Soil Characterization	Not Yet	◆	◆					◆					◆						AQ	Chris Kroll, SCC	(510) 286-4169
Andree Clark Bird Refuge	Not Yet	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆			◆	◆		AQ	George Johnson	(805) 897-1958



STANDARD SERVICES



4. Standard Services

Task 1: Technical Studies

This discussion presents the effort the Team will undertake to fill data gaps between the CRP effort and the current PEIR CEQA process as well as between the Draft PEIR and Final PEIR. Most of our effort in filling data gaps will be associated with looking for relevant project changes that are expected to occur between the Draft PEIR and Final PEIR. This will be a systematic process wherein the technical studies feed into the preliminary engineering design, which feed into the environmental review and permitting.

Successful completion of the work laid out in the RFP requires the integration of technical studies, engineering design, environmental/regulatory review, and public input as the project progresses, which is one of the greatest advantages the Team can offer. We have a long history of working together to achieve these same goals both on this project and other restoration projects throughout southern California. The efficiencies gained in time, knowledge, and resources from this prior teaming experience will help deliver high quality, restoration consulting services to the LCWA and the relationships built between and among team members will provide these services in a timely, responsive manner. This approach has been successfully applied on the San Elijo Lagoon Restoration Project and other restoration projects within the region. Team continuity and efficiencies result in a direct pathway through the design and approvals process without having to re-direct course due to unforeseen regulatory hurdles. This proven approach also enables the LCWA's budget and schedule to be maintained and the project to be successfully implemented.

While the overall process to implement the project may require several years to complete, mainly due to the duration of permitting, the subtasks required to complete this task are summarized below.

- **Kick-Off Meeting and Site Visit** – Discuss deliverables, schedules, budgets, lines of communication, etc. Team to visit the site to gain consistency in the Team's understanding of current conditions and project goals.
- **Data Collection and Analysis** – Review available data needed to inform design concepts and identify any gaps.



Subtask 1.1 Geotechnical and Environmental Site Assessment

Geotechnical investigations will include site borings and test pits to help determine design for flood management (berms), the stability of the grading site, and inform a Phase II ESA. Our team will obtain permits for and complete geotechnical investigations, review past ESA data provided by LCWA, and compile existing topographic data provided by LCWA to inform analyses.

Approach

Because the Hellman Ranch property is known to contain residual contaminants as a result of historical oil extraction operations (work by Anchor Environmental and Everest together in 2003; and additional work by Anchor Environmental in 2004 and 2006), geotechnical and chemistry data will be collected and evaluated to verify functionality of the restoration design and ensure that future site conditions do not represent a potential threat to human health or ecological receptors. Past work by our Team members identified several areas with soil contamination at varying depths and magnitudes. A review of the historical data reports relative to the current restoration concepts for the site show several areas within the updated design that have not yet been investigated. For example, most of the entire south side of the site, where the deeper channels will be excavated, have not been investigated. Similarly, the northeastern side of the site, where the berm will be constructed, has also not yet been investigated to determine structural stability to support the added fill material.

The current work will focus on evaluating those areas of the site with three primary objectives: (1) chemically and geotechnically characterize the overlying “cut” materials to determine suitability for safe and effective reuse on site; (2) evaluate the residual chemical concentrations at the expected new soil/sediment horizon (aka “z” layer) to support a design that meets limits of defined human health and/or ecological risk thresholds in the newly restored environment; and (3) evaluate the existing geotechnical site qualities where berms and other structures (e.g., culverts and bridges) will be constructed to determine material strength for supporting the planned structures.

The Team has evaluated the historical site assessment data and determined that approximately 21 soil/sediment borings will be required to adequately characterize the untested portions of the site. Of these 21 borings, approximately 15 will be collected using a hollow stem auger drill rig. This equipment is capable of extracting both contiguous and intermittent core samples depending on project need. A combination of techniques will be employed depending on the specific test location. For example, areas of the site where berms are planned for construction would be investigated by advancing borings to a depth of 25 feet or more and collecting standard penetration test (SPT) samples at 5-foot intervals along the way to test for soil bearing capacity and other strength related properties. If fine-grained soils are identified during drilling, Shelby tube samples will be collected to test for subgrade consolidation. This information will aid in designing the berm such that it does not settle or collapse over time. In other areas of the site where large cuts are expected, a continuous coring approach to predetermined depths would be employed that matches the expected cut layer so that samples for both chemistry and geotechnical properties could be assessed. This would allow determination of the properties of the overlying material for its quality to be reused in other areas of the site, as well as other important details of the material such as predicted slope stability. Lastly, a sample would be collected at the depth that corresponds to the future exposed elevation post-restoration for chemical testing to determine potential for future risks.

In addition to the targeted boring locations, another six locations have been identified for sampling using hand-operated equipment like soil augers and sediment coring devices that will allow for collecting shallow depth and surficial samples. In total, expected site assessment activities are estimated to require one week in the field. Four days are targeted for borings using a drill rig and an additional day for hand sampling. Analytical and geotechnical costs have been estimated based on the following assumptions:

- Conduct 21 total borings for sample collection.
- Four days for drilling operations and one day for hand-operated equipment.
- Composite sampling for chemical testing in the overlying cut material such that seven composites are analyzed for the following parameters: total solids, grain size, total organic carbon, Title 22 metals, semi-volatile organic

compounds (SVOCs), organochlorine pesticides, PCB Aroclors, total petroleum hydrocarbons (TPH), and volatile organic compounds (VOCs).

- Z-layer testing at 12 locations for the following parameters: total solids, metals, and polyaromatic hydrocarbons (PAHs).
- Geotechnical index testing of 30 samples, including a subset of the following parameters: moisture content, Atterberg Limits, particle size, specific gravity, bulk density, and consolidation.

Prior to conducting the field investigations, a detailed sampling and analysis plan (including a health and safety plan) will be developed to describe the planned activities, sample locations, and testing program. Once the data is received, a field sampling report will be prepared to document the test results, presenting the chemical data in a format that compares the results to regional restoration threshold values used at similar locations and in coordination with the affected resource agencies.

Deliverables with Estimated Schedule

- Field sampling report with geotechnical and environmental assessment.

Assumptions

- Risk evaluations to determine site-specific restoration values are available and supported by the resource agencies.

Additional Recommendations

If necessary, conduct a small-scale and limited Risk Evaluation to determine site-specific restoration values.



Subtask 1.2 Archaeological, Paleontological, and Cultural Resources Assessment Approach

Based on the cultural resources work and tribal consultation conducted for the PEIR, the project area and immediate vicinity are sensitive for archaeological and tribal cultural resources. The project area has been identified as culturally important and sacred. It is also part of a larger traditional cultural landscape because of its relationship to the villages of Puvungna and Motuucheyngna. Puvungna was, and continues to be, an important ceremonial center (in Tongva puvu = big ball of people, ngna = place of) for the Tongva (Gabrielino) and Acjachemen (Juaneno). Portions of the National Register for Historic Places (NRHP)-listed Puvugna Indian Villages lay on the campuses of California State University, Long Beach, the Veterans Affairs Long Beach Healthcare System (VALBHS), and Rancho Los Alamitos Historic Ranch and Gardens. Part of the Motuucheyngna village has been identified on a portion of the former Hellman Ranch property, but outside the current project area. The project area is further considered sensitive since human remains were identified within surrounding areas, specifically Landing Hill. Our Team lead for this work is Cogstone, referred to throughout this task.

Resources found in the vicinity date from 6,200 years ago through the historic period. Portions of three prehistoric shell middens (ORA-256, ORA-261, and ORA-1473) lie within and along the southern edge of the project area. The historic Hellman Canal (LCWA-CRE-007-B) lies within the project area. Only one of the resources (ORA-261) has been evaluated and recommended as eligible for listing on the California Register of Historical Resources (CRHR). Based on Cogstone's understanding of the project and the tasks outlined in the RFP, Cogstone will do the following:

Historic Resources Assessment - In compliance with MM CUL-2 and MM CUL-3, Cogstone's Secretary of the Interior qualified architectural historian will evaluate Hellman Channel for its eligibility for inclusion on the NRHP/CRHR. She will review the results of the records search conducted for the PEIR, conduct additional archival research (e.g., historic maps and aerials), and contact local historical societies in order to develop a brief historical context of the area as well as obtain as-built information of the canal. The results of the research and evaluation will be recorded on Department of Parks and Recreation (DPR) Series 523 forms. The methods and results of the historic resources assessment will be detailed in the combined Archaeological and Historical Resources Assessment and Evaluation Report (AER). The report will be included within the US Army Corps of Engineers (USACE) permit application submittal.

Archaeological Resources Assessment - In compliance with MM-CUL 4, Cogstone will conduct an archaeological resource assessment of the project area, building on the information gathered by the PEIR. Assessment tasks include:

- **Records Search** - an updated records search will be completed from the South Coastal Information Center (SCIC) for the Project area, including a buffer. All site records and survey reports not previously provided by LCWA will be obtained. Other sources that will be reviewed include the NRHP, CRHR, Built Environment Resource Directory (BERD), California Historical Landmarks (CHL), and California Points of Historical Interest (CPHI).
- **Background Research** - Although the records search will identify previously recorded sites that have been submitted to the SCCIC, there may be sites, traditional cultural use areas, and sacred spaces that have not been previously recorded. As a result, Cogstone will review anthropological and ethnographic literature to identify these unrecorded sites.



Puvugna at Cal State Long Beach

- **Geomorphological and Sensitivity Analysis** - Cogstone will review the geology, geotechnical studies, and sediments in order to evaluate the project area for cultural sensitivity.
- **Archaeological and Historical Resources Assessment and Evaluation Report (AER)** - Cogstone will draft an AER that will include the project description and area, and summarize the methods used for the assessment, records search results, ethnographic contexts for prehistoric and historic resources, and CRHR evaluation of the Hellman Ranch Canal. The draft report will be provided to the LCWA for review. The plan will also be provided to Tribal representatives for review and feedback. Cogstone will respond to two rounds of comments and produce the final report.



Cogstone's President Desiree Martinez consulting with a Tongva tribal representative at Cogstone's Orange Office.

- **Archaeological Resources Monitoring and Mitigation Plan** - In compliance with MM CUL-9, Cogstone will prepare an Archaeological Resources Monitoring and Mitigation Plan (ARMMP) that will identify areas designated as Environmentally Sensitive Areas, outline requirements for archaeological and Native American monitoring and its coordination, and procedures should inadvertent discoveries of human remains and funerary objects occur. The plan will also describe the reporting requirements and final disposition of all human remains and items found. The draft plan will be provided to the LCWA for review. The plan will also be provided to Tribal representatives for review and feedback. Cogstone will respond to one round of comments and produce the final plan.
- **Paleontological Resources Review and Monitoring Recommendations** - In compliance with MM GEO-2, Cogstone's Society of Vertebrate Paleontology Qualified Professional Paleontologist will conduct a review of the Los Cerritos Wetlands Program Paleontological Resources Assessment (ESA 2019), grading plans, and any available geotechnical reports/data to determine the potential for ground disturbance to occur within older alluvium and old shallow marine deposits. Prior to the start of ground disturbance, Cogstone will prepare a draft technical memorandum that will provide the results of the paleontological review and recommendations specifying the locations, depths, duration, and timing of any required monitoring. The technical memorandum shall include maps showing required monitoring locations and depths, and shall stipulate whether screen washing is necessary to recover small specimens. Any required screen washing shall follow SVP Guidelines. The draft paleontological memorandum will be submitted to LCWA for comment. Cogstone will respond to one round of comments and produce the final memorandum.

Deliverables

- Paleontological memorandum.
- Archaeological and historical resources assessment and evaluation report.
- Updated DPR for the Hellman Channel (LCWA-CRE-007).
- Archaeological resources monitoring and mitigation plan.

Assumptions

- LCWA will provide the cultural resources technical report and associated records search results (site records, GIS, survey reports) completed for the PEIR.
- A sacred lands file search will not be requested from the Native American Heritage Commission since this was requested in 2019 for the PEIR.

- A site walk for cultural resources will not be conducted since the project area was most recently surveyed for the PEIR in 2019.
- XPI (MM-CUL 5) and Phase II Evaluation (MM CUL-6) and Data Recovery (MM CUL-8) will not be needed as sites ORA-256, ORA-261, and ORA-1473 will be avoided.
- Only the historic Hellman Channel will be evaluated for listing in the CRHR.
- All reports will be submitted electronically. Hard copies will be provided to tribal representatives upon request.
- All reports, plans, and GIS shapefiles will be submitted to the South Central Coastal Information Center within 30 days of their acceptance by LCWA.

Additional Recommendations

During consultations with tribal representatives for the PEIR, the whole of the Los Cerritos Wetlands was identified as a larger Traditional Cultural Landscape (TCL) because of its connection to Puvungna and Motuucheyngna. The LCWA has agreed that the area is within a TCL in the PEIR, but stated that since the physical remnants of these villages, as described by archaeological research, are outside the project area, no impact will occur. However, based on Tongva settlement patterns, the area surrounding a village, as wide as 3-5 miles from the center of a village, is its use area. These areas are used by the village for ceremonial, gathering, hunting, and fishing activities. The TCL has not been formally evaluated, and impacts to this landscape will occur with the proposed project activities. As a mitigation measure for this impact, Cogstone recommends conducting an evaluation of the TCL following published guidelines, including the National Park Service's (NPS) Preservation Brief 36, "Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes," the National Register Bulletin 38 "Guidelines for Evaluating and Documenting Traditional Cultural Properties," and the NPS-28 "Cultural Resource Management Guideline." This would include conducting deep ethnographic and historical archival research as well as interviews with tribal members to record how the area is currently used by the Native American community. This should be done concurrently with the assessment as the information obtained will be directly relevant to the cultural and ethnographic context.



Task 2: Prepare 65% Restoration Plans

Subtask 2.1 Complete Preliminary (30%) Design

Preliminary engineering consists of taking the existing concepts in the Draft PEIR (unless the LCWA provides different concepts) through technical studies to determine the final concept to be addressed in the Basis of Design (BOD) Report and then to the next level of detail and analysis that can be vetted with the public.

This process also generates data necessary for the environmental review and permit process. Concept design data generated during preliminary engineering will be converted into AutoCAD to prepare plans and for use of Civil 3D to generate the three-dimensional surface for quantity calculations and creating cross-sections. Plans, specifications, and estimates (PS&E) documents will be submitted to the LCWA at milestones of 30% and 65%. Each increment will include plans, sections, phasing, specifications, volumes, and cost estimates. The tasks are listed and summarized below.

30% Design Approach

Conceptual Design Refinement - The purpose of this subtask would be to refine the conceptual design alternative presented in the Draft PEIR based on data obtained from Task 1 and relevant project changes presented in the Final PEIR. The deliverable from this subtask would be an updated alternative with plans, sections, and major components (e.g., culvert, flood berm, bridges). This will be important because it is likely the grading will change due to soil testing results and the associated soil management plan to be prepared. For example, prior sampling work conducted by Team members noted high levels of soil contamination on the eastern portion of the site, so the Team will closely examine restoration activities in that area. The area located along the northwestern boundary of the site previously served as a municipal landfill, so it has been targeted for upland restoration to reduce costs, which makes sense; however, the Team plans to look at that site more closely to identify future opportunities to restore this site (e.g., mitigation opportunity for salt marsh).

Achieving adequate tidal exchange to support project goals while avoiding adverse impacts to surrounding properties will be important to achieving project success. During concept refinement the Team will explore opportunities to enhance tidal exchange either via the existing culvert off the San Gabriel River or through connection to the Haynes Cooling Channel. For example, the Team will work with the LCWA to better define the timeframe for obtaining implementation funding to determine if it makes sense to focus efforts on designing the project for direct connection to the Haynes Cooling Channel instead of connecting through the existing culvert off the San Gabriel River. This would reduce flooding impacts within the restoration site to tidal inundation only, thereby reducing project costs and it would simplify the permitting process.

As envisioned, this subtask would also include an updated project narrative. Upon completion of this subtask and acceptance by the LCWA, stakeholders, and public, the conceptual design will move into preliminary design with preparation of the 30% Design. The deliverable will be a memo with graphics and matrices describing the proposed project and showing plan views, cross-sections, and areas/quantities of habitat and other features to be carried over into the design.

Preliminary Design Drawings 30% Design (Assume 40 sheets) - Plan sheets will be prepared at a scale of 1:40 to show sufficient detail while not requiring an inordinately large number of sheets. At this scale, the entire area may be able to be laid out on 13 sheets. A sample preliminary sheet layout for the engineering plan set is shown in the figure below and specific steps included in the design are described.

Step 1 – The Team will prepare the 30% plan set and M&N will be the lead preparer and designer, with significant contributions from the other Team members. The sheets will include the following components (for some components there are multiple sheets):

1. Title Sheet
2. Notes, Symbols, Abbreviations
3. Index of Sheets
4. Limits of Work
5. Details
6. Grading Plans
7. Erosion Control
8. Cross-Sections
9. Phasing Plans
10. Soil Borings (preliminary engineering)
11. Demolition Plans
12. Habitat Distributions
13. Soil Management Plans
14. Utility Relocation Plans
15. Flood Management Design Plans
16. Roadway Design Plans
17. Bridge/Water Conveyance Structure Plans



Plans graphically show all changes proposed to the site in a format that can be clearly understood by future potential construction contractors. We are assuming the design will be the one coming out of the Draft PEIR as modified in the Final PEIR with refinements we make during the Conceptual Refinement subtask.

Grading plans serve as the foundation of the construction work, with the three-dimensional geometry of the site controlling the hydrology, planting, access, and other conditions. The grading plans are also the basis for calculating quantities of cut and fill, and consequent construction approaches, equipment use, and costs.

Known constraints and issues to be addressed include cultural/archaeologic resources, a former city landfill along the southern boundary near First Street, and a former sump (Area 18) at the east end of the site near the border with the Hellman retained site. The Team intends to work with the LCWA to best address these features; our approach is listed below.

- The archaeologic features need protection and the design may be modified, as needed, to avoid and preserve them.
- The former city landfill is upland and proposed to not be disturbed; it is already integrated into the plan concepts.
- The former oil sump at Area 18 is presently shown to be disturbed in the proposed concept, which could pose a significant constraint. Remediation and/or removal of the oil sump or relocation into the cores of perimeter levees could add to project costs and complicate approvals. However, there may be an approach to leaving it on-site, working around it to avoid disturbing it, and to sequester it on-site.

Step 2 - Prepare Outline Specifications (specs) – At the 30% level, specs are in outline form. Outline specs present all appropriate project components to generate a comprehensive list of items for the next level spec package. Specs will be prepared in CSI format, or another format as preferred by the LCWA. Complete specifications are comprised of contractual boilerplate and contracting information, followed by “technical specs.” Technical specs are the detailed instructions needed for the contractor to successfully construct the project while not causing harm to the environment. The outline specs prepared by the Team will be for the technical items for the technical section of the specs and will not include the upfront legal boilerplate information.

Step 3 - Prepare Opinion of Probable Construction Costs – Prepare construction cost estimates in a spreadsheet using Excel by reviewing cost items of similar recent projects (e.g., San Elijo Lagoon Restoration) and applying current industry costs to this project. M&N construction cost estimators come from the construction industry and apply this experience when developing the probable construction costs. The fee spreadsheet will be organized with columns for the different elements of the fee (i.e., project item, units, quantities, unit cost, and subtotal), and rows for each project component (mobilization, earth, planting, culverts/bridges, etc.). M&N works with a template that is applied to all wetland projects and tailored to meet individual project needs.

Step 4 - LCWA Review and Comments on the 30% PS&E Documents – Present the 30% package to the LCWA for their review and comment. Provide written responses to comments. Meet, as needed, to discuss comments and revisions for clarification and explanation.

Basis of Design (BOD) Report – The BOD Report lays out all the information, constraints, and regulations applied to the site to provide the basis for all designs. The report provides the design criteria for the elements of work at the 30% and 65% design submittals. The content of the BOD Report includes background data, project objectives and concepts, design parameters, design requirements, design features, and design data. The purpose of



the BOD Report is to provide the rationale for design decisions that can be referred to later in time if questions or issues arise.

Hydrology and Hydraulics Report – M&N has already developed a hydraulic model for all of the LCW complex and its source water bodies (e.g., San Gabriel River, Cerritos Channel, and Alamitos Bay/Marine Stadium/Colorado Lagoon), including effects of the adjacent power plants. The model is already set-up, calibrated, and verified for existing conditions from our previous work effort for the Los Cerritos Conceptual Restoration Plan (CRP) and the City of Long Beach (SEASP and Alamitos Bay Water Quality). The model includes the Hellman Channel and Haynes Cooling Channel, which connect to the LCWA Phase II area. We will use the model data to characterize existing water levels, flow velocities, and storm flood discharges. The model was technically acceptable to the Technical Advisory Committee and peer reviewers for the CRP and City work during those respective projects.

In addition to the local hydraulic conditions, we understand groundwater conditions based on our experience on this site, Colorado Lagoon, the Anaheim Bay, Bolsa Chica, and Huntington Beach Wetlands that can be applied to this site. For each of these projects, groundwater dewatering occurred during excavation for construction. For the Southern Los Cerritos Wetlands site, the groundwater elevation is likely to be high (and tied to tidal conditions and rain), therefore, it will be a cost consideration for design.

Modeling Approach – The Team will evaluate existing site hydrology and hydraulics of the wetland, including assessment of tidal exchange, storm runoff, dry season low flows, released/treated water, and groundwater. We will characterize hydraulic flow patterns into, out of, and within the wetlands. The Team will characterize the LCW area using the existing RMA2 numerical model. We previously added the Hellman and Haynes Channels to the RMA model. The resultant model will be sufficiently detailed to support the engineering and it will be used as part of Task 2 to assess the design for restoring various tidal regimes to the wetlands, such as full or muted tidal ranges in portions of the wetlands.

We typically determine the tidal inundation frequency at a site using the model and apply that to determine the appropriate elevations for formation of salt marsh habitat. Knowing the inundation frequencies required for various salt marsh habitat species from the literature and previous projects, we determine the elevations required to achieve the tidal inundation needs of the habitat. We then work iteratively with the biologists to design a site with diverse salt marsh habitat and transitional and upland habitat.

The Team will use RMA2 to test hydraulics of the project and quantify its performance with regards to tidal range, tidal prism, tidal flushing frequency, water quality (if needed), and combined flooding of stormflows and high tide. Results will enable clarification of wetland design parameters and inform the grading and planting plans.

Future conditions of sea level rise (SLR) will be analyzed by identifying a future SLR scenario from the Coastal Storm Modeling System (CoSMoS) agreed upon by the LCWA (e.g., 3 and 7 feet), and modeling tides, storms, etc. All tidal elevations, ranges, prisms, flow velocities, inundation frequencies, and flushing frequencies will be quantified for the proposed project.

The RMA Model Series is a set of models of hydrodynamics, sediment transport, and water quality. The suite of models is supported by the USACE, and has



been extensively used in river, estuary, wetlands, and coastal applications. The RMA model can be applied effectively in this case since it models hydrodynamics using a finite element grid, is suitable for irregular topography/bathymetry and shorelines of wetlands, and it averages conditions throughout the water column representative of the unstratified (well-mixed) conditions of shallow tidal wetlands. This same modeling approach was used for the LCW CRP, and the Bolsa Chica and San Elijo Lagoon projects with successful results. The results were reasonable, accepted by Technical Advisors and the agencies (including the USACE), and served as the basis for the EIR/EIS and permits, along with the final engineering design of the latter two projects. Another advantage of the RMA model series is that water quality and sediment transport can also be readily modeled at a later date using hydrodynamic results and relevant input data.

If needed, the HEC-RAS two-dimensional model may be applied to the design condition of connecting the Phase II area to the San Gabriel River with the existing culvert. HEC-RAS has proven to be more reliable than other models for culverts and yields results comparable to RMA-2. We possess both models, plus many more; therefore, we will apply the best model for the particular situation with approval by the LCWA and TAC. Our proposed approach is to primarily rely on use of the RMA-2 model for tides and stormflows, as mentioned previously, and to supplement the model with HEC-RAS for the culvert if needed.

The proposed two-dimensional model capabilities are summarized below.

- Models circulation, water movement and tidal exchange, and areas of stagnation.
- Models stormflows (streams, flood control channels, and storm drains).
- Models are accepted by the Federal Emergency Management Agency (FEMA) for National Flood Insurance Program usage.
- Provides the flow field driving the coupled water quality and sediment transport models.
- Can be used to quantify tidal flushing frequency and indirectly indicate potential water quality.
- It was used to model the LCW CRP alternatives and Alamitos Bay for a previous project and is available and ready for use.

We looked at the modeling analysis presented in the Draft PEIR and noted several areas that we want to explore in more detail. For example, the Draft PEIR modeling used a method to "back out" the apparent blockage percentage of the existing flap gate by conducting model runs with various portions of the gate blocked until the model results matched the measured results. This method included the inherent assumption that the rest of the 500+ foot long culvert was completely clean. This has implication to the design because if this assumption is incorrect and the project is built under this assumption, the targeted/designed tide range will not be achieved even with complete removal of the flap gate. The Team will examine this issue through additional modeling and field work to inform proper design of the site hydraulics.

Deliverables

- Conceptual Design Refinement Memorandum.
- 30% Design Plans, Outline Specifications, and Opinion of Probable Construction Cost Estimate.
- Draft BOD Report.
- Draft Hydrology and Hydraulics Report.

Assumptions

- Sufficient bathymetric data exist for the Hellman Channel for modeling and design.
- The alternative to be designed is in the Draft PEIR as the proposed South Area Near- and Long-Term Restoration in a phased approach, or a concept that may come out of subsequent work by the LCWA, or our work with the Conceptual Design Refinement in this task.

Additional Recommendations

The following recommendations are offered for the LCWA's consideration:

- Possible installation of tide gages in the Hellman Channel to update existing data of water surface elevations (this may inform the project of SLR effects already occurring).
- Possibly prop-open the tide gate at the San Gabriel River and record tides in the existing Phase II area wetland to understand if fully opening the culvert is sufficient to expand the existing constrained tide range.
- Coordinate with the Haynes Generating Station on future use of the Haynes Cooling Channel as a water source for the Phase II area in the mid- and long-term.
- Consider a Self-Regulating Tide (SRT) gate on the culvert to the San Gabriel River to close during high stormflows on the river and prevent possible flooding from occurring over the Phase II area and adjacent areas. This would reduce or eliminate the need to provide flood protection along the boundary of the site.

Subtask 2.2 65% Design Drawings and Specifications

Preparation of the 65% design involves carrying the project to a greater level of detail than the 30% work. The plan set may consist of more sheets than included in the 30% design; that number will be determined during the work.

Approach

The steps to develop the 65% design include the following, and related tasks are listed below. Based on the information content and proposed scale of the plans, the number of sheets may reach up to 75 for the 65% design based on our current understanding of the probable content.

Step 1 - Prepare 65% Plans – Develop the plans into greater detail from the 30% submittal and incorporate LCWA comments into the set. Add items to the set that were generalized or not yet included in 30% design. The 65% plans are typically the set that is available during the permit process to address questions that the agencies may pose.

Step 2 - Prepare 65% Specs – Progress the technical specs outline into a greater level of detail on each item listed in the 65% submittal. Add any new items identified during the LCWA review of the prior deliverable. Anticipated permit agency draft conditions may also be available to include in the 65% draft specifications.

Step 3 - Prepare Opinion of Probable Construction Costs– Progress the cost estimate from 30% to 65% commensurate with the design and any new or further-developed information.

Step 4 - LCWA Review and Comments on the 65% PS&E Documents – Present the 65% package to the LCWA for their review and comment. Provide written responses to LCWA comments and incorporate the edits into a final version of the 65% PS&E.



The content of the 65% plan set is shown below.

- | | |
|---|---|
| 1. Title Sheet | 11. Cross-Sections |
| 2. Notes, Symbols, Abbreviations | 12. Phasing Plans |
| 3. Index of Sheets | 13. Soil Borings |
| 4. Limits of Work | 14. Demolition Plans |
| 5. Details | 15. Habitat Distributions |
| 6. Grading Plans | 16. Soil Management Plans |
| 7. Plant Schedule and Planting | 17. Utility Relocation Plans |
| 8. Irrigation Plans | 18. Flood Management Design Plans |
| 9. Trails and Associated Public Access Facilities
Irrigation Plans | 19. Roadway Design Plans |
| 10. Erosion Control | 20. Bridge/Water Conveyance Structure Plans |

Deliverables

- 65% Design BOD Report
- 65% Design Hydrology and Hydraulics Report
- 65% Design Plans and Specifications
- 65% Design Construction Cost Estimates

Assumptions

- The alternative to be designed is in the Draft PEIR as the proposed South Area Near- and Long-Term Restoration in a phased approach, or a concept that may come out of subsequent work by the LCWA, or our work with the Conceptual Design Refinement in this task.
- The tidal connection in the near-term is the culvert to the San Gabriel River
- The culvert is cleaned out from debris and sediment to improve its hydraulic function.
- The flap gate on the culvert is replaced with a self-regulating tide gate that closes to prevent high water from stormflows in the San Gabriel River from entering the Phase II site.
- The Haynes Cooling Channel is available in the mid- and long-term for tidal connection to the Phase II site.
- Both tidal connections can be used in the future to provide flexibility in site operation and management.
- Site vegetation survey data and special status species survey data are sufficient for design, environmental review, and permitting.
- The LCWA-provided jurisdictional wetland delineations are sufficient for design, environmental review, and permitting.

Additional Recommendations

Conduct Conditional Surveys – Develop and execute an approach to acquire information to further support the engineering design. Expected surveys include:

- Bathymetric Survey – Prepare detailed survey base map of channels and inverts under two small bridges. This task can be deferred to a later stage of design, such as 90% engineering.
- Confirm Vegetation Survey – Site visit to confirm map of existing site vegetation if any gaps are identified in the information during any portion of the work process.
- Confirm Special Species Surveys – Site visit to confirm map of existence of bird species on-site if there becomes a question about the information during any portion of the work process.
- Supplement the LCWA-provided Jurisdictional Wetland Delineation if it becomes clear that additional data are needed during the project.

Task 3: Complete CEQA

As a programmatic document, the PEIR identified and analyzed the master plan for restoration of the Los Cerritos Wetlands while providing guiding principles to inform project-specific design. Accordingly, the project-specific design will include details of project elements not directly analyzed in the PEIR, which require consideration under CEQA.

Approach

CEQA is a planning tool that, when used appropriately, is integrated with project design and permitting to ensure compliance with environmental requirements. Our approach is based on a full team approach, where the CEQA practitioners are part of initial conversations on conceptual design all the way through project construction and long-term monitoring. The CEQA team is integrated and the design, technical studies, permitting, and outreach team members will work closely together. Throughout the project design and CEQA processes, the Team will communicate regularly with the LCWA to ensure that the CEQA process is integrated with the overall project design and that the CEQA strategy is clearly understood.

We prepare CEQA documents that are flexible enough to accommodate project changes that may occur during the design process while still being clear, succinct, and robust. Because the Draft PEIR includes several adaptive management provisions to provide for a range of project plans consistent with the overall PEIR objectives, it is assumed that an EIR Addendum would be the appropriate CEQA document for the project. The Team's approach to the CEQA analysis consists of the following steps:

- Our approach begins with developing a detailed project description in coordination with the design team and LCWA. Development of the project description is critical for confirming the appropriate type of project-specific CEQA document, i.e., project actions will be clear.
- Based on the project description, we will prepare an evaluation of the project using the Appendix G Environmental Checklist to determine if any project elements would result in a new environmental impact or substantially more significant environmental impacts than those identified in the Final PEIR.
- Findings from the checklist will be compared to the PEIR to ensure that the project design does not result in substantially new significance findings, as well as to identify applicable mitigation from the PEIR. Results will be documented in a CEQA EIR Addendum.
- The CEQA EIR would not require a Mitigation Monitoring and Reporting Program (MMRP), so according to our assumptions this task will not be necessary. However, the RFP specifically includes it due to the uncertainty of the final CEQA document needed for this project.

RELEVANT CEQA EXPERIENCE

AQ and AEC CEQA Leads, Jack Malone and Heather Altman, have completed numerous CEQA analyses, including several programmatic and subsequent documents, and almost all include development in ecologically sensitive areas.

AQ and AEC have also coordinated numerous community outreach initiatives to educate and gain consensus on a wide array of development and planning issues. We are well-versed in all aspects of community engagement from formal public scoping as part of CEQA, to more informal charrettes and community outreach designed to build partnerships between the community and lead agency.

Example projects include:

City of Newport Beach CAD: Anchor QEA is currently developing a Draft EIR to support a confined aquatic disposal (CAD) facility in the Newport Beach Harbor. The proposed project includes extensive public coordination and outreach to address multiple views on environmental concerns and controls.

Redwoods Rising: Redwoods Rising is a multi-stakeholder initiative focused on restoring forest and aquatic systems. The CEQA documents are designed to be living documents to address ongoing restoration through adaptive management provisions developed in close partnership with regulatory agencies.

Therefore, we included the document in our scope and fee for completeness, but that item may be able to drop out of the scope and fee if it is determined to be unnecessary. If necessary, then we will work with the design team and the LCWA to develop a project-specific MMRP that identifies all measures required as part of approval of the EIR Addendum, as well as the specific parties responsible for implementation of the measures and their timing.

The CEQA analysis will be critical to support the permit process; therefore, the Team will confirm that the permit applications are consistent with the CEQA documents, including the MMRP. Coordination among the CEQA, design, and permitting tasks will maintain project design consistency with environmental and regulatory requirements and that the permit applications are developed as efficiently as possible.

Prior to initiating the environmental review, we will prepare a succinct memorandum documenting the CEQA approach and primary assumptions so that the LCWA and design team share a common understanding of the approach.

Subtask 3.1 Project Description

The Project Description will be developed using data and information obtained from Task 1 (e.g., geotechnical, Phase II ESA, Soils Management Plan, etc.) and the design developed in Task 2. Our CEQA team has unique experience working with engineers, restoration ecologists, and technical experts on restoration projects that progress from the conceptual planning stage through construction and long-term monitoring and management. Because our CEQA practitioners work so closely with the design team on restoration projects, they have a strong understanding of the restoration design and the technical approach to restoration. This understanding will allow us to identify the full range of potential impacts of the project early in the design process, and to collaborate with the LCWA and the rest of the design team to identify designs that minimize or avoid impacts and are consistent with the PEIR's adaptive management provisions. For example, the Team will develop a comprehensive soil management plan that will address any areas of sediment contamination as identified in the PEIR. Similarly, we will work with the design team to develop a project description that avoids and minimizes adverse impacts to sensitive resources while achieving the project's restoration goals.

Parallel to development of the project description, the Team will coordinate with the LCWA to identify all stakeholders and support development of a public outreach strategy. While public noticing or review is not required as part of an EIR Addendum, given the level of public interest in the project, stakeholder outreach outside of formal CEQA scoping can facilitate project approval and permitting. We are increasingly using graphic tools such as videos and visual simulations to supplement public outreach documentation, especially to communicate future conditions related to visual resources, natural resource planning, and climate change. We have in-house drone capabilities and landscape architects who create renderings and video simulations to convey information and tell the story of a proposed project.

Subtask 3.2 CEQA Environmental Checklist

The project description will clearly present the construction approach and schedule, including likely construction equipment and phasing of work, which will be key in determining if there are any project modifications compared to the PEIR's analysis that will need to be analyzed as part of the environmental checklist.

We will prepare the environmental checklist using Appendix G of the CEQA Guidelines and assume the same significance thresholds as identified in the PEIR. The environmental checklist would also identify whether additional special studies are necessary, such as a project-specific construction air emissions assessment, as well as identify applicable mitigation measures from the Final PEIR. The checklist will also be used to develop project-specific information that could be used in permitting documents to address potential environmental concerns, for example, specific design-related impacts to Waters of the US to support the US Army Corps of Engineers Clean Water Act Section 404 permit application.

This detailed assessment and all technical studies would become part of the administrative record to fully support the development of an EIR Addendum or serve as the basis for developing a different project-specific CEQA document if that is determined appropriate by the Team.

Subtask 3.3 Mitigation Monitoring and Reporting Program

Because a key staff person (Heather Altman) was deeply involved with preparation of the PEIR's MMRP, her involvement will ensure that the MMRP development process is efficient and consistent with the provisions of the PEIR. Our CEQA team will ensure that the MMRP is clearly written and easily understood. For compliance with adaptive management provisions, the MMRP will provide a step by step sequence of compliance consistent with the project design. It will identify responsible parties, implementation strategies, monitoring provisions, and timing in enough clarity that the MMRP could become an attachment to a construction contract without requiring separate documentation. Our team is experienced in working with engineers to develop mitigation measures that eliminate or reduce environmental impacts while preserving flexibility in construction means and methods, allowing for competitive bids and construction cost savings.

Subtask 3.4 EIR Addendum

Based on the findings of the checklist, the CEQA team will prepare the Addendum. The Addendum will incorporate the Final PEIR by reference, allowing the documentation to focus on any areas where the proposed project may deviate from the PEIR and provide a brief explanation, supported by substantial evidence, of the decision not to prepare a subsequent ISMND or EIR. The Addendum will include the checklist and any special studies as attachments.



RELEVANT PERMIT EXPERIENCE

M&N and AQ Permitting Leads, Kim and Adam, have obtained permits on over 75 coastal/wetlands projects.

These completed projects provide an experience base for addressing permitting challenges similar to those anticipated for this project, including:

- Addressing contaminated sediments on oil operations sites (Bolsa Chica Wetlands and Huntington Beach Wetlands projects)
- Construction within existing sensitive habitat areas (San Elijo Lagoon and Huntington Beach Wetlands projects)
- Highly engaged local stakeholders (Colorado Lagoon, San Elijo Lagoon, and Alamitos Bay Marina projects)

Deliverables

- Project Description
- CEQA Appendix G Environmental Checklist
- Completion of a project-specific Mitigation Monitoring and Reporting Program (if necessary, depending on the final CEQA document required)
- Supplemental CEQA documentation in final form, assumed to be an EIR Addendum

Assumptions

- The PEIR anticipates that several project-level studies, specifically a paleontological, archaeological, and cultural resources review, a special status wildlife species survey, and an air quality assessment will be performed to ensure project-specific information matches the programmatic CEQA assessment.
 - This scope assumes that the LCWA will provide biological resources data for the project area, including special status species and habitats and a jurisdictional delineation. We have assumed that biological resources and special status wildlife data provided by the LCWA will be sufficient for the EIR Addendum and the permitting task.
 - Information gleaned from Task 1.2 and tribal meetings in Task 5 regarding the paleontological, archaeological, and cultural resources requirements will be used to support the CEQA analysis.
 - If it is determined that additional technical studies, data collection, or modeling are required to support the CEQA analysis, the scope of work and budget will need to be re-evaluated.
- This scope of work assumes that an EIR Addendum is the appropriate CEQA documentation for the project. If it is determined that a different form of CEQA documentation is appropriate, the scope of work and budget will need to be re-evaluated.
- The Team will prepare two versions (administrative draft and final) of all documents and submit them to the LCWA electronically.
- The LCWA will be responsible for all CEQA filings.

Additional Recommendations

As noted above, the PEIR indicates that several project-level studies, including an air quality assessment, may be necessary to ensure project-specific information matches the programmatic CEQA assessment. If indicated through development of the project description and environmental checklist, the Team can perform a quantitative air emissions assessment for the project. The team can also perform focused biological resources surveys and habitat mapping if required to address data gaps or support project design and permitting.



Task 4: Prepare Permit Applications

This section provides a description of the permitting task effort.

Approach

Working in coastal wetlands requires special expertise and understanding of unique regulatory requirements. The Team can provide the following to efficiently navigate the permitting process and best set up the project for success:

- Extensive experience on obtaining permits on similar types of projects;
- Established working relationships with federal, state, and local regulatory agencies;
- Carefully crafted permit applications/project descriptions that maximize design and construction flexibility;
- Understanding of inter-relationships between the various permits and with CEQA; thereby providing the ability to manage the critical path;
- Permitting staff with understanding of engineering/technical aspects of project; and
- Close, in-house coupling of permitting and engineering staff to be able to quickly and efficiently respond to agency requests.

Prior to submittal of permit applications, Team staff will contact each of the regulatory agencies to introduce the project, discuss the likely permitting process and timelines, identify special studies/data required, and obtain an understanding of any potential permitting issues or obstacles. For key agencies, such as the California Coastal Commission, a pre-application meeting is suggested.

The submittal of applications will be timed to coincide with completion of the preliminary (30%) design. A project description will be developed that can be used for all permit applications. Team staff will work closely with LCWA staff to prepare the application packages. Completion of CEQA is required for issuance of regulatory permits, but permit application processing can proceed in parallel with the project-level CEQA task. Mitigation and monitoring measures identified in the CEQA process will be important to the permitting process. Team staff will strive to minimize overly restrictive permit conditions and additional mitigation requirements.

The RFP scope is limited to preparation of permit applications; however, the Team has experience in the complete permitting process including: responding to agency requests for information, regular coordination with agency staff throughout the permits processing, reviewing draft permits, presenting at and supporting hearings, and negotiating permit conditions. The timing of future LCWA funding should be such that there is no gap of service for permit processing, i.e. upon permit application submittal, it should be assumed that agency coordination will need to remain constant until issuance of the final permits.



Subtask 4.1 USACE Permit

As shown in Appendix C of the PEIR, the project area has probable/potential wetland and non-wetland Waters of the US (WOUS). Accordingly, a USACE Section 404 permit will be required. The USACE permit application form and required attachments will be submitted in the application package. Nationwide Permit (NWP) 27 for Aquatic Habitat Restoration is an available NWP, but it is assumed the project will not fall within the constraints of this NWP and, thus, a Standard Individual Permit will be required. If any of the material to be excavated is potentially planned for disposal at an EPA-approved ocean dredged material disposal site (ODMDS) and/or beneficial use such as wetland, beach, or nearshore fill, the USACE permit process will occur in conjunction with the Southern-California Dredged Material Management Team (SC-DMMT) process (Subtask 1.1) for sediment disposal/reuse. The conclusions/approvals from the SC-DMMT process will be documented in the USACE 404 permit. Final issuance of the Section 404 permit will also be dependent upon completion of the ESA Section 7 consultation, Section 107 consultation, Water Board Section 401 certification, and CCC CDP. USACE will likely also consult with US EPA and NOAA National Marine Fisheries Service. A USACE Section 408 permit would be required for alteration of a federal Civil Works project, for example the San Gabriel River levees. Although the proposed design would likely include use and possible modification of an existing culvert (through the levee) to connect the wetland to the river as the seawater source, it is assumed that a Section 408 permit could be avoided because any use or modification would be minor and not affect the structural integrity of the levee. This will be confirmed with USACE staff.

Subtask 4.2 Endangered Species Act Section 7 Consultation

The Section 7 consultation with USFWS will be initiated as part of the USACE permit application. The biological resources data required for the USFWS consultation will be provided as part of the USACE permit application package. As per the RFP, it is assumed that LCWA will provide this biological resources data.

Subtask 4.3 National Historic Preservation Act Section 106 Consultation

The Section 106 consultation with the State Historic Preservation Office (SHPO) will be completed as part of the USACE permit application. The historical resources data required for the SHPO consultation will be provided as part of the USACE permit application package. In support of this effort, a cultural resources memorandum will be prepared that synthesizes existing and available information, and would rely extensively on the information, conclusions, and mitigation measures determined through development and consultation of the Programmatic EIR, development of the project-specific Addendum to the PEIR, and the Archaeological and Historical Resources Assessment and Evaluation Report (AER) prepared under Task 1.2. No other new technical reports, monitoring, or evaluations will be performed to support the Section 106 process.

Subtask 4.4 CDFW Section 1602 Streambed Alteration Notification

A 1602 Streambed Alteration Notification will be required for work within the defined bank of the San Gabriel River and Haynes Cooling Channel. As per the RFP, it is assumed that LCWA will provide the jurisdictional determination that indicates the extent of work within the defined bed and bank; however, the delineation may require updates to assess areas not accessible during the jurisdictional surveys.

Subtask 4.5 CCC Coastal Development Permit

The project area is within the California Coastal Zone and, as shown in Appendix C of the PEIR, the area has probable/potential CCC jurisdictional wetland/waters of the State. Accordingly, a CCC Coastal Development Permit (CDP) will be required. The City of Seal Beach does not have a certified LCP and, therefore, any work within the Coastal Zone of Seal Beach will be processed by the CCC. This would be confirmed as part of the pre-application meetings with the local jurisdictions and CCC.

The CDP permit application form and required items will be submitted in the application package. The Team will need to work closely with LCWA staff to collect the required items such as property records and “local approval”

form. Biological resources data will also be submitted as part of this application process. The public access plan will be another important item of the submittal and CCC review process.

Subtask 4.6 Water Board Section 401 Water Quality Certification

A Clean Water Act Section 401 Water Quality Certification will be required in conjunction with the USACE Section 404 permit. The Section 401 certification will be issued by the Santa Ana Regional Water Quality Control Board. The 401 certification application form and required attachments will be submitted in the application package. An application fee, based on fill volume, will also be required and is assumed to be paid by the LCWA.

Subtask 4.7 State Lands Commission Application

A lease agreement with the California State Lands Commission (CSLC) will be required for work extending into the upland parcel under their ownership. An application will be prepared and submitted through their online submittal program. Typically, a reimbursement agreement is set up with the CSLC and would be confirmed as part of a pre-application meeting.

Subtask 4.8 South Coast Air Quality Management District Application

A permit to construct and operate will be required from the South Coast Air Quality Management District (AQMD). An initial meeting with the AQMD will be scheduled to introduce the project and determine the level of detail required in the application. It may be more probable that the ultimate construction contractor will have to secure this permit; if so, that would be included as a requirement in the 65% construction specifications.

Subtask 4.9 Caltrans Permits

Any work extending into state highways will require an encroachment permit with the California Department of Transportation (Caltrans). The level of detail included in the encroachment permit application will be commensurate with the design and coordinated through a pre-application meeting with Caltrans. Similar to the Air District permit, it may be more probable that the ultimate construction contractor will have to secure this permit and would be included as a requirement in the 65% construction specifications.

Subtask 4.10 Orange County Permit

The proposed project would extend into infrastructure operated and managed by the Orange County Public Works Department. An encroachment permit application would likely be required from the department and verified as part of the pre-application permitting process. The contractor may also be required to secure this permit as part of their process. Contractors may be best to secure certain permits due to their knowledge of their construction approach and details needed for the permitting agencies to render construction-level decisions.

Subtask 4.11 Los Angeles County Public Works Permits

This is a new permit that is not included in the RFP, but would be needed for any work within the Los Angeles County side of the jurisdictional line (such as at the culvert mouth). Similar to the previous permit, the proposed project would extend into infrastructure operated and managed by the Los Angeles County Public Works and Flood Management District. An encroachment permit application would likely be required from the department and verified as part of the pre-application permitting process. The contractor may also be required to secure this permit as part of their process.

Subtask 4.12 City of Seal Beach Permits

Site plan review, grading permits, building permits, and encroachment permits would likely be required from the City of Seal Beach. As previously stated, while development of 30% design may be sufficient to initiate the process, final design would be needed to secure the necessary approvals. The ultimate construction contractor will have to secure the final city grading permit and building permit.

Deliverables

- Permit application packages
- Notes from pre-application meetings

Assumptions

- Permit application fees to be paid directly by LCWA (i.e., permit application fees not included in M&N fee);
- Biological resources data, including formal jurisdictional delineations, to be provided by LCWA;
- Project to be self-mitigating so no compensatory mitigation will be required by agencies;
- USACE Section 408 permit will not be required due to our approach; and
- This task includes only the preparation of permit applications; responses to agencies following submittal of applications to be provided by others or as a follow-on contract (i.e., not included in M&N fee).

Additional Recommendations

As previously discussed, the RFP scope is limited to preparation and submittal of permit applications and does not include work to obtain the permits. Any gap in follow-on funding for this project could lead to a gap in permit processing and potentially the agencies withdrawing applications because of lack of applicant response. Although not included in the fee herein, the Team recommends including the permit follow-on services as an optional, unfunded task to the consulting contract such that this work can continue seamlessly once implementation funding is secured and the project is ready to move forward into final design and construction.



Task 5: Stakeholder Outreach

Approach

The Team understands the extensive public outreach process conducted by the LCWA and its consultants, beginning with production of the Conceptual Restoration Plan (CRP), and carrying over into preparation of the Program Environmental Impact Report (PEIR). Our team members (Tidal Influence and New West Land) led meetings during the CRP phase.

Though there has always been high interest in the Los Cerritos Wetlands, stakeholder engagement has grown substantially over the last 4+ years. Numerous individuals, organizations, Native American tribes, landowners, and lease holders have participated in the various planning efforts or project-specific processes that have transpired recently in the vicinity of the Southern Los Cerritos Wetlands. Notably, not all stakeholders share the same vision of wetlands restoration – some are more open to active restoration efforts whereas others prefer a more passive approach with a minimization of surface manipulation. Additionally, Native American concerns are much more at the forefront than ever before, as is an exceedingly strong anti-oil sentiment coupled with climate change concerns.

Given that there is an educated, engaged public, and numerous stakeholder groups active in the Los Cerritos Wetlands area, the Team recommends continuing the rigorous outreach approach for the Southern Los Cerritos Wetlands Restoration Project. Following review of prior outreach efforts, the Team would prepare a public outreach plan.



Example of indoor public meeting

Subtask 5.1 Public Outreach Meetings

The Team (led by Ms. Heather Altman) would facilitate three public outreach meetings, all assumed to be in person and held in the project vicinity (likely the Senior Center at the Mary Wilson Library in Seal Beach, or similar). For each meeting, the Team would produce a press release advertising the meeting; secure a meeting location; determine a schedule of deliverables and meeting logistics; produce a meeting agenda, handout material, and presentation; and conduct the meeting(s). Depending on the meeting topic, subject matter experts will be on hand to answer questions and further the discussion. Following each meeting, the Team would provide a meeting summary and follow up on any “unanswered” items presented during the meeting. All produced material (agenda, handout material, presentation, meeting summary, etc.) would be available for download or viewing from the LCWA website. Attendees to these meetings will include Heather Altman, Chris Webb, David Cannon, Clark Stevens, and Matt James.

Subtask 5.2 Technical Advisory Committee, TAC

The Technical Advisory Committee are the resource, regulatory, and funding agencies. Three in-person TAC meetings are planned to continue the process of meeting with the TAC and the LCWA to discuss the project. The Team would work to determine a meeting location, secure refreshments, and be present at the meetings to take notes and, ultimately, produce a meeting summary. We successfully did this same work for the LCW CRP, as well as for other projects, so the agencies know and trust us, which will help us deliver cost-effective meetings and timely follow up to agency requests on behalf of the LCWA. Attendees to these meetings will include Chris Webb, David Cannon, Kim Garvey, Adam Gale, and Matt James.

Approach

Our approach for the TAC meetings is to report progress using a PowerPoint presentation and solicit their input, then take suggested requests or direction away from the meeting for work to be done before the next meeting. We will prepare minutes with actions items from each meeting and disseminate that information back to the TAC within two weeks of the meeting. The minutes will include the presentation file attached as a pdf file. If meetings were spread evenly throughout the 24-month period of the project, they would occur every eight months. Progress may need to occur at a pace that requires the meetings to occur more frequently, and we are open to moving meeting dates around on the schedule to best serve the project. Our schedule, in a subsequent section, shows the rough initial timing of all meetings.

Subtask 5.3 Tribal Committee Meeting

Our team's cultural consultant (Cogstone President, Desiree Martinez) will participate in and support a minimum of five Tribal Committee Meetings to be led by LCWA to solicit input on restoration designs. Because of the inter-tribal politics between the Gabrielino (Tongva) Tribes, the Gabrieleño-Kizh Nation will be met with separately from the other tribes. Attendees to these meetings will include Desiree Martinez and Clark Stevens.

Deliverables

- Stakeholder Outreach Plan
- Meeting materials and notes for community meetings (3)
- Meeting materials and notes for TAC meetings (3)
- Meetings materials and notes for the Tribal Committee Meetings (5)
- All to be completed by 12/31/2022

Assumptions

- Should in-person meetings be infeasible due to COVID-19 concerns, public and TAC meetings will be held electronically (Zoom or similar); all electronic meetings would be recorded, with a link to said recording available on the LCWA website subsequent to the meeting (public meetings) or disseminated to all meeting attendees (TAC meetings). Alternatively, field trips or onsite, outdoor meetings could be considered.
- Three of the Tribal Committee Meetings will be inter-tribal. Two of the meetings will be solely with the Gabrieleño Band Of Mission Indians – Kizh Nation. Due to inter-tribal politics, the Tongva and Acjachemen Nations will not participate in any meetings where a representative of the Gabrieleño Band Of Mission Indians – Kizh Nation is present.

Additional Recommendations

Balancing stakeholder perspectives is, and will continue to be, a challenge. Certain stakeholder groups are more receptive to outreach efforts and more willing to engage in discussion, whereas others remain skeptical and less inclined to dialog. The latter does not, however, negate the need to regularly reach out to all parties. In order to garner community support for the restoration project and to effectively respond to community concerns, the Team recommends establishing a “not to exceed” budget and, as hours are worked, the budget is drawn down. Given the unpredictability and variability as to which groups or individuals may need specific attention and the length of time needed for each meeting (and follow up), this approach would allow for maximum flexibility. This would also allow for continued dialog between the Team and the LCWA and would enable the Team to assist the LCWA with meeting preparation for those meetings attended exclusively by the LCWA. Our suggestion is to budget for two Focused Stakeholder Outreach meetings as part of this task.



WORK PLAN



5. Work Plan

This section of the proposal provides a Work Plan for all services outlined in the Scope of Services (Section 4) for the entire project. The Work Plan indicates activities in support of the services requested, including quality control reviews and participation of subconsultants. As requested in the RFP we have included the level of effort and the number of hours and associated costs required for each task, by each team member.

Our Commitment

The M&N Team is ready, available, and committed to the LCWA and the successful completion of this Project. Considering our future workload projections and our breadth and depth of staff resources, this Project fits in well and our staff resources are available to proceed at the pace required by the LCWA. Dr. Shelly Anghera, as Principal-in-Charge and Vice President, will commit the required M&N resources to this Project to complete the scope of services in accordance with our project schedule. We are experienced at resourcing projects that extend over several years from our prior wetland designs, and effectively utilize our staff and resources to progress steadily toward deadlines and milestones.

Schedule

The schedule for completion of the five RFP tasks is summarized on the following page. The schedule assumes a kick-off meeting with the LCWA in approximately mid-December 2020. The project then proceeds through the various tasks for an approximate two-year duration. This is our initial schedule, and it can be modified as needed to best meet the needs of the LCWA. We are flexible and can add coordination/progress meetings with the various stakeholders as appropriate. We show meetings to occur at strategic points throughout the process, such as with the Technical Advisory Committee (TAC) during the 30% design to glean their input and prepare for the public, and then with the public a short time later to present progress. Tribal meetings are spaced evenly throughout (every five months) and land on strategically beneficial dates to the LCWA for optimum information content. Also, our staff live and work nearby and can be available on short-notice or as needed to meet and discuss the project.

Budget

The proposed Project will cost approximately \$749,000 to complete, assuming the likely level of effort to complete the site investigations, designs, environmental review, and permit applications. The most significant assumptions are that the Project does not expect permits to be secured yet, but rather to have applications ready to submit, and that the LCWA will pay the permit agency filing fees. Changing these assumptions may change the budget and schedule. Our fee is negotiable and is based on the proposed scope. Changes in the fee can be made with commensurate changes to the proposed scope of work.

M&N provided a budget update of \$740,248 after the interview and additional follow-up questions. Included in their response was an optional tribal cultural landscape study at a cost of \$15,000. The budget is subject to adjustment with negotiations.

STATEMENT OF QUALIFICATIONS



8. Statement of Qualifications

Project Experience

The following selection of recent and relevant project examples illustrates the Team's significant experience in the service areas in this proposal. Twenty-four projects or program summaries are further described on the following pages. This builds upon project experience presented in Section 3 which includes maps and a summary table of projects that demonstrate experience completing wetland restoration-related engineering design, CEQA, and permitting services. Each detailed project description provides a comparable engagement and identifies the key staff named in this proposal as well as the date work was conducted and reference contact information. (Click on any of the relevant projects in this table to navigate directly to the detailed project description).

Los Cerritos Hellman Ranch Site Complex	8-2
Upper Los Cerritos Wetland Restoration and Oil Consolidation Project.....	8-4
San Elijo Lagoon Restoration Project.....	8-5
Bolsa Chica Wetlands Restoration.....	8-6
Huntington Beach Wetlands Restoration.....	8-7
Otay River Estuary	8-8
South San Diego Bay Salt Pond Restoration, San Diego.....	8-9
Colorado Lagoon Restoration – Remediation	8-10
Colorado Lagoon Restoration – Open Channel	8-11
Hellman Ranch Soils Investigation.....	8-12
Los Cerritos Wetlands Program EIR	8-13
Goleta Slough Sea Level Rise Adaptation Study	8-14
Mission Creek Lagoon and Laguna Channel Restoration	8-15
On-call Archaeological and Native American Monitoring.....	8-16
Cultural Resources Services and Native American Monitoring	8-17
Cultural Resources Monitoring	8-18
Purple Line Extension Construction Management Support Services	8-19
Long Beach Municipal Urban Stormwater Treatment (MUST) Project	8-20
Los Cerritos Wetlands Restoration Plan Program Environmental Impact Statement Report	8-21
Los Cerritos Wetlands Oil Consolidation and Restoration Project.....	8-21
State Lands Commission Parcel Entitlement Assessment	8-22
Malibu Lagoon Restoration	8-23
Los Cerritos Wetland Concept Restoration Plan	8-24
Trancas Lagoon Conceptual Restoration Design.....	8-24

November 5, 2020 - Item 11

RESOLUTION 2020-09

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY (LCWA)
AUTHORIZING THE EXECUTIVE OFFICER, OR DESIGNEE, TO NEGOTIATE
AND AWARD A CONTRACT TO MOFFAT & NICHOL FOR THE
SOUTHERN LOS CERRITOS WETLANDS RESTORATION PROJECT – 65% DESIGN AND
ENVIRONMENTAL COMPLIANCE FOR A NOT TO EXCEED AMOUNT OF \$756,000

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 will authorize the Executive Officer, or designee, to negotiate and award a contract 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 this action is consistent with the purposes and objectives of the LCWA.
2. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
3. ADOPTS the staff report dated November 5, 2020.
4. AUTHORIZES the Executive Officer, or designee, to negotiate and award a contract to Moffat & Nichol for the Southern Los Cerritos Wetlands Restoration Project – 65% Design and Environmental Compliance for a total not to exceed amount of \$756,000. This contract will be reflected in the FY 20/21 Budget.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY on November 5, 2020.

Sam Schuchat,
LCWA Board Chair

ATTEST:

Christina Bull Arndt
Deputy Attorney General