

REVISED

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

Thursday, August 4, 2022
at
12:30pm

Per Government Code Section 54953, effective until January 1, 2024, LCWA board meetings will be temporarily conducted remotely via the below remote access information. Anybody needing assistance accessing the meeting should contact RMC Board Liaison, Aimee Nguyen, at anquyen@rmc.ca.gov, or at 626-815-1019.

At the following location:
TELECONFERENCE MEETING VIA ZOOM

ADDRESS:

<https://us02web.zoom.us/j/82890159204?pwd=dnhLZ0pLNTdETHFwUjJSV3lqdVJWQT09>

Or by phone at 1-669-900-9128
Meeting ID: 828 9015 9204
Passcode: 609597

AGENDA

1. Call to Order
2. Roll Call
3. Vote pursuant to Gov. Code section 54953
4. Public Comment

*Public participation is welcome. 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 should address the Chair and are encouraged to fill out this [online comment card](#) for the official record on or before **August 3, 2022 by 4:00pm**. All members of the Board will receive all the comments submitted online before the meeting. However, individuals may elect to have their comments read by the Chair during the meeting or read by the commenter. Public comment can be requested and made during the meeting by virtual means or phone during the public comment period. Although not required, in order to facilitate an orderly remote meeting, it is helpful to let the RMC Board Liaison 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 Chair, members of the Board are under no obligation to respond to questions posed by speakers but may provide brief responses to any comment made or questions posed.*

Please reach out to RMC Board Liaison, Aimee Nguyen, at anguyen@rmc.ca.gov, or at 626-815-1019 if you need assistance.

5. Chair's Report
6. Approval of the Minutes, May 5, 2022.

Regular Calendar

7. Status Report on Work Plan Implementation
 - a. Land Management Update
 - b. Los Cerritos Wetlands Stewardship Program Coordinator Update
 - c. Homeless Relocation Program Update
 - d. El Dorado Audubon Update
 - e. Expenditures Report
8. Consideration of a resolution adopting the FY 2022/23 Budget
9. Consideration of a resolution approving a contract budget increase to Moffatt and Nichol for the Southern Los Cerritos Wetlands Restoration Project due to additional necessary services for response to comments and cultural resources investigations
10. Consideration of a resolution approving a contract budget increase to Tidal Influence for Project Management Services to support an expanded level of effort for implementation of Los Cerritos Wetlands restoration plans
11. Consideration of a resolution approving a contract budget increase to the Los Cerritos Wetlands Stewards for Homeless Relocation Services due to increased cost of services
12. Consideration of a resolution approving mutual release of specific easements with Zenith Terminals
13. Consideration of a resolution authorizing the Executive Officer to negotiate and award one or more contracts solicited from a Request for Proposals-Secondary for expanded coastal wetlands habitat restoration and community stewardship programming at the Los Cerritos Wetlands
14. Consideration of a resolution ratifying the First Amendment to the Option Agreement with Los Cerritos Wetlands, LLC to clarify timing and conditions precedent to exercise of the Option
15. 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. Under Consideration: Price and Terms.
16. Oral Communications
 - a. Statements, responses, questions or directions to staff pursuant to Section 54954.2(a) of the Government Code.
 - b. Future agenda items.
17. Adjournment upon completion of business.

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 Aimee Nguyen, at anguyen@rmc.ca.gov, or at 626-815-1019 at least three (3) days prior to the meeting.

MINUTES

LOS CERRITOS WETLANDS AUTHORITY (LCWA)

BOARD MEETING

May 5, 2022

The meeting was held via Zoom.us. The meeting was called to order by Chair Suzie Price at approximately 12:31pm.

- 1. Call to Order**
- 2. Roll Call**

MEMBERS PRESENT:

**Ms. Suzie Price
Mr. Joel Gerwein
Mr. Darryl Supernaw
Mr. Joe Kalmick (Arrived 12:43 pm)**

MEMBERS ABSENT:

STAFF PRESENT:

**Mark Stanley, Executive Officer
Aimee Nguyen, Board Secretary
Salian Garcia, Fiscal Manager
Sally Gee, Project Manager
Elizabeth St. John, Deputy Attorney General**

- 3. Vote pursuant to Gov. Code section 54953**

Elizabeth St. John explained staff recommends that pursuant to Gov. Code section 54953 the Board make the following two findings. St. John stated the two findings are that it has considered the circumstances of the state of emergency since the last meeting and that it finds one of the following circumstances continues to exist: that the state of emergency continues to directly impact the ability of the members to meet safely in person; and/or that state or local officials continue to impose or recommend measures to promote social distancing. St. John explained a yes vote on this item indicates that the board member has made each of these findings, which are necessary to proceed with the meeting remotely under Gov. Code section 54953. St. John stated upon a majority vote, the meeting may proceed remotely. If no majority vote is obtained, the meeting will be concluded and an in-person meeting will be scheduled.

Chair Price asked if Item 3 is an action item. St. John stated yes.

Chair Price motioned to approve. Board Member Supernaw seconded the motion. Board Voted: 3 Ayes, 0 Nays, 0 Abstentions. This item passed.

4. Public Comment

Ann Cantrell, from the Los Cerritos Wetlands Taskforce of the Sierra Club, made a public comment on Item 10. Cantrell stated Item 10 states Poseidon is seeking LCWA's collaboration to support mitigation for their proposed Huntington Beach desalination plan. Cantrell explained the LCW Taskforce urges LCWA to allow no mitigation for the project. Cantrell stated Item 10 includes a letter of intent from the South Coast Water District and explained the proposed project. Cantrell contended using costly recycled water to replace ocean water seems to defeat the point of the project. Cantrell asked what the expected negative effects are that require mitigation in the wetlands for the project if other effects on coastal and marine quality are negligible.

Cantrell also made a public comment on Item 12. Cantrell explained the project and stated the courts ordered the phaseout of all water cooling plants in 2010. Cantrell stated AES wants to use the Los Cerritos Wetlands for mitigation to continue once-through cooling in Redondo Beach past the court ordered stop date. Cantrell asked why LCWA would consider approving using wetlands to allow the continuation of creating a dead zone in the ocean off Redondo Beach. Cantrell contended mitigation is a slower method of habitat destruction and urged the Board to vote no on Item 12.

Anna Christensen, from the Los Cerritos Wetlands Taskforce of the Sierra Club, made a public comment on the Southern Los Cerritos Wetlands Project. Christensen referenced the comment she submitted to the Board which is in the Board Packet. Christensen stated Anthony Morales and his tribe question the science used to get the project approved by the California Coastal Commission and the quality of tribal input and cultural studies. Christensen stated tribal councils have legal status. Christensen contended the project is an invasive plan. Christensen contended some of the tribal members do not have the capacity to represent their tribe. Christensen contended LCWA needs an individual EIR as opposed to a program EIR. Christensen expressed her belief that LCWA should make gradual improvements and treat the area as a wildlife preserve. Christensen referenced the presence of four great blue herrings on the property and contended there should be more. Christensen asked the Board to change their pattern of gathering public input.

Elizabeth Lamb, from the Los Cerritos Wetlands Land Trust, contended environmental damage would occur if the Poseidon Desalination Project passed. Lamb stated the Land Trust opposes the project for two main reasons; the huge amounts of marine life that would die (which she contends stems from the unnecessarily large desalination plant) and the production of greenhouse gases.

5. Chair's Report

There was no Chair's Report.

6. Approval of the Minutes, September 09, 2021

One set of minutes for Board Meeting from September 09, 2021. There were no objections.

Chair Price motioned to approve. Board Member Kalmick seconded the motion. Board Voted: 4 Ayes, 0 Nays, 0 Abstentions. Minutes were passed.

7. Approval of the Minutes, November 04, 2021.

One set of minutes for Board Meeting from November 04, 2021. There were no objections.

Chair Price motioned to approve. Board Member Kalmick seconded the motion. Board Voted: 3 Ayes, 0 Nays, 1 Abstentions. Minutes were passed.

Regular Calendar

8. Status Report on Work Plan Implementation

a. Land Management Update

Jesse Aragon, Restoration Facilities Manager from Tidal Influence, provided a land management update from October 2021 to March 2022. Aragon stated fence breeches occurred at Zedler Marsh, OTD, and the Hellman property which have since been repaired. Aragon stated there are two fence breeches currently at the Bryant West Property which were repaired and breeched shortly after repair. Aragon stated marsh utility property was stolen from the Zedler property. A site walkthrough was completed shortly after, and no other assets were damaged or stolen.

Aragon stated in November the Los Cerritos Wetlands Stewards and volunteers completed a cleanup to increase site safety and line of site visibility to prevent encampments. Aragon stated encampments were discovered twice on the OTD parcel and once on the Bryant West property. Aragon stated the encampments were moved, and the trash found does not seem to be linked to the encampments. There are no encampments currently on any of the properties.

Aragon stated in December soil samples were collected at the Hellman property by boring down in the road. After collection, holes were filled with grout and concrete. Aragon stated in March a hazardous materials specialist from the City of Long Beach responded to a complaint regarding the OTD parcel. The specialist did a site walkthrough and determined site activity was not hazardous.

Joel Gerwein added borings were conducted by Seal Beach for their Waterlines Project. Aragon stated that is correct.

b. Los Cerritos Wetlands Stewardship Program Coordinator Update

Jayde Bahrami, Restoration Programs Coordinator from Tidal Influence, provided a Los Cerritos Wetlands Stewardship Program Coordinator update. Bahrami's report included events from August 2020 to March 2022. Bahrami added the Los Cerritos Wetlands Land Trust Land tours and Los Cerritos Wetlands Authority Habitation Restoration events both had three events in 2020 before stay-at-home orders were put in place. Events did not resume until July 3, 2021. Bahrami stated there were six nature walks and land tours conducted after the 15-month hiatus. Bahrami stated virtual land tours were provided

during the hiatus. Bahrami added they partnered with schools and provided virtual field trips. Bahrami stated every first Saturday of the month, the Land Trust provides land tours and guided nature walks throughout the Wetlands. Bahrami stated four nature walks with 200 participants occurred so far in 2022, and the fifth nature walk would occur the upcoming Saturday on May 7, 2022. Bahrami added Kayak tours are being hosted as well. Bahrami added LCWA habitat restoration events also occur every first Saturday from about 10:15am to 12:30pm at Zedler Marsh. Bahrami stated that in 2020 and 2021 combined, there were a total of nine events that hosted 468 volunteers. Bahrami added the volunteers removed over 780 pounds of trash at Zedler Marsh, installed about 1000 plants, and remove 1500 non-native plants. Bahrami stated the volunteer hours totaled 927 producing the service value of \$25,780. Bahrami stated in 2022 there have been four monthly native habitat restoration events and one Earth Day event in partnership with the Aquarium of the Pacific. Bahrami added there have been 325 volunteers in 2022 that have installed 482 native plants and helped remove 1300 pounds of trash for a total of 750 volunteer hours producing a service value of \$18,551. Bahrami stated there have been more school group visits with a total of 10 field trips in May 2022.

c. Homeless Relocation Program Update

Lenny Arkinstall provided a Homeless Relocation Program Update. Arkinstall showed a picture depicting a large encampment with 60 individuals. Arkinstall stated it took two years to get the county and sheriff's department to clean it. Arkinstall stated it took four days to clear the encampment. Arkinstall stated several resources were used to clean it. Arkinstall stated the encampment created a lot of crime. Arkinstall stated another encampment was cleaned at the same time. Arkinstall added everyone was offered help. Arkinstall stated the encampment destroyed vegetation, but they spent two weeks cleaning it up. Arkinstall referenced one individual who is accepting help and will be helped to go back to Scotland and another who was taken for services. Arkinstall added the wetlands had been kept clear of encampments for nearly three years.

Chair Price noted the Seal Beach has been working with Arkinstall. Price added the encampments have been posing detrimental impacts on the wetlands, and thanked Arkinstall for his work. Board Member Supernaw added his thanks as well.

d. El Dorado Audubon Update

Mary Parsell gave a brief El Dorado Audubon update. Parsell stated there were white-tailed kites on the wetlands. Parsell stated there are new volunteers coming on, two of which are retired. Parsell stated she reports back to the Southern California Council for Audubons every two months which she believes garners more support over time.

e. Expenditures Report

Salian Garcia gave a brief synopsis of the FY 2021/2022 budget and summarized the Expenditures and Revenues as of March 31, 2022. Garcia stated overall Grant and Special Projects Revenue are lower than budget projections as staff is awaiting reimbursements from grantors or processing reimbursement requests to the respective grantors. Garcia stated Mitigation Revenue is the exception to the above bullet as expenditures and

revenues are on par with budget projections. Garcia added administration has no activity; however, several expenditures in this category, such as Audit Services and Insurance, generally, do not occur until the second and third quarters of the current fiscal year. Garcia stated as of March 31, 2022, LCWA is halfway through the fiscal year and at roughly 38% of expenses with 60% revenue. Garcia explained LCWA expects to be on par with projections by the end of the year.

Mark Stanley added staff is looking for additional funding sources through the State Budget. Stanley stated staff anticipates additional funding for coastal and wetland projects and will update the Board.

Anna Christensen stated that she believes priority should be on the wildlife, as opposed to studying them. Christensen cautioned against public access of any kind during nesting season. Christensen referenced Stanley's statement that staff is searching for additional funding sources and noted her disagreement for potential trade-offs for funding.

Board Member Supernaw motioned to approve. Chair Price seconded the motion. Board Voted: 4 Ayes, 0 Nays, 0 Abstentions. This item was received and filed.

9. Consideration of a resolution to write off Prior Year Accounts Receivable

Salian Garcia stated that staff recommends the Board votes to write off prior year accounts receivable of \$11,978.75 from the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC). Garcia stated in November 2015, LCWA entered into a contract in the amount of \$9,900.00 with the Law Office of Laurie Collins with the intention of LCWA acting as pass through for legal services. The LCWA would incur the expenditures then be reimbursed by the RMC upon invoice. The contracted services were related to LCWA's due diligence process of the property transfer by and between LCWA and Synergy Oil and Gas, LLC; SCE OTD parcel; and other services as needed. Garcia stated by September 30, 2017, the actual expenses incurred were \$11,978.75 in total. During Fiscal Year 2016/2017, a receivable was recorded for the legal fees as it remains uncollected. Garcia stated after some research, an agreement between the two JPA partners was never initiated in order for LCWA to invoice RMC for reimbursement. Garcia explained that at the recommendation of the LCWA's independent auditor, Fedak & Brown LLP, staff is recommending to write off the accounts receivable of \$11,978.75 because of the age and stagnation of the account. Garcia explained this item does not forgive the debt but acknowledges LCWA does not expect payment in the near future. Garcia stated when any agency deems the account uncollectable, LCWA will be able to use the allowance method to write off these types of accounts. Garcia noted this is the first time ever that the authority is requesting to write off any sort of debt, but this item still follows prudent accounting practices. Garcia added the proposed write off would reduce the LCWA's Accounts Receivable balance for accounting purposes, and it will be reflected in LCWA's Fiscal Year 2021/2022 financial statements. Garcia noted that the proposed write off amount represents less than 3% of LCWA's total revenue budget for FY 2021/2022.

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

10. Update on the Southern Los Cerritos Wetlands Restoration Planning Project

Sally Gee provided an update on the Southern Los Cerritos Wetlands Restoration Planning Project. Gee stated the project area is in the southern area of the wetlands and is one of the near-term projects identified to tier off from the PEIR. Gee stated the area is located on 103.5 acres identified as the South LCWA site and the State Lands Commission site both managed by LCWA. Gee stated the project will complete 65% project designs and is currently funded by the CDFW Proposition 1 Grant Program, RMC Proposition 68 Grant Program, State Coastal Conservancy Once-Through-Cooling funding, and from the Orange County Community Foundation (OCCF) Warne Fund. Gee explained the project is currently in the 30% design phase and several technical studies have been completed. Gee noted there is a delay in obtaining a Coastal Development Permit pending geotechnical investigations. Gee stated the permit application was approved March 12, 2022 and a Notice of Intent to issue a permit has been sent to LCWA. Gee stated staff has sent documentation to the Coastal Commission, but the commission is waiting for written comments from a local tribal group. Gee stated staff has engaged in public outreach and formed a Tribal Advisory Group (TAG) to access impacts to cultural resources. Gee noted the wetlands are viewed as sacred lands, so TAG will advise on the restoration design. Gee stated LCWA continues to engage with the public, including tribes outside of TAG. Gee stated LCWA continues to pursue funding for the project as they transition from the 65% design phase to completion. A portion of funding LCWA anticipates receiving will be through AES' Voluntary Environmental Benefits Grants Program from Item 12. Gee stated LCWA has been in discussion with several entities, such as LA Water and Power, the Southcoast Water District, and Poseidon Water regarding potential mitigation credits. Staff will bring updates back to the Board for approval.

Anna Christensen noted the site describes the site as between tribal lands. Christensen contended the site is part of a sacred tribal site and contains multiple burials. Christensen encouraged the Board to invite tribal leaders themselves. Christensen added TAG is an in-house committee and not completely independent or viable as tribal consultation. Christensen restated LCWA needs an EIR before moving on this project.

Chair Price noted the public can comment for each item, as people log on at different times.

Ann Cantrell emphasized LCWA plans to get money for mitigation credits through entities, such as Poseidon. Cantrell contended marine life will be destroyed and urged the Board to be informed of these issues.

Chair Price asked Gee if, following best practices, input from TAG is being collected in the manner it should be. Gee explained LCWA reached out to several tribes and their Chair Members. Gee stated the Chair or a designee are consulted, and TAG is one method to collect consensus.

Joel Gerwein added he has participated in tribal meetings and members are encouraged to share their insights, even if they have disapprovals. Gerwein stated Chair Morales has also attended meetings and stated his concerns. Gerwein emphasized members are encouraged to express their concerns.

This item was received and filed.

11. Consideration of a resolution entering into a contract with Coastal Quest for the Southern Los Cerritos Wetlands Restoration Planning Project

Sally Gee stated in October 2021, Coastal Quest, in collaboration with the LCWA, submitted an application to the Orange County Community Foundation (OCCF) to support ongoing tribal engagement with the LCWA's Tribal Advisory Group (TAG) and additional cultural resources investigations to complete a Tribal Cultural Landscape study for the Southern Los Cerritos Wetlands Restoration Planning Project (Project). Gee explained the Henry & Ellen Warne Family Fund (grant) was founded at OCCF to protect and promote the protection of endangered species in Orange County. Coastal Quest is a 501(c) 3 non-profit working collaboratively with partners to build resilient coastal communities that support diverse and rich habitats.

Gee explained an initial request for \$75,000 was submitted to the Orange County Community Foundation through Coastal Quest to support the Tribal Advisory Group meetings, develop a tribal access plan, complete the Traditional Cultural Landscape Study, and host tribal stewardship events. Gee stated a partial grant of \$30,000 was awarded from OCCF to Coastal Quest to support tribal engagement in the TAG and to complete the Traditional Cultural Landscape Study for the Southern Los Cerritos Wetlands Restoration Planning Project. Gee added more than half of the funding received will be provided to tribal members through Coastal Quest for their participation in the Tribal Advisory Group and for providing their expert review of the Study and restoration plans. Gee stated Coastal Quest will provide \$10,980 to the LCWA to host TAG meetings, consult with tribal representatives, and complete the study. Gee stated a draft contract has been provided in the Board Packet, and LCWA will complete the above scope through the professional services contracts with Moffatt and Nichol (LCWA 21501) and Tidal Influence (LCWA20502) for the Southern Los Cerritos Wetlands Restoration Planning Project. Gee stated this contract would run from May 5, 2022 to Dec 31, 2022, and ongoing consultation with tribes will be crucial to the project, as it will incorporate traditional knowledge and uses of the site. Gee stated this study can ultimately be used by tribal members. Gee stated compensation for tribal consultation is difficult to fund through state grants, therefore this work would not be possible without the assistance of Coastal Quest and funding from OCCF.

Anna Christensen stated a portion of the funds will go to other entities, such as Moffatt and Nichol. Christensen stated these entities are already entered into contracts with LCWA. Christensen clarified Cogstone has not done a professional job assessing tribal materials on the site. Christensen stated the overall project is opposed by tribal leaders because it will destroy the site.

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

12. Consideration of a resolution to authorize the Executive Officer to negotiate and execute a Memorandum of Agreement with AES Redondo Beach, LLC to accept funds from the AES Voluntary Environmental Benefits Grants Program

Sally Gee stated on November 4, 2021, the LCWA Board approved a resolution to commit staff time to develop an agreement between AES Corporation and LCWA to receive grant funds in the amount of \$1,000,000 to support planning, engineering, restoration, and rehabilitation of the Los Cerritos Wetlands (Resolution 2021-14). Gee stated since then, staff has coordinated with AES Corporation to develop a Memorandum of Agreement (MOA) with AES Redondo Beach. Gee

stated Staff and legal counsels from both the LCWA and AES have reviewed the Draft MOA, but additional details about the implementation of the grant program is required to resolve all comments from LCWA legal counsel. Gee stated additional details regarding timing of funds dispersion, expenditure period, and annual reporting details to AES need to be further clarified; however, the terms requiring further negotiation would not subject the LCWA to potential liability. Therefore, staff recommends the Board authorize the Executive Officer to negotiate the remaining implementation details and execute the MOA. Gee explained if any terms arise during negotiations that require Board approval, staff will present the terms to the Board at a later date. Gee stated there are several terms of the MOA highlighted in the Board Packet. Gee stated the first element highlights how funds will be transmitted to LCWA. Gee stated item 2 shows elements of the workplan that may receive funding, including amendments to existing and new stewardship programs to restore LCW at Zedler Marsh and the Southern LCW Site, including staff time, planning, permitting, materials, and supply costs. Gee stated funds would also support coordination with AES to resolve all comments in the draft MOA, submission and approval of a workplan, and would greatly support the LCWA's mission to protect and restore the Los Cerritos Wetlands.

Mark Miller, Market Business Leader from AES, stated AES' mission to accelerate the future of energy together with businesses, customers, partners, and communities. Miller stated AES is a top renewable player in the United States. Miller highlighted AES' environmental impact through sustainable energy. Miller stated the company looks for community partners that share a common vision and values. Miller explained the AES team is excited to partner with local organizations like LCWA to restore and improve wetlands for future generations and further commitment to social justice programs by expanding outreach and environmental programs which will benefit underserved communities in Los Angeles and Orange County.

Chair Price asked if the money can be used for private land acquisition. Gee stated that will be worked out if the MOU is approved. Price added that she would be excited to have that included in the work plan.

Ann Cantrell noted AES Redondo Beach will be able to use once-through cooling in return for the funding. Cantrell stated funding should instead be used to stop once-through cooling and the use of cooling water. Cantrell urged the Board to vote no on this item.

Anna Christensen stated AES established a coal plant in Puerto Rico in 2002 and is not a friend of the environment. Christensen noted she is on record witnessing LCWA, along with the CCC and RMC, taking money from a global corporation that has been detrimental to the environment.

Chair Price asked for clarification on the correlation between the once-through cooling extension that has already occurred and this grant. Gee stated the grant is an additional voluntary environmental grants program that AES has committed to. Gee explained existing OTC was approved by a separate entity and not LCWA. Gee stated the funding is to benefit the wetlands but is in addition and separate from their OTC policy. Chair Price clarified the approval for the two-year extension at the state level had opportunity for public comments. Gee affirmed there was.

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

13. Consideration of a resolution to authorize the Executive Officer to negotiate and execute an on-call contract for legal counsel services

Sally Gee stated there is a need for LCWA to adequately consider real property transaction opportunities that have been increasing due to the completion and adoption of restoration plans over the years. Gee stated the scope of preferred specialties will include, but not be limited to, acquisition and land transfer agreements, conservation easements, agreements for mitigation funds and endowments, and CEQA regulations. Gee stated current legal service needs include negotiations for the Synergy Land Exchange Agreement, Upper Los Cerritos Wetlands Mitigation Bank, conservation easement and endowment, and other projects LCWA is taking on. Gee added upcoming needs include mitigation funding agreements as planning progresses for the Southern Los Cerritos Wetlands Restoration Project. Gee stated in the FY 21/22 budget, \$25,000 was approved for legal services. Services may also be billed to specific project budgets as they are made available. Gee noted Contract(s) terms and amount(s) will be determined after negotiations are finalized with the selected individual(s) firm(s) for legal counsel services.

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

14. Closed Session

There was no closed session.

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.

The meeting adjourned at approximately 2:03 pm.

Los Cerritos Wetlands Authority

Date: August 4, 2022

To: Governing Board Members

From: Mark Stanley, Executive Officer

Subject: Item 7: 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:

<u>August 2022 WORKPLAN STATUS UPDATE</u>		
LCWA Projects		
Task	Description	Status
Legislative Updates		

Potential Funding Sources		
State Water Board Once-through Cooling Interim Mitigation Funding will depend on mitigation fees collected	<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>Funding was received from the SCC for the Southern Los Cerritos Wetlands Restoration Project.</p>

Task	Description	Status
Capital Projects & Initiatives		
Los Cerritos Wetlands Planning and Restoration Project	Complete the Environmental Review of the Conceptual Restoration Plan through CEQA in a Program Environmental Impact Report	<p>Funding is provided to conduct CEQA analysis to engage an environmental consultant contract.</p> <p>Environmental Science Associates is under contract since March 2018. 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). The AB52 tribal consultations have been completed. Critical stakeholders are being regularly updated. The DEIR 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. The FEIR was released for public review on October 22nd, 2020, along with a notice of public hearing. The FEIR was certified by the LCWA Board on January 7, 2021.</p> <p>The Los Cerritos Wetlands Habitat Restoration Plan was adopted by the LCWA Board on July 1, 2021.</p>
Los Cerritos Wetlands Acquisition of the Bryant Properties	Complete the acquisition of all property owned by the Bryant Family for an additional 18 acres along the frontage of 2 nd Street- Westminster Avenue added to the property preserved for perpetuity as public.	There is no current activity on this acquisition, and grant funds for this project have been returned to the grantors.

Los Cerritos Wetlands LLC Restoration and Oil Consolidation Project	<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 have worked collaboratively to meet the conditions set forth by the Coastal Commission staff report and the CDP was issued in December 2021.</p> <p>LCWA continues to track all other aspects of the project including the mitigation bank, land exchange agreement, and entitlement process.</p> <p>A settlement has been reached on <i>Puvunga Wetlands Protectors v. California Coastal Commission, et al.</i>, Los Angeles Superior Court Case No. 19STCP00435.</p>
Southern Los Cerritos Wetlands Restoration Project	<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>Funding has been awarded from CDFW, SCC, and RMC to complete 65% designs. LCWA released an RFP and awarded the project to Moffat & Nichol on January 7, 2021. Permitting, geotechnical and design work, and tribal engagement is ongoing. Supporting project level biological surveys and reports have been completed.</p> <p>A virtual Public Meeting occurred on December 7. A meeting recording and the accompanying Public Access Survey can be found on the page linked below. The Survey is collecting public preferences regarding trails, amenities, and other pertinent items. Survey results are being analyzed and will inform future design efforts..</p> <p>https://intoloscerritoswetlands.org/southern-los-cerritos-wetlands-restoration-project/</p>

Option Agreement to transfer properties between Los Cerritos Wetlands LLC(LCWLLC) and the LCWA	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.	The LCWA received the option agreement funds which will be used to hire consultants to review technical studies. Negotiations of the land transfer agreement are ongoing.
LCWA Mitigation Policy	Staff will require consultant services in order to assist in the development of the mitigation policy and currently the FY21/22 Budget does not have any unrestricted funds to support authorizing a consultant contract.	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.

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

300 Studebaker Road Industrial Park Project – Mitigated Negative Declaration	<p>The project involves demolition of 400 sf of existing concrete, on-site pipeline structures, and asphalt paving, and the development of two concrete tilt-up industrial buildings, situated on 6.69 acres of land east of Studebaker Road. Approximately 1.81 acres of open space at the northwest and southwest corners of Studebaker and Loynes Drive is proposed to be donated to the LCWA as part of this project.</p>	<p>The project was approved by the Long Beach City Council on January 7, 2020. An appeal on this decision was made to the Coastal Commission (Appeal No. A-5-LOB-20-0006). The Coastal Commission approved this project with Special Conditions on September 8, 2021.</p> <p>Special Condition 8 states that prior to issuance an offer to dedicate fee title to a public agency must be recorded in accordance with the terms of the CDP. The LCWA has been coordinating with Panattoni Development Company, Inc on this project and received a draft OTD for consideration and will be brought to the board for consideration at a future Board Meeting.</p> <p>Conversations regarding the native habitat restoration on the open space parcel and tribal access plan are currently active. On Oct 27, 2021, the LCWA and Panattoni provided a site tour with LCWA's TAG members to discuss tribal access on the property.</p> <p>Panattoni has reengaged LCWA Staff regarding this project and the land donation. Updates will be provided at the next Board Meeting.</p>
--	---	---

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, 2023.

OTD/Edison Parcel Los Angeles County APN 7237-019-809 D & S Washout Systems Lease Agreement Lease Fee = \$1,010 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, 2023.
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. Staff have recently met with SLC staff about renewing the lease agreement. An application to renew the lease is being prepared. A lease application fee of \$3,000 and a processing fee of \$25 will need to be submitted to SLC to review the application. Supporting letters are being gathered before application submission.
City of Long Beach Marketplace Marsh License Agreement for Los Angeles County APN 7237-020-21 June 7, 2010 through June 30, 2025	The property is approximately 29.38-acres south of 2nd Street. The license agreement allows LCWA access and tours of the wetlands at this site.	On August 18, 2020, Long Beach City council approved an extension of this license agreement. The license agreement is valid through June 30, 2025.

Task	Description	Status
Grants – COMPLETED		
A total of 15 grants have been completed by the LCWA and LCWLT as of November 2018	A total of \$7,477,900 grant funds has been acquired and applied towards acquisition, restoration studies, restoration projects, and education programs.	
Grants – ACTIVE		

California Department of Fish and Wildlife Proposition 1 Southern Los Cerritos Wetlands Restoration Grant <u>Active</u>	Grant funds to complete 65% designs, environmental compliance, permitting, and outreach for the 105-acre Southern Los Cerritos Wetlands. Performance Period September 23, 2020 through July 31, 2023 Total Funding \$405,828 Funding Remaining: \$164,042.05	The LCWA was successfully awarded the grant funds for the Southern Los Cerritos Wetlands Restoration Project. Implementation of the project has commenced. See Southern Los Cerritos Wetlands Restoration Project under Capital Projects & Initiatives for updates.
State Coastal Conservancy Once Through Cooling Mitigation Funds Los Cerritos Wetlands Southern Area Planning <u>Active</u>	Grant funds to complete 65% designs, environmental compliance, permitting, and outreach for the 105-acre Southern Los Cerritos Wetlands. Performance Period December 28, 2020 through December 31, 2024 Total Funding \$250,000 Funding Remaining: \$134,060.13	The LCWA was successfully awarded the grant funds for the Southern Los Cerritos Wetlands Restoration Project. Implementation of the project has commenced. See Southern Los Cerritos Wetlands Restoration Project under Capital Projects & Initiatives for updates.
San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy Grant State Coastal Conservancy Proposition 68 LCW Southern Area Restoration Planning Project <u>Active</u>	Grant funds to complete 65% designs, environmental compliance, permitting, and outreach for the 105-acre Southern Los Cerritos Wetlands. Performance Period May 17, 2021 through June 30, 2023 Total Funding \$250,000 Funding Remaining: \$197,855.94	The LCWA was successfully awarded the grant funds for the Southern Los Cerritos Wetlands Restoration Project. Implementation of the project has commenced. See Southern Los Cerritos Wetlands Restoration Project under Capital Projects & Initiatives for updates.
Regional Parks and Open Space District Measure A Maintenance and Servicing Funds Zedler Marsh Urban Trails System Maintenance and Servicing <u>Active</u>	Grant funds to maintain Proposition A funded development of new trails, landscaping, signage, and native plant nursery. Performance Period: November 1, 2021 – October 31, 2022 Total Funding \$80,895 Funding Remaining \$49,091	The annual allocation for maintenance and servicing funds for maintenance of the Zedler Marsh Trail System was approved by the RPOSD. Implementation of the project has commenced. The budget will need to be renewed annually and may vary based on taxes collected each year.

AES - Applied Energy Services, Inc. Grant Active	<p>Grant funds totaling \$1,000,000 have been awarded to the LCWA to use for acquisition, planning, stewardship, and restoration efforts at the Los Cerritos Wetlands.</p> <p>Performance Period: July 19, 2022 – April 19, 2024</p> <p>Total Funding: \$400,000.00 Funding Remaining: \$600,000.00</p>	<p>AES has awarded the LCWA with a grant totaling \$1,000,000 over 2 years. The first year of funding totals \$400,000 and the second year of funding totals \$600,000. The performance period for this funding for year 1 is July 29, 2022 to April 19, 2024.</p> <p>The LCWA is currently allocating year 1 grant funding for various planning tasks. Part of the grant funding will also be used for restoration and stewardship efforts that will be procured through a Request for Proposals.</p>
--	---	--

Task	Description	Status
Consultant Contracts - ACTIVE		
LCWA 19501 Los Cerritos Wetlands Stewards Homeless Liaison Contract Amended Active	<p>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.</p>	<p>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.</p> <p>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.</p> <p>The contract was extended for one year on May 2, 2022 through May 3, 2023.</p>
LCWA 19502 Moffat & Nicole Mitigation Bank Technical Review Active	<p>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.</p>	<p>A contract was approved at the August 1, 2019 Board meeting (LCWA Resolution 2019 – 11) for an amount not to exceed \$10,000.</p>
LCWA 19503 RWG Law Mitigation Bank Legal Services Active	<p>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.</p>	<p>A contract was approved at the August 1, 2019 Board meeting (LCWA Resolution 2019 – 11) for services rendered based on a fee schedule.</p>

<p>LCWA 20502 Tidal Influence Land Management Services <u>Active</u></p>	<p>Due to limited staff availability, the LCWA has contracted for 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.</p>	<p>A contract was approved at the September 24, 2020 Board meeting (LCWA Resolution 2020 – 03). The contract is through September 30, 2023, with two options for 1-year extensions of the contract Compensation for this scope of work are:</p> <ol style="list-style-type: none"> 1. Land management: \$1,000 per month 2. Stewardship Program implementation: \$1,000 per month 3. Contract and Grant Management: scope and costs will be billed according to various contract/grant agreements, and costs will not exceed the agreed upon budget. 4. Implementation of the Los Cerritos Wetlands Restoration Plan: costs to be billed according to the contractor's fee schedule, with an annual not to exceed total of \$44,400. 5. Additional as needed services will be negotiated and billed according to the contractor's fee schedule.
<p>LCWA 20503 Moffatt and Nichol Restoration Design Services <u>Active</u></p>	<p>Consultant services were needed 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</p>	<p>A contract was approved at the January 7, 2021 Board Meeting (LCWA Resolution 2021-07) for a total not to exceed amount of \$740,000.</p>
<p>Memorandum of Understanding/Agreements</p>		
<p>LCWA08008 Signal Hill Petroleum, Inc. Coastal Development Permit for Vegetation Removal LCWA Phase 1 Properties <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: \$2,917</p>	<p>Tidal Influence was contracted to manage the MOA.</p> <p>Signal Hill Petroleum, Inc. annually provides \$10,000 to offset their impacts from proposed work. The 2020-2021 spending plan was approved and is currently being implemented.</p>

<p>City of Seal Beach Waterline Relining Project</p> <p>Active</p>	<p>The City of Seal Beach (City) is proposing to reline a City waterline that runs parallel to First Street within the City's easement on LCWA property to temporarily address issues of recent waterline breakages. The City would need to access LCWA's property beyond the easement for biological and geotechnical surveys, and potentially during construction. The MOU establishes an agreement between the City and LCWA to coordinate on the relining effort and any overlaps with LCWA's wetlands restoration planning, as well as liabilities for activities on the property.</p>	<p>The City would also reimburse LCWA for costs associated with coordinating and monitoring the project, up to \$1,910 per week, through LCWA's land management contract with Tidal Influence.</p> <p>The waterline relining project completed its geotechnical analysis. LCWA staff are continuing to coordinate with Seal Beach Staff on this project.</p>
---	---	--

LCW Stewardship Program		
Task	Description	Status
Potential Funding Sources		
City of Long Beach Measure A, Public Safety, Infrastructure Repair and Neighborhood Services Measure	<p>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.</p>	<p>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.</p>
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	<p>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.</p>	<p>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...</p> <p>...The maintenance and servicing amount shall be allocated each year as follows:</p> <p>...point five percent (0.5%) to the Los Cerritos Wetlands Authority...</p>

Education Programs		
Task	Description	Status
Capital Projects & Initiatives		
Tarplant Mitigation Project - Ascon <u>Active</u>	<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, 2022.</p> <p>Year 6 Funding: \$63,580 Year 6 Remaining Funding: \$36,110.71 as of March 31, 2022</p>	<p>Tidal Influence was contracted to manage and implement this project, seeding, and monitoring plan at Zedler Marsh. Staff continues to manage and monitor the progress on the project.</p> <p>Regular watering and invasive species control are currently conducted on site. The site has successfully reached its goal of sustaining more than 189,774 individuals plants for two consecutive years. Annual monitoring will be conducted in the upcoming months.</p> <p>An endowment and long term management agreement for this project is currently being discussed.</p>
Grants – COMPLETED		
A total of 12 grants completed by the LCWA and LCWLT	A total of \$6,352,360 grant funds was acquired and used towards acquisition, restoration studies, restoration projects, and education programs.	See link for details on all completed grants.

Task	Description	Status
Grants – ACTIVE		
The Orange County Community Fund Warne Family Endowment Fund for Endangered Species Protection Grant <u>Active</u>	The LCWLT applied for the Warne Foundation Grant Program to fund Belding's Savannah Sparrow surveys at Los Cerritos Wetlands. This is a competitive grant that needs to be reapplied to annually.	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. This grant was first awarded to the LCWLT on January 1, 2017, and then reapplied for and approved for a sixth year of monitoring and restoration efforts for 2022.

Memorandum of Understanding/Agreements		
Signal Hill Petroleum, Inc. (SHPI) Memorandum of Agreement <u>Active</u>	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. Performance Period February 3, 2017 through perpetuity.	The LCWA will have access to these specific areas within the SHPI exclusive easement into perpetuity.
LCWA13001 Aquarium of the Pacific Memorandum of Agreement <u>Active</u>	The LCWA entered into a Memorandum of Agreement in order to provide a citizen science sea turtle monitoring program for the general public.	For updates on the citizen science sea turtle monitoring program, please visit http://www.aquariumofpacific.org/give/membership/seaturtles A long term agreement was approved by the LCWA Board on July 1, 2021. AOP is currently working on a publication discussing the results of the monitoring data collected over previous years.
LCWA13000 Los Cerritos Wetlands Land Trust Memorandum of Agreement <u>Active</u>	The LCWA entered into a MOA with the Los Cerritos Wetlands Land Trust for stewardship services of the Los Cerritos Wetlands Stewardship Program	Please see the attached Los Cerritos Wetlands Stewardship Program Summary Report. A long term agreement was approved by the LCWA Board on July 1, 2021.

Task	Description	Status
Memorandum of Understanding/Agreements		
Memorandum of Agreement with the El Dorado Audubon <u>Active</u>	El Dorado Audubon conducts regular bird walks throughout the LCLWA properties.	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/ A long term agreement was approved by the LCWA Board on July 1, 2021.
Sea and Sage Monthly Bird Counts	Darrell Wilson conducts regular bird counts using a research permit on the Hellman Properties.	Bird counts from monthly surveys are summarized in reports submitted to LCW's Ebird account.

Field Report Memorandum

To: Sally Gee, LCWA

From: Jesse Aragon, Tidal Influence, LLC

Cc: Eric Zahn, Marcelo Ceballos, Tidal Influence, Salian Garcia, Mark Stanley

Date: May 16th, 2022

Subject: Land Management Field Report

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

Inspection Date: April 29th, 2022

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 – OK
2. Trails – OK
3. Fences – OK
4. Homeless –
 - a. An encampment has established along fence line near the southeast corner of the property. (See Photos)
Tidal Influence staff contacted the LCWA's homeless contractor and the encampment has since been remediated.

Zedler Marsh

5. Gates – OK
6. Trails – OK
7. Fences – OK
8. Homeless – OK

State Lands Parcel

9. Gates – OK
10. Trails – OK
11. Fences - OK
12. Homeless - OK

Hellman

13. Gates – OK
14. Trails –
 - a. Non-native vegetation has encroached onto maintenance trails. (See Photo)
Tidal Influence staff will conduct trail maintenance in the coming month to improve access.
 - b. Coastal Sage Scrub vegetation has encroached onto back access trail and is blocking the access gate between the property and Heron Pointe. (See Photo)

Tidal Influence staff will conduct vegetative maintenance in the coming month to allow access during land tour.

- c. Non-native vegetation has encroached onto stewardship event parking area.

Tidal Influence staff has conducted fence line maintenance to allow for stewardship event parking.

15. Fences – OK

16. Homeless – OK

Bryant Lease West

17. Gates –

- a. Levee gates found open. (See Photo)

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 levee path.

18. Trails –

- a. A speed limit sign has been damaged.

Tidal Influence staff will resecure the signage in the coming months.

19. Fence –

- a. Two fence line breaches were observed in two locations along the eastern fence line. (See Photos)

Tidal Influence staff will continue to monitor the condition of the fence line and conduct repairs in the coming months.

20. Homeless – OK

21. Other –

- a. A build up of trash has occurred in the facilities along river near levee gates. (See Photo)

Tidal Influence staff will continue to conduct trash clean up efforts during subsequent walkthroughs.

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.



Field Report Memorandum

To: Sally Gee, LCWA

From: Jesse Aragon, Tidal Influence, LLC

Cc: Eric Zahn, Marcelo Ceballos, Tidal Influence, Salian Garcia, Mark Stanley

Date: June 14th, 2022

Subject: Land Management Field Report

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

Inspection Date: May 24th, 2022

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 – OK
2. Trails – OK
3. Fences – OK
4. Homeless – OK
5. Other –
 - a. Roadside vegetation encroaching into adjacent bike path. A staff biologist surveyed the area for nesting birds and other potentially sensitive species before conducting maintenance (See Photo).

Zedler Marsh

6. Gates – OK
7. Trails – OK
8. Fences – OK
9. Homeless – OK
 - a. On May 9th Tidal Influence staff encountered a person experiencing homelessness collecting recyclable materials around the restoration facilities and Zedler Marsh. The individual was approached and insisted he was allowed to work on the property. Tidal Influence staff informed them of the potential damage their actions may cause to endangered Belding's Savannah Sparrow habitat. After the individual refused to vacate the property Tidal Influence staff contacted the LCWA' Homeless outreach contractor. While awaiting the LCWA's homeless contractor the individual left the site. Tidal Influence staff inspected potential impact areas. Overall, no impacts were made to biological resources.

Tidal Influence staff will continue to work towards improving site security and is working to train field staff on handling encounters with homeless.

State Lands Parcel

10. Gates – OK
11. Trails – OK
12. Fences - OK
13. Homeless - OK

Hellman

14. Gates – OK
15. Trails –
 - a. Non-native vegetation has encroached onto maintenance trails. (See Photo)
Tidal Influence staff will conduct trail maintenance in the coming month to improve access for public programs.
 - b. Coastal Sage Scrub vegetation has encroached onto back access trail and is blocking the access gate between the property and Heron Pointe. (See Photo)
Tidal Influence staff has conducted trail maintenance and the path is now accessible for public programs.
16. Fences – OK
17. Homeless –
 - a. On May 5th, Hellman operators spotted two individuals on the property near the electronic access gate. The Hellman's escorted the individuals off the property and notified Tidal Influence staff. Tidal Influence staff conducted site and perimeter walkthroughs during which no evidence of current or past campsites were found. Two potential entry points were located along the Western fence line shared with the Landing Hill neighborhood and Gum Grove Park. (See Photos)
Tidal Influence staff has remediated one entry point and will work to remediate the second entry point in the coming months.

Bryant Lease West

18. Gates –
 - a. Levee gates found open. (See Photo)
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 levee path.
19. Trails – OK
20. Fence –
 - a. Two fence line breaches were observed in two locations along the eastern fence line. (See Photos)
Tidal Influence staff will continue to monitor the condition of the fence line and conduct repairs in the coming months.
21. Homeless – OK
22. Other –
 - a. A build up of trash has occurred in the facilities along river near levee gates. (See Photo)
Tidal Influence staff will continue to conduct trash clean-up efforts during subsequent walkthroughs.

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.



Field Report Memorandum

To: Sally Gee, LCWA

From: Jesse Aragon, Tidal Influence, LLC

Cc: Eric Zahn, Marcelo Ceballos, Tidal Influence, Salian Garcia, Mark Stanley

Date: July 14th, 2022

Subject: Land Management Field Report

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

Inspection Date: June 28th, 2022

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 – OK
2. Trails – OK
3. Fences – OK
4. Homeless – OK

Zedler Marsh

5. Gates – OK
6. Trails – OK
7. Fences – OK
8. Homeless – OK

State Lands Parcel

9. Gates – OK
10. Trails – OK
11. Fences - OK
12. Homeless - OK

Hellman

13. Gates – OK
14. Trails –
 - a. Non-native vegetation has encroached onto maintenance trails. (See Photo)
Tidal Influence staff has conducted trail maintenance in order to improve access for public programs.
15. Fences –
 - a. On July 6th, Tidal Influence staff conducted annual vegetation maintenance in the southeastern corner of the property as part of a fire safety and fuel reduction program. The maintenance was conducted along a fence line shared with Surf Place and Coastline Drive neighborhoods to provide a breadth of 30 feet. (See Photos)

16. Homeless –

- a. On May 5th, Hellman operators spotted two individuals on the property near the electronic access gate. The Hellman's escorted the individuals off the property and notified Tidal Influence staff. Tidal Influence staff conducted site and perimeter walkthroughs during which no evidence of current or past campsites were found. Two potential entry points were located along the Southern fence line shared with the Landing Hill neighborhood and Gum Grove Park. (See Photos)

Tidal Influence staff has remediated the second entry point and will continue to monitor fence line conditions to maintain site security.

17. Other –

- a. To facilitate the final design of the Southern Los Cerritos Wetlands Restoration project, geotechnical soil samples were collected at fourteen locations throughout Southern Los Cerritos Wetlands Restoration Project. Sample collection involved the use of a drill rig at five of the fourteen locations. A hand auger was utilized at the remaining nine locations. Biological, cultural, and archeological monitors were present throughout the sample collection process in order to prevent impacts to biological, cultural, and archeological resources. Overall, no impacts were observed by the monitors. Following the geotechnical borings, eight bins filled with extracted soil were removed from the project area for disposal. (See Photos)

Bryant Lease West

18. Gates –

- a. Levee gates found open. (See Photo)

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 levee path.

19. Trails – OK

20. Fence –

- a. Two fence line breaches were observed in two locations along the eastern fence line. (See Photos)

Tidal Influence staff will continue to monitor the condition of the fence line and conduct repairs in the coming months.

21. Homeless – OK

22. Other –

- a. A build up of trash has occurred in the facilities along river near levee gates. (See Photo)

Tidal Influence staff has removed the trash and will continue to monitor and manage the presence of trash throughout LCWA properties.

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.





Coastal Sage Scrub encroaching onto back access trail



Non-native vegetation encroaching onto maintenance trail



Fence line maintenance conducted in stewardship parking area





Breaches along eastern fence line



Levee gates left open



Trash build up around facilities



Campsite established along southern fence line remediated

Hellman



Unofficial entry point remediated



Fence breach on western fence line



Trespasser in wetlands

Hellman



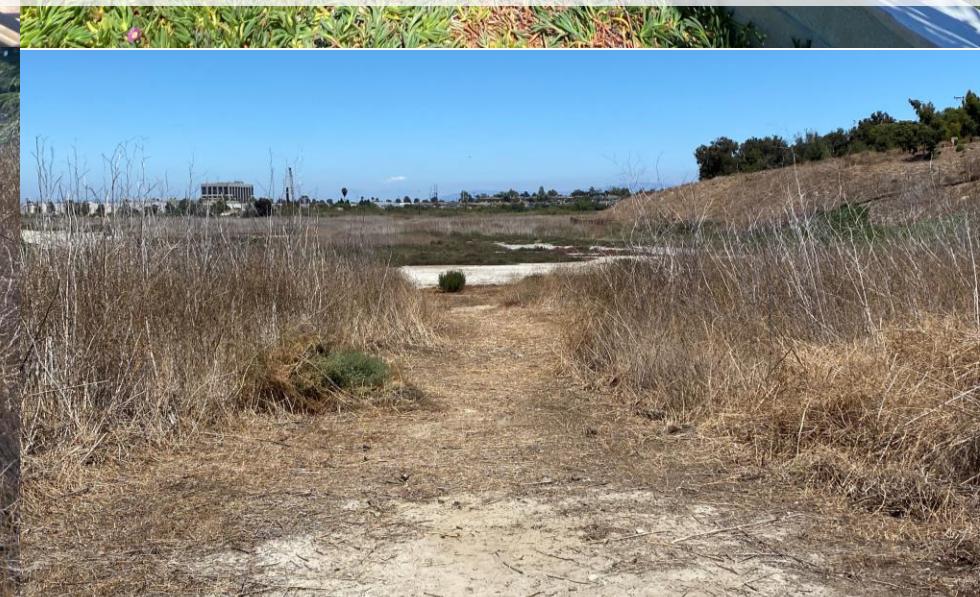
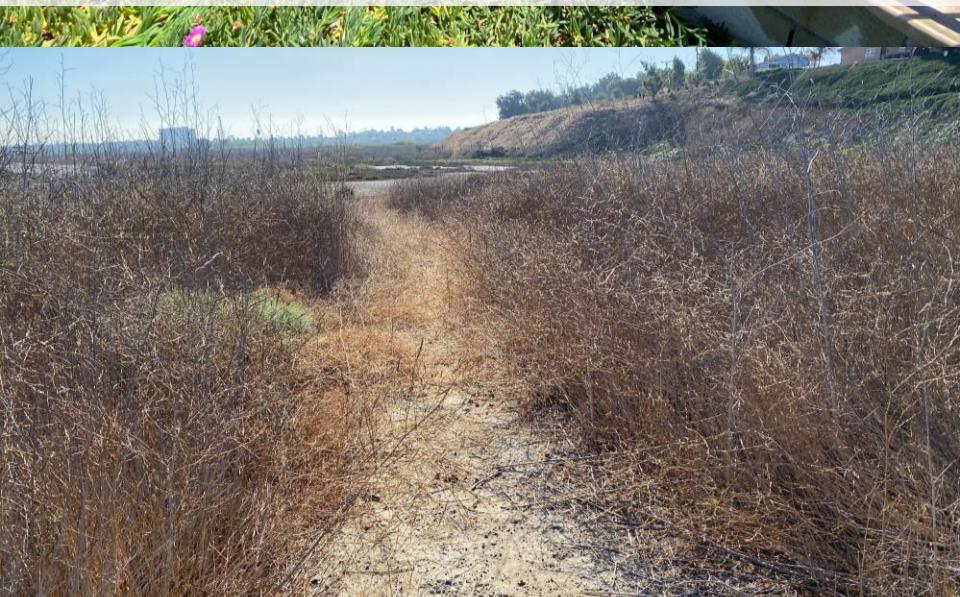
Maintenance conducted on back access trail

Non-native vegetation encroaching onto maintenance trail

Hellman

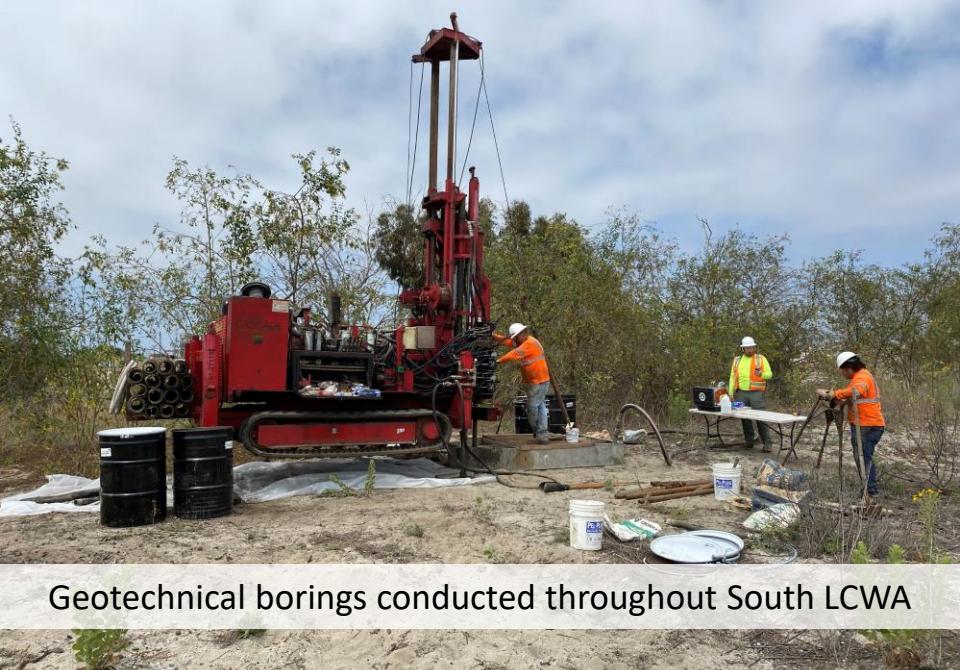


Fence breach on southern fence line repaired



Trail maintenance conducted

Hellman



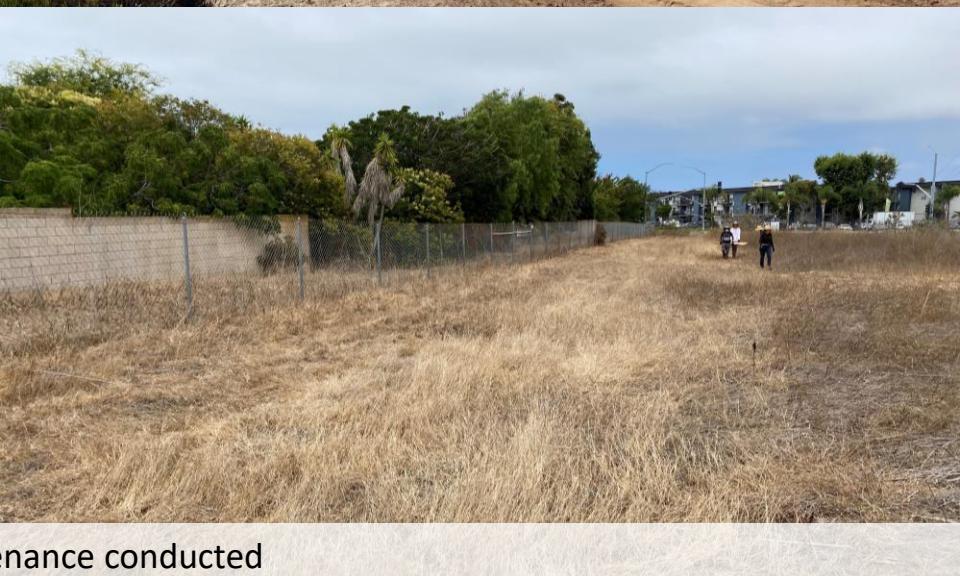
Geotechnical borings conducted throughout South LCWA



Soil bins removed from project area



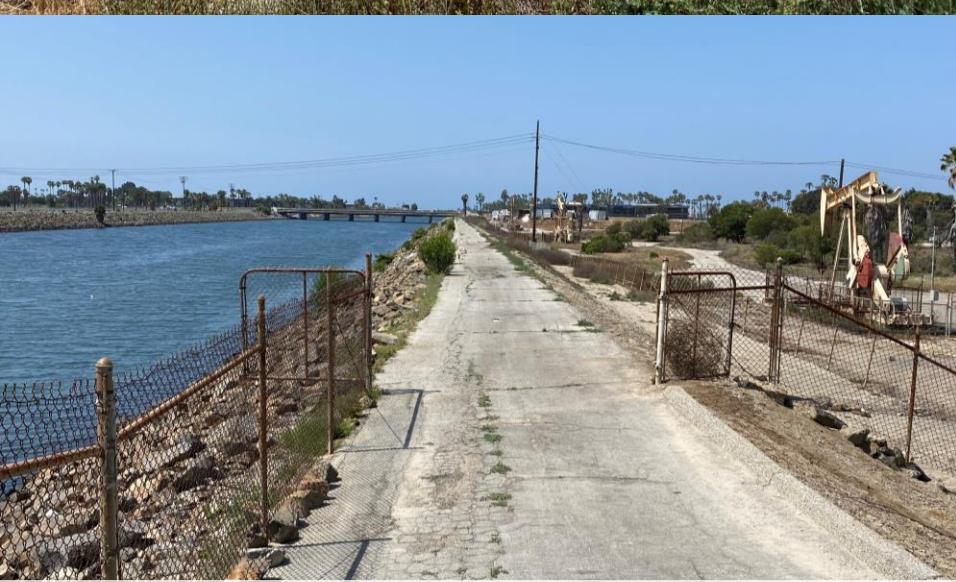
Fence line maintenance conducted



Bryant West



Breaches along eastern fence line



Levee gates left open



Trash around facilities cleaned up

OTD



Maintenance conducted on roadside

LOS CERRITOS WETLANDS STEWARDSHIP PROGRAM REPORT

MAY 2022-JULY2022

Los Cerritos Wetlands Authority

Nature Walks

Raptor Ramble, Heron Hike, Turtle Trek

Each of these tours immerse visitors in the unique habitats of Los Cerritos Wetlands and allows them to gain new perspectives on the purpose of these rare environments. Each walk begins at the northeast corner of 1st Street and Pacific Coast Highway in Seal Beach at 8:00 A.M. on the first Saturday of every month. Members of the public are encouraged to attend all three different tours to experience diverse wildlife encounters in the Los Cerritos Wetlands. For more information and to RSVP for land tours/nature walks, please contact Elizabeth Lambe at elizabeth@lcwlandtrust.org

May's nature walk was the Heron Hike where participants joined us on a walk to Marketplace Marsh. The freshwater marsh was filled with water, which is not always the case, boasting cattails and territorial red-winged black birds (Figure 1). In June we walked through the Hellman Ranch area up to Heron Pointe for the Raptor Ramble. Over the marsh we were greeted with 2 red-shouldered hawks and Belding's savannah sparrows displaying breeding behavior. Once we arrived at the riparian habitat of Heron Pointe we heard the songs of the yellow-breasted chat and the least Bell's vireo. July's Turtle Trek was the best one yet with about 4 different turtle individuals observed surfacing for air in the San Gabriel River. The first Pacific green sea turtle seen greeted us with 11 surfacings, one after another and then between the other 3 we saw a total of about 30 surfacings which was a spectacular sight given during some of the Turtle Treks we do not see any turtles.

Habitat Restoration Events

Monthly Habitat Restoration events take place at Zedler Marsh, which is currently the only active restoration site throughout the Los Cerritos Wetlands. Here volunteers can help with a plethora of activities from native plant installation, non-native plant removal, mulching, watering, trash clean ups, propagating and more! Restoration events follow immediately after Land Tours on the first Saturday of every month starting right at 10:30 A.M., please contact iwanttohelp@tidalinfluence.com for more information.

April marks our last month of planting season until October, due to the warmer weather, so the last 3 habitat restoration events focused on nonnative plant removal and mulching (Figure 2). During our May, June, and July events a total of **118 volunteers** helped remove 250lbs of nonnative vegetation and helped spread mulch into restoration areas to aid in soil moisture retention, nonnative plant suppression, and soil health. In addition to the work that the Stewardship teams completes, **249 volunteer hours** went into the last quarter, contributing **\$7,473 of in-kind services**.

Special Events

Thanks to the Los Cerritos Wetlands Land Trust we hosted 10 field trips with our partners at Heroes Elementary for grades 2nd-4th that finished in May. On these trips we have a fun and interactive curriculum we call “Explore the Coast” where students get to learn about the LCW, Zedler Marsh, help with habitat restoration, make plant presses, and participate in a scavenger hunt for different insects and animals they may find on site (Figure 4). In May we hosted two separate field trips for a Marine Biology class and Wildlife Biology class from Long Beach City College. The 63 college students helped us spread mulch as well as sightsee and learn about restoration ecology. Through a partnership with the Aquarium of the Pacific, a volunteer group from SoCal Edison had 25 participants join us in mulching our trails. This year the LCW was once again chosen as a site for volunteers to sign up for Make a Difference Day in Long Beach (Figure 3). This day brings people from all different backgrounds together for a day of giving in their community and the creative slogan our group received was “Not badlands wetlands”. We had 15 volunteers dedicate time on their Sunday to remove 100lbs of nonnative vegetation and mulch our restoration areas. In July we had a summer camp group from Campfire DeForest Park with ages from 8 to 12 join us to learn about the “hidden treasure” that the Los Cerritos Wetlands are.



FIGURE 1. MARKETPLACE MARSH CATTAILS & RED-WINGED BLACK BIRD(TOP) HERON HIKE GROUP AT MARKET PLACE MARSH (BOTTOM)



FIGURE 2. MONTHLY HABITAT RESTORATION EVENTS:
MULCHING



FIGURE 3. SOCAL EDISON GROUP (TOP 2) MAKE
A DIFFERENCE DAY (BOTTOM)



FIGURE 4. EXPLORE THE COAST FIELD TRIPS:
SCAVENGER HUNT FOR BUGS & MUD BALL
RESTORATION ACTIVITY

El Dorado Audubon
LCWA Report – August 4, 2022

Summary

El Dorado Audubon first led walks on the Los Cerritos Wetlands once a year from 1979 for about 20 years. The chapter has been leading twice monthly bird/nature walks since the Los Cerritos Wetlands Authority was organized. The chapter has recorded over 120 species of birds over the years – hawks, herons, egrets, pelicans, songbirds and more!

In the spring summer months we observed nesting birds and birds who recently fledged as well as young rabbits and Beechy Ground Squirrels.

May 2022 – July 2022

Los Cerritos Wetlands Hellman property, Orange, California, US

May 14, 2022 8:00 AM - 10:00 AM

Sky: clear, 75 to 80 degrees

29 species (+5 other taxa)

Rock Pigeon (Feral Pigeon) 25
Mourning Dove 13
Allen's Hummingbird 3
hummingbird sp. 5
Western Gull 2
California Gull 1
gull sp. 25
Forster's Tern 2
Double-crested Cormorant 5
Great Blue Heron 1
Great Egret 2
Snowy Egret 2
Turkey Vulture 1
Osprey 1
Red-tailed Hawk 1
American Kestrel 1
Black Phoebe 1
Ash-throated Flycatcher 1
Cassin's Kingbird 3
American Crow 5
Northern Rough-winged Swallow 7
Barn Swallow 9
swallow sp. 35
Bushtit 4
House Wren 2
Northern Mockingbird 1
House Finch 35
Acanthis/Spinus sp. 7
Savannah Sparrow (Belding's) 2
Song Sparrow 8
Hooded Oriole 2

Common Yellowthroat 4
Wilson's Warbler 1
passerine sp. 25

Los Cerritos Wetlands Zedler Marsh, Los Angeles, California, US
May 21, 2022 8:00 AM - 10:00 AM
19 species (+7 other taxa)

Mourning Dove 8
swift sp. 2
Allen's Hummingbird 5
hummingbird sp. 3
Killdeer 2
gull sp. 25
Forster's Tern 1
tern sp. 5
Great Blue Heron 1
Snowy Egret 1
Cooper's Hawk 1
hawk sp. 2
Belted Kingfisher 1
American Crow 10
Northern Rough-winged Swallow 8
Barn Swallow 3
swallow sp. 25
Bushtit 2
Blue-gray Gnatcatcher 2
House Wren 2
House Finch 35
Lesser Goldfinch 6
Song Sparrow 5
Hooded Oriole 4
Common Yellowthroat 2
warbler sp. (Parulidae sp.) 5

Los Cerritos Wetlands Hellman property, Orange, California, US
Jun 11, 2022 8:00 AM - 10:30 AM
19 species (+5 other taxa)

Mallard 2
Mourning Dove 12
Allen's Hummingbird 1
hummingbird sp. 6
Killdeer 2
gull sp. 5
Forster's Tern 1
Double-crested Cormorant 3
Great Blue Heron (Great Blue) 3
Great Egret 2
Black-crowned Night-Heron 1
Red-tailed Hawk 3

hawk sp. 1
Black Phoebe 2
Cassin's Kingbird 3
American Crow 3
Barn Swallow 5
swallow sp. 45
Northern Mockingbird 2
House Finch 35
Savannah Sparrow 3
Savannah Sparrow (Belding's) 2
Hooded Oriole 2
Common Yellowthroat 3

Los Cerritos Wetlands Zedler Marsh, Los Angeles, California, US
Jun 25, 2022 8:00 AM - 10:00 AM
21 species (+2 other taxa)

Mallard 5
Rock Pigeon (Feral Pigeon) 1
Mourning Dove 21
Allen's Hummingbird 2
Killdeer 1
Great Blue Heron 1
Great Egret 1
Turkey Vulture 2
Osprey 1
Red-tailed Hawk 1
American Kestrel 1
yellow-bellied kingbird sp. 1
American Crow 15
Northern Rough-winged Swallow 4
Barn Swallow 5
Blue-gray Gnatcatcher 2
European Starling 2
House Finch 45
House/Purple Finch 2
Savannah Sparrow 3 Belding's Savannah Sparrow (1) seen Calloway Marsh on walk to Zedler Marsh
Song Sparrow 3
Hooded Oriole 1
Common Yellowthroat 3

Los Cerritos Wetlands Hellman property, Orange, California, US
Jul 9, 2022 8:00 AM - 10:00 AM
15 species (+7 other taxa)

hummingbird sp. 4
Killdeer 1
shorebird sp. 1
gull sp. 5
tern sp. 1

Double-crested Cormorant 3
Great Blue Heron 2
Great Egret 1
Snowy Egret 3
Turkey Vulture 1
Red-tailed Hawk 2
American Kestrel 1
Black Phoebe 3
Cassin's Kingbird 5
yellow-bellied kingbird sp. 2
American Crow 3
Barn Swallow 30
swallow sp. 10
Northern Mockingbird 2
House Finch 45
House/Purple Finch 1
Common Yellowthroat 1

Los Cerritos Wetlands Zedler Marsh, Los Angeles, California, US

July 23, 2022 8:00 AM - 10:00 AM

Checklist Comments: Overcast morning, could hear many birds, not many coming up where we could see them due to overcast sky.

10 species (+3 other taxa)

Rock Pigeon (Feral Pigeon) 2
Mourning Dove 2
Allen's Hummingbird 3
hummingbird sp. 2
Killdeer 2
gull sp. 17
tern sp. 15
Double-crested Cormorant 5
Great Egret 1
Snowy Egret 1
Turkey Vulture 1
American Kestrel 1
House Finch 35

The following pictures were submitted by El Dorado Audubon, photo credits to Susan Sugahara.



Mocking Bird



Rabbit



Snowy Egret

Los Cerritos Wetlands Authority

Date: August 4, 2022

To: Governing Board Members

From: Salian Garcia, Fiscal Manager

Through: Mark Stanley, Executive Officer

Subject: Item 7e: Receive and File Expenditure Report

Attached as Exhibit A is the FY 2021/2022 Budget with balances as of July 18, 2022.

Key elements of the Expenditure Report for FY 2021/2022 (Exhibit A) are summarized below:

- Overall Grant and Special Projects Revenue are slightly lower than budget projections as staff is awaiting reimbursements from grantors or processing reimbursement requests to the respective grantors.
- The JPA Contributions Revenue line is lower than budget projections. However, these one-time, annual payments are expected to be received by the end of this fiscal year.
- The LCWA FY2020/21 audit and financial statements are being finalized. The expense for Audit Services will be realized by the end of this fiscal year.
- Operational Expense is lower than budget projections with Grant and Land Management at par with projections. LCWA does not expect to exceed the overall Operational Expense budget.
- Capital Outlay Expense is higher than budget projections. During budget planning last year, activities were broadly determined as a result of uncertainty related to COVID 19.
- Staff is awaiting reimbursement from several grants and contracts. The revenue will be reflected when submitted costs expended under the grant has been approved for reimbursement and the reimbursement is received.

LOS CERRITOS WETLANDS AUTHORITY
REVENUES AND EXPENDITURES FISCAL YEAR 2021-2022

	FY 21/22 Budget	As of 07/18/22	Remaining Budget Balance	Remaining % Budget Balance	Actuals % FY22 Budget Used
Revenues					
General Administrative & Operating Revenue					
JPA Contributions	40,000	20,000	20,000	50%	50%
Lease Revenue	72,723	58,825	13,898	19%	81%
Contracts	5,000	5,000	-	0%	100%
Fees	2,500	2,080	420	17%	83%
Permits	10,000	10,000	-	0%	100%
Other - Local Revenue	-	-	-	-	-
Subtotal-General Administrative & Operating	130,223	95,905	34,318	26%	74%
Grants and Special Projects Revenue					
Grant - State Coastal Conservancy	45,230	713	44,517	98%	2%
Grant - Rivers & Mountains Conservancy	45,212	-	45,212	100%	0%
Grant - Other Federal, State, County & Local Funds	175,924	18,527	157,397	89%	11%
Mitigation Revenue	63,836	41,600	22,236	35%	65%
Contracts - Other MOA	59,286	44,572	14,714	25%	75%
Other - Donations	-	-	-	-	-
Other - Miscellaneous	1,000	-	1,000	100%	0%
Subtotal-Grants and Special Projects	390,488	105,413	285,075	73%	27%
Total Revenue	520,711	201,318	319,393	61%	39%
Expenses					
Insurance - D & O Policy	3,307	4,989	(1,682)	-51%	151%
Audit Services	10,100	-	10,100	100%	0%
Legal Services	-	-	-	0%	-
Marketing/Outreach	-	-	-	-	-
Website	500	-	500	100%	0%
Miscellaneous Administrative Costs	500	-	500	100%	0%
Administration Expense Subtotal	14,407	4,989	9,418	65%	35%
Grant & Land Management - General	56,500	46,400	10,100	18%	82%
Insurance - General Liability/Umbrella	10,208	6,856	3,352	33%	67%
LCWA Measure A - M/O	107,067	54,892	52,175	49%	51%
Stewardship Program	12,000	8,000	4,000	33%	67%
Security	8,700	-	8,700	100%	0%
Signage	2,000	-	2,000	100%	0%
Miscellaneous	2,000	-	2,000	100%	0%
Operational Expense Subtotal	198,475	116,148	82,327	41%	59%
Consultant Services	25,000	-	25,000	100%	0%
Grant - State Coastal Conservancy	40,000	53,592	(13,592)	-34%	134%
Grant - Rivers & Mountains Conservancy	48,000	43,337	4,663	10%	90%
Grant - Other Federal, State, County & Local Projects	117,829	9,917	107,912	92%	8%
Other - Mitigation Projects	75,000	41,600	33,400	45%	55%
Other - Miscellaneous	2,000	1,928	72	4%	96%
Capital Outlay Expense Subtotal	307,829	150,375	157,454	51%	49%
Total Expense	520,711	271,513	249,198	48%	52%
Ending Net Position	-	(70,195)	70,195		

Los Cerritos Wetlands Authority

Date: August 4, 2022

To: Governing Board Members

From: Salian Garcia, Fiscal Manager

Through: Mark Stanley, Executive Officer

Subject: Item 8: Consideration of resolution authorizing staff to adopt the LCWA Budget Fiscal Year 2022/2023

RECOMMENDATION: Staff recommends adoption of the LCWA Budget Fiscal Year 2022/2023 as submitted and detailed in the attached Exhibit A.

BACKGROUND: In accordance with the provisions of the Joint Powers Agreement, approval of the LCWA budget by the LCWA Board is required. The attached Consolidated Budget for Fiscal Year (FY) 2022/2023 (Exhibit A) includes three revenues and expenditure components: 1) Administration, 2) Operational, and 3) Capital Outlay. Total budgeted revenue for FY 22/23 is \$942,354 and expenditures are balanced with revenues. Total revenues for FY 22/23 have increased by \$421,643 from budgeted FY 21/22 revenues of \$520,711 primarily due to increased activity land management and mitigation activities in addition to new project management activities related to the recently approved Memorandum of Agreement with AES Redondo Beach. Subsequently, the LCWA expects a year-to-year increase in expenses, plus incremental budget changes in line items such as consultant services and administrative expenditures.

The revenues, in combination with recent grants from the Rivers and Mountains Conservancy, State Coastal Conservancy, and the California Department of Fish and Wildlife for the Southern Los Cerritos Wetlands Restoration, will allow public programming to continue as part of the Los Cerritos Wetlands Authority Stewardship Program (LCWASP) through September 2023. The Authority also benefits from bird walks led by the El Dorado Audubon, contributing to the total hours of in-kind stewardship participation and homeless relocation services provided by the Los Cerritos Wetlands Stewards.

Administration expenses in the amount of \$34,338 are detailed by line item in the attached budget summary. The expenses under general administrative costs include legal services, website maintenance, and annual audit services with the City of Long Beach.

Operational expenses consist of the LCWASP and Property Management expenditures. The FY 22/23 budget for this category is \$219,862 and it is consistent with the annualized revenues and expenditures at a minimum to operate, manage, and maintain the LCWA properties. The current budget for the LCWASP includes expenses related to the Zedler Marsh with reimbursement from Los Angeles County Regional Parks and Open Space District through Measure A. The Capital Outlay budget is in the amount of \$688,154 with the majority of expenditures related to the Southern LCW Planning and Restoration project.

FISCAL INFORMATION: The LCWA FY 2022/2023 Budget has a balanced budget of \$942,354. As the LCWA enter into new grants and contracts, the budget will be updated and reported to the LCWA Governing Board via expenditure reports.

Exhibit A

Item 8: FY 22/23 Budget

LOS CERRITOS WETLANDS AUTHORITY
REVENUES AND EXPENDITURES FISCAL YEAR 2021-2022

	FY 21/22 Budget	As of 07/18/22	Additional Projected through 09/30/22	Projected FYE 21/22	Remaining Budget Balance	Remaining % Budget Balance	Actuals % FY22 Budget Used	Projected % of FY2021 Budget	Proposed FY 22/23 Budget	% Change FY23 over FY22
Revenues										
General Administrative & Operating Revenue										
JPA Contributions	40,000	20,000	20,000	40,000	-	0%	50%	100%	40,000	0.0%
Lease Revenue	72,723	58,825	13,898	72,723	-	0%	81%	100%	76,808	6%
Contracts	5,000	5,000	-	5,000	-	0%	100%	100%	20,000	300.0%
Fees	2,500	2,080	420	2,500	-	0%	83%	100%	575	-77.0%
Permits	10,000	10,000	-	10,000	-	0%	100%	100%	10,000	0.0%
Other - Local Revenue	-	-	-	-	-	-	-	-	-	-
Subtotal-General Administrative & Operating	130,223	95,905	34,318	130,223	-	0%	74%	100%	147,383	13.2%
Grants and Special Projects Revenue										
Grant - State Coastal Conservancy	45,230	713	44,517	45,230	-	0%	2%	100%	55,000	21.6%
Grant - Rivers & Mountains Conservancy	45,212	-	45,212	45,212	-	0%	0%	100%	220,000	386.6%
Grant - Other Federal, State, County & Local Funds	175,924	18,527	157,397	175,924	-	0%	11%	100%	318,825	
Mitigation Revenue	63,836	41,600	22,236	63,836	-	0%	65%	100%	11,500	-82.0%
Contracts - Other MOA	59,286	44,572	14,714	59,286	-	0%	75%	100%	188,646	0.0%
Other - Donations	-	-	-	-	-	-	-	-	-	0.0%
Other - Miscellaneous	1,000	-	1,000	1,000	-	0%	0%	100%	1,000	0.0%
Subtotal-Grants and Special Projects	390,488	105,413	285,075	390,488	-	0%	27%	100%	794,971	103.6%
Total Revenue	520,711	201,318	319,393	520,711	-	0%	39%	100%	942,354	81.0%
Expenses										
Insurance - D & O Policy	3,307	4,989	-	4,989	(1,682)	-51%	151%	151%	5,488	66.0%
Audit Services	10,100	-	10,100	10,100	-	0%	0%	100%	10,350	2.5%
Legal Services	-	-	-	-	-	0%	-	-	15,000	
Marketing/Outreach	-	-	-	-	-	-	-	-	2,500	
Website	500	-	-	-	500	100%	0%	0%	500	0.0%
Miscellaneous Administrative Costs	500	-	-	-	500	100%	0%	0%	500	0.0%
Administration Expense Subtotal	14,407	4,989	10,100	15,089	(682)	-5%	35%	105%	34,338	138.3%
Grant & Land Management - General	56,500	46,400	10,100	56,500	-	0%	82%	100%	56,400	-0.2%
Insurance - General Liability/Umbrella	10,208	6,856	-	6,856	3,352	33%	67%	67%	8,542	-16.3%
LCWA Measure A - M/O	107,067	54,892	52,175	107,067	-	0%	51%	100%	129,000	20.5%
Stewardship Program	12,000	8,000	4,000	12,000	-	0%	67%	100%	12,000	0.0%
Security	8,700	-	8,700	8,700	-	0%	0%	100%	9,920	14.0%
Signage	2,000	-	2,000	2,000	-	0%	0%	100%	2,000	0.0%
Miscellaneous	2,000	-	2,000	2,000	-	0%	0%	100%	2,000	0.0%
Operational Expense Subtotal	198,475	116,148	78,975	195,123	3,352	2%	59%	98%	219,862	10.8%
Consultant Services	25,000	-	25,000	25,000	-	0%	0%	100%	14,400	-42.4%
Grant - State Coastal Conservancy	40,000	53,592	-	53,592	(13,592)	-34%	134%	134%	55,000	37.5%
Grant - Rivers & Mountains Conservancy	48,000	43,337	4,663	48,000	-	0%	90%	100%	220,000	358.3%
Grant - Other Federal, State, County & Local Projects	117,829	9,917	107,912	117,829	-	0%	8%	100%	275,254	
Other - Mitigation Projects	75,000	41,600	33,400	75,000	-	0%	55%	100%	121,500	62.0%
Other - Miscellaneous	2,000	1,928	72	2,000	-	0%	96%	0%	2,000	0.0%
Capital Outlay Expense Subtotal	307,829	150,375	171,046	321,421	(13,592)	-4%	49%	104%	688,154	123.6%
Total Expense	520,711	271,513	260,121	531,634	(10,923)	-2%	52%	102%	942,354	81.0%
Ending Net Position	-	(70,195)	59,272	(10,923)	70,195	-	-	-	-	0.0%

August 4, 2022 – Item 8

RESOLUTION 2022 - 06

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY (LCWA)
ADOPTING THE FISCAL YEAR 2022/2023 BUDGET

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, the joint powers agreement provides for the adoption of an annual budget; 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 the staff report dated August 4, 2022.
4. ADOPTS FY 2022/2023 LCWA Budget and authorizes the Executive Officer to make budget amendments as necessary.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY
on August 4, 2022.

Joe Kalmick, Vice Chair

ATTEST:

Elizabeth St. John
Deputy Attorney General

Los Cerritos Wetlands Authority

Date: August 4, 2022

To: Governing Board Members

From: Sally Gee, Project Manager

Through: Mark Stanley, Executive Officer

Subject: Item 9: Consideration of a resolution approving a contract budget increase to Moffatt & Nichol for the Southern Los Cerritos Wetlands Restoration Project due to additional necessary services for response to comments and cultural resources investigations

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) approve a contract budget increase to Moffat & Nichol for the Southern Los Cerritos Wetlands Restoration Project (LCWA 20503) due to additional necessary services for response to comments and cultural resources investigations by \$32,000.00.

PROJECT DESCRIPTION: On February 11, 2021, a contract with Moffatt & Nicol (M&N) was executed to complete 65% restoration designs and environmental compliance for the Southern Los Cerritos Wetlands Restoration Project. A budget increase is requested due to unforeseen costs for additional needed services related to responses to comments for the Los Cerritos Wetlands Habitat Restoration Plan (2021), and cultural/tribal cultural resources investigations, including Native American monitoring and reporting (Table 1). All work was done to address feedback received from the Tribal Advisory Group, Technical Advisory Committee, and members of the public.

Table 1: Southern Area Project Additional Needed Costs - Moffatt and Nichol		
Date Received	Task Description	Costs
4/21/2021	CRC Habitat Restoration Plan	\$ 2,800.00
7/22/2021	Cogstone CO 1 - Ped. Surveys	\$ 960.00
7/12/2022	Cogstone - Geotech Monitoring	\$ 4,874.50
Pending Approval	Cogstone - Site Records Filing	\$ 3,800.00
Pending Approval	Geotech Cogstone - XPI	\$ 17,996.00
	Total Subconsultant Costs	\$ 30,430.50
	Total with M&N mark up 5%	\$ 31,952.03

A budget increase of \$32,000 is needed to complete cultural resources investigations to properly assess impacts of the SCLWRP and to complete the 65% design drawings. The approval of this resolution would allow the Executive Officer or designee to increase the contract with M&N by \$32,000.00 for a total contract amount not to exceed \$772,000.00.

BACKGROUND: The LCWA released a Request for Proposals (RFP) on September 29, 2020 for qualified firms to provide consultant services to work closely with the LCWA project team to complete necessary technical studies and produce the 65% design plans, environmental review

documentation, and permit applications for the 105-acre Southern Los Cerritos Wetlands Restoration Project. The contract was awarded to Moffat & Nichol because their proposal was determined to be the most successful. Among numerous considerations, this recommendation is based on M&N's understanding and approach to the project, responsiveness to the RFP, and extensive project experience with similar projects regionally and at the Los Cerritos Wetlands. Lastly, this consulting firm has the longevity, stability, and staff availability to conduct studies, support environmental compliance efforts, and lead public stakeholder services for the development of this project. The M&N team includes five experienced subconsultants, Anchor QEA, Coastal Restoration Consultants, New West Land Company, Cogstone, and Altman Environmental Consultants.

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.

The scope of work includes preparation of a biological resources study, cultural resources study, hazardous materials study, and a wetland delineation. The project also includes preparation of documents for California Environmental Quality Act (CEQA) compliance, which may tier off the existing PEIR, if it is certified by the LCWA. In addition, M&N will prepare permit applications to the US Army Corps of Engineers (Clean Water Act Section 404), California Department of Fish and Wildlife (Streambed Alteration Agreement), California Coastal Commission (Coastal Development Permit), Santa Ana Regional Water Quality Control Board (Clean Water Act Section 401 Permit), and City of Seal Beach (Grading permit, Tree removal permit). M&N will also conduct outreach to stakeholders, tribal governments, and the public.

FISCAL: The consultant, M&N, was originally contracted to 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 for not to exceed amount of \$740,000. This action would increase their contract amount by \$32,000 for a new contract amount not to exceed \$772,000.

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

Funding Source	Amount	Status
California Department of Fish and Wildlife	\$ 340,000	Awarded
State Coastal Conservancy	\$ 197,800	Awarded
Orange County Community Foundation and Coastal Quest	\$ 34,233	Awarded
Rivers and Mountains Conservancy	\$ 191,000	Awarded
AES Corporation	\$ 8,967	Awarded
Not to Exceed Total	\$ 772,000	

August 4, 2022 – Item 9

RESOLUTION 2022-07

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY (LCWA)
APPROVING A CONTRACT BUDGET INCREASE TO MOFFATT & NICHOL
FOR THE SOUTHERN LOS CERRITOS WETLANDS RESTORATION
PROJECT DUE TO ADDITIONAL NECESSARY SERVICES FOR RESPONSE
TO COMMENTS AND CULTURAL RESOURCES INVESTIGATIONS

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

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

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

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

Therefore be it resolved, that the LCWA hereby:

1. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
2. FINDS that this action is consistent with the purposes and objectives of the LCWA.
3. ADOPTS the staff report dated August 4, 2022.
4. APPROVES a contract budget increase to Moffat & Nichol for the Southern Los Cerritos Wetlands Restoration Project (LCWA 20503) due to additional necessary services for response to comments and cultural resources investigations by \$32,000.00, for a total not to exceed amount of \$772,000.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY
on August 4, 2022.

Joe Kalmick, Vice Chair

ATTEST:

Elizabeth St. John
Deputy Attorney General

Los Cerritos Wetlands Authority

Date: **August 4, 2022**

To: **Governing Board Members**

From: **Sally Gee, Project Manager**

Through: **Mark Stanley, Executive Officer**

Subject: **Item 10: Consideration of a resolution approving a contract budget increase to Tidal Influence for Project Management Services to support an expanded level of effort for implementation of Los Cerritos Wetlands restoration plans**

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) approve a contract budget increase to Tidal Influence for Project Management Services (LCWA 20502) to support an expanded level of effort for implementation of Los Cerritos Wetlands restoration plans by \$15,000 annually.

PROJECT DESCRIPTION: The LCWA has found it a matter of public convenience and necessity to contract services for land management, stewardship programming, and project management since 2010, due to limited staff availability of the LCWA. The LCWA current contracts these services from Tidal Influence, and these services have been critical to advancing LCWA's goals for restoration of the Los Cerritos Wetlands.

The LCWA is currently developing 65% restoration designs for the Southern Los Cerritos Wetlands Restoration Project (SLCWRP) to advance previous restoration plans for the Los Cerritos Wetlands, including the Los Cerritos Wetlands Conceptual Restoration Plan (2015), Los Cerritos Wetlands Restoration Program Environmental Impact Report (2021), and Los Cerritos Wetlands Habitat Restoration Plan (2021). Since October 2020, the LCWA has been utilizing Tidal Influence's services to implement several state and private grants to complete 65% restoration designs for the SLCWRP. The LCWA recognizes that this large-scale restoration project is complex. Careful consideration of biological resources, tribal cultural resources, hazardous materials, permitting, environmental compliance, public outreach, and other tasks is needed to develop the SLCWRP restoration design. As a result, the LCWA often utilizes Tidal Influence's technical expertise and experience in wetlands restoration to manage the contract with Moffatt and Nichol and participate in stakeholder/regulatory agency meetings. It is foreseen that additional budget for project management and coordination is need for continued support from Tidal Influence to achieve LCWA's restoration goals in this fiscal year, as demonstrated in Exhibit A: budget request letter, and in future years for all grant funded restoration efforts.

If approved, compensation for this scope of work would be increased by \$15,000 annually and amended as follows:

Task 3 – Implementation of the Los Cerritos Wetlands Restoration Plan: costs to be billed according to the contractor's fee schedule, with an annual not to exceed total of \$59,400.

All other terms and costs remain the same.

BACKGROUND: The LCWA has contracted with Tidal Influence to implement multiple contracts, grants, land management and stewardship programming with their technical expertise (LCWA Board Resolution 2020-03). Tidal Influence was selected through a Request for Proposals (RFP) process open from August 8, 2020 through August 25, 2020. Tidal Influence was founded with a mission of conserving and restoring all of Los Cerritos Wetlands and this consultant has been dedicated to building partnerships and implementing projects since 2009. The team is led by a well-qualified Principal and a staff with years of experience conducting projects and programming in the LCW. This team is qualified to work collaboratively to meet all of the LCWA requirements in the RFP.

FISCAL: The consultant Tidal Influence was originally contracted to perform Task 3 – Project Management Services for implementation of Los Cerritos Wetlands restoration plans for an annual not to exceed amount of \$44,400. The budget increase of \$15,000 annually for Task 3 for the duration of the contract through September 30, 2023 with options for two 1 year extensions will amend their budget for Task 3 to an amount not to exceed \$59,400 annually.

The LCWA Board currently approved contract scope is detailed as follows:

1. Land management: \$1,000 per month
2. Stewardship Program implementation: \$1,000 per month
3. Contract and Grant Management: scope and costs will be billed according to various contract/grant agreements, and costs will not exceed the agreed upon budget.
4. Implementation of the Los Cerritos Wetlands Restoration Plan: costs to be billed according to the contractor's fee schedule, with an annual not to exceed total of \$44,400.
5. Additional as needed services will be negotiated and billed according to the contractor's fee schedule.

Additional needed services that have been executed by the Executive Officer as part of this contract include:

1. Biological Surveys and Jurisdictional Wetlands Report for SLCWRP: \$29,975 funded by state grants
2. Coordination and Monitoring for the Seal Beach Waterline Relining Project: as needed up to \$1,910 weekly, funded through a Memorandum of Understanding with the City of Seal Beach
3. Biological Monitoring and Compliance for the SLCWRP Geotechnical Borings: \$10,000 funded by state grants

This increase will be paid through current and future awarded state and private grant funds for various restoration planning and implementation projects through the life of the contract. Current funding sources include:

Funding Source	Status
California Department of Fish and Wildlife	Awarded
State Coastal Conservancy	Awarded
Orange County Community Fund	Awarded
Rivers and Mountains Conservancy	Awarded
AES Corporation	Awarded



June 17, 2022

Sally Gee
Los Cerritos Wetlands Authority
100 Old San Gabriel River Canyon Road
Azusa, CA 91702

Re: Change Order Proposal for Project Management Services on the Southern Los Cerritos Wetlands Restoration Project

Dear Ms. Sally Gee,

We are pleased to submit the following proposal to the Los Cerritos Wetlands Authority for a contract change order to allow us to continue providing project management services for the LCWA's Southern Los Cerritos Wetlands Restoration Project (SLCWRP) planning effort. While we have an agreed upon annual budget of \$44,400.00 per year to perform project management services for the SLCWRP and a few other smaller planning efforts, unforeseen tasks have arisen this year that have resulted in numerous additional hours being spent towards the project. Right now, it is clear that we will run out of budget before the end of the LCWA's fiscal year on September 30th, 2022. Since the start of this fiscal year, we have averaged approximately \$5,000.00 a month in billings and currently anticipate running out of budget in early July 2022.

The main contributor to our budget overrun has been the pursuit of a Coastal Development Permit for the geotechnical investigations as part of the SLCWRP. This process was way more involved than anyone could have predicted as it included numerous meetings and regular coordination with Coastal Staff, meetings with stakeholder groups and tribal representatives, revisions to the application, attendance at the hearing, preparation of mailings, and additional field documentation.

Based on our previous months, we estimate the need for an additional \$15,000.00 to ensure we can continue to provide the full suite of project management services to the LCWA through the end of this fiscal year. We anticipate that over the next 3 months the consulting team will be producing a number of technical documents that require our input and review. We also anticipate that the CEQA and permitting processes will get underway and that the 65% design process will also be initiated swiftly. Additionally, there will be an LCWA board meeting in August that we want to fully support per usual. Our team of qualified staff are available at the following rates that are consistent with Attachment C of our current contract:

Principal Restoration Ecologist	\$120.00/hour
Associate Restoration Ecologist	\$80.00/hour

Sincerely,

Eric Zahn, M.S.
Principal and Owner
Tidal Influence, LLC

For questions, please contact Mr. Eric Zahn: Email: eric@tidalinfluence.com

August 4, 2022 - Item 10

RESOLUTION 2022-08

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY (LCWA)
APPROVING A CONTRACT BUDGET INCREASE TO TIDAL INFLUENCE
FOR PROJECT MANAGEMENT SERVICES TO SUPPORT AN
EXPANDED LEVEL OF EFFORT FOR IMPLEMENTATION OF
LOS CERRITOS WETLANDS RESTORATION PLANS

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

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

WHEREAS, a contract to Tidal Influence was previously authorized for services related to coordination and implementation of the Los Cerritos Wetlands restoration plans; and

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

Therefore be it resolved, that the LCWA hereby:

1. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
2. FINDS that this action is consistent with the purposes and objectives of the LCWA.
3. ADOPTS the staff report dated August 4, 2022.
4. APPROVES a contract budget increase to Tidal Influence for Project Management Services (LCWA 20502) to support an expanded level of effort for implementation of Los Cerritos Wetlands restoration plans by \$15,000 annually, for a total not to exceed amount of \$59,400 annually.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY
on August 4, 2022.

Joe Kalmick, Vice Chair

ATTEST:

Elizabeth St. John
Deputy Attorney General

Los Cerritos Wetlands Authority

Date: August 4, 2022

To: Governing Board Members

From: Sally Gee, Project Manager

Through: Mark Stanley, Executive Officer

Subject: Item 11: Consideration of a resolution approving a contract budget increase to the Los Cerritos Wetlands Stewards for Homeless Relocation Services due to increased cost of services

RECOMMENDATION: The Los Cerritos Wetlands Authority (LCWA) approve a contract budget increase to the Los Cerritos Wetlands Stewards for Homeless Relocation Services (LCWA19501) due to increased cost of services to an amount not to exceed \$9,920 annually.

PROJECT DESCRIPTION: The Los Cerritos Wetlands Stewards (LCWS) has requested an increase to their budget for Homeless Relocation Services. The LCWS currently perform Monitoring, Encampment Clean Up, Maintenance, and Coordination/Administration services to implement the LCWA's *Protocols and Guidelines for the Security and Safety* (PGSS) for an annual amount of \$8,700. This budget amendment would increase the contract amount by \$1,220 for a total of \$9,920 annually. This is based on a 5% increase in their cost of services with an adjustment of approximately 8.6% to account for a Cost-of-Living. This is the first contract adjustment in the current contract. The last contract increase for these services was made in 2016.

The LCWA currently does not have the staff to implement and administer the LCWA's PGSS; therefore, it is critical that the LCWA retain an experienced consulting firm. The LCWA recognizes the LCWS has extensive experience and therefore recommends increasing the contract budget. The current contract was extended one year to May 2, 2023 and is eligible for an additional one year extension contingent upon acceptable performance of services per the LCWA Executive Officer or authorized representative through May 2, 2024. A scope of services can be found in Exhibit A.

BACKGROUND: The LCWA approved on May 15, 2013 the *Protocols and Guidelines for the Security and Safety* (PGSS) to manage the growing number of homeless encampments throughout the LCWA properties. The LCWA hired the Los Cerritos Wetlands Stewards (LCWS) to implement the LCWA PGSS and to serve as the Homeless Community Liaison (Resolution 2013-08; 2016-11; 2019-07). LCWS was established in 1994 as a 501c3 non-profit organization with the main focus of stewardship for the Los Cerritos Wetlands and other natural areas throughout the City of Long Beach. LCWS is knowledgeable and experienced with homeless remediation, the LCWA Properties, and on-going restoration projects.

FISCAL: The LCWS is contracted to implement the PGSS for an annual amount of \$8,700. If approved, this budget amendment would increase the contract amount by \$1,220 for a total of \$9,920 annually. The contract amendment will be in effect through May 2, 2023 with the option for one 1-year extension. The funding for these services will be financed through the Signal Hill Petroleum Annual Lease fee and JPA contributions.

If approved the costs per task will be broken down as follows:

Table 1. Breakdown of budget increase by task

Task	Yearly Cost	Quarterly Invoice	Yearly Cost (New)	Quarterly Invoice (New)	Frequency
Monitoring	\$ 900.00	\$ 225.00	\$ 1,026.00	\$ 256.50	Monthly
Encampment Clean Up	\$ 6,000.00	\$ 1,500.00	\$ 6,842.00	\$ 1,710.50	Quarterly
Maintenance Work	\$ 1,200.00	\$ 300.00	\$ 1,368.00	\$ 342.00	Quarterly
Coordination/Administration	\$ 600.00	\$ 150.00	\$ 684.00	\$ 171.00	Monthly
Total	\$ 8,700.00	\$ 2,175.00	\$ 9,920.00	\$ 2,480.00	

LOS CERRITOS WETLANDS STEWARDS SCOPE OF WORK

Purpose

The Protocols and Guidelines for the Safety and Security (PGSS) of the LCWA Properties provide the procedures for removal of unauthorized encampments while preserving the existing natural resources. These procedures will provide a comprehensive program for removing illegal encampments in the areas where they are most concentrated, such as the LCWA Phase 1 properties and along the San Gabriel River. The LCWA will work with City of Long Beach Police Department as well as the City's Department of Health and Human Services and the City of Seal Beach Police Department to safely remove homeless encampments throughout the LCWA properties in accordance to each police departments' jurisdiction.

The PGSS was developed in conjunction with the Los Cerritos Wetlands Stewardship Program, the City of Long Beach Police and the City's Health and Human Services, and the City of Seal Beach Police Department. The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide LCWA Staff and Los Cerritos Wetlands Stewards (LCWS) during all contacts with the homeless, whether consensual or through enforcement. The LCWA recognizes that members of the homeless community are often in need of special protection and services. The LCWA will address these needs in balance with the overall mission and goals of the LCWA. In addition, it is the policy of the LCWA to provide access by permission to all members of the community, while protecting the rights, dignity and private property of the homeless.

Proposed Scope of Services:

This land management service would provide homeless remediation services for all the LCWA Properties which include Phase 1, Hellman Lowlands, OTD Parcel and the State Lands Commission parcel, totaling 172 acres. Following is a proposed list of services that the LCWS will provide in order to assure that the most sustainable and best management practices are being used on said properties. The proposed scope of services below can be retained for a flat annual fee of \$9,920.

1. Perform all duties as specified in the *Protocols and Guidelines for the Safety and Security* for the LCWA Properties
2. Perform all duties as specified in the PGSS including Sub-Section C-1 to act as the LCWA Homeless Community Liaison
3. Make sure all work in the wetlands is permitted/authorized and in full compliance with all regulations for this sensitive habitat.
4. Regularly monitor site for any problems/abnormalities and report to LCWA Staff.
5. Provide monthly photo reports to the LCWA Staff. Keep all affected community members informed of any large projects involving maintenance of property.
6. Attend all land management related field meetings between LCWA staff and regulatory agencies, program funders, and/or other stakeholders or easement-holders.
7. Attend all LCWA board meetings.

8. Safeguard the combo code to all property access gates and distribute code to approved land users only.
9. Provide site and safety orientations to newly approved land users.

Additional Services:

Any requests for labor outside of the above proposed scope of services will be billed in addition to the monthly retainer at an hourly of \$25.00 per hour. Cost estimates for additional labor requests can be prepared upon request.

Project Cost and Timeline

Annual Consulting and Maintenance to perform all duties as specified in the PGSS including Sub-Section C-1 to act as the LCWA Homeless Community Liaison for all the LCWA properties will be at a cost of \$9,920.00 annually for the term of the contract through May 2, 2023, with the option for one 1-year extension. Invoicing will occur quarterly and will be occupied with quarterly reports.

August 4, 2022 – Item 11

RESOLUTION 2022-09

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY
APPROVING A CONTRACT BUDGET INCREASE TO THE
LOS CERRITOS WETLANDS STEWARDS FOR HOMELESS RELOCATION
SERVICES DUE TO INCREASED COST OF SERVICES

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

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

WHEREAS, the LCWA authorized a contract for consultant services to Los Cerritos Wetlands Stewards for Homeless Relocation Services; and

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

Therefore be it resolved, that the LCWA hereby:

1. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
2. FINDS that this action is consistent with the purposes and objectives of the LCWA.
3. ADOPTS the staff report dated August 4, 2022.
4. APPROVES a contract budget increase to the Los Cerritos Wetlands Stewards for Homeless Relocation Services (LCWA19501) due to increased cost of services by \$1,220 annually, for a total amount not to exceed \$9,920.00 annually.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY
on August 4, 2022

Joe Kalmick, Vice Chair

ATTEST:

Elizabeth St. John
Deputy Attorney General

Los Cerritos Wetlands Authority

Date: August 4, 2022
To: Governing Board Members
From: Sally Gee, Project Analyst
Through: Mark Stanley, Executive Officer
Subject: Item 12: Consideration of a resolution approving mutual release of specific easements with Zenith Terminals

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) approve mutual release of specific easements with Zenith Terminals on the OTD Parcel and Zenith Parcel

PROJECT DESCRIPTION: On May 13, 2022, a representative of Zenith Energy West Coast Terminals, LLC (Zenith) contacted the LWCA to request consideration of mutual release of specific easements that affect the LCWA's OTD Parcel and adjoining Zenith Parcel (Exhibit A: Map). The easements are remnants from when the two properties were under Southern California Edison (SCE) ownership, titled Parcel 3 in documents, prior to transfer of the OTD Parcel to the LCWA. The specific reciprocal easements memorialized in various grant deeds and agreements, namely the 1997 Master Declaration, were transferred to the LCWA with additional easements from a transaction between Pacific Terminals and SCE to create the OTD parcel in 2007. These easements are detailed as follows:

1997 Master Declaration carried over from a large subdivision of land:

- Pedestrian and vehicle access over existing roads
- Use of existing sewer and storm drain facilities
- Use of existing surface drainage facilities

2007 Blanket Easements burdening the OTD Parcel:

- Vehicular and pedestrian access
- Water and wastewater systems
- Electric and telecommunication facilities
- Drainage
- Land support
- Fuel systems
- Parking
- Encroachments

Since LCWA's ownership of the OTD Parcel the 1997 Master Declaration easements have not been utilized because both the OTD Parcel and Zenith Parcel are separated by 10-15 foot earthen berms. There are existing roadways that surround the OTD Parcel, but the LCWA does not require those to access the property. The easements were mainly created by SCE to reserve rights for their benefit over three subdivision land sales. Regarding surface drainage, the LCWA has noticed some drainage off the Zenith Parcel from large rain events since it sits at a higher elevation than the OTD Parcel, but the issue is not of significant concern. According to Zenith's stormwater management plan, all water is design to drain north away from the OTD Parcel (Exhibit A: Map, red arrows). Similarly, since the Zenith Parcel and OTD Parcel are separated by a berm, surface

flows from the OTD Parcel to the Zenith Parcel does not occur in a significant amount. Furthermore, current OTD Parcel leases have been able to remedy the issue during those events.

Zenith has requested for the LCWA to release the easements under the 1997 Master Declaration on the Zenith Parcel. At the same time, Zenith will release the same easements under the 1997 Master Declaration over the OTD Parcel. In addition, Zenith will also release 2007 Blanket Easements detailed above that were created when Pacific Terminals transferred the OTD parcel to SCE, which was then assigned to the LCWA. Zenith does not currently utilize the 2007 Blanket Easements.

After several internal discussions, LCWA staff does not foresee use of the easements under the 1997 Master Declaration and recommend release of the easements. LCWA staff is also seeking approval from Los Cerritos Wetlands, LLC for this transaction since they have an option to acquire the OTD Parcel. At this time, the Los Cerritos Wetlands, LLC has not yet provided a response. Therefore, it is possible that they may object to mutual release of the easements.

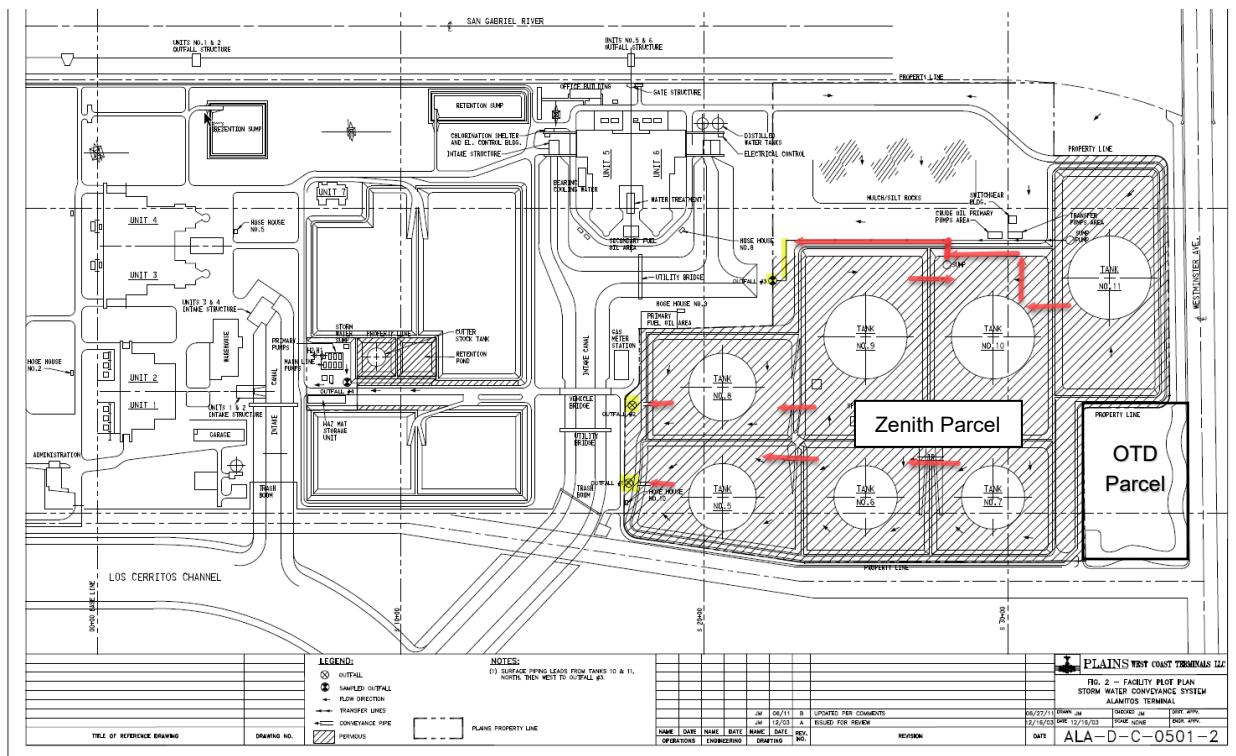
If approved, the action contemplated today would allow the Executive Officer, or designee, to negotiate and execute mutual release of the easements detailed in this staff report with Zenith, pending concurrence from Los Cerritos Wetlands, LLC.

BACKGROUND: The OTD Parcel was once part of a large subdivision of land owned by SCE. In the late 1990s, SCE subdivided the land into four parcels and created the 1997 Master Declaration to allow common use of facilities across all four parcels. In 1998 and again in 2001, SCE sold Parcels 1 and 2 respectively to AES Corporation. With each sale, SCE reserved additional rights through easements, which benefitted Parcel 3. In 2003, SCE sold Parcel 3 to Pacific Terminals, which at the time included both the current Zenith Property and LCWA OTD Parcel. In this sale, all assigned interests referenced in Exhibit A and easements from the 1997, 1998, and 2001 transactions were conveyed to Pacific Terminals. In 2007, Pacific Terminals conveyed what is now the LCWA OTD Parcel to SCE so that it could be dedicated for conservation purposes, including all previous easements. Under the 2007 transfer, Pacific Terminals reserved additional easements on the OTD Parcel to benefit the now Zenith Parcel. Zenith acquired Pacific Terminals in 2020 and thus all property interests have been assigned to Zenith.

Los Cerritos Wetlands, LLC and the LCWA executed an [option agreement](#) that provides for the exchange of real property. The agreement was signed on 9/2/16 to transfer the LCWA OTD Parcel APN 7237-019-809, approximately 5.11 acres for the Los Cerritos Wetlands, LLC. 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.

FISCAL: There will be no fiscal impact from this action. Zenith will facilitate all document preparation and cover costs for mutual release of easements on the OTD Parcel and Zenith Parcel.

Exhibit A



August 4, 2022 – Item 12

RESOLUTION 2022 - 10

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY
APROVING MUTUAL RELEASE OF
SPECIFIC EASEMENTS WITH ZENITH TERMINALS

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 and 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, LCWA and Zenith Energy West Coast Terminals, LLC (Zenith) desire to mutually release specific remnant easements from previous land owners burdening both the LCWA OTD Parcel and Zenith Parcel; and

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

Therefore be it resolved that the LCWA hereby:

1. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirement of the California Environmental Quality Act.
2. FINDS that this action is consistent with the purposes and objectives of the LCWA.
3. ADOPTS the staff report dated August 4, 2022.
4. APPROVES the Executive Officer, or designee, to negotiate and execute mutual release of specific easements with Zenith, pending concurrence from Los Cerritos Wetlands, LLC.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY
On August 4, 2022.

Joe Kalmick, Vice Chair

ATTEST:

Elizabeth St. John
Deputy Attorney General

Los Cerritos Wetlands Authority

Date: **August 4, 2022**

To: **Governing Board Members**

From: **Sally Gee, Project Manager**

Through: **Mark Stanley, Executive Officer**

Subject: **Item 13: Consideration of a resolution authorizing the Executive Officer to negotiate and award one or more contracts solicited from a Request for Proposals-Secondary for expanded coastal wetlands habitat restoration and community stewardship programming at the Los Cerritos Wetlands**

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) authorize the Executive Officer, or designee, to negotiate and award one or more contracts solicited from a Request for Proposals-Secondary for expanded coastal wetlands habitat restoration and community stewardship programming at the Los Cerritos Wetlands.

PROJECT DESCRIPTION: The LCWA is seeking one or more qualified individuals, firms, or entities to provide consultant services for coastal wetlands habitat restoration and community stewardship programming to implement the grant funds received from AES Redondo Beach, LLC. This funding shall be used to support planning, engineering, restoration, and rehabilitation of the Los Cerritos Wetlands. The services above are to be procured through a Request for Proposals-Secondary (RFP) process and are to be provided within LCWA owned/operated properties. Desired qualifications include expertise in coastal wetlands restoration (tidal and upland) and experience in leading stewardship programming.

The consultant will design a habitat restoration program to supplement current restoration efforts and will utilize community members and volunteer groups to assist with implementation of the restoration program whenever feasible. Alternatively, the consultant may propose and implement a community stewardship program to expand on current opportunities from the Los Cerritos Wetlands Stewardship Program. Proposers may recommend new restoration programs, elect to recommend programs for implementation from the [Stewardship Program Vision Plan 2018](#), and/or recommend education only programs/activities to increase access to and promote knowledge about the Los Cerritos Wetlands. Proposer recommendations will be referred to as "Program(s)" below.

Some potential Program efforts may include:

- Targeted restoration in areas that have been difficult to restore, for example due to past land use and harsh soils
- Planting native coastal wetlands species not currently existing at Zedler Marsh, including special status plants
- Expanding mulefat scrub habitat for Least Bell's Vireo and other species
- Propagation of plants from locally sourced seeds for restoration at the on-site nursery
- Regular trash clean up, maintenance of plants, and/or weeding
- Educational programming with schools, colleges, or universities

Potential Contractors shall be responsible for Program Development, Implementation of Approved Program(s), Partnership Coordination and Stakeholder Engagement, and Reporting and Contract Administration. All Program activities must be completed by March 30, 2024, and each Program shall not exceed a budget of \$100,000 for the duration of the activities (including all materials, supplies, and related project administration costs). The Contractor may be requested to submit a round 2 Program plan for implementation of AES Year 2 Funding under the discretion of the LCWA Executive Officer.

At the timing of this board meeting, the RFP solicitation is ongoing and active. Thus this action would authorize the Executive Officer, or designee, to negotiate and award one or more contracts from proposals submitted as part the RFP when the solicitation closes. The LCWA has 21-months from July 19, 2022, to expend the grant funds, and this action would allow implementation to occur without delay. Contract(s) is/are anticipated to be awarded beginning September 2022.

BACKGROUND: On May 5, 2022, the LCWA Board authorized the Executive Officer to negotiate and execute a Memorandum of Agreement (MOA) with AES Redondo Beach, LLC to accept funds from their Voluntary Environmental Benefits Grants Program in the amount of \$1,000,000 (Resolution 2022-04). The MOA stated that:

1. Language of substantial significance from the draft MOA:
 - 1.1. AES will grant to the LCWA \$1,000,000 as part of their voluntary environmental benefits program. The funds will be transferred to the LCWA over two years in two lump sum transactions, Year 1 in 2022 and Year 2 in 2023 with timing of transfer to be further negotiated.
 - 1.2. LCWA will submit a work plan for review and approval by AES within 30 days after execution of the MOA for Year One (1) that will include a task list, timeline, and budget for expenditure; the Year Two (2) workplan shall be submitted for review to AES in late 2022. The expenditure period for each year's budget is to be further negotiated to be satisfactory to the AES grant program timeline but allow adequate time for LCWA to achieve the proposed workplan.
 - 1.3. LCWA will be responsible for carrying out the workplan and securing the necessary contracts and permits. LCWA shall maintain adequate insurance as outlined in the MOA for the duration of the workplan.
 - 1.4. LCWA shall provide AES with annual reporting and accounting on the use of the grant funds, and records shall be made available for a period of three years after expenditure of all grant funds.
2. Elements of the workplan may support the following, subject to review and approval by AES:
 - 2.1 Existing and new stewardship programs to restore LCW at Zedler Marsh and the Southern LCW Site, including staff time, planning, permitting, materials, and supply costs
 - 2.2. Ecological monitoring for the LCW
 - 2.3 Planning, permitting, and final design for the Southern LCW Restoration Project.

2.4 Continued maintenance and operation of LCWA owned properties, including materials and supply costs

2.5 Administrative costs for the LCWA not exceeding 5%

FISCAL: On October 19, 2021, the State Water Resource Control Board extended the compliance date to end AES Once Through Cooling (OTC) operations at the Redondo Beach Generating Station (RBGS) from December 31, 2021, to December 31, 2023. As a result, AES committed to investing in additional voluntary environmental benefits for regional watershed improvements and community benefits for receiving that extension. That investment is in addition to, and separate from, existing OTC Policy mitigation mandates. AES will grant \$1,000,000 to the LCWA over two years. Funding for the contract(s) solicited through the RFP will be funded by Year 1 AES funds. Roughly 40% of the Year 1 AES funds have been budgeted for habitat restoration and stewardship.

August 4, 2022 – Item 13

RESOLUTION 2022-11

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY (LCWA)
AUTHORIZING THE EXECUTIVE OFFICER TO NEGOTIATE AND AWARD
ONE OR MORE CONTRACTS SOLICITED FROM A REQUEST FOR
PROPOSALS-SECONDARY FOR EXPANDED COASTAL WETLANDS
HABITAT RESTORATION AND COMMUNITY STEWARDSHIP
PROGRAMMING AT THE LOS CERRITOS WETLANDS

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, the LCWA has entered into a Memorandum of Agreement with AES Redondo Beach, LLC to accept funds (Grant Funds) from their Voluntary Environmental Benefits Grants Program in the amount of \$1,000,000; and

WHEREAS, the Grant Funds are to be utilized to support planning, engineering, restoration, and rehabilitation of the Los Cerritos Wetlands; and

WHEREAS, the LCWA has received the Year 1 Grant Funds totaling \$400,000 to be expended within 21-months from July 19, 2022; and

WHEREAS, the LCWA will issue a Request for Proposals-Secondary (RFP) seeking one or more individuals, entities, or firms to provide coastal wetlands habitat restoration and community stewardship programming at the Los Cerritos Wetlands; and

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

Therefore be it resolved, that the LCWA hereby:

1. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
2. FINDS that this action is consistent with the purposes and objectives of the LCWA.
3. FINDS that this action is consistent with the Grant Funds.
4. ADOPTS the staff report dated August 4, 2022.

5. AUTHORIZES the Executive Officer, or designee, to negotiate and award one or more contracts solicited from a Request for Proposals-Secondary for expanded coastal wetlands habitat restoration and community stewardship programming at the Los Cerritos Wetlands.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY
on August 4, 2022.

Joe Kalmick, Vice Chair

ATTEST:

Elizabeth St. John
Deputy Attorney General

Los Cerritos Wetlands Authority

Date: **August 4, 2022**

To: **Governing Board Members**

From: **Sally Gee, Project Analyst**

Through: **Mark Stanley, Executive Officer**

Subject: **Item 14: Consideration of a resolution ratifying the First Amendment to the Option Agreement with Los Cerritos Wetlands, LLC to clarify timing and conditions precedent to exercise of the Option**

RECOMMENDATION: That the Los Cerritos Wetlands Authority (LCWA) ratify the First Amendment to the Option Agreement with Los Cerritos Wetlands, LLC to clarify timing and conditions precedent to exercise of the Option.

PROJECT DESCRIPTION: This First Amendment to the Option Agreement (Exhibit A) with Los Cerritos Wetlands, LLC was drafted to resolve an inconsistency between two provisions, Section 3.b and Section 3.c of the Option Agreement, relating to the timing in which the Optionee must exercise the Option. The Option Agreement includes several conditions precedent that are required to be completed before the Los Cerritos Wetlands, LLC ("Optionee") can exercise the Option. Section 3.b required an appraisal of both the Optionee Property and LCWA OTD Property to be completed, reviewed and approved by a third party public agency, and that a Land Exchange Agreement be executed before exercise of the Option. Section 3.c of the Option Agreement required that the Optionee exercise the Option within six (6) months after receipt of all entitlements and completion of all legal challenges, or within 8 years of the effective date of the Option Agreement, whichever occurred first. The definition of "entitlements" contained in the Option Agreement does not include the conditions precedent set forth in Section 3.b and Section 3.c did not otherwise acknowledge that the Option Agreement contained additional conditions precedent beyond those that were defined as "entitlements" under the Agreement.

At the date of execution of the First Amendment, all entitlements and legal challenges had been completed, but due to unforeseen delays, the conditions precedent in Section 3.b had not yet been satisfied. Due to this unforeseen circumstance, there is an inconsistency the timing in which the Optionee must exercise the Option and the Optionee's ability to do so. The First Amendment language resolves the inconsistency by amending Section 3.c to acknowledge that all conditions precedent set forth in Section 3.b of the Option Agreement, including the execution of the Land Exchange Agreement, need be satisfied before the deadline for exercise of the Option contained in Section 3.c is triggered. All other terms remain the same.

The First Amendment to the Option Agreement was effective June 10, 2022, to ensure the amendment was made before the expiration of the six-month period from the receipt of all entitlements described in the Option Agreement and the completing of all legal challenges as originally described in Section 3.c.

BACKGROUND: On September 2, 2016, Los Cerritos Wetlands, LLC and the LCWA executed an [Option Agreement](#) that provides for the exchange of real property. The Agreement allowed the Optionee to exercise the Option for transfer of the LCWA OTD Parcel, approximately 5.11 acres,

for the Los Cerritos Wetlands, LLC property, approximately 154 acres, for wetlands habitat restoration, public access improvements, and the phase out of oil operations.

FISCAL INFORMATION: The Los Cerritos Wetlands, LLC provided a consideration in the amount of \$300,000 in connection with the original Option Agreement, which \$140,202.06 in funds remain.

**FIRST AMENDMENT TO
OPTION AGREEMENT DATED SEPTEMBER 2, 2016**

THIS FIRST AMENDMENT TO THE OPTION AGREEMENT DATED SEPTEMBER 2, 2016 (“First Amendment”), is effective as of this 10th day of June, 2022 (“Effective Date”), and is entered into by and between LOS CERRITOS WETLANDS, LLC, a California limited liability company (“OPTIONEE”), and the LOS CERRITOS WETLANDS AUTHORITY, a joint exercise of powers agency established pursuant to Government Code Section 6500 *et seq.* (“LCWA”). LCWA and OPTIONEE are sometimes referred to herein individually as a “Party” and together as the “Parties.”

PREAMBLE

- A. WHEREAS LCWA and OPTIONEE entered into an Option Agreement dated September 2, 2016 (“Option Agreement”) that set out the Parties’ respective rights and obligations with respect to the OPTIONEE’s option to effect an exchange of certain property identified as the LCWA Site, described and depicted in Exhibit A to the Option Agreement, for the OPTIONEE Property, described and depicted in Exhibit B to the Option Agreement;
- B. WHEREAS the Option Agreement included several conditions precedent that are required to be completed before the OPTIONEE can exercise its option under the Agreement, including Section 3.b of the Option Agreement, which requires the Parties to engage a qualified appraiser to conduct appraisals, at the OPTIONEE’s sole expense, of the LCWA Site and the OPTIONEE Property and that the appraisals shall be reviewed and approved by a mutually agreed upon public entity before the OPTIONEE may exercise its option under the Agreement, and the Land Exchange Framework attached as Exhibit G to the Option Agreement, which requires the Parties to execute a Land Exchange Agreement before the OPTIONEE may exercise its option under the Agreement;
- C. WHEREAS Section 3.c of the Option Agreement requires that the OPTIONEE exercise its option within six (6) months after the receipt of all entitlements described in Section 6 of the Option Agreement and completion of all legal challenges to the EIR and the entitlements, or eight (8) years from the effective date of the Option Agreement, whichever occurred first;
- D. WHEREAS as of the date of this Amendment all entitlements described in Section 6 of the Option Agreement have been received, there are no pending legal challenges to the EIR or entitlements, but due to unforeseen delays the Parties have not yet satisfied all conditions precedent set forth in Section 3.b or the Land Exchange Framework;
- E. WHEREAS under these unusual and unforeseen circumstances, the Parties recognize that there is an apparent inconsistency between Section 3.c and Section 3.b and the Land Exchange Framework insofar as the timing in which the OPTIONEE must exercise its option and the OPTIONEE’s ability to do so given that conditions precedent set forth in those sections still remain outstanding; and

F. WHEREAS the Parties mutually agree that it is in the Parties best interest to resolve the apparent inconsistency between the two provisions and clarify the Parties' mutual rights and obligations under these circumstances.

AMENDMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby mutually agree to amend the language of Section 3.c of the Option Agreement as follows:

3. **Condition Precedent to Exercise of the Option.**

c. OPTIONEE shall exercise the Option within six (6) months of satisfaction of conditions precedent to the exercise of the Option, including specifically those set forth in Section 3.a. and 3.b. of the Option Agreement, the execution of a Land Exchange Agreement as specified in the Land Exchange Framework attached as Exhibit G, and the receipt of all entitlements described in Section 6, below, and completion of all legal challenges to the EIR and the entitlements, or eight (8) years from the Effective Date of this Agreement, whichever occurs first.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the Effective Date.

“LCWA”

LOS CERRITOS WETLANDS AUTHORITY

By: 
Its: Mark Stanley, Executive Officer

DocuSigned by:

3EF0743E521D4ED...

June 9, 2022

“OPTIONEE”

**LOS CERRITOS WETLANDS, LLC,
a California limited liability company**

By: _____
Its: _____
John McKeown, CEO

F. WHEREAS the Parties mutually agree that it is in the Parties best interest to resolve the apparent inconsistency between the two provisions and clarify the Parties' mutual rights and obligations under these circumstances.

AMENDMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby mutually agree to amend the language of Section 3.c of the Option Agreement as follows:

3. **Condition Precedent to Exercise of the Option.**

c. OPTIONEE shall exercise the Option within six (6) months of satisfaction of conditions precedent to the exercise of the Option, including specifically those set forth in Section 3.a. and 3.b. of the Option Agreement, the execution of a Land Exchange Agreement as specified in the Land Exchange Framework attached as Exhibit G, and the receipt of all entitlements described in Section 6, below, and completion of all legal challenges to the EIR and the entitlements, or eight (8) years from the Effective Date of this Agreement, whichever occurs first.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the Effective Date.

“LCWA”

LOS CERRITOS WETLANDS AUTHORITY

By: _____

Its: _____
Mark Stanley, Executive Officer

“OPTIONEE”

**LOS CERRITOS WETLANDS, LLC,
a California limited liability company**

By: _____

Its: _____
John McKeown, CEO

August 4, 2022 – Item 14

RESOLUTION 2022 – 12

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY
RATIFYING THE FIRST AMENDMENT TO THE
OPTION AGREEMENT WITH LOS CERRITOS WETLANDS, LLC, TO CLARIFY
TIMING AND CONDITIONS PRECEDENT TO EXERCISE OF THE OPTION

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, On May 20, 2001 Southern California Edison made an irrevocable offer to dedicate fee title (OTD) to a 5.11 plus or minus parcel of real property known as APN 7237-019-809 (OTD Parcel) to the State Coastal Conservancy (Conservancy); and

WHEREAS, Under the terms of the OTD the Conservancy is required prior to acceptance of the OTD to make a determination that the OTD Parcel is suitable for the purpose of implementing a resource enhancement program at the Los Cerritos Wetlands; and

WHEREAS, The Conservancy Board on January 18, 2007 found that the OTD Parcel is suitable for the purpose of implementing a resource enhancement program at the Los Cerritos Wetlands and designated the Authority to accept the OTD Parcel and further authorized a grant to the Authority to prepare a feasibility analysis for use of the OTD Parcel as a natural resource for restoration purposes under the Los Cerritos Wetlands resource enhancement program; and

WHEREAS, The Authority accepted the a OTD and completed the feasibility analysis; and

WHEREAS, The Authority Board on August 12, 2015 authorized the Executive Officer to enter into negotiations with Synergy Oil and Gas Company, predecessor to Los Cerritos Wetlands, LLC (LCW) the owner in fee to an approximately 154 acre operating oil field, which includes approximately 4 acres of roadway, (Synergy Oil Field) located at 6433 E. Second Street between Pacific Coast Highway and Studebaker Road along 2nd Street/Westminster Boulevard in the City of Long Beach; and

WHEREAS, LCW intends: 1) to establish a mitigation bank and public access trail on the northerly approximately 77.3 acres of the Synergy Oil Field, and implement wetlands and habitat restoration pursuant to a mitigation bank and restoration plan (Mitigation Bank Restoration Plan) to be approved by the Interagency Review Team (Mitigation Bank Site); 2) to implement a habitat restoration plan (Restoration and Revegetation Plan) on the southerly approximately 69.92 (Revegetation Site) of the Synergy Oil Field as oil operations are removed; 3) to construct a public trail along the perimeter of the Mitigation Bank Parcel and improve an existing building and rehabilitate a parking lot on approximately 3 acres of the Synergy Oil Field in support of Authority's mission (Public Access Improvements); and

WHEREAS, In order to implement the Mitigation Bank Restoration Plan on the Mitigation Bank Site, the Restoration and Revegetation Plan, and make the Public Access Improvements LCW

intends to phase out oil operations on the Synergy Oil Field and relocate a portion of its oil production to the OTD Parcel; and

WHEREAS, on September 2, 2016, the Authority and LCW entered into an Option Agreement to set forth their respective rights to effect the Mitigation Bank Restoration Plan, Restoration and Revegetation Plan, make the Public Access Improvements, phase out oil operations on the Synergy Oil Field and exchange the OTD Parcel for the Mitigation Bank Site, Revegetation Site and Public Access Improvements; and

WHEREAS, the Option Agreement included several conditions precedent that are required to be completed before LCW can exercise its Option under the Agreement, including Section 3.b of the Option Agreement, which requires the parties to engage a qualified appraiser to conduct appraisals, at LCW's sole expense, of the respective parcels and that the appraisals shall be reviewed and approved by a mutually agreed upon public entity before LCW may exercise its Option under the Agreement, and that pursuant to the Land Exchange Framework, the parties execute a Land Exchange Agreement before LCW may exercise its Option under the Agreement; and

WHEREAS, Section 3.c of the Option Agreement requires that LCW exercise its option within six (6) months after the receipt of all entitlements described in Section 6 of the Option Agreement and completion of all legal challenges to the EIR and the entitlements, or eight (8) years from the effective date of the Option Agreement, whichever occurred first; and

WHEREAS, as of the date of this Amendment all entitlements described in Section 6 of the Option Agreement have been received, there are no pending legal challenges to the EIR or entitlements, but due to unforeseen delays the parties have not yet satisfied all conditions precedent set forth in Section 3.b or the Land Exchange Framework; and

WHEREAS, under these unusual and unforeseen circumstances, the parties recognize that there is an apparent inconsistency between Section 3.c and Section 3.b and the Land Exchange Framework insofar as the timing in which LCW must exercise its Option and LCW's ability to do so given that conditions precedent set forth in those sections still remain outstanding; and

WHEREAS, on June 10, 2022, the Authority and LCW entered into the First Amendment to the Option Agreement to resolve the inconsistency between the two provisions, Section 3.b and Section 3.c of the Option Agreement; NOW

Therefore, be it resolved, that the Los Cerritos Wetlands Authority hereby:

1. FINDS that entering into the First Amendment to the Option Agreement is exempt from the provisions of the California Environmental Quality Act (CEQA)
2. FINDS that the proposed amendment to further the land exchange, the wetlands and habitat restoration on the Mitigation Bank Parcel, restoration and revegetation of the Revegetation Site, making the public access improvements, and phasing out of oil operations on the Synergy Oil Field is a resource enhancement program at the Los Cerritos Wetlands and is consistent with the purposes and objectives of the LCWA.
3. Adopts the staff report dated August 4, 2022.

4. RATIFYS the First Amendment to the Option Agreement with LCW to clarify timing and conditions precedent to exercise of the Option.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY
on August 4, 2022.

Joe Kalmick, Vice Chair

ATTEST:

Elizabeth St. John
Deputy Attorney General