

**MINUTES
LOS CERRITOS WETLANDS AUTHORITY (LCWA)
BOARD MEETING
May 7, 2020**

The meeting was held via Zoom.us. The meeting was called to order by Chair Sam Schuchat at approximately 12:39 p.m.

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. ROLL CALL**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

STAFF PRESENT:

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

4. PUBLIC COMMENT

Michael Zelnicker stated that he, the Sierra Club and many other activists are in opposition of the "Restoration Project" and that the extracting of fossil fuels must stop. Mr. Zelnicker also asked what BOMP has offered for us to get behind their project and also how much tax revenue will the project generate for the City of Long Beach.

Anna Christensen stated that West Coast Arborist, a tree trimming company, destroyed some baby Blue Heron's nests located in the Peninsula and realizes that this may not be in LCWA's jurisdiction, but there are board members from the City of Long Beach and she would like to see West Coast Arborist gone.

Vice Chair Price stated that she was informed while it was happening and does not believe that any tree trimming is supposed to be done during this time of year. Ms. Price also stated that she was extremely angry and so was the City Manager and Public Works is going to do a full investigation and report back to her office this week.

Board Member Uranga stated that there is an ongoing issue with West Coast Arborist and thought that the issue was being handled and he thanked Vice Chair Price for taking action to this ongoing issue.

Molly Blaser stated that she is against the restoration project and does not support the unnecessary drilling that is being allowed in a secured wetland area. Ms. Blaser also stated that we need to be guardians of the planet not looking for “big oil” or “big money” but to protect our lands and give habitat a chance and give the earth a chance to heal and stop using fossil fuel and going to clean renewable energy.

5. CHAIR’S REPORT

There was no Chair’s report given.

6. APPROVAL OF MINUTES

One set of minutes for Board Meeting from March 5, 2020. There were no objections.

Minutes were passed.

REGULAR CALENDAR

7. STATUS REPORT ON WORK PLAN IMPLEMENTATION

A. LAND MANAGEMENT UPDATE

Marcello Ceballos stated that Tidal Influence has been making repairs to portions of the fence lines on all properties to ensure site security. Marcello also stated that staff will conduct trail maintenance to maintain accessibility for property patrols and conduct more detailed trail maintenance once stewardship programs resume.

B. LOS CERRITOS WETLANDS STEWARDSHIP PROGRAM COORDINATOR UPDATE

Eric Zahn stated that the stewardship programs have been on hold since March 17th but they are working with LCWA staff to see when the programs can be reinvigorated and also when they can re-open the trails safely.

Eric also stated that Tidal Influence and LCWA staff are working on how to do tours virtually and hopefully they can accomplish this task.

C. HOMELESS RELOCATION PROGRAM UPDATE

Marcelo stated that patrols have been conducted twice a week. Marcelo also stated that there were two cleanups of encampments and they also found two more encampments and the City of Long Beach will be conducting another cleanup of these two encampments.

D. LCWA RESTORATION PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT UPDATE

Sally Gee stated that LCWA is going to release the Draft PEIR May 8th and it will be available for review on the LCWA website and the comment period will be from May 8th to June 22nd and there will be two public meetings during the comment period.

Sally also stated that if there are any difficulties accessing the document, please contact her by email or by phone. There were no questions.

Anna Christensen stated that she sent a memo to staff regarding the restoration, the plan under the oil company and the mitigation report and would like it on the website as part of the minutes. She also stated that she really hopes that LCWA doesn't end up owning property that they cannot control and waiting for monies that might not be there from an oil company. Please see her memo below:

To: LCWA Board

From: Los Cerritos Wetlands Task Force, Sierra Club

Re: Los Cerritos Wetlands Authority Meeting, 5/7/2020, Agenda Item 7

The Los Cerritos Wetlands Task Force is sending in written comments to be included in today's meeting and we ask that the Commissioners review them regarding proposed projects in the Los Cerritos Wetlands.

In August of 2019, Sam Schuchat wrote a memo to the Coastal Conservancy which referenced the LCWA's and Coastal Commission's involvement in the Los Cerritos Wetlands Restoration and Oil Consolidation Project, including a land exchange between the LCWA and Beach Oil Minerals (BOM), and the creation of a Wetlands Mitigation Bank.

The stated Public Benefits are the eventual restoration of 183 acres of protected, restored, and enhanced tidal wetlands and new public access facilities, including a visitors center and trail. BOM will benefit by acquiring two new oil drilling sites, enabling them to potentially up oil production 800%, from 300 to 24,00 barrel daily.

The 183 acres of wetlands includes

1) the 150 acre Synergy Oil Field

a) Northern Synergy Oil Field - 67 acres of natural habitat including the 40 acre Steamshovel Slough, "high quality wetlands," and 27 additional acres in need of restoration

b) The Southern Synergy Oil Field - 83 acres of active oil operations with a "high value for future restoration and wetlands habitat"

2) 33 acres wetlands with active oil operations owned by the of City of Long Beach

Note: net loss of Wetlands and wildlife habitat: 8 acres of existing wetlands will be destroyed to make way for an oil pipeline. The Visitors Center and parking lot will also replace existing wetlands areas. An additional 12 acres (the 5 acre OCD Parcel and the 7 acre Pumpkin Patch) will become BOM's new oil operation sites. These properties are stated to have "low value for future restoration or other habitat."

The Land Exchange Agreement between LCWA and BOM will be finalized when BOM meets the conditions of the Agreement and the LCWA approves the land exchange. Before the LCWA can enter into Land Exchange Agreement, the Coastal Conservancy must approve it. Conditions include the following:

The Los Cerritos Wetlands Restoration and Oil Consolidation Project must have received all entitlements

- BOM must establish a Mitigation Bank on the Northern Synergy Oil Field (BOM will also retain the option to establish a Mitigation Bank on the Southern Synergy Oil Field).
- BOM will collect and sell credits as the Mitigation Banker and LCWA will own and maintain the Mitigation Bank property
- BOM must establish a Visitor's center and trails
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PROPOSED MITIGATION BANK

"The IRT currently consists of the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration's National Marine Fisheries Service, the California Department of Fish and Wildlife, and the California Coastal Commission. The BEI is expected to be finalized by Winter 2020, before the land swap occurs.

NOTE: The CA Dept of Fish and Wildlife is no longer involved in the Mitigation Bank

"Upon consummation of the land swap described above, LCWA will become the property owner of the Northern Synergy Oil Field and have obligations to the bank as the bank property owner. BOM will be responsible for the restoration and enhancement required for the bank until it has met the bank's performance criteria, and the long-term management endowment fund has been fully funded for three years. BOM will then collect and sell mitigation credits generated from the bank. " Concerns stated in Coastal Conservancy memo include:

1. The endowment fund is inadequate, long term management costs were not included
2. As the owner of the Synergy Oil Fields LCWA will be liable to the BEI, liability could include BOM's restoration and oil operations so LCWA needs insurance and indemnity
3. LCWA does not control endowment fund
4. LCWA not a signatory to BEI, and not a member of IRT

Other Concerns raised by the Los Cerritos Wetlands Task Force include:

1. Projected Timeline

The Mitigation Bank and Land Exchange Agreement could be finalized this year, before the permit conditions for the Los Cerritos Wetlands Restoration and Oil Consolidation have been met (1-3 years).

2. The Los Cerritos Wetlands Restoration and Oil Consolidation Project, including the proposed Mitigation Bank and Land Exchange Agreement, actually decreases the total acreage of actual and potential wetlands and wildlife habitat in the Los Cerritos Wetlands

- Total acreage of "eventual" restoration, 183 acres, is overstated and does not subtract existing wetlands to be occupied by oil pipelines (8 acres), and new roads, visitors center, parking lot, and sheetrock berm.
- BOM is only committing to "restore" 33 acres of degraded habitat. The 40-acre Steamshovel Slough does not need restoration, and the remaining 110 acres are not included in any funded restoration plans.
- BOM's expanded oil operations will eliminate 12 acres of existing/potential wetlands and wildlife areas on the Lyons and LCWA properties.
- The Mitigation Bank restoration project will be funded by the permanent destruction of other natural areas

3. The current and projected status and financial viability of oil markets must be reviewed with respect to BOM's financial solvency and responsibilities as the Mitigation Banker,

property owner, and partner with the LCWA in the restoration of the Los Cerritos Wetlands, including LCWA's Los Cerritos Wetlands Restoration PEIR.

Restoration plans for the proposed Mitigation Bank and the LCWA's need to be revised to prevent the destruction of existing wetlands ESHA and wildlife habitat areas and to protect and preserve the Sacred Site of Puvungna, a Native American Tribal Traditional Landscape.

E. EXPENDITURES REPORT

Salian Garcia gave a brief synopsis of the FY 2019/2020 budget and summarized the Expenditures and Revenues as of April 30, 2020.

8. CONSIDERATION OF A RESOLUTION RATIFYING ACCEPTANCE OF A GRANT FROM THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FOR THE SOUTHERN LOS CERRITOS WETLANDS RESTORATION PROJECT.

Sally Gee stated that LCWA received a grant in an amount of up to \$405,828 for the next phase of the restoration of the Los Cerritos Wetlands and it will build off conceptual designs for the 100-acre LCWA owned Hellman site.

Sally also stated that the restoration of the planning area will provide critical tidal salt marsh and transitional habitat for migratory birds along the Pacific Flyway, transition zones, upland shrublands, grasslands on the site and public trails will also be included.

Anna Christensen stated that CDFW needs to be fully informed as to all aspects of where the money is going.

Molly Blaser asked if this area is going to be changed to a salt water area and she opposes this project.

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

9. CLOSED SESION: PURSUANT TO GOVERNMENT CODE SECTION 54956.8, LCWA MAY HOLD A CLOSED SESSION TO CONSIDER THE DRAFT APPRAISAL REPORT AND THE DRAFT LAND SWAP AGREEMENT BETWEEN LOS CERRITOS WETLANDS AUTHORITY AND LOS CERRITOS WETLANDS, LLC FOR THE APN 7237-019-809; 7237-017-010 THRU 014; 018; 019; LCWA NEGOTIATORS: MARKSTANLEY AND PROPERTY OWNER NEGOTIATOR: JOHN MCKEOWN AND MICHAEL DI SANO. UNDER CONSIDERATION: PRICE AND TERMS.

10. CLOSED SESSION: PURSUANT TO GOVERNMENT CODE SECTION 54956.8, LCWA MAY HOLD A CLOSED SESSION TO CONSIDER THE DRAFT APPRAISAL REPORT AND THE DRAFT PURCHASE AND SALE AGREEMENT BETWEEN LOS CERRITOS WETLANDS AUTHORITY AND BRYANT DAKIN LLC FOR THE APN 7237-020-053;054; LCWA NEGOTIATORS: MARK STANLEY AND PROPERTY OWNER NEGOTIATOR: STEVE BRYANT AND KEVIN BRAZIL. UNDER CONSIDERATION: PRICE AND TERMS.

11. CLOSED SESSION: PURSUANT TO GOVERNMENT CODE SECTION 54956.8(D)(1), LCWA MAY HOLD A CLOSED SESSION TO DISCUSS THE MATTER OF *PUVUNGA WETLANDS PROTECTORS V. CALIFORNIA COASTAL COMMISSION, ET AL.*, LOS ANGELES SUPERIOR COURT CASE NO. 19STCP00435.

Anna Christensen expressed her concern about the restoration that is supposedly happening on the wetlands, the mitigation bank, the oil company buying credits, cap and trade and explained that she is suing the State and not the oil company.

Closed Session began at approximately 1:21 pm and ended approximately at 2:10 pm. The Board received information and advice and provided direction.

12. ORAL COMMUNICATIONS

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

Next meeting will be August 6th 2020.

B. FUTURE AGENDA ITEMS

13. ADJOURNMENT UPON COMPLETION OF BUSINESS

Chair Schuchat adjourned the meeting at approximately 2:16 p.m.

X

Sam Schuchat
Chair

X

Dena Williams
Board Secretary