CHAPTER 2
Response to Comments

Introduction

CEQA Guidelines Section 15088 requires the Lead Agency, Los Cerritos Wetlands Authority (LCWA), to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the Draft PEIR and prepared written responses. This chapter provides all written responses received on the Draft PEIR and the LCWA's response to each comment. Comment letters and specific comments are coded with letters and numbers for reference purposes.

Table 2-1, *Commenters on the Draft PEIR*, lists the agencies, organizations, and individuals who submitted comments on the Draft PEIR during the public review period. Comments received on the Draft EIR and responses to those comments are provided on the following pages.

TABLE 2-1
COMMENTERS ON THE DRAFT PEIR

Tribe/Agency/Organization/Individual Name	Letter Code	Date of Comment
Tribes		
Gabrielino Tongva Tribe	GTT	6/22/2020
Gabrieleno/Tongva San Gabriel Band of Mission Indians and Acjachemen Tribal Elder	GABACJ	7/6/20
Juaneno Band of Mission Indians, Acjachemen Nation – Belardes	JBMIANB	8/20/20
Agencies		
South Coast Air Quality Management District	AQMD	5/22/20
California Department of Transportation, Division 12	DOT12	6/19/20
California Department of Transportation, Division 7	DOT7	6/22/20
Orange County Public Works	OCPW	6/22/20
Santa Ana Water Quality Control Board	SAWQCB	6/23/20
City of Long Beach	LBC	6/29/20
California Department of Fish and Wildlife	CDFW	7/6/20
City of Seal Beach	CSB	7/6/20
Los Angeles County Sanitation District	LASD	7/6/20
California State Lands Commission	SLC	7/6/20
California Coastal Commission	CCC	8/6/20
Organizations		
Signal Hill Petroleum	SHP	7/3/20
El Dorado Audubon	EDAUD	7/6/20
Los Cerritos Wetland Land Trust	LCWLT	7/6/20
Sierra Club Wetland Task Force	SCWTF	7/6/20
Individuals		
Ken Husting	Husting	6/7/20
William Napier	Napier	6/20/20
Melanie Sinclair	Sinclair	6/30/20
Dianne Sundstrom	Sundstrom	7/6/20
Mary Zeiser	Zeiser	7/6/20
Margot Griswold	Griswold	7/7/20

Acronyms

The list below identifies commonly used acronyms in the response to comments.

BOMP	Beach Oil Minerals Partners
Caltrans	California Department of Transportation
CCC	California Coastal Commission
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNDDB	California National Diversity Database
CNPS	California Native Plant Survey
CRC	Coastal Restoration Consultants
CWA	Clean Water Act
dBA	decibel
FCAM	Functional Condition and Assessment Method
FEMA	Federal Emergency Management Agency
HMMMP	Habitat Mitigation, Maintenance and Monitoring Program
LACSD	Los Angeles County Sanitation District
LCWA	Los Cerritos Wetland Authority
LOS	Level of Service
LSA	Lake or Streambed Alteration Agreement
MAMP	Monitoring and Adaptive Management Plan
NMFS	National Marine Fisheries Service
OCFCD	Orange County Flood Control District
PEIR	Program Environmental Impact Report
RWQCB	Regional Water Quality Control Board
SCAQMD	South Coast Air Quality Management District
SGR	San Gabriel River
USACE	United States Army Corps of Engineers
VMT	Vehicle Miles Traveled
WQC	Water Quality Certification

Comments and Responses

Comments received on the Draft PEIR and response to those comments are provided on the following pages.

Comment Letter GTT

From:	sam dunlap
To:	Sally Gee
Cc:	lcandelaria1@gabrielinotribe.org
Subject:	LOS CERRITOS WETLANDS RESTORATION PLAN - DRAFT PEIR - TRIBAL COMMENTS
Date:	Monday, June 22, 2020 2:57:48 PM

Re: SCH No. 20190309050

Sally Gee
Los Cerritos Wetlands Authority
100 N. Old San Gabriel Canyon Rd.
Azusa, CA 91702

Dear Ms Gee,

GTT-1 The Gabrielino Tongva Tribe would like to take this opportunity to comment on the Draft Program EIR for the Los Cerritos Wetlands Restoration Plan. As you are aware, the Gabrielino Tongva Tribe has participated in the Tribal consultation process per AB52 for this project and the Gabrielino Tongva Tribe expressed our concerns regarding Tribal Cultural Resources.

However, we see that the Draft PEIR has included language in Mitigation Measure CUL-6 (Native American Monitoring) that is unacceptable to our tribal group. As you recall, the purpose of the AB52 consultation with the Gabrielino Tongva Tribe was to express our concerns for the protection and identification of any Tribal Cultural Resources that may be impacted by construction activity during the course of this project. In addition, the Gabrielino Tongva Tribe stated that there are 5 different Gabrielino tribal groups that are identified by the Native American Heritage Commission (NAHC) that have cultural affiliation to the project area. The Gabrielino Tongva Tribe also stated that we would have interest in providing Native American monitors from our tribe that could be incorporated into the Native American monitoring schedule.

GTT-2 However, Mitigation Measure CUL-6 of the Draft PEIR clearly designates the "Gabrieleno Band of Mission Indians - Kizh Nation" as the Native American monitoring group to be contracted by the City to provide Native American monitors for this project. I believe the Gabrielino Tongva Tribe made it very clear that the designation of one tribal group over another is unfair and discriminatory in nature. The unfair designation of one tribal group in this situation violates equal opportunity for the Gabrielino Tongva Tribe.

With that said, the Gabrielino Tongva Tribe requests that the language of Mitigation Measure CUL-6 be changed to include any Gabrielino tribal group that requests to be included in the Native American monitoring schedule, and the reference to a sole tribal group such as the "Gabrieleno Band of Mission Indians - Kizh Nation" be stricken from the mitigation measure. As I recall, these types of concerns of the Gabrielino Tongva Tribe were expressed to your agency and to that of Environmental Science Associates, the company that produced and provided the Draft PEIR.

GTT-3 The Gabrielino Tongva Tribe will weigh what options are available to counter and remedy this issue.

Sincerely,

Sam Dunlap
Cultural Resource Director
Gabrielino Tongva Tribe
(909)262-9351 mobile

From: sam dunlap
To: Sally Gee
Subject: RE: LOS CERRITOS WETLANDS RESTORATION PLAN - DRAFT PEIR - TRIBAL COMMENTS
Date: Monday, August 24, 2020 4:08:33 PM

Sally,

GTT-4 I apologize for the late response. The Tribe has reviewed the PEIR and concurs with the language as written regarding Cultural Resources and Tribal Cultural Resources in the document.

GTT-5 The Gabrielino Tongva Tribe wishes to remain informed of the project's progress and is ready to become involved in Native monitoring when that time arrives.

Sincerely,

Sam Dunlap
Cultural Resource Director
Gabrielino Tongva Tribe
909-262-9351

Gabrielino Tongva Tribe, June 22, 2020

Comment Letter GTT

Response GTT-1

The commenter acknowledges receipt of the Draft PEIR and participation in the Tribal Consultation process per AB52 wherein objections to the Tribal Cultural Resources were expressed. Specific comments regarding the Draft PEIR are provided and responded to below.

Response GTT-2

The commenter notes that the Draft PEIR language in Mitigation Measure CUL6 (Native American Monitoring) that designates one tribal group over another is unfair and discriminatory in nature. Draft PEIR Mitigation Measure CUL6 is related to Phase II Archaeological Investigations, not Native American monitoring. Native American monitoring is addressed in Mitigation Measure CUL13, which states "LCWA shall retain a Native American monitor(s) from a California Native American Tribe that is culturally and geographically affiliated with the program area (according to the California Native American Heritage Commission) to conduct the monitoring. If more than one Tribe is interested in monitoring, LCWA shall contract with each Tribe that expresses interest and prepare a monitoring rotation schedule. LCWA shall rotate monitors on an equal and regular basis to ensure that each Tribal group has the same opportunity to participate in the monitoring program." Mitigation Measure CUL13 does not name a specific Tribe.

Response GTT-3

The commenter provides a general statement that they will explore options but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted. Please also see Response to Comment No. GTT-2 above.

Response GTT-4

The commenter concurs with the language as written regarding Cultural Resources and Tribal Cultural Resources, and is noted for the record.

Response GTT-5

The comment states that the Gabrielino Tongva Tribe wishes to remain informed of the project's progress and Native American monitoring. The LCWA will continue to engage the tribe as the project progresses.

Comment Letter GABACJ

July 6, 2020

To: Sally Gee, Los Cerritos Wetlands Authority

From, Anthony Morales, Tribal Chair, Gabrieleno/Tongva San Gabriel Band of Mission Indians

Rebecca Robles, Acjachemen Tribal Elder

Regarding:: The Los Cerritos Wetlands Restoration Plan PEIR

It is challenging to respond to continued threats to our lands, history, and culture that are justified and legalized by state actors. They come before us as Environmental Impact Reports and Local Coastal Plans required by CEQA and the California Coastal Act and include public and private projects - dams, highways, oil and gas infrastructure, power plants, massive residential and commercial sprawl, and so-called "restoration" projects. In responding to the Los Cerritos Wetlands Restoration Plan PEIR, we retain our inherent right as indigenous peoples to seek a resolution that is most protective of our Traditional Tribal Landscape and Sacred Site. Our connection to Puvungna cannot be determined piecemeal, as it is timeless and inclusive of all manifestations of being. Our relationship to this place defines us as a people, we rely on it to heal and comfort us, we speak to our Ancestors through the gifts given to us by all our relations, and we depend on them to teach our children how to live in balance.

GAB ACJ -1

The 500 acre Tribal Cultural Landscape and Sacred Site of Puvungna, "the gathering place," is central to our spirituality, our history and our survival and it is our responsibility to protect and preserve it as a place where all our relations can find sanctuary. We appreciate that the LCWA has acknowledged that the program area lies within this significant tribal cultural landscape and concurs that our tribal cultural concerns include waterways, plants, and animals as well as the remains of our Ancestors and our ancient communities. We agree that proposed ground disturbance, including dredging and digging channels, scraping and bulldozing, and burying the existing landscape under berms, parking lots, and buildings, will do irreversible harm. We appreciate the determination that "There is no feasible mitigation for cumulative impacts to archaeological resources other than not undertaking the proposed program." We concur that both individually and cumulatively, "Potential impacts from the proposed program on the tribal cultural landscape are considered significant and unavoidable... and there is no feasible mitigation to lessen this impact to a level of less than significant." We agree with PEIR that, "When taken together, past, present, and foreseeable projects result in a significant cumulative impact to the tribal cultural landscape." There is precious little of Puvungna that has not been erased, including community and burial sites, natural areas that support human and animal life, springs, and waterways that once flowed freely to the sea. Considering that the PEIR acknowledges that the negative impacts, not only to our tribal cultural sites, but to waterways, plant, and animal life, will be significant and unavoidable, we question why the LCWA has chosen this path as the "Preferred Alternative" for "restoring" the Los Cerritos Wetlands.

Unfortunately, we see no evidence that the LCWA sought to include tribal members with expertise in tribal culture or tribal ethnobotany, or tribal individuals with a previous history of involvement in protecting the Los Cerritos Wetlands, in drafting either the Initial Study or the PEIR. Although Julia Bogany, Tribal Cultural Representative for the Gabrieleno/Tongva San Gabriel Band of Mission Indians, contributed to the Los Cerritos Wetlands Final Conceptual Restoration Plan, she was not include in the preparation of either the Initial Study or the PEIR, nor was

GAB ACJ -2

the information that she provided regarding tribal salt works included in these documents. Also ignored was staff's identification of specific salt flats and proposals for incorporating them into educational programming. Instead the remaining ten acres of salt flats are to be entirely eliminated. Although the PEIR references information provided by tribal leaders to the California Coastal Commission regarding the impact of the Los Cerritos Wetland Restoration and Oil Consolidation Project on the wetlands, including the Program Areas, the commenters were not invited to participate in designing the LCWA's current restoration program.

GAB ACJ -3

The Cultural and Tribal Cultural Resources Sections are written from an outdated Eurocentric perspective. Established policies and practices, including CEQA, intentionally ignore the reality that California Indian Tribes are sovereign living nations capable of planning and engaging in cultural resource management over lands within their tribal territories and/or with which they maintain a cultural connection. Our tribes are not acknowledged as living communities and governing bodies with a legal right to maintain a physical and spiritual connection to the Los Cerritos Wetlands. Nor are past and present tribal efforts to protect and use the wetlands for spiritual, cultural, and recreational purposes included in the PEIR. Ignoring tribal cultural perspectives and historic and current tribal involvement in the Los Cerritos Wetlands, the PEIR fails to fully identify the program's potentially significant impacts to the wetlands themselves and to those tribal peoples having physical and cultural connections to the project area. The proposed mitigation measures fail to acknowledge comments by numerous tribal leaders and members that the disruption and destruction of natural areas does harm and must be avoided.

GAB ACJ -4

Restoration plans that include increased public access at the expense of wildlife, that involve the removal of existing plant communities supporting wildlife, that employ pesticides and involve extensive flooding, excavation and bulldozing, are in and of themselves disrespectful measures. Realistically, restoring the Los Cerritos Wetlands to the once magnificent river estuary beloved by its tribal occupants is not possible. To include tribal peoples in protecting what remains is essential. Failing to do so, the PEIR reveals a continued mindset of dominion over, rather than true appreciation for, the natural world and the original peoples of the land. We advise the LCWA to abandon its current "restoration" plan as presented in this PEIR and rethink your approach to wetlands restoration. We recommend that you devise a plan to co-manage the Los Cerritos Wetlands with tribes having a territorial or cultural connection to them and invite you to consider returning jurisdiction over the wetlands under your control to the the tribal peoples who are affiliated with this Traditional Tribal Landscape.

GAB ACJ -5

Additional Concerns regarding the Los Cerritos Wetlands Restoration Plan PEIR:

1. The history of our public "wilderness" areas, including Regional, State and National Parks, and conservation areas such as the Los Cerritos Wetlands, is one of the dispossession and exclusion of tribal peoples and a hunger for their lands. Current policies and future plans are based on the racist illusion that tribal people have no legitimate place in or inherent right to inhabit these landscapes. "Restoration" that seeks to eliminate "invasive" plants and animals while advocating for exclusively "native" ones, fails to take into account the interdependency that now exists between these communities. It is ironic that while "Native" Americans have not been invited to reclaim our homelands, "invasive" public access is now encouraged.

GABACJ-6

2. The Restoration Plan Goals and Objectives for this Traditional Tribal Landscape lack any reference to tribal involvement or tribal cultural preservation.

GABACJ-7

3. To identify our tribal nations exclusively by names "imposed by the Spanish Missionaries," is disrespectful and denies us the inherent right to self-identify as Tongva and Acjachemen. In addition, the failure to identify additional tribes with a cultural connection to the program area, including the Payómkawichum, the Yuhaaviatam, the Tatviam, and the Kumeyaay, while referencing their homelands as counties, lacks accuracy and sensitivity.

GABACJ-8

4. The Cultural Resources section improperly questions whether tribal cultural resources exist within the program area. It describes known villages, burial, and cultural sites as being "nearby" the program area, rather than including the Los Cerritos Wetlands area within the Sacred Site of Puvungna.

GABACJ-9

5. The Los Cerritos Wetlands Restoration Plan is not restoration. It is a flood control project involving a massive reconfiguration of seasonal brackish/freshwater wetlands and uplands into salt marsh habitat. The introduction of water requires bulldozing existing wetlands and wildlife habitat and the construction of massive berms across the wetlands to protect current oil operations. Eventually the existing wetlands will be flooded and/or buried under berms protecting oil drilling operations, power plants, and commercial development from sea rise.

GABACJ-10

6. The Plan conforms to (includes) the Los Cerritos Wetlands Restoration and Oil Consolidation Project which expands existing oil operations. Beach Oil Minerals oil production will increase from 300 to 23,000 barrels a day, and release 70, 000 tons of GHG emissions annually. State environmental agencies such as the LCWA, the RMC, and the Coastal Conservancy are partnering with the fossil fuel industry to allow continued and expanded gas and oil operations endangering the wetlands, the general public, and the planet.

GABACJ-11

7. This proposed "restoration" of the Los Cerritos denies the history and the value of the existing landscape, as the intention is to erase it and create a model that accommodates a larger human footprint with visitors centers, parking lots, bike and walking trails. Along with numerous other tribal members, we object to any development which unearths or further disturbs tribal remains or cultural materials, disrupts the ecosystem, and/or puts public health and safety at risk.

GABACJ-12

From: Rececca Robles
To: Sally Gee
Subject: Letters to LCWA from Anthony Morales and Rebecca Robles
Date: Monday, July 6, 2020 3:04:48 PM
Attachments: Untitled document.pdf

Gabrieleno/Tongva San Gabriel Band of Mission Indians and Acjachemen Tribal Elder, July 6, 2020

Comment Letter GABACJ

Response GABACJ-1

The commenter states they are writing in response to the Los Cerritos Wetlands Restoration Plan PEIR and that they seek to protect the Tribal Cultural Landscape and Sacred Site of Puvungna. The 500-acre Tribal Cultural Landscape and Sacred Site of Puvungna are central to the tribe's spirituality, history, and survival, and the tribe appreciates that the LCWA has acknowledged that the program area lies within a tribal cultural landscape and concurs that it includes waterways, plants, and animals, in addition to the remains of their Ancestors and ancient communities. The tribe also concurs with the determination of significant and unavoidable impacts to cultural resources and the tribal cultural landscape in the program due to the proposed ground disturbance. Therefore, the tribe questions why the LCWA would proceed with the proposed program if there will be significant and unavoidable impacts to cultural sites and the waterways, plants, and animals.

The LCWA has noted these concerns, and recognizes the importance of the Los Cerritos Wetlands to the tribe. The LCWA acknowledges impacts to cultural resources and the tribal cultural landscape would be significant and unavoidable at the program level. However, with implementation of Mitigation Measures CUL-1 through CUL-16 and Mitigation Measures BIO1 through BIO11, there is a potential that project-level impacts to resources could be mitigated to a less than significant level. At the project level LCWA would conduct focused surveys and employ strategies to minimize or avoid impacts to cultural resources. LCWA believes that the restoration program outlined in the PEIR, while it would result in impacts to sensitive resources, would also restore the salt marshes historically present in the program area and provide important and valuable benefits for wildlife and tribal uses.

Response GABACJ-2

The commenter states that tribal input/expertise was not included in the development of the Initial Study or the proposed program in the PEIR, and that the tribe was not invited to participate in designing LCWA's current restoration program. The LCWA conducted AB 52 consultation with all tribes who requested consultation pursuant to Public Resources Code Section 21080.3.1 during the development of the PEIR. Tribes consulted and a summary of information provided is summarized in **Table 3.15-2**, *Summary of Tribes Consulted*, of the Draft PEIR. However, LCWA recognizes that it is important to engage tribal members as we move forward in project level designs, especially early on in the process. PEIR Mitigation Measure CUL16 requires that LCWA consult with California Native American Tribes during the future design of project-level components, plant and native plant selections or palettes, and development of content for educational and interpretative elements. Also, the LCWA is pursuing the initiation of a tribal council/advisory group as the project moves forward that would consult on the design of the program and results of future studies.

Additionally, the commenter writes that information regarding tribal salt works contributed by Julia Bogany during the development of the Los Cerritos Wetlands Final Conceptual Restoration Plan was not included in the PEIR. In a follow-up tribal consultation meeting on August 17, 2020 between LCWA and the tribe, information regarding the importance of salt marshes and salt flats to the tribe was shared, and Chapter 3.14, Section 3.14.2 Environmental Setting, of the Draft PEIR was revised.

The commenter informs that identification of specific salt flats and proposals for incorporating them into educational programming were not included in the PEIR's restoration program, and instead the remaining ten acres of salt flats are to be eliminated. While the existing salt flats could be affected by the proposed program, one of the program's goals is to restore and expand tidal salt marshes. It is LCWA's intent to preserve as much existing habitat and special status species as possible while enhancing degraded habitats. Salt flats and pannes are important parts of the tidal salt marsh ecosystem that will be enhanced and improved by the program.

Response GABACJ-3

The commenter states that established policies and practices, including CEQA, ignore that tribes are living nations capable of planning and engaging in cultural resource management within their tribal territories. LCWA recognizes that California Indian Tribes are living communities with a connection to the Los Cerritos Wetlands and understands that tribes have expertise concerning their tribal cultural resources. In response to this comment and others, Chapter 3.4 Cultural Resources, Section 3.4.2.2, of the Draft PEIR has been revised to acknowledge current tribal groups and their active participation in preservation of their tribal resources. To engage tribal participation in preparation of the Draft PEIR, LCWA conducted AB 52 consultation with all tribes who requested consultation pursuant to Public Resources Code Section 21080.3.1. Tribes consulted and a summary of information provided is summarized in **Table 3.15-2**, *Summary of Tribes Consulted*, of the Draft PEIR. LCWA also met with tribal representatives on August 17, 2020.

The commenter also states that the PEIR fails to fully identify the program's potentially significant impacts to the wetlands and tribal peoples, and that the mitigation measures fail to acknowledge tribal comments regarding the avoidance of disruption and destruction of natural areas. Chapter 3.15 Tribal Cultural Resources, Section 3.15.2.3, of the Draft PEIR acknowledges that the biological resources present, including the wetlands, are sacred to tribal peoples and integral components of tribal resources. Section 3.15.5 Program Impacts and Mitigation Measures, of the Draft PEIR also acknowledges that even with mitigation, impacts to tribal cultural resources would be significant and unavoidable at the program level. However, in response to this comment, the Draft PEIR has been revised to acknowledge that avoidance and preservation is the preferred approach to avoid or minimize significant adverse effects and that any changes to the existing wetlands affects values that tribes ascribe to the tribal cultural landscape within and surrounding the program area.

Response GABACJ-4

The commenter states their concern about impacts to existing wildlife and plant communities from increased public access and disturbance associated with restoration activities. The commenter further states that fully restoring the Los Cerritos Wetlands is not possible. The commenter advises LCWA to abandon its restoration plans and devise an alternative plan to co-manage the Los Cerritos Wetlands with tribes having a territorial or cultural connection to them. LCWA is committed to avoiding, minimizing and mitigating impacts to existing sensitive wildlife and plant communities, and acknowledges the challenges in restoring a landscape where ecosystem processes are constrained and there have been many extreme alterations. LCWA believes that the restoration program outlined in the PEIR, while it would result in impacts to sensitive resources, would also provide important and valuable benefits for wildlife and the public. LCWA did consult with all tribes that requested consultation as part of the preparation of the PEIR. LCWA is committed to inviting and incorporating input from Native American tribes as project-specific planning occurs, and is pursuing the creation of a tribal advisory group for that purpose. LCWA would welcome proposals for involvement of Native American tribes in the management of the wetlands.

Response GABACJ-5

The commenter states that plans and current policies regarding the Los Cerritos Wetlands exclude and dispossess tribal peoples and do not recognize their legitimate place in or right to inhabit these landscapes. The commenter further states that the interdependency between invasive and native wildlife should be accounted for, and that public access is invasive and should be discouraged, while Native Americans should be invited to reclaim the wetlands. As stated above, LCWA would welcome proposals for involvement of Native American tribes in the management and use of the wetlands. LCWA is committed to inviting and incorporating input from Native American tribes as project-specific planning occurs, and is pursuing the creation of a tribal advisory group for that purpose. The impacts of removing invasive species and restoring native species, and the impacts of public access, were considered in the PEIR and will also be evaluated in project-specific environmental analysis. LCWA seeks to avoid and minimize adverse impacts, while realizing the benefits to wildlife and the public that can result from restoration and increased public access. In additional response to the commenter, Mitigation Measure CUL17 has been added to Chapter 3.4 Cultural Resources, Section 3.4.5 Program Impacts and Mitigation Measures of the Draft PEIR. In response to this comment, the Draft PEIR has been revised to include a new mitigation measure to develop a tribal access plan in Chapter 3.4 Cultural Resources, Section 3.4.5 Project Impacts and Mitigation Measures of the Draft PEIR.

Response GABACJ-6

The commenter points out that the Restoration Plan Goals and Objectives for the program lack any reference to tribal involvement or tribal cultural preservation. LCWA acknowledges that this is the case and has revised the goals and objectives in Chapter 2, Section 2.5 Project Objectives of the PEIR, to include a reference to Native American tribes. In addition, the LCWA will work with tribal representatives during the project-specific planning phases to consider other revisions to the Goals and Objectives.

Response GABACJ-7

The commenter states that using Spanish names to refer to tribal entities is disrespectful. The commenter further states that the PEIR fails to identify other tribes with a cultural connection to the program area, such as the Payomkawichum, Yuhaaviatam, Tataviam, and Kumeyaay. LCWA acknowledges that the tribe prefers to use indigenous terms when referring to tribal groups. The PEIR has been revised to indicate that the terms Tongva, Kizh, and Acjachemen are preferred by many descendant groups over the Spanish words that have historically been used to describe them. With regards to the failure to identify other tribes with a cultural connection to the program area, Chapter 3.15 Cultural Resources, Section 3.15.2.3, lists all the tribes who were contacted as part of the AB 52 process for the Draft PEIR. A total of 26 tribes were contacted, including those who are Payomkawichum, Yuhaaviatam, Tataviam, and Kumeyaay. The only tribal groups who requested consultation are Tongva, Kizh, and Acjachemen tribes, and these are the tribes who were included in the ethnographic section. However, the LCWA sees the LCW as a regional resource and will not limit future coordination and consultation to just those tribal groups that responded to AB52. The LCWA would welcome other regional tribal representatives to participate in the forthcoming tribal advisory group.

Response GABACJ-8

The commenter states that the PEIR improperly questions whether tribal cultural resources exist within the program area and that the Los Cerritos Wetlands are within Puvungna. Chapter 3.4 Cultural Resources and Chapter 3.15 Tribal Cultural Resources, indicate that a tribal cultural landscape is present within and surrounding the program area, and that LCWA determined that the landscape is a historical resource pursuant to CEQA Guidelines Section 15064.5(a)(4) and a tribal cultural resource pursuant to Public Resources code section 21074(a)(2). The sections also acknowledge that there is one known Native American archaeological site within the program area and an additional four sites that appear to overlap or partially overlap the program area, as well as seven other sites within 150 feet of the program area. The sections further acknowledge that there could be as yet unidentified sites on the surface or subsurface in the program area. The sections state that these sites are potential contributors to the landscape. As such, these sites are part of the historical resource and tribal cultural resource identified as the tribal cultural landscape. However, in response to this comment and others, Section 2.4.2 Cultural History of the Los Cerritos Wetlands Complex, has been modified to indicate that the wetlands are within the Puvungna and Motuucheyngna village sites community. Chapters 3.4 and 3.15 have also been modified to indicate that the Los Cerritos Wetlands are located in between the archaeological manifestations of Puvungna and Motuucheyngna, and the wetlands were identified by tribes to be part of the larger cultural landscape of Puvungna and surrounding villages.

Response GABACJ-9

The commenter states that the Los Cerritos Wetlands Restoration Plan is not restoration, but a flood control project that will convert seasonal brackish/freshwater wetlands and uplands into salt marsh habitat and will have significant impacts from ground disturbance to existing habitat and wildlife. The LCWA acknowledges there will be impacts to existing habitats from the program, but believes that restoring tidal wetlands and associated habitats will have very important benefits for wildlife and the public that outweigh the impacts of the program. One of the goals of the

proposed program is to restore tidal salt marshes. Although there are existing jurisdictional wetlands on site, most of them are degraded and low functioning habitat. The LCWA would also look to preserve as much existing habitat and special status species as possible while enhancing the degraded habitats. Some areas of the LCW are completely cut off from historic tidal influence, thus LCWA is looking to reintroduce tides. In the Central Area, the opportunity for tidal influence is a connection to the San Gabriel River (SGR). Breaching the SGR levee would require equal flood protection and more to account for sea level rise, which is why the footprint of the levees are so large. However, the exact height of the levees and the exact connection from the SGR to the site are to be determined at the project level and could be smaller than what is currently proposed.

Response GABACJ-10

The commenter notes that the LCW Restoration Plan includes the Los Cerritos Wetlands Restoration and Oil Consolidation Project which expands existing oil operations, with a resulting increase in GHG emissions that will endanger the wetlands, the general public, and the planet, The environmental effects associated with oil operations described in the Los Cerritos Wetlands Oil Consolidation and Restoration Project are evaluated in the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR (State Clearinghouse No. 2016041083) and were not further evaluated in this PEIR. As such, no further response is warranted.

Response GABACJ-11

The commenter states that the program denies the history and value of the existing landscape, and will result in a larger human footprint. The commenter further objects to any development which unearths or further disturbs tribal remains or cultural materials, disrupts the ecosystem, and/or puts public health and safety at risk. LCWA designed the program to restore and enhance tidal wetlands and associated habitats, and seeks to bring back some of the habitat values and ecosystem services that historically were provided by the Los Cerritos Wetlands before they were drained, filled, and disrupted by oil production and other human uses, consistent with the Goals and Objectives in the PEIR. This program is designed to reduce the human footprint by creating large swaths of core habitat areas that will be inaccessible to humans in locations that are currently fragmented/disturbed by a variety of human uses. Implementation of Mitigation Measures CUL1 through CUL16 will ensure that LCWA avoids, minimizes and mitigates any impacts to tribal remains or cultural materials. LCWA plans to work with tribes on project-specific design and implementation to avoid and minimize impacts and to include tribal monitoring. LCWA believes that the program will not disrupt the ecosystem, but will restore important ecosystem processes and services that have been lost due to human disturbances. LCWA believes that public health and safety will not be put at risk by the program, but will benefit from increased access to open space and stewardship opportunities.

Response GABACJ-12

Responses to the referenced letter are provided above in Responses to Comments Nos. GABACJ-1 through GABACJ-12.

Comment Letter JBMIANB

From:	Joyce Perry
To:	Sally Gee
Cc:	Candace Ehringer
Subject:	Re: Los Cerritos Wetland PEIR
Date:	Thursday, August 20, 2020 1:29:36 PM

Good Afternoon Ms. Gee,

JBMIANB-1 Thank you for clearing up the confusion and I appreciate the extension to review. On behalf of the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes, our comments are as follows:

We have great concerns regarding the proposed Los Cerritos Restoration project. This project appears to be to the main benefit of the oil industry. While the PEIR does define the Los Cerritos Wetlands as part of the "greater cultural landscape of Puvungna and Motuucheyngna" we urge you to consider Raymond White's ethnographic data for criteria of defining a village-- which he refers to as a "Rancheria"

JBMIANB-2

> "...each ranchería is composed of several definite topological units, arranged so that all necessary types of terrain are included within these boundaries, for example, oak groves, chaparral covered slopes, river bottoms, springs, and so forth. None is so large that a man could not reach any part of it on foot in about half a day, starting from the major dwelling site or village; each includes all features necessary for maximum efficiency in the harvesting of food and other resources according to daily need, seasonal availability, accessibility, and defensibility (White 1963:116–117).

His criteria of a village site which spans an area able to be reached in half a day's walk would include the project area as a part of Puvungna and Motuucheyngna.

JBMIANB-3 Further, even with implementation of mitigation measures CUL-1 through CUL-9 the impacts are defined as "significant and unavoidable." This is unacceptable. The destruction and degradation of Traditional Cultural Properties and Landscapes is the continued reality for southern California's indigenous peoples, with an estimated 90 percent of our ancestral sites having been destroyed in the path of development. While we support efforts to restore the wetlands, we cannot stand behind any project that both enhances the oil industry while allowing bulldozing and further degradation of our sacred sites. Any efforts towards restoration should be undertaken in collaboration with Native American experts who have ancestral ties to the land. Avoiding further impacts to our significant cultural sites is the only appropriate option.

JBMIANB-4 As this project moves through the process, we wish to continue to consult in order to find options that we all can live with.

Húu'uni 'óomaqati yáamaqati.
Teach peace
Joyce Stanfield Perry
Payomkawichum Kaamalam - President
Juaneño Band of Mission Indians, Acjachemen Nation
Tribal Manager, Cultural Resource Director

Juaneno Band of Mission Indians, Acjachemen Nation – Belardes, August 20, 2020

Comment Letter JBMIANB

Response JBMIANB-1

The commenter acknowledges an extension to review the Draft PEIR. Specific comments regarding the Draft PEIR are provided and responded to below.

Response JBMIANB-2

The commenter provides a general statement that they have concerns about the project and that the project appears to benefit the oil industry. The commenter provides criteria for defining a village site and indicates that this definition would include the program area as part of Puvungna and Motuucheyngna.

With regards to the first part of the comment, the commenter does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted.

With regards to the second part of the comment, in response to this comment and others, Chapter 2 Project Description, Section 2.4.2 Cultural History of the Los Cerritos Wetlands Complex, of the Draft EIR has been modified to indicate that the wetlands are within the Puvungna and Motuucheyngna village sites community. Chapters 3.4 and 3.15 have also been modified to indicate that the Los Cerritos Wetlands are located in between the archaeological manifestations of *Puvungna* and *Motuucheyngna*, and the wetlands were identified by tribes to be part of the larger cultural landscape of *Puvungna* and surrounding villages.

Response JBMIANB-3

The commenter expresses opposition to the proposed program based on significant and unavoidable impacts to Cultural Resources and to the degradation of Traditional Cultural Properties and Landscapes. Additionally, commenter raises the issue that any efforts toward restoration should involve collaboration with Native American experts/tribes to avoid further impacts to significant cultural sites.

The LCWA acknowledges that at the program level, impacts to cultural resources and the tribal cultural landscape would be significant and unavoidable. However, with implementation of Mitigation Measures CUL1 through CUL16 and Mitigation Measures BIO1 through BIO11, there is a potential that project-level impacts to resources could be mitigated to a less than significant level. At the project level we would conduct focused surveys and employ strategies to minimize or avoid impacts to cultural resources. Additionally, Mitigation Measures CUL12 and CUL16 specifically points to continued Native American coordination and input for this project. The LCWA recognizes that it is important to engage tribal members as we move forward in project level designs, especially early on in the process. The LCWA is pursuing the creation of a tribal council/advisory group as the program moves forward that would consult on the design of the site and results of future studies. The LCWA will continue to include the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes tribe in future communications on this project.

Response JBMIANB-4

The commenter states that they wish to continue to consult on this project. The LCWA will continue to include the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes tribe in future communications on this project.

Comment Letter AQMD

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:
sgee@rmc.ca.gov
Sally Gee, Project Planner
Los Cerritos Wetlands Authority
100 North Old San Gabriel Canyon Road
Azusa, CA 91702

May 22, 2020

Draft Program Environmental Impact Report (Draft PEIR) for the Proposed Los Cerritos Wetlands Restoration Plan

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final PEIR. AQMD-1

The Lead Agency proposes to develop programs to guide wetland restoration, habitat conservation, and flood management with a planning horizon of 2040 (Project Project). The Proposed Project will include, among others, removal and relocation of oil pipelines. The Proposed Project encompasses 503 acres and is located in the East Long Beach and North Seal Beach area along the border of Los Angeles County and Orange County.

Based on a review of the Hazards and Hazardous Materials Section in the Draft PEIR, the Lead Agency is committed to developing and implementing a Health and Safety Plan and a Soil, Landfilled Materials, and Groundwater Management Plan that includes a materials disposal plan specifying how the contractor will remove, handle, transport, and dispose of all excavated material in a safe, appropriate, and lawful manner[1]. If on-site or earth-moving activities involve equipment or operations which either emits or controls air pollution, South Coast AQMD staff should be consulted in advance of the project start to determine the need for any permits or plans are required to be filed and approved by South Coast AQMD prior to start of operation. AQMD-2 Disturbing soils containing toxic air contaminants are subject to the requirements of South Coast AQMD Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants[2]. Therefore, in addition to the discussions of South Coast AQMD Rules 401, 402, 403, 1113, 1166, and 1186[3], it is recommended that the Lead Agency include a discussion to demonstrate compliance with Rule 1466 in the Air Quality Section of the Final PEIR. AQMD-3

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final PEIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. AQMD-4

[1] Draft PEIR. Page 3.7-38.
[2] South Coast AQMD. Rule 1466. Accessed at: http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf.
[3] Draft PEIR. Page 3.2-19.

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at lsun@aqmd.gov if you have any questions. AQMD-5

Sincerely,

Lijin Sun

Lijin Sun, J.D.
Program Supervisor, CEQA IGR
Planning, Rule Development & Area Sources

LS
LAC200514-08
Control Number

Comment Letter AQMD

AQMD-6

From:	Lijin Sun
To:	Sally Gee
Subject:	South Coast AQMD Staff"s Comments on Draft Program Environmental Impact Report for the Los Cerritos Wetlands Restoration Plan
Date:	Friday, May 22, 2020 7:40:43 AM
Attachments:	LAC200514-08 DPEIR Los Cerritos Wetlands Restoration Plan_20200522.pdf

Dear Ms. Gee,

Attached are South Coast AQMD staff's comments on the Draft Program Environmental Impact Report for the Los Cerritos Wetlands Restoration Plan (South Coast AQMD Control Number: LAC200514-08). Please contact me if you have any questions regarding these comments.

Thank you,

Lijin Sun, J.D.
Program Supervisor, CEQA IGR
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
Direct: (909) 396-3308
Fax: (909) 396-3324

**Please note that the building is closed to the public and I am working remotely.*
I will be responding to emails and voice messages during my scheduled work hours,
Tuesday through Friday 7:00 am to 5:30 pm. Thank you.

South Coast Air Quality Management District, May 22, 2020

Comment Letter AQMD

Response AQMD-1

The commenter expresses South Coast Air Quality Management District (SCAQMD) appreciation to provide comments on the LCWA's Draft PEIR. The commenter provides a summary of the proposed program and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response AQMD-2

The commenter cites to the Hazards and Hazardous Materials Section in the Draft PEIR, which indicates that the Lead Agency is committed to developing and implementing a Health and Safety Plan and a Soil, Landfilled Materials, and Groundwater Management Plan that includes a materials disposal plan specifying how the contractor will remove, handle, transport, and dispose of all excavated material in a safe, appropriate, and lawful manner. The commenter states that SCAQMD staff should be consulted in advance of the project start to determine the need for any permits or plans are required to be filed and approved by South Coast AQMD prior to start of operation. As described in Chapter 2 Project Description, Section 2.7 Program Characteristics, the program would require remediation of contaminated soil and groundwater, grading, and excavation. The program would use heavy duty construction equipment to handle such earth-moving activities. A list of off-road equipment including specialized construction equipment is shown in **Table 5**, *Off-Road Equipment List*, in the Air Quality Technical Report, provided in Appendix B of the Draft PEIR. In accordance with the use of such heavy-duty construction equipment, it is understood that certain discretional approvals would be required. As shown in **Table 2-17**, *Required Permits and Approvals*, of the Draft PEIR, permits/approvals from multiple agencies, including South Coast AQMD's permits to construct and operate, would be obtained as necessary according to specific detailed designs for the proposed restoration activity. These permits/approvals would be determined on a project level basis and subsequent to the preparation of this PEIR

Response AQMD-3

The comment recommends that the Lead Agency include a discussion of compliance with Rule 1466 in the Air Quality Section of the Final PEIR. A description of Rule 1466 has been added to Chapter 3.2 Air Quality, Section 3.2.3 Regulatory Framework, of the Draft PEIR following Rules 401, 402, 403, 1113, 1166, and 1186.

While no implementing project is proposed under the Draft PEIR, subsequent implementing projects will be required to provide a project-level analysis and demonstrate compliance with applicable SCAQMD rules, which may include Rule 1466.

Response AQMD-4

The commenter requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final PEIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and

suggestions are not accepted. Please see Responses to Comments Nos. AQMD-2 and AQMD-3. The Draft PEIR provides an accurate and objective analysis based upon substantial evidence in the record. The Draft PEIR details specific methodologies used to determine the significance of impacts and makes conclusions that are well explained and supported by facts. The responses in this PEIR represent a good faith response to the SCAQMD's comments, including providing the additional requested information regarding SCAQMD Rule 1466 (see Response to Comment No. AQMD-3), as required pursuant to CEQA Guidelines Section 15088.

Response AQMD-5

The commenter expresses the SCAQMD willingness to work with the Lead Agency on any questions relating to this comment letter and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response AQMD-6

The commenter sent an introductory email stating that comments have been submitted on behalf of the SCAQMD staff and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Comment Letter DOT12

DEPARTMENT OF TRANSPORTATION
DISTRICT 12
1750 EAST FOURTH STREET, SUITE 100
SANTA ANA, CA 92705
PHONE (657) 328-6267
FAX (657) 328-6510
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

June 19, 2020

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

File: IGR/CEQA
SCH: 2019039050
12-ORA-2020-01376
SR 1; 33.717

Dear Ms. Gee

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Program Environmental Impact Report (DPEIR) for the proposed Los Cerritos Wetlands Restoration Plan. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

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

DOT12-1

The proposed program is located within the cities of Seal Beach and Long Beach. The City of Seal Beach is within the northwestern portion of Orange County, California. The City of Long Beach is within the southeastern portion of Los Angeles County, California. The City of Seal Beach is bounded by the City of Long Beach to the west; the City of Los Alamitos and the neighborhood of Rossmoor to the north; and the cities of Huntington Beach, Westminster and Garden Grove to the east. The Pacific Ocean borders the City of Seal Beach to the south. The U.S. Navy Naval Weapons Station Seal Beach is located within Seal Beach city boundaries to the southeast of the program area. Pacific Coast Highway (SR 1) traverses the area from the northwest corner to the southeast corner. Pacific Coast Highway is owned

and operated by Caltrans. Caltrans is a responsible/commenting agency and has the following comments:

Stormwater Compliance:

DOT12-2

- Pacific Coast Highway (PCH) boarders both the north and south portions of the propose wetland restoration. Surface flow runoff at these locations on PCH flow towards where the proposed restoration is to take place. Runoff from this location on PCH is covered under the Caltrans NPDES permit and will ultimately discharge to what is anticipated to be the proposed wetlands under this restoration plan.

Permits:

DOT12-3

- Any project work proposed in the vicinity of the State right of way will require an encroachment permit, and all environmental concerns must be adequately addressed. Please coordinate with Caltrans in order to meet the requirements for any work within or near State Right-of-Way. A fee may apply. If the cost of work within the State right of way is below one Million Dollars, the Encroachment Permit process will be handled by our Permits Branch; otherwise the permit should be authorized through the Caltrans's Project Development Department. When applying for Encroachment Permit, please incorporate all Environmental Documentation, SWPPP/ WPCP, NPDES, Hydraulic Calculations, R/W certification and all relevant design details including design exception approvals. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual. The latest edition of the Manual is available on the web site: http://www.dot.ca.gov/hq/traffops/developserv/permits/

DOT12-4

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Julie Lugaro at Julie.lugaro@dot.ca.gov.

Sincerely,

SCOTT SHELLEY
Branch Chief, Regional-IGR-Transit Planning
District 12

DOT12-5

From: Lugaro, Julie M@DOT
To: Sally Gee
Cc: Shelley, Scott@DOT
Subject: Comment Letter for the Los Cerritos Wetlands Authority
Date: Friday, June 19, 2020 1:03:21 PM
Attachments: Comment Letter for LCWA 6-19-2020.pdf

Hello Ms. Gee

I have attached the Comment Letter for the Los Cerritos Wetlands Authority.

A hardcopy of the letter will be coming to you by mail.

If you have any questions, please feel free to contact me.

Thank you,

Julie Lugaro, M.S.
Associate Transportation Planner
California Department of Transportation; LD-IGR
Caltrans District 12
1750 E. 4th Street
Santa Ana, CA. 92705

California Department of Transportation, Division 12, June 19, 2020

Comment Letter DOT12

Response DOT12-1

The commenter acknowledges receipt of the Draft PEIR by the California Department of Transportation, Division 12. Specific comments regarding the Draft PEIR are provided and responded to below.

The commenter provides a summary of the proposed program and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response DOT12-2

The commenter notes that surface runoff from the Pacific Coast Highway flows towards where the proposed restoration is to take place. The commenter also notes this runoff is currently covered under the Caltrans NPDES permit. As discussed within Section 2.7.4.2 Ecosystem Restoration, of the Draft PEIR, "The levee [in the Central Area] would be offset from the property boundaries by 30 feet to allow for road drainage to the area between the road and the levee..." The levee in the North Area would also be offset from the Pacific Coast Highway to provide room for stormwater management. Under Section 2.7.4.3, of the Draft PEIR the following statement is included "With the construction of the proposed levees, storage volume for the excess overflow drainage from the roads would be eliminated. Replacement stormwater storage volume would be provided by creating low areas (e.g., basins or swales) between the roads and the proposed levee. These storage basins or bioswales would be sized to accommodate the local area drainage. These basins would also function as water quality treatment measures for a portion of the runoff from the existing paved areas." Therefore, while the runoff from the Pacific Coast Highway would not be altered by the proposed program, the program would be designed to ensure that runoff does not adversely affect the proposed restoration through design elements than include buffers and overflow drainage swales.

Response DOT12-3

The commenter notes that an encroachment permit is required. As shown in **Table 2-17**, *Required Permits and Approvals*, of the Draft PEIR, permits/approvals from multiple agencies, including the California Department of Transportation's permits to construct and operate, would be obtained as necessary according to specific detailed designs for the proposed restoration activity. These permits/approvals would be determined on a project level basis and subsequent to the preparation of this PEIR.

Response DOT12-4

The commenter provides contact information and is noted for the record.

Response DOT12-5

Responses to the referenced letter are provided above in Responses to Comments Nos. DOT12-1 to DOT12-4.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7 – Office of Regional Planning
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-9140
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

June 22, 2020

Sally Gee
Los Cerritos Wetland Authority
100 N. Old San Gabriel Canyon Rd.,
Azusa, CA 91702

RE: Los Cerritos Wetlands Restoration Plan –
Draft Environmental Impact Report (DEIR)
SCH# 2019039050
GTS # 07-LA-2019-03251
Vic. LA-1/PM: 0.08

Dear Sally Gee:

DOT07-1 Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project's DEIR. The proposed program would restore wetland, transitional, and upland habitats throughout the program area. This would involve remediation of contaminated soil, grading, revegetation, construction of new public access opportunities, construction of flood management facilities, and modification of existing infrastructure and utilities.

After reviewing this project's DEIR Caltrans has the following comments:

DOT07-2 1. Since future developments will be implemented after SB-743 is in full effect (July 2020), the analysis of traffic impacts must use Vehicle miles traveled (VMT) as a metric. Los Cerritos Wetland Authority, as the lead agency, has discretion to develop and adopt its own thresholds of significance or rely on thresholds of significance recommended or used by other agencies.

2. When future project level documents become available, Caltrans suggests utilizing the following guidelines for project level studies and analysis on the State Highway System:

- Please consider utilizing the latest version of the Technical Advisory and Guidelines on Evaluating Transportation Impacts in CEQA by the Governor's Office of Planning and Research.

DOT07-3
- Please consider utilizing the latest version of Caltrans' Transportation Impact Study Guide.

3. Each project will be evaluated separately. The intersections and freeway segments to be studied and type of analysis to be included, will depend on the location and type of development

4. Once SB-743 is in full effect, safety and conflict analysis, such as queuing analysis at intersections and off-ramps impacted by the project, may still be required depending on trips generated by the project.

Further information included for your consideration:

DOT07-4 Caltrans seeks to promote safe, accessible multimodal transportation. Methods to reduce pedestrian and bicyclist exposure to vehicles improve safety by lessening the time that the user is in the likely path of a

DOT07-4 cont.

motor vehicle. These methods include, but are not limited to, the construction of physically separated facilities such as sidewalks, raised medians, refuge islands, and off-road paths and trails, or a reduction in crossing distances through roadway narrowing.

Caltrans recommends the project to consider the use of methods such as, but not limited to, pedestrian and bicyclist warning signage, flashing beacons, crosswalks, signage and striping, be used to indicate to motorists that they should expect to see and yield to pedestrians and bicyclists. Visual indication from signage can be reinforced by road design features such as lane widths, landscaping, street furniture, and other design elements.

DOT07-5

An encroachment permit will be required for any project on, or in the vicinity of, the Caltrans right of way. Please note that any modifications to the State facility (SR-1 or SR-22) will be subject to additional review by the Office of Permits prior to issuance of the permit.

DOT07-6

Storm water run-off is a sensitive issue for Los Angeles County. Please be mindful that projects should be designed to discharge clean run-off water. Discharge of storm water run-off is not permitted onto State Highway facilities without a storm water management plan.

DOT07-7

If you have any questions regarding these comments, please contact project coordinator Reece Allen, at reece.allen@dot.ca.gov and refer to GTS# 07-LA-2019-03251

Sincerely,

MIYA EDMONSON
IGR/CEQA Branch Chief
cc: Scott Morgan, State Clearinghouse

DOT07-8

From: Allen, Reece@DOT
To: Sally Gee; state.clearinghouse@opr.ca.gov
Subject: Caltrans" Comment Letter - Los Cerritos Wetlands Restoration Plan - SCH# 2019039050
Date: Monday, June 22, 2020 5:03:33 PM
Attachments: Los Cerritos Wetlands - 03251.pdf

Good Afternoon,

Attached, please find Caltrans' comment letter for the above referenced project.

Thank you,

Reece Allen
Associate Environmental Planner
Caltrans District 7, Office of Regional Planning
100 S. Main Street
Los Angeles, CA 90012
(213) 897-9140 Office
(213) 897-1337 Fax

California Department of Transportation, Division 7, June 22, 2020

Comment Letter DOT07

Response DOT07-1

The commenter acknowledges receipt of the Draft PEIR by the California Department of Transportation, Division 7. Specific comments regarding the Draft PEIR are provided and responded to below.

The commenter provides a summary of the proposed program and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted

Response DOT07-2

The commenter suggests that the analysis of traffic impacts must use vehicle miles traveled as a metric. The commenter also asserts that LCWA has the discretion to adopt its own thresholds of significance or rely on thresholds of significance recommended or used by other agencies. Chapter 3.14 Transportation, Section 3.14.2 Regulatory Setting, of the Draft PEIR provides a description of Senate Bill (SB) 743, which mandates that the significance of the transportation impacts of proposed development projects under CEQA be determined based on vehicle miles travelled (VMT), rather than on delay- and capacity-based metrics, such as level of service (LOS). Consistent with CEQA Guidelines Section 15064.3, lead agencies have until July 1, 2020 to develop and adopt new analytical procedures and threshold criteria to implement VMT as the primary transportation impact metric. Sections 15064.3(c) and 15007 also states that the provisions of this Section shall apply prospectively, i.e. new requirements in CEQA Guidelines amendments will apply to steps in the CEQA process not yet undertaken by the date when agencies must comply with the amendments. The Notice of Preparation was issued on March 8, 2019, prior to the adoption of Section 15064.3. Since the Draft PEIR was released before July 1, 2020 and prior to LCWA's adoption of VMT thresholds, a VMT analysis is not required for the proposed program. In the future, as restoration designs are finalized and ready to be implemented, project-specific environmental review will be required. Such environmental review would occur after July 1, 2020, and would therefore be required to comply with CEQA Guidelines Section 15064.3, which would include a transportation impact evaluation/determination related to VMT. At such time, LCWA will determine whether to adopt its own VMT thresholds, adopt thresholds already established by the relevant local jurisdiction(s), or follow guidance provided in the Governor's Office of Planning and Research's (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA*.[1]

Response DOT07-3

The commenter does not raise an issue regarding the transportation analysis in the Draft PEIR. Rather, the comment provides Caltrans' recommendations on how to evaluate transportation impacts on the State Highway System for future project-specific environmental documents. These

[1] https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf

recommendations are noted and will be considered, along with all applicable Federal, State, and local regulations at the time project-specific environmental documents are prepared.

Response DOT07-4

The commenter recommends specific methods for the lead agency to consider incorporating into the project to reduce pedestrian and bicyclist exposure to vehicles to improve safety

With respect to pedestrian and bicycle access to/from the program area, Chapter 3.14 Transportation, Section 3.14.5 Project Impacts and Mitigation Measures of the Draft PEIR states that:

"...the proposed program could install new sidewalks around the perimeter of the program area where there are currently none and a crosswalk at the intersection of Shopkeeper Road and 2nd Street to improve public access between the North Area, Long Beach Visitor Center, and Central Area. These components would increase connectivity and safety for pedestrians and bicyclists."

In the future, as restoration designs are finalized and ready to be implemented, project-specific environmental review will be required. Such environmental review would consider the specific design elements listed in the comment (i.e., bicycle warning signage, flashing beacons, crosswalks, signage and striping, lane widths, landscaping, and street furniture) meant to improve accessibility by pedestrians and bicyclists.

Response DOT07-5

The commenter notes that an encroachment permit is required. As shown in **Table 2-17**, *Required Permits and Approvals*, of the Draft PEIR, permits/approvals from multiple agencies, including California Department of Transportation's permits to construct and operate, would be obtained as necessary according to specific detailed designs for the proposed restoration activity. These permits/approvals would be determined on a project level basis and subsequent to the preparation of this PEIR.

Response DOT07-6

The commenter notes that the program should be designed to discharge clean run-off water and that discharge of storm water run-off is not permitted onto State Highway facilities. The program would result in an overall improvement of stormwater run-off quality by including bioswales along the levees in the North and Central Areas and by increasing wetland habitat, which can act as a natural water filter. As discussed in Chapter 2 Project Description, Section 2.7.4.3 Flood Risk and Stormwater Management, of the Draft PEIR "With the construction of the proposed levees, storage volume for the excess overflow drainage from the roads would be eliminated. Replacement stormwater storage volume would be provided by creating low areas (e.g., basins or swales) between the roads and the proposed levee. These storage basins or bioswales would be sized to accommodate the local area drainage. These basins would also function as water quality treatment measures for a portion of the runoff from the existing paved areas."

Response DOT07-7

The commenter provides contact information and is noted for the record.

Response DOT07-8

Responses to the referenced letter are provided above in Responses to Comments Nos. DOT07-1 to DOT07-7.

Comment Letter OCPW

ORANGE COUNTY
OC Public Works

June 22, 2020 NCL-20-0004

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

Subject: Notice of Availability of a Draft Program Environmental Impact Report for the Los Cerritos Wetlands Restoration Plan (State Clearinghouse #2019039050).

Dear Sally,

OCPW-1 Thank you for the opportunity to comment on the Notice of Availability of a Draft Program Environmental Impact Report (PEIR) for the Los Cerritos Wetlands Restoration Plan. The County of Orange offers the following comments for your consideration.

OC Flood Programs/Floodplain Management

OCPW-2 The Draft PEIR has described the effect of the project on the San Gabriel River, Los Cerritos Channel, and Haynes Cooling Channel. However, the impacts of the project on the Orange County Flood Control Facilities, specifically Los Alamitos Retarding Basin (OCFCD Facility No.C01B01) has not been discussed. It is understood that ecosystem restoration in the South Area would occur in three phases and the operations on the Los Alamitos Retarding Basin are proposed to be modified in the mid-term. It is also mentioned in the Draft PEIR that "Restoration will not begin until a variety of actions are taken, including: preparation of project level restoration designs, completion of studies and analysis in support of design and permit approvals, acquiring project-level funding, acquiring permit approvals and associated CEQA clearance documents, amendments made with easement holders, and property transfers."

The following comments provided on April 8, 2019 have been updated and are still valid/relevant to the future project activities:

OCPW-3
1. It appears that the proposed project could have a potential significant impacts on the following Orange County Flood Control District (OCFCD) facilities that includes: Los Alamitos Channel (Facility No.C01), Federal Storm Channel (Facility No.C01S06), Los Alamitos Retarding Basin (Facility No.C01B01), and Los Alamitos Pump Station (Facility No.C01PS1) where all are within the vicinity of the subject project. A map/exhibit should clearly identify these regional flood control facilities and how they will likely be impacted by the proposed project. Drainage Facility

County Administration South
601 North Ross Street
Santa Ana, California 92701
P.O. Box 4048
Santa Ana, CA 92702-4048
(714) 667-8800
info@ocpw.ocgov.com
OCPublicWorks.com

ORANGE COUNTY OC Public Works

Base maps that depict existing local and regional drainage facilities owned by the OCFCD are available for review at http://www.ocflood.com/docs/drawings

2. The proposed program should not worsen existing conditions or shift flooding problems upstream or downstream of the proposed project. Appropriate mitigation measures should be provided to address adverse impacts, and minimize increased runoff resulting from the project.

3. A discussion of such impacts supported by hydrology and hydraulic analyses and mitigation measures, including erosion and scour in natural watercourses, should be included in the next submittals.

OCPW-4

4. Hydrologic and hydraulic analyses should evaluate and compare quantitatively the runoff volumes, peak flow rate increases, and adequacy and capacity of existing drainage facilities. All appropriate studies (if necessary) must conform to the current guidelines and criteria as specified in the Orange County Hydrology Manual (OCHM), Addendum No. 1 to the OCHM, and the OCFCD Design Manual.

5. Since the City of Seal Beach is responsible for land use planning and development within City limits, the City should review and approve all local hydrology and hydraulic analyses including the needed 100-year flood protection for proposed changes within the project area.

OCPW-5

6. The City of Seal Beach, as floodplain administrators, should ensure that floodplains are properly identified and that structures are designed in conformance with local floodplain ordinances, and Federal Emergency Management Agency (FEMA) regulations.

7. All work within or adjacent to any OCFCD right-of-way for flood control facilities including the channels, retarding basins, and pump stations shall be conducted so as not to adversely impact the structural integrity, hydraulic flow conditions, access and maintainability. Furthermore, all proposed projects within OCFCD right-of-way should be reviewed and approved by OC Public Works. All concepts should be approved by OC Public Works prior to application for an encroachment permit. Work should be conducted only after an encroachment permit has been obtained. For information regarding the permit application process and other details please refer to the Encroachment Permits Section link on OC Public Works' website http://www.ocpublicworks.com/ds/permits/encroachment_permits. Technical reviews and approvals for the proposed work will be accomplished within the permit process.

OCPW-6

County Administration South
601 North Ross Street
Santa Ana, California 92701

P.O. Box 4048
Santa Ana, CA 92702-4048

(714) 667-8800

info@ocpw.ocgov.com

OCPublicWorks.com

Comment Letter OCPW

ORANGE COUNTY
OC Public Works

OCPW-7 If you have any questions regarding these comments, please contact Sahar Parsi at (714) 647-3988 or Penny Lew at (714) 647-3990 in OC Flood Programs/Floodplain Management or Steven Giang at (714) 667-8816 in OC Development Services.

Sincerely,

Richard Vuong, Interim Deputy Director
OC Public Works Service Area/OC Development Services
601 North Ross Street
Santa Ana, California 92701
Richard.Vuong@ocpw.ocgov.com

cc: Sahar Parsi, OC Flood Programs/Floodplain Management
Penny Lew, OC Flood Programs/Floodplain Management

Comment Letter OCPW

OCPW-8

From:	Giang, Steven
To:	Sally Gee
Cc:	Salazar, Cindy; Chang, Joanna; Parsi, Sahar; Lew, Penny
Subject:	County of Orange Comments for Draft Program EIR for the LCWA Restoration Plan (SCH#2019039050)
Date:	Monday, June 22, 2020 3:18:45 PM
Attachments:	County of Orange Comment Letter for NCL-20-0004.pdf

Hi Sally,

Thank you for the opportunity to provide public comment. We reviewed the project and have provided the attached signed letter from Development Services.

Please let me know if you have any questions or clarifications.

Thanks,

Steven Giang, Associate Planner
OC Public Works | Development Services
601 N. Ross Street, Santa Ana, CA 92701| (714) 667-8816

Orange County Public Works, June 22, 2020

Comment Letter OCPW

Response OCPW-1

The commenter acknowledges receipt of the Draft PEIR. Specific comments regarding the Draft PEIR are provided and responded to below.

Response OCPW-2

The commenter notes that the impacts of the project on the Orange County Flood Control Facilities, including the Los Alamitos Pump Station and Retarding Basin, are not discussed. At this stage in the design, it has not been determined how management of the Los Alamitos Retarding Basin might be changed to increase the habitat value of the area. Restoration of this area would not begin until a project-level design is developed in coordination with OCFCD, and permits and subsequent CEQA clearance documents are acquired that would evaluate project-level impacts on the Orange County Flood Control Facilities.

Response OCPW-3

The commenter suggests that four Orange County Flood Control District (OCFCD) facilities should be identified on a map and that impacts to these facilities should be evaluated. These facilities include the Los Alamitos Channel, the Federal Storm Channel, the Los Alamitos Retarding Basin, and the Los Alamitos Pump Station. **Figure 2-2**, *Program Area and Local Vicinity*, of the Draft PEIR, shows the location of the latter two facilities. In response to this comment, the map has been updated to include the two former facilities. Additionally, text has been added to Chapter 2 Project Description, Section 2.3.2.1 South Area, of the Draft PEIR to reference the two channels and the map: "The Los Alamitos Retarding Basin site is a 30-acre depressed basin surrounded by an earthen berm and access road that receives stormwater runoff and other drainage from a 3,600-acre area in the City of Seal Beach, including from the Los Alamitos Channel and the Federal Storm Channel (Figure 2-2)."

As explained in Response to Comment No. OCPW-2, the details of how the management of the Los Alamitos Retarding Basin might be changed to increase habitat value will be determined as part of project-level design including implications regarding the effect of the design on the four OCFCD facilities.

Response OCPW-4

The commenter recommends that the proposed program should not worsen existing conditions or shift flooding problems and that appropriate mitigation measures should be provided to address adverse impacts. Impact HYD-3b discusses the results of the hydrodynamic modeling regarding potential flooding and concludes the impact is less than significant. For any areas, including the Los Alamitos Retarding Basin, where flood modeling was not conducted, the project-level CEQA clearance document would require additional hydrology and hydraulic analyses to analyze impacts. As explained in Response to Comment No. OCPW-2, the details of how the management of the Los Alamitos Retarding Basin might be changed to increase habitat value have not been determined at this point. Once the project details have been developed, hydrologic

and hydraulic analyses would be conducted to evaluate any changes to runoff volumes, peak flow rates, and the adequacy and capacity of existing drainage facilities, as recommended by the comment. All appropriate studies would conform to the guidelines specified in the Orange County Hydrology Manual and the OCFCD Design Manual, as recommended by the commenter.

Response OCPW-5

The commenter notes that the City of Seal Beach will need to review and approve all local hydrology and hydraulic analyses and will need to ensure that floodplains are properly identified, and structures are in conformance with local floodplain ordinances and FEMA regulations. Before restoration can be implemented, each individual project within the city of Seal Beach will need to acquire permits and approvals from the City of Seal Beach, including a site plan review, grading permit, building permit, and encroachment permit. During the permitting process, the City would have the opportunity to review and approve all hydrology and hydraulic analyses and ensure conformance with local and federal regulations.

Response OCPW-6

The commenter notes that any work within or adjacent to any OCFCD right-of-way will need to be reviewed and approved by Orange County Public Works prior to application for an encroachment permit. As noted in Chapter 2 Project Description, Section 2.8 Required Approvals, "LCWA will work closely with all of the approving agencies to maintain communication and coordination throughout the implementation of program activities and receipt of the various permits/approvals."

Response OCPW-7

The commenter provides contact information and is noted for the record.

Response OCPW-8

Responses to the referenced letter are provided above in Responses to Comments Nos. OCPW-1 through OCPW-7.

Comment Letter SARWB

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

JARED BLUMENFELD SECRETARY FOR ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

June 22, 2020

Sally Gee
Los Cerritos Wetlands Authority
100 N. Old San Gabriel Canyon Rd.
Azusa, CA 91702
sgee@rms.ca.gov

DRAFT PROGRAM ENVIRONMENAL IMPACT REPORT, LOS CERRITOS WETLANDS RESTORATION PLAN, SCH#

Dear Ms. Gee

Staff of the Regional Water Quality Control Board, Santa Ana Region (Regional Board) have reviewed the Draft Program Environmental Impact Report (DPEIR) for the proposed Los Cerritos Wetlands Restoration Plan (Project).

SARWB-1

The proposed Project would restore wetland, transitional, and upland habitats throughout the program area. This would involve remediation of contaminated soil, grading, revegetation, construction of new public access opportunities (including trails, visitor centers, parking lots, and viewpoints), construction of flood management facilities (including earthen levees, berms, and walls), and modification of existing infrastructure and utilities.

The Regional Board commends the Los Cerritos Wetlands Authority for this ambitious and worthwhile restoration program, which will be a significant step toward restoring the ecological functions of the Southern California coast.

The following comments are presented by the Santa Ana Regional Board and incorporates input from staff of the Los Angeles Regional Board and the State Water Resources Control Board (State Water Board). We believe that the PEIR should incorporate the following comments in order for the project to best protect water quality standards (water quality objectives and beneficial uses) contained in the Water Quality Control Plan for the Santa Ana River Basin (Region 8 Basin Plan) and Los Angeles Basin (Region 4 Basin Plan):

GENERAL COMMENTS

SARWB-1 cont.

Note: In the following comments, when revisions to the text of the Draft PEIR are suggested, suggested deleted text is ~~struck through~~, suggested new text is in **bold underlined text**. Comments are arranged by PEIR section and numbered for convenient reference.

Note: Staff suggests that the final EIR be produced using ADA compliant font sizes, and that the final document be checked for ADA compliance before publication.

SARWB-2

1. Identify and Recognize Regional Water Board Boundaries: Throughout the Draft Programmatic Environmental Impact Report (Draft PEIR), only the Los Angeles RWQCB is mentioned as a regulating agency. The Los Cerritos Wetlands Restoration Plan area lies on the boundary of two water quality control regions: Los Angeles and Santa Ana. Areas in Orange County (city of Seal Beach) are in the Santa Ana RWQCB region while areas in Los Angeles County (city of Long Beach) are in the Los Angeles RWQCB region.

The South LCWA Site, State Land Parcel Site and a majority of the Hellman Retained Site and Los Alamitos Retarding Basin Site are within the Santa Ana Regional boundaries.

All sections of the PEIR should be revised to show this regulatory context. An example of possible rewording for this is provided in comments for section 3.8, below. Similar consideration should be provided for all Chapters of the DEIR that refer to the Water Boards' authorities.

SARWB-2 Cont.

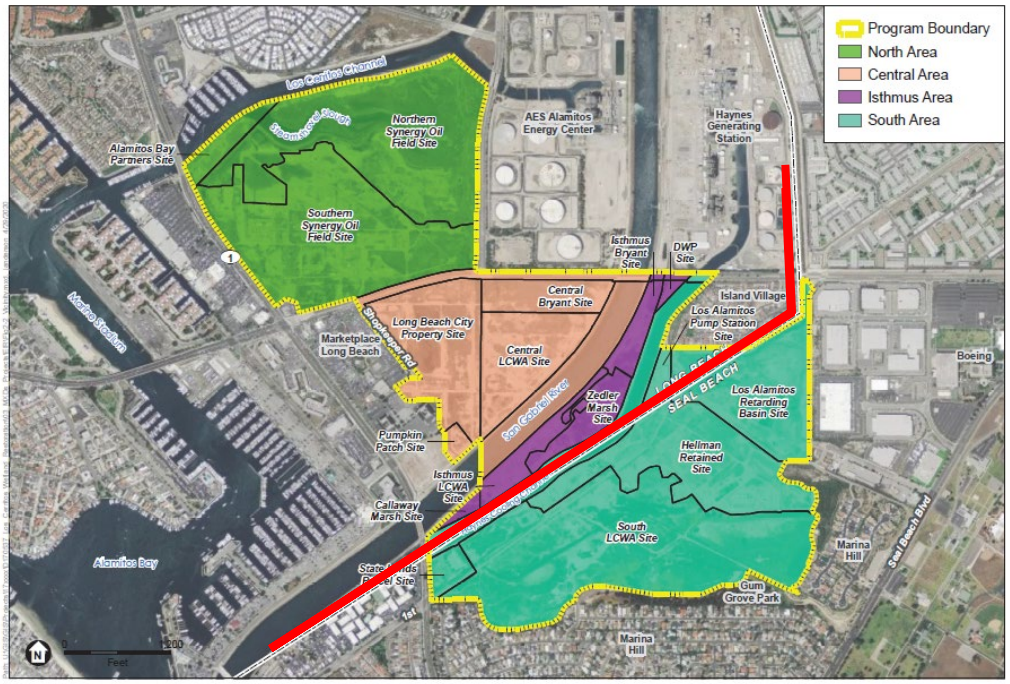

Figure 1: Approximate RWQCB Boundary – Red Line (L.A. to North, Santa Ana to south)

DEIR CHAPTER 3.3 BIOLOGICAL RESOURCES and APPENDIX C

2. Section 3.3.2.1: The presentation of Literature Review and Field Surveys, and Appendix C, describe biological surveys and delineation work that has been done in the project area. Detailed surveys of animal habitats and vegetation species and communities are reported. However, staff notes that no assessment using a Functional Condition Assessment Method (FCAM) as defined by the Corps of Engineers is reported. No assessment of overall wetland condition or function is described.

SARWB-3

However, Mitigation Measure BIO-11, which would require preparation and implementation of a *Monitoring and Adaptive Management Plan* (MAMP), does prescribe the development and implementation of a monitoring plan that would monitor the "functional wetland values" of the project area.

The measures proposed in MM BIO-11 should be made a factor in the discussions provided in Chapters 3 and 8. This MM should specifically require that each ecological restoration goal should be clearly associated with performance measures that would show achievement of the goal, and those in turn should be associated with monitoring methods that are capable of quantifying achievement of each performance should be proposed.

Staff recommends that the monitoring framework provided by the California Wetland Monitoring Workgroup be specifically cited as guidance on the development of the final

SARWB-3 Cont.

monitoring plan, to help ensure that statewide and regional monitoring needs and goals are met along with the goals within the project itself: (https://mywaterquality.ca.gov/monitoring_council/wetland_workgroup/wramp/index.html).

SARWB-4

3. Section 3.3.3.2-5: Section 3.3.3.2 omits discussion of the Porter-Cologne Water Quality Control Act. Regulatory authority over this project by the State and Regional Water Boards is much more extensive than the enforcement of section 401 of the Clean Water Act (CWA), and should be fully presented.

SARWB-5

4. Section 3.3.2.9: In section 3.3.2.9, eelgrass (*Zostera* spp) is identified as being present in Essential Fish Habitat in the project area. Eelgrass is an important food source and provides nursery habitat for juvenile fish and invertebrates. The PEIR does not discuss the potential impact on eelgrass in the submerged marine and estuarine environments in the project area. The discharge of dredged or fill material can bury aquatic vegetation or create unsuitable conditions in a variety of ways, as described in the CWA Section 404(b)(1) Guidelines. Section 3.3.2.3 of the PEIR describes the wetland alliances and land-cover types found within the project area but specifically excludes eelgrass from the mapping. We recommend documenting the extent of eelgrass within, adjacent to, and downstream of the project area, so as to avoid and minimize impact to eelgrass habitat to the maximum practical extent. Where impact is unavoidable, in-kind mitigation is the preferred option.

SARWB-6

5. Section 3.3.5: Section 3.3.5 describes Impact BIO-3, (p. 3.3-113), which would include effects on state or federally protected wetlands. Mitigation Measure BIO-11 (as discussed above) and other measures are presented that would serve to avoid and minimize this impact. MM BIO-11 requires that an adaptive management plan be incorporated in the required Monitoring and Adaptive Management Plan (MAMP). See comments above for MM BIO-11.

SARWB-7

6. Table 3.3-5: Table 3.3-5 (p. 3.3-38) of the PEIR identifies the Pacific green sea turtle, *Chelonia mydas*, as a special-status wildlife species that is present in the project area: it is a resident in the San Gabriel River in the Central Area, and has been documented in the Haynes Cooling Channel in the South Area and in Steamshovel Slough upstream of the North Area. We recommend consultation with the National Marine Fisheries Service Office of Protected Resources regarding the east Pacific Distinct Population Segment of green sea turtles. Additionally, although west coast critical habitat has not yet been designated for this species, this may change during the course of the project.

DEIR CHAPTER 3.8 -- HYDROLOGY

SARWB-8

7. Beneficial Uses: The Santa Ana RWQCB Basin Plan includes the Los Cerritos Wetlands with designated beneficial uses: Water Contact Recreation (REC1), Non-Water Contact Water Recreation (REC2), Preservation of Biological Habitats of Special Significance (BIOL), Wildlife Habitat (WILD), Rare, Threatened or Endangered Species

SARWB-8 Cont. (RARE), Spawning, Reproduction and Development (SPWN), Marine Habitat (MAR), and Estuarine Habitat (EST).

8. Section 3.8.3.1 (p. 3.8-14): Please consider the following suggested rewording for the text describing Clean Water Act section 401:

Federal CWA Section 401 requires that any person applying for a federal permit or license that may result in the discharges of dredged or fill material or pollutants (including sediment) into waters of the United States must obtain a state **water quality** standards certification **(WQC)** that the activity complies with all applicable **state** water quality standards, limitations, and restrictions. In California, this certification is **typically** administered by the **Regional Water Quality Control Boards (RWQCBs). For all applications for WQC received by the Water Boards after May 29, 2020, the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State must be implemented. For guidance on the application process see:**

SARWB-9 **https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/procedurs_conformed.pdf).** ~~SWRCB via the local RWQCB~~. No license or permit may be granted by a federal agency until certification **as** required by Section 401 has been granted. Further, no license or permit may be issued if certification has been denied. ~~An entity seeking a Section 401 water quality certification typically must obtain a CWA Section 404 permit from USACE. This certification ensures that the proposed activity does not violate state or federal water quality standards.~~ **The Los Cerritos Wetlands Restoration Plan area lies on the boundary between two water quality control regions, Santa Ana and Los Angeles, and therefore the State Water Resources Control Board may be designated as the permitting authority for issuance of some or all of the WQCs that may be needed for the projects to be conducted under this PEIR.**

9. Wetland Definition: In the discussion of CWA sec. 404 (p. 3.8-16, pdf p. 16), please consider the suggested rewording shown below, using the CWA wetland definition:

Under the CWA, Wetlands are SARWB-10 ***"areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."*** ~~"generally considered to be areas that are periodically or permanently inundated by surface water or groundwater, and support vegetation adapted to life in saturated soil.~~ ... Technical standards for delineating wetlands have been developed by the USACE, which ~~generally~~ defines wetlands through consideration of three criteria: hydrology, soils and vegetation.

10. Section 3.8.3.2: For the discussion of Porter-Cologne (p. 3.8-16, pdf p. 17), please consider the following suggested rewording:

SARWB-11 The Porter-Cologne Water Quality Control Act (California Water Code Sections 13000–16104) (Porter-Cologne Act) provides the basis for water quality regulation within California and defines water quality objectives as the limits or levels of water constituents that are established for reasonable protection of beneficial uses. **Porter-**

Cologne is administered by the State Water Resources Control Board (State Water Board) and nine Regional Water Quality Control Boards (RWQCBs), collectively referred to as the Water Boards. ~~The State Water Board SWRCB administers water rights, water pollution control, and water quality functions throughout the state, while the local **regional** water boards (in this case, LARWQCB) conducts planning, permitting, and enforcement activities.~~ **The State Water Board sets statewide water quality standards, issues statewide general permits, conducts statewide surface and groundwater monitoring and assessment, administers water rights, regulates drinking water supplies, and issues orders for cleaning up contaminated sites.**

SARWB-11 Cont.

The nine semi-autonomous Regional Water Boards are responsible for setting water quality standards and objectives, issuing waste discharge requirements, determining compliance with those requirements, and taking appropriate enforcement actions. Each Water Quality Control Region is regulated through a Water Quality Control Plan, or "Basin Plan," which is updated every three years. The Basin Plans contain the regulations adopted by the Regional Water Boards to control the discharge of waste and other controllable factors affecting the quality or quantity of waters of the state.

The Los Cerritos Wetlands Restoration Plan area lies on the boundary of two water quality control regions: Los Angeles and Santa Ana.

[suggest adding a paragraph break here] The Porter-Cologne Act requires the ~~LARWQCB~~ **Regional Water Boards** to establish water quality objectives, while acknowledging that water quality may be changed to some degree without unreasonably affecting beneficial uses.

SARWB-12

11. Figure 2-2: Please revise the map in Figure 2-2, Section 2, to show Water Quality Control Region boundaries as illustrated in Figure 1 above.

Program impacts and mitigation

12. Section 3.8.5, Impact HYD-1 (P. 3.8-29, PDF P. 29): Impact HYD-1 states: *The proposed program would result in a significant impact if the proposed program would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.*

SARWB-13

In the discussion of construction impacts for Impact HYD-1 that follows, it is stated: *"For work in the channel, the proposed program also would be required to comply with a Section 401 Water Quality Certification. Excavation of the channels in the Central and South Areas may extend below the water table and could require temporary dewatering."* Is it anticipated that channel excavation will be the only part of the Program activity that would require a WQC? If so, then that should be clearly stated; if not, then additional information on channel work should be provided.

13. Section 3.8.5, Impact HYD-1 (continued): The discussion of HYD-1 also states: "*All excavation dewatering would be conducted in accordance with the General*

Construction Permit, which ensures discharge water would not be discharged in such a way as to result in direct or indirect degradation of surface water in the San Gabriel River, Los Cerritos Channel, or Alamitos Bay."

SARWB-14

For the Santa Ana Water Board region construction dewatering discharges, including temporary stream diversions necessary to carry out the Project, are subject to regulation by Regional Water Board Order No. R8 2015-0004, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 at: http://www.waterboards.ca.gov/santaana/board_decisions/adopted_orders/orders/2015_orders.shtml.

14. Section 3.8.5, Mitigation Measure HYD-1: Mitigation Measure HYD-1 includes this requirement: "*A Monitoring and Adaptive Management Plan (MAMP) shall be prepared and implemented prior to commencement of construction or restoration activities. The MAMP shall provide a framework for monitoring site conditions in response to the program implementation. The monitoring shall focus on sediment quality in areas subject to the greatest deposition from storm events*..." Is a separate MAMP to be provided for monitoring to document achievement of other ecological goals besides sediment?

SARWB-15

This MM requires monitoring for sediment impacts but does not provide any mechanism to require remediation of impacts once detected. Thus, this MM does not reduce the potential impact at all. The finding of "LTSWM" is inappropriate. A finding of LTSWM could be made if a MM were presented that required action to remediate sediment impacts detected through actions taken under MM HYD-1.

15. IMPACT HYD-2: The discussion of Impact HYD-1 describes potential groundwater impacts due to construction (which would be temporary) and due to installation of new infrastructure (which would be permanent). No mention is made of the effect on groundwater that might occur as a result of the ecological restoration work itself. Would the restored areas increase groundwater recharge, decrease recharge, or have no effect? We do not know based on the information provided here. As a result, the finding of Less Than Significant is not supported by the information provided in the Draft EIR.

SARWB-16

16. Section 3.8.5, IMPACT HYD-3a (p. 3.8-33, pdf p. 33, Construction Impacts): The discussion of Impact HYD-3a dwells more on actions that are presumed to minimize or avoid impacts due to alteration of drainage patterns of stream courses, or addition of impervious surfaces during construction, than in a description of the potential impact itself. A description of the potential impact is needed.

SARWB-17

17. Section 3.8.5, Construction Impact Minimization and Avoidance: The proposed minimization and avoidance measures for Construction-related impacts rely primarily on

SARWB-18 obtaining permits ("*Compliance with the General Construction Permit, MS4 Permit, and 401 Certification would ensure that the proposed activities would include adequate stormwater protection through BMPs and monitoring, to limit increased turbidity and decreased water quality from sediment and other pollutants leaving the construction site*.") and promising to comply with those permits. Known applicant proposed measures for avoidance and minimization of construction impacts should be included here.

SARWB-19 **18. Section 3.8.5, Impact HYD-3a (substantial erosion or siltation on- or off-site), Operation Impacts:** For sediment movement, it is stated that project design features are expected to minimize or avoid this potential impact, and that project monitoring would be conducted as proposed in MM HYD-1 to detect if any unexpected and unwanted effects are occurring. However, as with Impact HYD-1, no provision is included that would require action to remediate those impacts if or when they are detected. Without a requirement to take action on detected sediment impacts, the finding of LTS for Impact HYD-3a is not supported by the information provided. Staff notes that the rationale provided for this finding for Impact HYD-3c may be sufficient to address this concern, if applied here.

SARWB-20 **19. Section 3.8.5, Impact HYD-3b (Increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site):** Reliance on MS4 permit conditions is the only mitigation measure proposed here. No mention of design features, etc. is provided. Features/BMPs/Practices that might be implemented to comply with the permits should be described, to provide more detail on the avoidance and minimization measures that would be implemented.

SARWB-21 **20. Section 3.8.5, Figure 3.8-4:** Figure 3.8-4 provides two graphs. The top graph shows the relative elevations of the existing SGR thalweg and levees in relation to existing and predicted 100-year flood elevations. The bottom graph illustrates "Level Due to the Program (ft.)," shown as a red line. Is this the change in 100-year flood level expected due to the project? If so, consider changing the label on the Y axis of the graph to "Change in 100-year Flood Elevation Due to the Program (ft.)." If not, please clarify.

SARWB-22 **21. Section 3.8.5, Impact HYD-3c (create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff):** Impact HYD-3c refers to measures/BMPs that would be installed to comply with permits. More emphasis on these design elements and less on reliance on permits would be more informative here, and would provide more detail on the avoidance and minimization measures that would be implemented.

22. Section 3.13.3.2 (Recreation): Section 3.13.3.2 states: "There are no generally applicable state laws, regulations, plans, or standards governing recreational facilities that are relevant to the proposed program." It should be noted that contact and non-contact water-based recreation (REC1 and REC2) is identified as a beneficial use of

SARWB-23 waters of the state in all basin plans for all water quality control regions in California. As such, protection of that beneficial use is a requirement under those basin plans While the proposed project would arguably provide great benefit as a newly developed water based education and recreation facility, the context of the basin plan's beneficial uses served by those facilities should be described.

SARWB-24 **In conclusion:** Water Boards staff look forward to continued work with the Authority in the development of the Los Cerritos Wetlands Restoration Plan and it's several constituent projects.

Thank you for your consideration of these comments. If you have any questions, please contact David Woelfel at David.Woelfel@waterboards.ca.gov, Celine Gallon at Celine.Gallon@waterboards.ca.gov or Cliff Harvey at Cliff.Harvey@waterboards.ca.gov.

Sincerely,

David Woelfel
Senior Environmental Scientist
Regional Planning Programs Section
Santa Ana Regional Water Quality Control Board

State Clearinghouse state.clearinghouse@opr.ca.gov
U.S. Army Corps of Engineers, Los Angeles – Gerado Salas – Gerardo.Salas@uasce.army.mil
U.S. Environmental Protection Agency – Melissa Scianni – Scianni.Melissa@epa.gov
California Coastal Commission - Kate Huckelbridge – kate.huckelbridge@coastal.ca.gov
U.S. Fish and Wildlife Service – Christine Medak – Christine_medak@fws.gov
California Department of Fish and Wildlife – Jennifer Turner – Jennifer.Turner@wildlife.ca.gov
California Department of Fish and Wildlife – Megan Evans – Megan.Evans@wildlife.ca.gov
Los Angeles RWQCB – Celine Gallon – Celine.Gallon@waterboards.ca.gov
State Water Resources Control Board – Jessica Nadolski - Jessica.Nadolski@waterboards.ca.gov
State Water Resources Control Board – Cliff Harvey – Cliff.Harvey@waterboards.ca.gov

SAWRB-25

From: WB-RB8-RWQCB8
To: Sally Gee
Subject: LCW-Draft_EIR Comment Letter
Date: Tuesday, June 23, 2020 12:22:28 PM
Attachments: CEQA.pdf

You have been designated to receive a copy of the attached document.

In an effort to improve efficiency the Santa Ana Regional Water Quality Control Board no longer mails paper copies to those designated to receive copies (cc's) of letters and other documents; these are transmitted through email only.

All large attachments and other documents (such as tentative and adopted orders), will be posted on our website and not attached to this e-mail notification. To access these documents, please see our website at http://www.waterboards.ca.gov/santaana.

Document(s) can be viewed using Adobe Acrobat Reader. The free reader can be downloaded from www.adobe.com or from our web site.

If you have any questions or have received this email in error, please reply to this email or contact us at the phone number below.

Thank you

==========

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Web: www.waterboards.ca.gov/santaana

Santa Ana Regional Water Quality Control Board, June 23, 2020

Comment Letter SARWB

Response SARWB-1

The commenter acknowledges receipt of the Draft PEIR by the Santa Ana Regional Water Quality Control Board. Specific comments regarding the Draft PEIR are provided and responded to below.

The commenter provides a summary of the proposed program and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SARWB-2

The commenter requests that the PEIR be revised to show the regulatory boundary between the two RWQCB agencies with jurisdiction within the program boundary and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted. This line is clearly indicated by the County boundary already shown on **Figure 2-2**, *Program Area and Local Vicinity*, of the Draft PEIR.

Response SARWB-3

The commenter notes that no assessment of existing wetlands using a Functional Condition Assessment Method (FCAM) as defined by the Corps of Engineers is reported in the PEIR and that no assessment of overall wetland condition or function is described. The comment states that Mitigation Measure BIO11, which requires the preparation and implementation of a Monitoring and Adaptive Management Plan (MAMP), does prescribe the development and implementation of a monitoring plan that would monitor the "functional wetland values" of the project area. The measures proposed in Mitigation Measure BIO11 should be made a factor in the discussions provided in Chapter 3, Environmental Setting and Chapter 8, Responses to Comments. This Mitigation Measure should specifically require that each ecological restoration goal should be clearly associated with performance measures that would show achievement of the goal, and those in turn should be associated with monitoring methods that are capable of quantifying achievement of each performance should be proposed. Staff recommends that the monitoring framework provided by the California Wetland Monitoring Workgroup be specifically cited as guidance on the development of the final monitoring plan, to help ensure that statewide and regional monitoring needs and goals are met along with the goals within the project itself: (https://mywaterquality.ca.gov/monitoring_council/wetland_workgroup/wramp/index.html).

As indicated in Mitigation Measure BIO11, the MAMP shall include provisions for conducting a pre-construction survey to collect baseline data for existing wetland function and shall require that monitoring focus on the functional wetland values. Specifically, as stated. the MAMP shall identify habitat functions, such as biotic structure and hydrology, that shall be monitored as part of the proposed program's monitoring and reporting requirements. The MAMP shall require that the findings of the monitoring efforts be used to identify any source of functional loss of wetlands and water quality impairment, and if discovered, provide measures to improve wetland function and for remediation of the sediment source area(s). Upon completion of restoration activities, the

proposed program shall demonstrate a no net loss of aquatic resource functions and demonstrate an increase in wetland functions and values throughout the entire site. Lastly, the MAMP will be submitted for review and approval to responsible permitting agencies prior to commencement of construction or restoration activities at which time the framework will be verified, and the California Wetland Monitoring Workgroup may be cited, as necessary.

Response SARWB-4

The commenter states that Chapter 3.4 Biological Resources, Section 3.3.3.2, of the Draft PEIR omits discussion of the Porter-Cologne Water Quality Control Act. Regulatory authority over this project by the State and Regional Water Boards is much more extensive than the enforcement of Section 401 of the Clean Water Act (CWA), and should be fully presented. A summary of the Porter-Cologne Water Quality Control Act has been added to Section 3.3.3.2.

Response SARWB-5

The commenter recommends documenting the extent of eelgrass within, adjacent to, and downstream of the project area. See Response to Comment Nos. CDFW-2 and CDFW-3. Eelgrass surveys will be conducted as part of project-level analyses in similar fashion to other sensitive species and habitat types.

Response SARWB-6

See Response to Comment No. SARWB-3

Response SARWB-7

The commenter recommends consultation with National Marine Fisheries Service regarding the Pacific Green Sea Turtle. The LCWA has been collaborating with NMFS staff on sea turtle monitoring for over a decade. The LCWA collaborated with NMFS and the Aquarium of the Pacific to design the Southern California Sea Turtle Monitoring Project which is a program that is coordinated through the LCWA's Stewardship Program. The LCWA intends to maintain this collaboration and consult with their partners on the how data produced by this monitoring program can inform future project-level design efforts.

Response SARWB-8

The commenter provides the beneficial uses identified by SARWQCB for the Los Cerritos Wetlands but does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SARWB-9

The commenter suggests revisions to the text describing Clean Water Act Section 401 in Chapter 3.8, Hydrology and Water Quality, Section 3.8.3.1, of the Draft PEIR. Section 3.8.3.1 has been modified accordingly.

Response SARWB-10

The commenter suggests rewording the CWA wetland definition in Chapter 3.8 Hydrology and Water Quality, of the Draft PEIR. The CWA wetland definition in Section 3.8.3.1 has been modified accordingly.

Response SARWB-11

The commenter suggests revisions to the text describing Porter-Cologne Act in Chapter 3.8 Hydrology and Water Quality, Section 3.8.3.2, of the PEIR. Section 3.8.3.2 has been modified accordingly.

Response SARWB-12

The commenter requests that Figure 2-2 show Water Quality Control Region boundaries and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted. This line is clearly indicated by the County boundary already show on **Figure 2-2**, *Program Area and Local Vicinity*, of the Draft PEIR.

Response SARWB-13

The commenter asks whether channel excavation will be the only part of the program activity that would require a water quality certification (WQC). It is not known whether other activities would require a WQC at this time. As part of individual restoration projects subsequent to the certification of this PEIR, LCWA will work with the Santa Ana RWQCB to determine whether there are additional construction activities that would trigger a WQC, and will provide any additional information as warranted.

Response SARWB-14

The commenter notes that aspects of the program may be subject to regulation by the General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. In response to the commenters request, text was added for Impact HYD-1 in Chapter 3.8 Hydrology and Water Quality, Section 3.8.5 Program Impacts and Mitigation Measures, of the Draft PEIR.

Response SARWB-15

The commenter notes that Mitigation Measure HYD1 does not provide a mechanism to require remediation of impacts if they are detected. A Draft Monitoring and Adaptive Management Plan (MAMP) Framework has been added as Appendix B of the Final EIR to further layout the steps that would be taken if impacts were detected through monitoring. The MAMP provides the monitoring to be conducted and the required action to remediate sediment impacts if detected. Text has been added in Mitigation Measure HYD1 in Chapter 3.8 Hydrology and Water Quality, Section 3.8.5 Program Impacts and Mitigation Measures, of the Draft PEIR to reference the Draft Outline MAMP. The commenter also asked if a separate MAMP would be prepared for ecological goals. See Mitigation Measure BIO11 in Chapter 3.3 Biological Resources, Section 3.3.5, which describes the MAMP for ecological goals.

Response SARWB-16

The commenter notes that the document does not mention the effect on groundwater that might occur as a result of the ecological restoration work. Under Impact HYD2 in Chapter 3.8 Hydrology and Water Quality, Section 3.8.5 Program Impacts and Mitigation Measures, of the Draft PEIR, the text includes: "the proposed program would largely remain pervious with restoration and provide large areas of groundwater recharge." Text has been added following this sentence to clarify: "Other than the public access elements, Visitor Center, and parking areas, the restoration would not increase or decrease recharge to the groundwater basin because no substantial areas of pervious surface are being added or removed." Additionally, as noted under Impact HYD2, the "...shallow groundwater beneath the study area is brackish and not a source of public water supply." Under existing conditions, the program areas are influenced by saline waters. The program would not change this.

Response SARWB-17

The commenter notes that the discussion of Construction Impacts under Impact HYD-3a does not include a description of the potential impact. Section 3.8.5 Project Impacts and Mitigation Measures, Impact HYD-3a has been revised to include a description of the potential impact.

Response SARWB-18

The commenter notes that the proposed minimization and avoidance measures for construction-related impacts in the hydrology section relies primarily on obtaining permits and complying with those permits. The commenter suggests including proposed measures for avoidance and minimization of construction impacts. The general approach to the construction, remediation, and restoration measures that would be included in the proposed program are described more fully in Chapter 2 Project Description, Section 2.7 Program Characteristics, of the Draft PEIR. Specific measures for avoidance and minimization of construction impacts will be developed at the project level as the restoration design is further progressed. However, adherence to the required permits as described in the Hydrology section would be considered sufficient to reduce potential impacts to less than significant.

Response SARWB-19

The commenter notes that Mitigation Measure HYD1 does not provide a mechanism to require remediation of sediment movement impacts if they are detected. See Response to Comment No. SARWB-15.

Response SARWB-20

The commenter notes that the proposed minimization and avoidance measures for Impact HYD3b relies primarily on obtaining an MS4 permit and complying with that permit. The commenter recommends describing the features/BMPs/practices that might be implemented to comply with the permits. As discussed under Impact HYD3b in Chapter 3.8 Hydrology and Water Quality, Section 3.8.5 Program Impacts and Mitigation Measures, of the Draft PEIR, the bioswales would be included along the edge of the Central and North Areas between the roads and the proposed levees. Chapter 2 Project Description, Section 2.7.4.3 Flood Risk and Stormwater Management includes the following: "With the construction of the proposed levees, storage volume for the

excess overflow drainage from the roads would be eliminated. Replacement stormwater storage volume would be provided by creating low areas (e.g., basins or swales) between the roads and the proposed levee. These storage basins or bioswales would be sized to accommodate the local area drainage. These basins would also function as water quality treatment measures for a portion of the runoff from the existing paved areas." Additionally, as discussed in Response to Comment No. SARWB-18, additional specific measures for avoidance and minimization of impacts will be developed at the project level as the restoration design is further progressed.

Response SARWB-21

The commenter asks if the y-axis of the bottom plot in **Figure 3.8-4**, *Modeled Water Levels during a 100-Year Storm Event along the San Gabriel River*, in the Draft PEIR shows the change in 100-year flood level expected due to the project. This is correct and the figure has been updated so that the y-axis label reads "Change in Water Level (ft)".

Response SARWB-22

Similar to Comment SARWB-20, the commenter notes that the proposed minimization and avoidance measures for Impact HYD3c relies primarily on obtaining and complying with permits. The commenter recommends describing the design elements that might be implemented to comply with the permits. See Response to Comment No. SARWB-20.

Response SARWB-23

The commenter notes that the Los Angeles Region Basin Plan identifies contact and non-contact water-based recreation (REC1 and REC2) as beneficial uses of waters of the state and that protection of those beneficial uses is required under the plan. The comment suggests including this context. Please refer to Chapter 3.13 Recreation, Section 3.13.3.3 Regulatory Framework for additions to the text.

Response SARWB-24

The commenter provides contact information and is noted for the record.

Response SARWB-25

Responses to the referenced letter are provided above in Responses to Comments Nos. SARWB-1 to SARWB-24.

Comment Letter LBC

From: Mouhsen Habib
To: Los Cerritos Wetlands; eric@tidalinfluence.com
Cc: Joshua Hickman; Eric Lopez
Subject: Re: Public Comment Period Extended for Draft Program Environmental Impact Report for the Los Cerritos Wetlands Restoration Plan
Date: Monday, June 29, 2020 9:56:33 PM
Importance: High

Hello Eric,

LBC-1 In reviewing the hydrodynamic modeling of the wetlands restoration alternatives presented in the Draft Programmatic EIR (DPEIR) leads suggestively to be based on the assumption that no pumping of water into the San Gabriel River from the Los Cerritos Channel or Haynes Cooling Channel will occur in the future once the power stations shut down to eliminate once-through-cooling. This assumption even if true, it might not be realized. I Would recommend to make sure that the DPEIR be revised to include the potential for future circulation pumping to cover the work we are currently pursuing with M&N at the AES power station. Ideally, the DPEIR will be revised in a way that preserves flexibility for the City to pursue future circulation pumping while not impacting the various wetlands restoration alternatives.

LBC-2 I wish you the best of luck and I am sorry for the late comments and feed back.

Best,

Mouhsen Habib
Program Manager

Public Works | Project Management Bureau
Mouhsen.Habib@longbeach.gov
Office: 562.570.5754 | Mobile: 949.433.5296

From: Los Cerritos Wetlands <lcwa@tidalinfluence.com>
Sent: Friday, June 12, 2020 5:36 PM
To: Mouhsen Habib <Mouhsen.Habib@longbeach.gov>
Subject: Public Comment Period Extended for Draft Program Environmental Impact Report for the Los Cerritos Wetlands Restoration Plan

City of Long Beach, June 29, 2020

Comment Letter LBC

Response LBC-1

The commenter suggests that the hydrodynamic modeling needs to consider a scenario in which pumping from the AES Alamitos Energy Center continues into the future to provide the City of Long Beach flexibility in pursuing future circulation pumping. The Hydrodynamic Modeling Technical Report (Appendix H) includes modeling scenarios where the pumping into the San Gabriel River from AES Alamitos Energy Center and the Haynes Generating Station are included and also scenarios where the pumping is turned off (*Section 2.5.1 Power Plant Inflow*). As described in Section 3.2.2 100-Year Storm Event\San Gabriel River of Appendix H, the model results show that water levels in the San Gabriel River decrease slightly when the pumping is not included in the model under existing conditions compared to when the pumping is included. When program conditions are compared to existing conditions (both with no pumping included), the model shows the program results in up to a 0.3-foot decrease in water levels in the river compared to existing conditions. If the pumping was included, water levels would be slightly higher under program conditions, but it is expected that the program would still lower water levels compared to existing conditions, since the restoration of the Central and South Areas provides additional water volume storage during the storm.

While the pumping would result in slightly higher water levels in the river than those presented in Section 3.2.2 100-Year Storm Event\San Gabriel River of Appendix H for both existing and program conditions, the program increases levee freeboard substantially from existing conditions. This means the flood risk would not increase with the program, even if the pumping continued into the future. The impacts of continued pumping from the Los Cerritos Channel on the hydrology of the North Area were not analyzed as part of this PEIR but are included in the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR (State Clearinghouse No. 2016041083).

Response LBC-2

The commenter provides a general statement but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Comment Letter CDFW

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

July 6, 2020

Ms. Sally Gee
Los Cerritos Wetlands Authority
100 N. Old San Gabriel Canyon Road
Azusa, CA 91702
sgee@rmc.ca.gov

Subject: Draft Program Environmental Impact Report for the Los Cerritos Wetlands Restoration Plan, SCH # 2019039050, Los Angeles County

Dear Ms. Gee:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Draft Program Environmental Impact Report (DPEIR) for Los Cerritos Wetlands Restoration Plan (Program). The DPEIR's supporting documentation includes *Appendix C Biological Resources*.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Program that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Program that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW-0

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subd. (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq*.). Likewise, to the extent implementation of the Program as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq*.), CDFW recommends the Program proponent obtain appropriate authorization under the Fish and Game Code.

Comment Letter CDFW

Program Location

CDFW-0 Cont.

The 503-acre Los Cerritos Wetlands Complex (LCWC) is located within the cities of Seal Beach (Orange County) and Long Beach (Los Angeles County). Three major channels are present in the LCWC: Los Cerritos Channel, San Gabriel River, and Haynes Cooling Channel. Steamshovel Slough, a remnant historic tidal channel, drains to the Los Cerritos Channel. The LCWC is managed under four main restoration Areas, North, Central, Isthmus, and South that are further divided into 17 smaller individual Areas.

Program Description and Objectives

LCWA previously developed a Los Cerritos Wetlands Final Conceptual Restoration Plan, which was adopted by the LCWA Board of Directors in August 2015. The Los Cerritos Wetlands Final Conceptual Restoration Plan identified three restoration designs and provided an alternative analyses report for habitat enhancement and improved public access.

The Los Cerritos Wetland Authority (LCWA) is proposing to implement a restoration program for the 503-acre LCWC. The Program would restore wetland, transition, and upland habitats throughout LCWC. This would involve remediation of contaminated soil and groundwater, grading, revegetation, construction of new public access opportunities (trails, visitor center, parking lots, and viewpoints), construction of flood management facilities (earthen levees, berms, and walls), and modification of existing infrastructure and utilities. Program objectives include restoring tidal wetland processes and functions, maximizing contiguous habitat areas, buffering human disturbance, and creating public access and an interpretive program.

Implementation of the Program will occur in phases to accommodate existing and future potential changes in land ownership and usage, and as funding becomes available. The restoration activities would be phased over time as properties become available for acquisition by LCWA. A sequence of construction and activities are planned for near-term (within the next 10 years), mid-term (10-20 years), and long-term (20 years or more). For oil operations that do not have agreements in place with LCWA, it is expected that overall level of oil and natural gas production would continue until oil operators decide to stop production.

Environmental documents

CDFW's review of the DPEIR evaluated additional biological resources information found in the following environmental documents: Los Cerritos Wetlands Oil Consolidation and Restoration Project (CRP) EIR (City of Long Beach 2017), CRP EIR Restoration Plan (Glenn Lukos Associates 2017), CRP EIR Biological Resources (Chapter 3.3) (Glenn Lukos Associates 2017), and Los Cerritos Wetlands Habitat Assessment Report (Tidal Influence 2012). These documents were referenced in the DPEIR and prepared for projects separate from this DPEIR.

COMMENTS AND RECOMMENDATIONS

CDFW provided prior comments to the LCWA in the April 17, 2019 letter addressing the Notice of Preparation. We advocated for clarification and further analysis regarding existing biological resources, proposed mitigation, mitigation banking, and mineral rights.

Comment Letter CDFW

CDFW-0 Cont.

CDFW offers the comments and recommendations below to assist the LCWA in adequately identifying, avoiding, and/or mitigating the Program's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Additionally, CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Program's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6 and CEQA Guidelines, § 15097).

SPECIFIC COMMENTS

CDFW-1

Comment #1 - Mitigation bank: The DPEIR should make clear, in text and planning maps, where the Northern Synergy Oil Field Site Mitigation Bank is located because it is part of the larger Program. CDFW shall negotiate the terms of the Mitigation Bank through the formal mitigation bank process; however, we encourage LCWA to minimize public access/anthropogenic disturbance within Mitigation Bank to the extent feasible.

Comment #2 - Species surveys: CDFW considers an environmental report as incomplete if species-specific surveys have not been performed, or additional surveys are necessary, as a basis for evaluating species presence/absence, identifying potential impacts, and proposing appropriate mitigation measures. Comment #3 recommends species-specific surveys still needed to complete the DPEIR.

The LCWA did not conduct surveys for sensitive plant and wildlife species prior to development of the DPEIR. The DPEIR proposes to conduct preconstruction surveys for sensitive wildlife and plant species such as bats and burrowing owls before implementing project-level activities under the Program. The use of preconstruction surveys without prior presence/absence surveys is not adequate for detection of CESA-listed and CEQA-rare species, per Fish and Game Code, section 2081 (b) and California Code of Regulations, sections 783.2-783.8. Additionally, the lack of species-specific surveys prevents full disclosure of potential Program-related impacts and prevents full analysis of those impacts in the DPEIR.

CDFW-2

CDFW recommends the LCWA use species-specific protocol surveys to determine 1) presence/absence of sensitive species with a potential to occur in the Program Area and, 2) baseline population metrics (e.g., abundance, density, distribution) for sensitive species, both documented and could occur, in the Program Area. Focused surveys, conducted at the appropriate season and time of day when the sensitive species are active or otherwise identifiable, are recommended. Seasonal variations in species use of the Program Area should be addressed. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Surveys should follow accepted scientific protocol and should be conducted by a qualified biologist, botanist, or species specialist with the appropriate experience.

CDFW recommends the LCWA conduct additional surveys, disclose results, (including negative findings), and recirculate the DPEIR so CDFW may review and provide meaningful avoidance, minimization, and mitigation measures. The Final Environmental document should include full analysis of impacts to the species listed under Comment #3 and proposed species-specific avoidance measures, and mitigation if impacts cannot be voided.

Comment #3 - Wildlife: CDFW recommends the LCWA conduct additional baseline surveys and further evaluate impacts to the following species and their habitat.

CDFW-3

Bats: The DPEIR states there are palm trees in all four Areas that may provide suitable bat roosting habitat for Western mastiff bat (*Eumops perotis*) and Western yellow bat (*Lasiurus xanthinus*). A review of CNDDB found one record of big free-tailed bat (*Nyctinomops macrotis*) 5 miles from the Program Area. Big free-tailed bats may roost in holes in trees and buildings and forage over water sources for moths and other insects (Harris 2002). The conceptual design for restoring each Area suggests most of the trees will be removed to restore wetlands, therefore, if bats are using trees, there may be significant impacts. CDFW recommends a species-specific survey at the appropriate season and time of day to document any daytime, nighttime, and maternity roosting sites. Surveys should include acoustic recognition technology to maximize detection of bats.

Belding's savannah sparrow (Belding's sparrow): Belding's sparrows (*Passerculus sandwichensis beldingi*) are ecologically associated with dense pickleweed (*Salicornia* sp.), within which most nests are found (Zembal et al. 2006). Pickleweed occurs in all four Areas and much of this habitat may be impacted by landscape-level grading, excavating, and recontouring. This would reduce breeding habitat for Belding's sparrow until pickleweed reestablishes in restoration areas, which could take up to one to two years (Chapple and Dronova 2017; Mayer 1987). CDFW recommends the DPEIR include a discussion that evaluates, and a map that shows, where Belding's sparrow habitat could be avoided to the extent feasible, prioritizing areas of high nesting activity, and potentially implementing no-effect buffers around these areas. Preserving/avoiding only narrow bands of pickleweed near the transition zone is not a viable option because Belding's sparrow can be displaced from narrow bands of pickleweed by song sparrows (Zembal et al. 2006). In most instances, narrow habitat belts and edges near uplands and freshwater marsh are not occupied by Belding's sparrow (Zembal et al. 2006).

Belding's sparrow is CESA-listed; therefore, if direct or indirect impacts to Belding's sparrow cannot be avoided, an Incidental Take Permit (ITP) under CESA may to be necessary prior to Program activities. CDFW recommends modifying Mitigation Measure BIO-3 to include a statement acknowledging that an ITP may be needed. CDFW concurs with the LCWA that a Belding's sparrow habitat Mitigation, Maintenance and Monitoring Program should be prepared, and recommends a Mitigation, Maintenance, and Monitoring Program be provided as an appendix in the DPEIR for review and commenting (also see *General Comments - Relying on future plans not adequate*). CDFW may recommend mitigating impacts to pickleweed habitat more than 1:1 offered in the DPEIR upon review of a Belding's sparrow habitat Mitigation, Maintenance, and Monitoring Program.

Belding's sparrows are sensitive to pedestrian and vehicle traffic. At the LCWC, an approaching distance of 3 meters (m) and 2.8 m during the pre-nesting and nesting season, respectively, alerted Belding's sparrow to take flight (Fernandez-Juricic et al. 2009). Nest abandonment could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. CDFW recommends the LCWA reevaluate proposed location and alignment of trails, viewpoints, visitor centers, and parking areas to minimize public access/anthropogenic disturbance near Belding's sparrow habitat, prioritizing areas of high nesting activity. A minimum approaching distance of 63 meters and buffer areas of 1.3 hectares around Belding's sparrow is recommended (Fernandez-Juricic et al. 2009). Many of the proposed trails, and the Seal Beach Visitor's Center, are

CDFW-3 Cont.

less than 63 meters from Belding's sparrow habitat.

Burrowing owl: Burrowing owls (*Athene cunicularia*) and wintering habitat have been observed at the Callaway Marsh Site. It is unclear if a recent species-specific survey was conducted to determine if burrowing owls and wintering habitat occur in additional Areas in the LCWC. CDFW recommends a species-specific survey and identification of wintering habitat. All survey efforts should be conducted prior to any Program activities that could result in habitat disturbance to soil, vegetation, or other sheltering habitat for burrowing owl. As a primary habitat need, burrowing owls use rodent burrows, and can also occupy man-made structures such as irrigation pipes, for roosting and nesting cover. In California, the burrowing owl breeding season extends from 1 February to 31 August with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June.

CDFW concurs that the Program should adhere to CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation. CDFW also concurs with the LCWA's proposal of a Burrowing Owl Management Plan to avoid and mitigate impacts, especially since there may be cumulative impacts to burrowing owls as a result of projects occurring adjacent to the LCWC (see *Comment #11 - Cumulative Impacts*). CDFW recommends a Burrowing Owl Management Plan be provided as an appendix in the DPEIR for review and commenting (also see *General Comments - Relying on future plans not adequate*).

Least Bell's vireo (vireo): The DPEIR states that vireo (*Vireo bellii pusillus*) have been observed within the Isthmus Areawhere suitable foraging habitat is limited to Zedler Marsh. It is unclear whether a recent vireo survey was conducted to determine if vireo in additional Areas in the LCWC. Vireo data presented in the DPEIR were from a 2012 survey while 2018 vireo data were based on incidental sightings instead of focused surveys. CDFW recommends a species-specific survey, focusing on potential nesting sites where Goodding's willow (*Salix gooddingii*) is present in the South and Central Areas.

Disturbance activities could result in temporary or long-term loss of suitable nesting and foraging habitats. Artificial light may attract or disorient migrating vireo by disrupting navigation (Ogden 1996; Longcore and Rich 2004, 2016) and may also suppress their immune system (Moore and Siopes 2000). CDFW also recommends a vireo-specific mitigation measure to minimize impacts to foraging habitat and potential nesting sites that states, *"prior to initiation of construction within or adjacent to suitable nesting habitat, a CDFW-approved biologist with experience surveying for and observing least Bell's vireo shall conduct preconstruction surveys in accordance with established protocols to establish use of nesting habitat. Surveys shall be conducted within and adjacent to suitable habitat, where access allows, during the nesting season (generally March 15 to July 31). If a nesting colony is found, no activity shall occur within a 500-foot buffer of the colony until a qualified biologist determines and CDFW confirms that all chicks have fledged and are no longer reliant on the nest site."*

Comment Letter CDFW

CDFW-3 Cont.

Vireo is CESA-listed; therefore, if impacts to vireo cannot be avoided, an ITP needs to be secured prior to Program activities. CDFW recommends adding an additional vireo mitigation measure that states, *"if take of least Bell's vireo would occur from Program construction or activities, a state Incidental Take Permit (ITP) under CESA would be required."*

Monarch butterfly – California overwintering population (Monarchs): The DPEIR states that palm and eucalyptus trees in all four Areas provide suitable habitat for Monarchs (*Danaus plexippus*). The conceptual design for restoring each Area suggests most of the trees would be removed; therefore, there may be significant impacts to Monarchs if they are using trees in the LCWC. CDFW recommends a season appropriate survey for Monarchs to determine its presence or absence in the LCWC.

Pacific green sea turtle (sea turtle): CDFW recommends a sea turtle (*Chelonia mydas*) impact assessment, including impacts to eelgrass (*Zostera* sp.) habitat in the LCWC and in all channels up and downstream of LCWC. Sea turtles swim at higher speeds during the day and are mainly found in eelgrass meadows where they forage but could also swim out to more open channels (MacDonald et al. 2013). A discussion of potential impacts resulting from the following day-time Program activities and structures should be included: using an amphibious excavator, transporting soils and materials between channels, erecting temporary bridges across channels, and installing a boom or net across the San Gabriel River to collect trash floating downstream.

CDFW also recommends eelgrass habitat surveys and discussion of potential impacts. The Los Cerritos Wetlands Habitat Assessment Report also recommended eelgrass surveys and mapping but they were not completed in preparation of the DPEIR. Eelgrass is sensitive to burial by only five (5) centimeters of sediment, and buried eelgrass is more susceptible to increased mortality and delayed growth and flower production (Mills and Fonseca 2003; Munkes et al. 2015). The potential for impacts due to burial should be evaluated.

Pacific pocket mouse (pocket mouse), south coast marsh vole (vole), southern California salt marsh shrew (shrew): The vole (*Microtus californicus stephensi*) and shrew (*Sorex ornatus salicornicus*) are extremely rare; there are only seven and four CNDDB records of the vole and shrew, respectively. All four Areas within the Program Area have suitable habitat for these small mammals. It is unclear if recent species-specific surveys have been completed; therefore, CDFW recommends species-specific, season and time of day appropriate surveys for pocket mouse (*Perognathus longimembris pacificus*), vole, and shrew, and mapping areas with suitable habitat and burrows. The pocket mouse may occupy burrows only one centimeter below the surface of soil (USFWS 2010). Accordingly, shallow burrows should not be dismissed as potential habitat for small mammals.

Direct and/or indirect impacts to these rare species would be significant. The DPEIR proposes preconstruction surveys and relocation of pocket mouse but the CDFW has determined this is insufficient to avoid impacts to the pocket mouse, vole, and shrew (also *see General Comments-Translocation/depositing seeds*). CDFW recommends the DPEIR include a discussion that evaluates, and a map that shows, where impacts to occupied habitat could be avoided to the extent feasible and potentially implementing

no-effect buffers. Avoidance of burrows also includes the extent of underground tunnels.

CDFW-3 Cont.

If impacts are unavoidable, CDFW recommends a mitigation measure to restore/create upland habitat that would include appropriate substrate, flora, and fauna community required by small mammals. The DPEIR has proposed South Area restoration plans that reduce upland habitat in the long-term. The Program will not have a net benefit on small mammals unless there is sufficient upland habitat. Burrows used by small mammals are created by land-dwelling squirrels and pocket gophers. Small mammals need upland habitat and refugia, free from inundation, to escape from flooding during seasonal high tides, periodic storms, and future sea level rise (SLR).

CDFW would provide more meaningful avoidance and mitigation measures for the pocket mouse, vole, and shrew pending results of species-specific surveys.

Raptors and nesting birds:

a) **Raptors:** CDFW recommends reevaluating conceptual designs such that they enhance and restore upland habitat that are resilient to flooding, high tides, periodic storms, and SLR. Upland habitat supports special-status and common small mammal species, insects, and reptiles that forms an ecosystem beneficial to raptors. Conceptual designs for restoring the South Area show a reduction in upland habitat in the long-term. The Program will not have a net benefit on raptors unless there is sufficient upland habitat. Upland habitat should be enhanced and restored to include soils that would support small mammal burrows, appropriate ratio of cover and open area, and appropriate vegetation composition (abundance, diversity, and cover) to support pollinators and insects.

b) **Nesting birds:** CDFW recommends modifying Mitigation Measure BIO-4 regarding buffers for nesting birds to include the following: *"If nesting raptors and migratory songbirds are identified, the following minimum no-disturbance buffers shall be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased if needed to protect the nesting birds."*

Red diamond rattlesnake (rattlesnake): CDFW recommends a rattlesnake (*Crotalus ruber*) survey and mitigation measure be included in the DPEIR. A mitigation measure should include monitoring by a qualified biologist during construction activities occurring in occupied/potential habitat, especially during the active spring breeding season. If a rattlesnake is encountered, activities in the area should stop and an appropriate avoidance buffer established determined by a qualified biologist. Mitigation of upland/grassland habitat for special-status species (e.g. vole and shrew) would have a net benefit on the rattlesnake.

Southern California DPS steelhead (steelhead) and tidewater goby (goby): CDFW recommends species-specific, season and time of day appropriate surveys for steelhead (*Oncorhynchus mykiss irideus*) and goby (*Eucyclogobius newberryi*) to determine

presence/absence. Both species have a moderate potential to occur in the North, South, and Central Areas. If present in the LCWC, impacts to steelhead and goby may occur from floating barges, amphibious equipment, and increases in sediment load.

CDFW-3 Cont.

Western pond turtle (turtle): The Los Cerritos Wetlands Habitat Assessment Report states there are several freshwater marsh areas that could be suitable for turtle (*Emys marmorata*) to inhabit. Impacts to turtle may occur from construction and habitat type conversion. CDFW recommends species-specific, season and time of day appropriate surveys for turtle. Turtles have been documented inhabiting ground squirrel burrows (Morey 2000). Accordingly, any surveys should also include upland habitat containing loose soil and burrows. CDFW recommends that surveys use the United States Geological Survey's 2006 Western pond turtle Visual Survey Protocol for the Southcoast Ecoregion.

Additional wildlife comments and mitigation measures:

a) **Proposed land bridge:** Figures 5-1, 5-2, and 5-3 show three land bridges (wildlife corridors) to be constructed across the Hellman Channel, San Gabriel River, and Westminster Avenue/Second Street. The DPEIR should provide supplemental documents in the Appendices that discuss the impetus, design, and necessity of these structures, and provide a discussion as to how bridges would facilitate wildlife movement around the LCWC.

b) **Non-native vegetation**: Non-native vegetation could provide habitat for small mammals, birds, insects, and snakes. Large areas of black mustard (*Brassica nigra*), poison hemlock (*Conium maculatum*), ripgut brome (*Bromus diandrus*) and other ruderal vegetation in the South Area could support wildlife (see Appendix C, Figure 4). CDFW recommends that surveys of special-status wildlife species dependent on grasslands/upland habitat include searches in areas of non-native vegetation-dominated cover. CDFW also recommends including a mitigation measure to reduce impacts to wildlife during activities in areas of dense non-native vegetation. A mitigation measure should include biomonitoring by a qualified biologist and moving wildlife out of harm's way (see below and *General Comment – Moving out of harm's way*).

c) CDFW recommends an additional BIO Mitigation Measure that states, *"A biological monitor shall be present before and during initial grubbing and grading operations to salvage wildlife species that may be killed or injured by heavy equipment. Fossorial mammal den sites shall be inspected and not disturbed until confirmed unoccupied. Salvaged wildlife of low mobility shall be removed and placed onto adjacent habitat out of harm's way. Grubbing and grading shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading shall be done from the center of a site, working outward towards adjacent habitat out of the construction footprint where wildlife may safely escape."*

d) The Program may result in the use of open pipes used as fence posts, property line stakes, signs, etc. These structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's

talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Due to the location of the LCWC and the open space that is in the surrounding vicinity, CDFW recommends adding the following as a BIO mitigation measure: *"All hollow posts and pipes shall be capped, and metal fence stakes shall be plugged with bolts or other plugging materials to prevent wildlife entrapment and mortality."*

CDFW-3 End

Comment #4 - Plants: CDFW finds the DPEIR does not adequately disclose information regarding rare plants or provide sufficient detail describing mitigation measures for impacts to rare plants and vegetation communities. CDFW recommends the LCWA address the following.

California boxthorn (*Lycium californicum*), woolly seablite (*Suaeda taxifolia*), Coulter's goldfields (*Lasthenia glabrata ssp. coulteri*), estuary seablite (*Suaeda esteroa*), Lewis' primrose (*Camissoniopsis lewisii*), southern tarplant (*Centromadia parryi ssp. australis*), southwestern spiny rush (*Juncus acutus ssp. leopoldii*): For each rare plant, please provide the largest area covered or highest count observed in in the LCWC using data from 2012 to 2018. Please also provide an approximate count of plants per rare plant polygon shown in Figures 3.3-2a through 3.3-2d. Then, for each rare plant, estimate the number of individuals or area potentially impacted by the Program. For example, page 28 of the CRP EIR Restoration Plan states, "*approximately 2,632 of 6,000 southern tarplant would potentially be affected* [in the North Area] *by grading with additional impacts associated with berm construction*." Please also show which individuals/polygons will be impacted on maps. If additional data has been collected since 2018, please incorporate recent data into this analysis. This information will inform the appropriate mitigation ratio for each species impacted by the Program and allow CDFW to comment on alternatives to avoid impacts.

CDFW-4

Estuary seablite: Figure 3.3-2d shows estuary seablite as points (i.e. individual plants occurring in specific areas). Page 22 of the Los Cerritos Wetlands Habitat Assessment Report show estuary seablite occurring in two large polygons, suggesting that plants are more widespread around Steamshovel Slough than shown in Figure 3.3-2d. Please clarify whether estuary seablite currently occurs as a few individuals restricted to specific areas or many more plants distributed across a larger area. Include if estuary seablite decreased in abundance and distribution between 2011/12 and 2018 to cause the difference between the maps.

Mitigation ratio: CDFW disagrees with a minimum mitigation ratio of 1:1 for special-status plants, stating *"one plant planted for one removed, or 1 square foot (sq.ft.) of absolute cover planted for 1 sq.ft. removed*." Plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1B (Coulter's goldfields, estuary seablite, southern tarplant) are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. A review of California Natural Diversity Database (CNDDB) (1990 to present) found only 11 records of southern tarplant, two of estuary seablite, and zero of Coulter's goldfields in Los Angeles County, making these 1B-listed species extremely rare locally and state-wide. The Program has potential to directly impact Coulter's goldfields and southern tarplant throughout the LCWC, including their seed bank, and significantly alter and disturb the habitat that currently support these species. CDFW recommends a minimum mitigation ratio of 3:1 for southern tarplant and a minimum of 7:1 for Coulter's goldfields and estuary seablite

Comment Letter CDFW

CDFW-4 Cont.

which currently occur in smaller, localized areas within the LCWC. Therefore, these species are more susceptible to being extirpated due to Program activities.

California boxthorn, Lewis' primrose, southwestern spiny rush, and woolly seablite have a CRPR of 3 or 4. These species occur only as very few individuals or sparsely covered patches in the LCWC. CDFW recommends a minimum mitigation ratio of 7:1. The Program has potential to directly impact the few plants that currently exist on site and extirpate Lewis' primrose by converting upland and sandy soils to mid-marsh. Plants listed by the CNPS as CRPR 3 and 4 meets the definitions of CESA of the California Fish and Game Code and are eligible for state listing. Many CRPR 3 and 4 plants are significant locally, and CDFW recommends that they be evaluated for impact significance during preparation of environmental documents relating to CEQA, based on CEQA Guidelines, §§ 15125, subd. (c), 15380.

Mitigation requirements are subject to change pending CDFW's review of additional rare plant data to be provided by the LCWA.

Sensitive communities: Vegetation communities, alliances, and associations with a state-wide ranking of S1, S2, S3 and S4 should be considered sensitive and declining at the local and regional level. There are three S2-ranked communities in the LCWC: *Anemopsis californica–Helianthus nuttallii–Solidago spectabilis* Herbaceous Alliance (0.01 acres), *Baccharis salicina* Provisional Shrubland Alliance (0.04 acres), *Cressa truxillensis–Distichlis spicata* Herbaceous Alliance (2.41 acres). CDFW disagrees with a minimum mitigation ratio of 1:1 for sensitive communities and recommends mitigating 5:1, on par with mitigating S2-ranked communities under the Los Angeles County's Significant Ecological Areas Ordinance. *D. spicata* is the only host plant for the salt marsh wandering skipper (*Panoquina errans*). CDFW recommends a mitigation ratio of 3:1 for S3 ranked communities.

CDFW also recommends the DPEIR include a discussion as to the reasoning for a 60 percent absolute vegetation cover success criterion for sensitive vegetation communities to allow CDFW to provide additional comments.

Mitigation site(s): CDFW recommends the LCWA disclose where mitigation will take place, on or off site, and why the selected mitigation area(s) are appropriate for each special-status species or sensitive vegetation community based on vegetation composition, soils, substrate, slope, etc. See additional comments regarding mitigation under *General Comments - Compensatory Mitigation.* Disclosures could be made in a Mitigation, Maintenance, and Monitoring Program and/or Restoration Plan for rare plants and sensitive vegetation communities (see below).

Restoration plan for rare plants and sensitive vegetation communities: The DPEIR does not specify performance criteria by species or time to ensure that proposed measures, as implemented, will be effective in restoring or enhancing rare plant abundance, cover, and diversity (Save Agoura Cornell Knoll v. City of Agoura Hills), nor include any monitoring or assessment to demonstrate how the proposed measures would mitigate take of CEQA-rare plants. An environmental impact report is inadequate if the success or failure of mitigation efforts may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review

Comment Letter CDFW

within the EIR (Pub. Resources Code, § 21000 *et seq*.). See additional comments under *General Comments - Relying on future plans not adequate*

CDFW-4 End

CDFW concurs with a Mitigation, Maintenance, and Monitoring Program for sensitive vegetation communities and recommends that a Mitigation, Maintenance, and Monitoring Program and/or Restoration Plan for rare plants and sensitive vegetation communities be provided as an appendix in the DPEIR for review and comment. CDFW recommends that a Mitigation, Maintenance, and Monitoring Program and/or Restoration Plan discuss following: 1) species-specific planting (i.e. container or seed) methods, 2) species-specific measurable goals and success criteria (e.g. number of individuals, percent survival rate, absolute cover) for establishing self-sustaining populations, 3) long-term monitoring and 4) adaptive management techniques. The DPEIR proposes a minimum mitigation ratio of *"1 sq.ft. of absolute cover planted for every 1 sq.ft. removed."* CDFW finds this to be insufficient because 1 sq.ft. does not account for the microecosystem necessary to support rare plants. Rare plants existing as part of a community and planting only the rare plant will not ensure the plant will survive. CDFW also recommends that the DPEIR discuss vegetation composition (species abundance, diversity, cover), soils, substrate, slope, hydrology, and other factors required by a specific species to persist, and how these factors will be incorporated into species-specific planting methods.

The DPEIR states that "*plants that cannot be avoided shall be salvaged prior to impacts using species-specific propagation methods, such as transplanting, seed and cuttings. Seeds shall be incorporated into habitat-specific seed mixes that will be used for revegetation of the restoration areas*." Seed mixes may not be appropriate because not all species grow well from direct seeding. It is also more difficult to control where rare plant seeds are distributed and if seeds made proper contact with soil. Transplantation is rarely successful in establishing rare plants at new locations. A study by CDFW (Fiedler 1991) found that, even under optimum conditions with ample time for planning, transplantation was effective in only 15 percent of cases studied. Other reviews (e.g. Allen 1994; Howald 1996) have found similar problems digging up, transporting, and replanting plants, bulbs, rhizomes, or seeds imposes a tremendous stress on a plant. They can easily die in the process. Scientifically tested, reliable methods for salvage, propagation, translocation, or transplantation are not available for many rare species. Additionally, CDFW is concerned with translocating, or moving collected seed to an undisclosed mitigation location or between different locations. The biological implication of mixing genes and specific alleles into new areas is not supported by CDFW and may cause loss of both the transplanted species as well as the population they are being moved to/near.

CDFW-5

Comment #5 – Restoration Techniques: CDFW recommends including following text in italics as one or more BIO mitigation measure(s) as it relates to the Program and future project-specific plans. CDFW also recommends further consideration of the Program's approach to herbicide use and control of non-native invasive plants

Revegetation/Restoration Plan: *"Plans for restoration and re-vegetation shall be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans shall identify the assumptions used to develop the proposed restoration strategy. Each plan shall include, at a minimum: a) the location of*

restoration sites and assessment of appropriate reference sites; b) the plant species to be used, sources of local propagules, container sizes, and planting or seeding rates; c) a schematic depicting the restoration area; d) a local seed and cuttings and planting schedule; e) a description of the irrigation methodology; f) measures to control exotic vegetation on site; g) specific success criteria; h) a detailed monitoring program; i) contingency measures should the success criteria and providing for conservation of the mitigation on site in perpetuity. Monitoring of restoration areas shall extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought."

CDFW-5
End

a) *"Local on-site propagules from the Program Area and nearby vicinity shall be collected and used for restoration purposes. On-site seed collection shall be initiated in the near future to accumulate sufficient propagule material for subsequent use in future years. On-site vegetation maps at the alliance and/or associated level shall be used to develop appropriate restoration goals and local plant palettes. Reference areas shall be identified to help guide restoration efforts and restoration plans shall clearly discuss where these reference area(s) are and why they were chosen/are appropriate. Specific restoration plans shall be developed for various Program components as appropriate."*

b) *"Restoration objectives shall include providing special habitat elements where feasible to benefit key wildlife species. These physical and biological features can include (for example) retention of woody material, logs, snags, rocks, and brush piles."*

Herbicide: CDFW recommends the DPEIR expand on the herbicide-use language on page 2-77 by providing safety measures, protocols, and standards regarding herbicide use (or no herbicide use) around special-status plants, wildlife, and vegetation communities. CDFW recommends appropriate buffer zones to protect species-status species, including habitat structures, from direct herbicide contact and drift.

Non-native vegetation: CDFW recommends controlling large areas of black mustard, ripgut brome, and poison hemlock in phases instead of removing all vegetation at one time. Non-native vegetation could support wildlife such as birds, small mammals, small frogs, and snakes, which could be displaced if non-native vegetation is completely removed and native vegetation has yet to be restored. Non-native vegetation should remain in place to the extent feasible to support wildlife until seeded or planted native vegetation reaches an appropriate size, density, and abundance.

Comment #6 – Jurisdictional Delineation: CDFW finds the DPEIR's jurisdictional delineation insufficient and recommends the following.

CDFW-6

Lake or Streambed Alteration (LSA) Agreements: As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow; or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq*. of the Fish and Game Code. As a Responsible Agency, CDFW may consider the CEQA document prepared by the local

Comment Letter CDFW

jurisdiction (Lead Agency) for the Program. To minimize additional requirements by CDFW pursuant to section 1600 *et seq*. and/or under CEQA, the DPEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement.

Delineation: CDFW recommends modifications to jurisdiction delineation:

CDFW-6 End

a) The DPEIR does not to distinguish between CDFW and California Coastal Commission (CCC). CDFW recommends separating CDFW and CCC jurisdiction.

b) Page 3.3-76 states, *"potential state jurisdictional waters within the program area includes 234 acres (Figures 3.3-4a through 3.3-7b). It should be noted that approximately 57 acres were not assessed due to inaccessibility but may contain potentially state jurisdictional waters based on review of aerial imagery (Google Earth Pro, 2019)".* Please clarify in the text and show on the map the location of these unassessed 57 acres.

c) The USFWS Wetlands Mapper shows there are wetlands in the Hellman Retained Site and Los Alamitos Retarding Basin Site, both within the Program Area. There is potentially federal (e.g. USACE Section 10) and/or state (e.g. CCC, CDFW) jurisdiction as it is hydrologically connected to the Los Alamitos Channel and the Federal Storm Channel. Please discuss potential federal and/or state jurisdiction and show jurisdiction on maps.

d) Page 3.3-6.7 describes areas that are subject to USACE Section 10 Waters, but this is not reflected on the map. Please show on maps USACE Section 10 Waters.

e) CDFW disagrees with the DPEIR's conclusion on page 3.3-62 that states, *"there are no "isolated" or "non-federal" waters that would be subject to waste discharge requirements under the Porter Cologne Water Quality Control Act."* The USFWS Wetlands Mapper shows there are isolated wetlands that may be subject to 1602 if these are hydrologically connected or is subject to CCC if it is within a coastal zone.

CDFW-7

Comment #7 – Pumpkin Patch Site: Although the Pumpkin Patch Site is outside the Program Area boundary, it is close to Belding's savannah sparrow habitat within the Program Area. The DPEIR describes restoration of the Pumpkin Patch Site but also installation of a new office (page 2-23). Please clarify whether the new office will conflict with restoration of the site and could potentially impact Belding's savannah sparrows (i.e. noise level, increased human activity).

Comment #8 – Plan Alternatives: CDFW recommends reevaluating long-term conceptual plans, especially for the South Area (e.g. Figure 2-14) to diversify based on vegetation communities, not only habitat types. Upland habitats have ecological value but the long-term plan for the South Area does not show sufficient upland habitat. Upland habitats should be resilient to 1.7 and 3.5 ft. of SLR. Conceptual plans could be modified to incorporate space to

Comment Letter CDFW

CDFW-8

accommodate upward migration/dispersal of plants and vegetation communities under the pressure of SLR.

Page 5-2 states, *"the alternatives (minimum alteration, moderate alteration, and maximum alteration) include varying degrees of alterations to existing site conditions under a range of sea level rise scenarios".* Please clarify the SLR used (i.e. 1.7 and 3.5 ft.) for the alternatives presented. CDFW recommends including alternatives under both SLR projections if only one was considered. CDFW also recommends the DPEIR clarify whether the three alternatives (Figures 5-1, 5-2, 5-3) reflect near, mid, or long-term restoration.

CDFW-9

Comment #9 – Phasing: The DPEIR proposes a Program that will constantly modify the LCWC over the next 20 years. Erecting, lowering, breaching, removing berms or flood walls after or during restoration may impact and disrupt biological resources and water flow. For example, restoration progress made in the South LCWA site in the near and mid-term may be reversed, slowed, or impacted due to berm and levee removal activities proposed in the long-term. CDFW recommends the LCWA minimize disruptive activities and consider workflows (i.e. Table ES-1, ES-2, ES-3, ES-4) that strategically schedules landscape and waterflow-altering projects for the near-term.

Page 3-40 states, *"portions of the program area, including levees, berms and flood walls, trails, and restored ecosystem area would be located within the Newport-Inglewood Fault Zone and could be exposed to fault rupture. Damage to levees, berms and flood walls, trails, and the restored ecosystem area would consist only of earth movement, which would not expose people to risks because people would not be inside collapsing buildings or under bridges"*. An earthquake may impact biological resources if the earthquake results in spills. CDFW recommends the LCWA minimize these risks by scheduling projects to plug oil and natural gas wells and storage facilities for the near-term. Oil spills can reverse, slow, or impact restoration progress and cause ecological damage.

CDFW-10

Comment #10 – Impacts to biological resources along the San Gabriel River: To increase tidal flows and inundate areas of the LCWC not previously inundated, water will be drawn from the San Gabriel River. CDFW recommends an assessment and discussion of potential impacts to biological resources up and downstream of the LCWC along the San Gabriel River because the Program could lead to a drop in water level. A review of CNDDB found western spadefoot (*Spea hammondii*), tricolored black bird (*Agelaius tricolor*), and western pond turtle upstream of the LCWC restoration area. Furthermore, reconnection of the river to a large floodplain could cause erosion of the marsh during a large storm event, which could deliver sediment-laden runoff further down the river or to the ocean.

CDFW-11

Comment #11 - Cumulative Impacts: The Seal Beach Residential Project is proposed on a large, vacant lot that could result in significant impacts to special-status wildlife species such as burrowing owls. The Haynes Generating Station Intake Channel Infill Project will occur partially in the South Area that may impact aquatic resources such as the Pacific green sea turtle, California least tern (*Sterna antillarum browni*), and essential fish habitat. CDFW recommends the LCWA show where the Seal Beach Residential Project and Haynes Generating Station Intake Channel Infill Project will occur, avoid impacts to the burrowing owl habitat in the Callaway Marsh Site (see page 5), and conduct species-specific surveys for the Pacific green sea turtle (see page 6). This will allow CDFW to provide additional comments on cumulative impacts of the proposed Program.

Comment Letter CDFW

GENERAL COMMENTS

CDFW-12

Comment #1 - California Endangered Species Act (CESA): CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed rare plant species that results from the Program is prohibited, except as authorized by state law (Fish and G. Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Program, project construction, or any Program-related activity during the life of the Program will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the LCWA seek appropriate take authorization under CESA prior to implementing the Program. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the Program and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Program CEQA document addresses all Program impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

CDFW-13

Comment #2 - Compensatory Mitigation: Mitigation measures for adverse Program-related impacts to sensitive plants, animals, and habitats should emphasize avoidance and reduction of Program impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. Mitigation banking inquiries may be directed to the CDFW's South Coast Region Banking Coordinator, Lisa Gymer, via email at Lisa.Gymer@wildlife.ca.gov.

CDFW-14

Comment #3 - Moving out of Harm's Way: The proposed Program is anticipated to result in clearing of natural habitats that support many species of indigenous wildlife. To avoid direct mortality, we recommend that a qualified biological monitor approved by CDFW be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Program-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.

CDFW-15

Comment #4 - Relying on future plans not adequate: CEQA Guidelines sections 15070 and 15071 require the document to analyze if the Program may have a significant effect on the environment as well as review if the Program will 'avoid the effect or mitigate to a point where clearly no significant effects would occur'. Relying on future surveys, the preparation of future management plans, or mitigating by obtaining permits are considered deferred mitigation under

Comment Letter CDFW

CEQA. To analyze if the Program may have a significant effect on the environment, the Program related impacts, including survey results for species that occur in the entire Program Area need to be disclosed during the public comment period. This information is necessary to allow CDFW to comment on alternatives to avoid impacts, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).

CDFW-16 **Comment #5 - Translocation/depositing seeds**: Translocation and transplantation is the process of moving an individual from one project site and permanently moving it to a new location. CDFW generally does not support the use of, translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or wildlife species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.

Per CEQA Guidelines Section 21081.6(a)(1), CDFW has provided the LCWA with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

Filing Fees

CDFW-17 The Program as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

CDFW-18 We appreciate the opportunity to comment on the Los Cerritos Wetland Restoration Program to assist the Los Cerritos Wetlands Authority in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the LCWA has to our comments and to receive notification of any forthcoming hearing date(s) for the Program [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist, at Ruby.Kwan-Davis@wildlife.ca.gov or (657) 215-1007.

Sincerely,

DocuSigned by:
Erinn Wilson
DC7324F4C5BB489...

Erinn Wilson
Environmental Program Manager I

ec: CDFW
Victoria Tang – Los Alamitos
Karen Drewe – Los Alamitos
Frederic Reiman – Los Alamitos

Comment Letter CDFW

Susan Howell – San Diego
Jennifer Turner—San Diego
Lisa Gymer – San Diego
CEQA Program Coordinator – Sacramento

State Clearinghouse

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Comment Letter CDFW

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

CDFW-19

Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
	Mitigation Measure (MM)	**Timing**	**Responsible Party**
MM-BIO-1-Species-specific surveys	Conduct additional species-specific surveys to completely disclose presence/absence and potential impacts to the following species and their habitat: bats, Belding's savannah sparrow, burrowing owl, Least bell's vireo, Monarch butterfly, Pacific green sea turtle, Pacific pocket mouse, south coast marsh vole, southern California marsh shrew, red diamond rattlesnake, southern California DPS steelhead, tidewater goby, and western pond turtle. Focused surveys shall be conducted at the appropriate season and time of day when the sensitive species are active or otherwise identifiable. Seasonal variations in species use of the Program Area shall be addressed. Surveys shall follow accepted scientific protocol and be conducted by a qualified biologist, botanist, or species specialist with the appropriate experience.	Prior to Program construction/activities	LCWA
MM-BIO-2-Species-specific surveys	LCWA shall disclose survey findings, including negative findings, and recirculate the DPEIR so CDFW may review and provide meaningful avoidance, minimization, and mitigation measures. The Final Environmental document shall include full analysis of impacts to the species listed in MM-BIO-1 and proposed species-specific avoidance measures, and mitigation if impacts cannot be voided.	Prior to Program construction/activities	LCWA

MM-BIO-3-Impacts to Bats-Focused survey	Conduct species-specific surveys for bats at the appropriate season and time of day to document any daytime, nighttime, and maternity roosting sites. Surveys shall include acoustic recognition technology to maximize detection of bats.	Prior to Program construction/activities	LCWA
MM-BIO-4-Impacts to Belding's savannah sparrow	Include a discussion that evaluates, and a map that shows, where Belding's sparrow habitat could be avoided to the extent feasible, prioritizing areas of high nesting activity, and potentially implementing no-effect buffers around these areas.	Prior to Program construction/activities	LCWA
MM-BIO-5-Impacts to Belding's savannah sparrow	Modify Mitigation Measure BIO-3 in the DPEIR to include a statement acknowledging that an Incidental Take Permit (ITP) under CESA may be needed if impacts to Belding's sparrow cannot be avoided.	Prior to Program construction/activities	LCWA
MM-BIO-6-Impacts to Belding's savannah sparrow	LCWA shall provide a Belding's sparrow Mitigation, Maintenance and Monitoring Program as an appendix to the DPEIR for review and commenting.	Prior to Program construction/activities	LCWA
MM-BIO-7-Impacts to Belding's savannah sparrow	LCWA shall reevaluate proposed location and alignment of trails, viewpoints, visitor centers, and parking areas in order to minimize public access/anthropogenic disturbance near Belding's sparrow habitat, prioritizing areas of high nesting activity.	Prior to Program construction/activities	LCWA

MM-BIO-8-Impacts to Burrowing owls	Conduct species-specific surveys for burrowing owls and identify wintering habitat. In California, the burrowing owl breeding season extends from 1 February to 31 August with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June.	Prior to Program construction/activities	LCWA
MM-BIO-9-Impacts to Burrowing owls	LCWA shall provide a Burrowing Owl Management Plan as an appendix in the DPEIR for review and commenting. A Burrowing Owl Management Plan shall adhere to CDFW's March 7, 2012, Staff Report on Burrowing Owl Mitigation	Prior to Program construction/activities	LCWA
MM-BIO-10-Impacts to least Bell's vireo	Conduct species-specific surveys for least Bell's vireo, focusing on potential nesting sites where Goodding's willow (*Salix gooddingii*) is present in the South and Central Areas.	Prior to Program construction/activities	LCWA
MM-BIO-11- Impacts to Least Bell's Vireo	Include an vireo-specific mitigation measure to minimize impacts to foraging habitat and potential nesting sites that shall state, *"prior to initiation of construction within or adjacent to suitable nesting habitat, a CDFW-approved biologist with experience surveying for and observing least Bell's vireo shall conduct preconstruction surveys in accordance with established protocols to establish use of nesting habitat. Surveys shall be conducted within and adjacent to suitable habitat, where access allows, during the nesting season (generally March 15 to July 31). If a nesting colony is found, no activity shall occur within a 500-foot buffer of the colony until a qualified biologist determines and CDFW confirms that all chicks have fledged and are no longer reliant on the nest site."*	To be implemented during Program construction/activities	LCWA

MM-BIO-12-Impacts to Least Bell's Vireo	Add a mitigation measure that shall state, *"if take of least Bell's vireo would occur from Program construction or activities, a state Incidental Take Permit (ITP) under CESA would be required."*	Prior to Program construction/activities	LCWA
MM-BIO-13-Impacts to Monarch butterfly	Conduct a species-specific survey for Monarch butterflies. The DPEIR states that palm and eucalyptus trees in all four Areas provide suitable habitat for Monarchs. There may be impacts to Monarch butterflies if trees are removed to restore wetlands.	Prior to Program construction/activities	LCWA
MM-BIO-14-Impacts to Pacific green sea turtle	Conduct a species-specific impact assessment in the Program Area and in all channels up and downstream of LCWC. Discuss potential impacts to sea turtles resulting from the following day-time activities and structures shall be included: using an amphibious excavator, transporting soils and materials between channels, erecting temporary bridges across channels, and installing a boom or net across the San Gabriel River to collect trash floating downstream.	Prior to Program construction/activities	LCWA
MM-BIO-15-Impacts to Pacific green sea turtle	Conduct surveys and mapping of eelgrass habitat (*Zostera* sp.) in all channels up and downstream of LCWC and discuss potential impacts. Eelgrass is sensitive to burial by only 5 centimeters of sediment and buried eelgrass is more susceptible to increased mortality and delayed growth and flower production. The potential for impacts due to burial shall be evaluated.	Prior to Program construction/activities	LCWA
MM-BIO-16-Impacts to Pacific pocket mouse, south coast marsh vole, and southern California salt marsh shrew	Conduct species-specific, season and time of day appropriate surveys for pocket mouse, vole, and shrew, and map areas with suitable habitat and burrows.	Prior to Program construction/activities	LCWA

MM-BIO-17-Impacts to Pacific pocket mouse, south coast marsh vole, and southern California salt marsh shrew	Evaluate where impacts to occupied habitat could be avoided to the extent feasible and potential to implement no-effect buffers. Avoidance of burrows also includes the extent of underground tunnels.	Prior to Program construction/activities	LCWA
MM-BIO-18- Impacts to Pacific pocket mouse, south coast marsh vole, and southern California salt marsh shrew	Include a mitigation measure to restore/create upland habitat that would include appropriate substrate, flora, and fauna community required by small mammals.	Prior to Program construction/activities	LCWA
MM-BIO-19-Impacts to Raptors	LCWA shall reevaluate conceptual designs such that they enhance and restore upland habitat that would be resilient to flooding, high tides, periodic storms, and sea level rise. Upland habitat shall support special-status and common small mammal species, insects, and reptiles that forms an ecosystem beneficial to raptors.	Prior to Program construction/activities	LCWA
MM-BIO-20-Impacts to Nesting birds	Modify Mitigation Measure BIO-4 regarding buffers for nesting birds to include the following: *"If nesting raptors and migratory songbirds are identified, the following minimum no-disturbance buffers shall be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests and 0.5 mile around active listed bird nests. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. These buffers shall be increased if needed to protect the nesting birds."*	To be implemented during to Program construction/activities	LCWA

MM-BIO-21-Impacts to Red diamond rattlesnake	Conduct a species-specific survey for red diamond rattlesnake.	Prior to Program construction/activities	LCWA
MM-BIO-22-Impacts to Red diamond rattlesnake	Include a mitigation measure that includes monitoring by a qualified biologist during construction activities occurring in occupied/potential habitat, especially during the active spring breeding season. If a rattlesnake is encountered, activities in the area shall stop and an appropriate avoidance buffer established determined by a qualified biologist	To be implemented during to Program construction/activities	LCWA
MM-BIO-23-Impacts to Southern California DPS steelhead and tidewater goby	Conduct a species-specific, season and time of day appropriate surveys for steelhead and goby to determine presence/absence. Both species have a moderate potential to occur in the North, South, and Central Areas.	Prior to Program construction/activities	LCWA
MM-BIO-24-Impacts to Western pond turtle	Conduct a species-specific survey for western pond turtles. WPT have been documented inhabiting ground squirrel burrows, therefore, surveys shall also include upland habitat containing loose soil and burrows. Surveys shall use CDFW recommends that surveys use the United States Geological Survey's 2006 Western pond turtle Visual Survey Protocol for the Southcoast Ecoregion.	Prior to Program construction/activities	LCWA
MM-BIO-25-Impacts to Wildlife	Provide supplemental documents in the Appendix that discuss the impetus, design, and necessity of land bridges proposed in Figure 51, 5-2, and 5-3, and provide a discussion as to how bridges would facilitate wildlife movement around the LCWC.	Prior to Program construction/activities	LCWA

MM-BIO-26-Impacts to Wildlife	Include areas of non-native vegetation-dominated cover in focused surveys for special-status wildlife species dependent on grasslands/upland habitat where appropriate.	Prior to Program construction/activities	LCWA
MM-BIO-27-Impacts to Wildlife	Include an additional BIO Mitigation Measure that shall state, *"A biological monitor shall be present before and during initial grubbing and grading operations to salvage wildlife species that may be killed or injured by heavy equipment. Fossorial mammal den sites shallbe inspected and not disturbed until confirmed unoccupied. Salvaged wildlife of low mobility shall be removed and placed onto adjacent habitat out of harm's way. Grubbing and grading shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading shall be done from the center of a site, working outward towards adjacent habitat out of the construction footprint where wildlife may safely escape."*	To be implemented during to Program construction/activities	LCWA
MM-BIO-28-Impacts to Wildlife	The Program may result in the use of open pipes used as fence posts, property line stakes, signs, etc. These structures mimic the natural cavities preferred by various bird species and other wildlife for shelter, nesting, and roosting. Raptor's talons can become entrapped within the bolt holes of metal fence stakes resulting in mortality. Due to the location of the LCWC and the open space that is in the surrounding vicinity, the following BIO mitigation measure shall be added: *"All hollow posts and pipes shall be capped, and metal fence stakes shall be plugged with bolts or other plugging materials to prevent wildlife entrapment and mortality."*	To be implemented during to Program construction/activities	LCWA

MM-BIO-29-Impacts to Rare plants	Disclose population information for rare plants documented in the Program Area using data collected from 2012 through 2018. Estimate of number of individuals or area potentially impacted by the Program and show which polygons/plants will be impacted. If additional data has been collected since 2018, LCWA shall incorporate recent data into this analysis.	Prior to Program construction/activities	LCWA
MM-BIO-30-Impacts to Estuary seablite	Figure 3.3-2d shows estuary seablite as points (i.e. individual plants occurring in specific areas). Page 22 of the Los Cerritos Wetlands Habitat Assessment Report shows estuary seablite occuring in two large polygons, suggesting plants are more widespread around Steamshovel Slough than shown in Figure 3.3-2d. Clarify whether estuary seablite currently occurs as a few individuals restricted to the shore or many more plants distributed across a larger area.	Prior to Program construction/activities	LCWA
MM-BIO-31-Impacts to Rare plants	LCWA shall use the following minimum mitigation ratios for rare: 3:1 for southern tarplant and 7:1 for Coulter's goldfields, estuary seablite, California boxthorn, Lewis' primrose, southwestern spiny rush, and woolly seablite.	Prior to Program construction/activities	LCWA
MM-BIO-32-Impacts to Sensitive vegetation communities	LCWA shall use the following minimum mitigation ratios for sensitive vegetation communities: 5:1 for S2-ranked communities and 3:1 for S3-ranked communities. LCWA shall include a discussion as to the reasoning for a 60 percent absolute vegetation cover success criterion for restoring sensitive vegetation communities.	Prior to Program construction/activities	LCWA

MM-BIO-33-Impacts to Rare plants and sensitive vegetation communities	LCWA shall disclose where mitigation will take place, on or off site, and why the selected mitigation area(s) are appropriate for each special-status species or sensitive vegetation community based on vegetation composition, soils, substrate, slope, etc. Disclosures could be made in a Mitigation, Maintenance, and Monitoring Program and/or Restoration Plan for rare plants and sensitive vegetation communities (see below).	Prior to Program construction/activities	LCWA
MM-BIO-34-Impacts to Rare plants and sensitive vegetation communities	LCWA shall provide a Mitigation, Maintenance, and Monitoring Program and/or Restoration Plan for rare plants and sensitive vegetation communities as appendices in the DPEIR for review and commenting.	Prior to Program construction/activities	LCWA
MM-BIO-35-Restoration Techniques	LCWA shall use Restoration Techniques described under **Comment #5** (page 11) for project-level activities under the Program and include the language as a BIO mitigation measure.	To be implemented during Program construction/activities	LCWA
MM-BIO-36-Restoration Techniques	LCWA shall expand on the herbicide-use language on page 2-77 by providing safety measures, protocols, and standards regarding herbicide use (or no herbicide use) around special-status plants, wildlife, and vegetation communities. LCWA shall also implement buffer zones to protect species-status species, including habitat structures, from direct herbicide contact and drift.	To be implemented during Program construction/activities	LCWA
MM-BIO-37-Restoration Techniques	LCWA shall consider controlling large areas of black mustard, ripgut brome, and poison hemlock in phases instead of removing all vegetation at one time. Non-native vegetation could support wildlife such as birds, small mammals, small frogs, and snakes, which could be displaced if non-native vegetation is completely removed and native vegetation has yet to be restored. Non-native vegetation should remain in place to the extent feasible to support wildlife until seeded or planted native vegetation	To be implemented during Program construction/activities	LCWA

	reaches an appropriate size, density, and abundance.		
MM-BIO-38-Impacts to Wildlife	LCWA shall address CDFW's concerns with the DPEIR's jurisdictional delineation described under **Comment #6 – Jurisdictional Delineation** (page 12).	Prior to Program construction/activities	LCWA
MM-BIO-39-Impacts to Wildlife	LCWA shall clarify/discuss whether the new office at the Pumpkin Patch site will conflict with restoration of the site and potentially impact Belding's savannah sparrows (i.e. noise level, increased human activity) in the Program Area.	Prior to Program construction/activities	LCWA
MM-BIO-40-Impacts to Plants and wildlife	LCWA shall reevaluate long-term conceptual plans, especially for the South Area (e.g. Figure 2-14) to maximize vegetation community diversity, not only habitat types. Upland habitats should be resilient to 1.7 and 3.5 ft. of sea level rise. Additional details found under **Comment #8 – Plan Alternatives** (page 13).	Prior to Program construction/activities	LCWA
MM-BIO-41-Impacts to Plants and wildlife	The DPEIR proposes a Program that will constantly modify the LCWA over the next 20 years. Erecting, lowering, breaching, removing berms or flood walls after or during restoration may impact and disrupt biological resources and water flow. LCWA shall minimize disruptive activities and consider workflows (i.e. Table ES-1, ES-2, ES-3, ES-4) that strategically schedules landscape and waterflow-altering projects for the near-term to the extent possible.	Prior to Program construction/activities	LCWA
MM-BIO-42-Impacts to Plants and wildlife	Assess and discuss potential impacts to biological resources up and downstream of the LCWC along the San Gabriel River because the Program could lead to a drop in water level. A review of CNDDB found western spadefoot, tricolored black bird, and western pond turtle, upstream of the LCWC.	Prior to Program construction/activities	LCWA

Comment Letter CDFW

MM-BIO-43-Impacts to Plants and wildlife	Clearly show where the Seal Beach Residential Project and Haynes Generating Station Intake Channel Infill Project will occur in Program maps, and implement Mitigation Measures for burrowing owl (**MM-BIO-8** and **9**) and Pacific green sea turtle (**MM-BIO-14** and **15**) because there may be cumulative impacts to wildlife.	Prior to Program construction/activities	LCWA

Comment Letter CDFW

CDFW-20

From:	Kwan-Davis, Ruby@Wildlife
To:	Sally Gee
Cc:	Drewe, Karen@Wildlife; Wilson-Olgin, Erinn@Wildlife; Tang, Victoria@Wildlife; Rieman, Frederic@Wildlife; Howell, Susan@Wildlife; Turner, Jennifer@Wildlife; Gymer, Lisa@Wildlife; Wildlife CEQA; state.clearinghouse@opr.ca.gov
Subject:	CDFW Comments on Los Cerritos Wetlands Restoration Plan DPEIR
Date:	Monday, July 6, 2020 11:51:38 AM
Attachments:	CDFW Comments on Los Cerritos Wetlands Restoration Plan DPEIR.pdf

Dear Ms. Gee,

The California Department of Fish and Wildlife has completed review of a Draft Program Environmental Impact Report (DPEIR) submitted by the Los Cerritos Wetlands Authority for the following Program: Los Cerritos Wetlands Restoration Plan (SCH # 2019039050). Please find CDFW's comment letter attached. Thank you for the opportunity to provide comments and for extending the comment period. If you have any questions or concerns regarding CDFW's comments, please feel free to reach out at your convenience.

Sincerely,
Ruby

Ruby Kwan-Davis
Senior Environmental Scientist (Specialist)
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California Department of Fish and Wildlife
South Coast Region 5
4665 Lampson Avenue
Los Alamitos, CA 90720

California Department of Fish and Wildlife, July 6, 2020

Comment Letter CDFW

Response CDFW-0

The commenter acknowledges receipt of the Draft PEIR by California Department of Fish and Wildlife. Specific comments regarding the Draft PEIR are provided and responded to below.

The commenter provides a summary of the proposed program and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response CDFW-1

The commenter recommends that the Upper Los Cerritos Wetlands Mitigation Bank property boundary be identified in text and on maps and that the LCWA should limit public access to the Mitigation Bank. The Bank Enabling instrument for this proposed mitigation bank has not been finalized. Therefore, it is still a draft plan and may or may not move forward as currently proposed. The public access program is still being determined by the agencies on the Interagency Review Team and is also governed by that project's Coastal Development Permit conditions of issuance. **Figure 2-8**, *Los Cerritos Wetlands Oil Consolidation and Restoration Project*, of the Draft PEIR clearly indicates the proposed restoration plan that could occur on the bank property as shown in the certified EIR for the Los Cerritos Wetlands Oil Consolidation and Restoration Project.

Response CDFW-2

The commenter states that focused surveys are needed for this Draft PEIR as a basis for evaluating species presence/absence, identifying potential impacts, and proposing appropriate mitigation measures. The commenter further claims that surveys for sensitive plant and wildlife species were not completed prior to the preparation of the Draft PEIR. The comment goes on to state that the lack of species-specific surveys prevents full disclosure of potential Program-related impacts and prevents full analysis of those impacts in the Draft PEIR. The comment continues by recommending that additional surveys be conducted before determining meaningful avoidance, minimization and mitigation measures.

This comment is not entirely accurate because numerous studies have been conducted regarding the biological resources of the program area. Chapter 3.3 Biological Resources, Section 3.3.2.1 states that surveys were conducted in the North and Central areas over a seven-year period and the recent supplemental surveys were conducted in 2019. A summary of the surveys conducted within the program area are described in Section 3.3.2.1 and include botanical surveys, and focused surveys for burrowing owl and Belding's savannah sparrow. It must also be stated that as each phase of the restoration plan is designed, further CEQA analysis at the project-level of analysis will be required and public comment will be possible at each stage. See Chapter 2 Project Description, Section 2.1.2 for revised text that describes the restoration and CEQA process subsequent to the certification of the PEIR.

It should also be noted that access to all the properties within the program area is not currently available for surveys because of current land ownership. Additionally, because the restoration plan will be implemented over a 20-30-year period, perhaps even longer, focused surveys conducted in 2019 or 2020 would be clearly out-of-date by the time certain phases of the restoration plan are designed, let alone implemented. Another consideration when scheduling surveys is the recognition that some habitat areas will change over time and suitable habitat that may not be present in one portion of the program area, may become established later in the restoration process because the early phase of restoration will likely have a positive benefit to surrounding areas not yet restored.

As stated in the Executive Summary, Section ES.5.4, a project-level EIR was prepared for the City of Long Beach to evaluate the environmental effects associated with the Los Cerritos Wetlands Oil Consolidation and Restoration Project (State Clearinghouse Number 2016041083). The project applicant, Beach Oil Minerals Partners (BOMP), proposes to consolidate existing oil operations and implement a wetlands habitat restoration project in portions of the North and Central Areas within the Program area as well as on property that falls completely outside of the program area. That EIR was certified by the City of Long Beach City Council on January 16, 2018. The Local Coastal Program Amendment associated with the Los Cerritos Wetlands Oil Consolidation and Restoration Project was approved by the California Coastal Commission (CCC) on August 8, 2018, with modifications to the amendment approved on October 2, 2018. The Coastal Development Permit was conditionally approved by the CCC on December 13, 2018. This PEIR partially relies on the technical analysis, impact discussion, and mitigation measures documented in the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR (State Clearinghouse Number 2016041083) for a portion of the program area. No new information of substantial importance or change in circumstance with the Los Cerritos Wetlands Oil Consolidation and Restoration Project requires re-evaluation of the analysis in that EIR.

The Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR contains more detailed and quantitative analysis than this PEIR because this PEIR is evaluating the impacts associated with implementing the Los Cerritos Wetlands Restoration Plan, which is not yet a specifically designed project as is the case for the Los Cerritos Wetlands Oil Consolidation and Restoration Project. The Los Cerritos Wetlands Oil Consolidation and Restoration Project was designed to be consistent with the goals and objectives of the Los Cerritos Wetlands Final Conceptual Restoration Plan.

The mitigation measures developed for this PEIR are designed to augment the baseline understanding of the resources for each phase of the restoration plan and to focus on avoidance in the restoration design where special-status species are documented (See Section 3.3 Biological Resources, Section 3.3.5 for mitigation measures). For this to be effective, focused surveys should be timed to be less than two years old during the detailed planning and implementation of individual area restoration projects. Mitigation Measure BIO1: Avoidance of Special-Status Plants will be implemented prior to each design phase and the mitigation measure is modified to provide more specific timing for such surveys for the special-status plant species with the highest potential to occur, or have been previously recorded.

Mitigation Measure BIO3: Belding's Savannah Sparrow Habitat requires accurate and current mapping of this listed species in order for restoration activities to avoid take of this species. Mitigation Measure BIO4: Nesting Bird and Raptor Avoidance requires identification of active nests within the program area. Timing is important for the validity of such surveys and the mitigation measure is modified to specify timing of such surveys in relation to both design and construction/implementation. Mitigation Measure BIO5: Habitat Assessment and Pre-Construction Surveys for Burrowing Owl requires a habitat assessment for the species and this mitigation measure is modified to specify survey timing for burrowing owl to be conducted prior to restoration plan design for each location within the program area. Mitigation Measure BIO7: Pre-Construction Bat Surveys is modified to be conducted prior to design, in addition to prior to start of construction activities.

Mitigation Measure BIO8: Focused Surveys for Special-Status Wildlife Species. Focused wildlife surveys will be conducted prior to implementation of the design phase of the restoration plan to determine presence/absence and potential impacts prior to LCWA's approval of project plans and subsequent CEQA documentation. This mitigation measure requires that surveys be conducted where suitable habitat is present for any special-status wildlife species listed in **Table 3.3-4,** *Special-Status Plants with Potential to Occur within the Program Area,* of the Draft PEIR. Lastly, it needs to be stated that the program itself will greatly enhance the value of habitat at the Los Cerritos Wetlands, which currently is impacted by disturbances and modifications that degrade habitat value. With the success of the restoration efforts, the Los Cerritos Wetlands Complex should become home to a greater number of species over time.

Response CDFW-3

The commenter recommends that baseline surveys be conducted for the many special-status species identified in this PEIR. The comment lists surveys for bats, Belding's savannah sparrow, burrowing owl, least Bell's vireo, monarch butterfly, Pacific green sea turtle, red-diamond rattlesnake Southern California steelhead, tidewater goby, western pond turtle, Pacific pocket mouse, south coast marsh vole and southern California salt marsh shrew. The comment also provides embellishment for certain mitigation measures.

Please see Response to Comment No. CDFW-2 above regarding the timing consideration for special-status species surveys. LCWA concurs that additional special-status species surveys are prudent as knowledge of the resources present will allow an efficient and effective restoration design to maximize habitat benefit to the Los Cerritos Wetlands Complex.

Mitigation Measure BIO7 in Section 3.3.5 Project Impacts and Mitigation Measures of the draft PEIR, is modified to conduct bat surveys, including of palm trees, which will help determine whether existing trees should be retained in each restoration area.

With regards to Belding's savannah sparrow, LCWA concurs that existing Belding's savannah sparrow habitat should be avoided to the extent feasible, prioritizing areas of high nesting activity, and other considerations to support this species. Mitigation Measure BIO3: Belding's Savannah Sparrow Breeding Habitat is modified in a manner consistent with the CDFW recommendations. The Belding's savannah sparrow Habitat Mitigation, Maintenance and

Monitoring Program (HMMMP) will be drafted in conjunction with CDFW and will be included in a subsequent environmental document. Inclusion of the HMMMP in the PEIR is not required.

Focused surveys for burrowing owl will be consistent with the CDFW 2012 Staff Report on Burrowing Owl Mitigation.

Least Bell's vireo (LBV) breeding habitat is not likely to be directly impacted and direct impacts to this species will be avoided with implementation of Mitigation Measure BIO4 (see Chapter 3.3 Biological Resources, Section 3.3.5 Project Impacts and Mitigation Measures, of the Draft PEIR). However, the Conceptual Restoration Plan will convert some willow habitat to salt marsh habitat with the potential temporal loss of LBV. The conversion of the habitat can avoid direct impact but the loss of habitat will be addressed through consultation with USFWS.

Monarch butterfly surveys are implied with Mitigation Measure BIO8 (see Section 3.3.5), which is modified to be specific to this and other special-status species. Such surveys are not necessary at the Program-level because no specific restoration design has been evaluated.

Direct impacts to Pacific green turtle will likely be avoided in the restoration design because direct in water activities will be designed to avoid impacts to aquatic wildlife. However, the restoration program includes restoring a San Gabriel River connection with the Central LCWA site, and potentially other locations. This would be achieved by removing segments of the existing levee on the north banks of the river, resulting in changes in San Gabriel River resources. Pre-restoration design surveys for Pacific green turtle in accordance with Mitigation Measure BIO8, should ensure suitable habitat occur for terrestrial or aquatic special-status species, a qualified biologist shall conduct focused habitat assessments and focused surveys to determine presence, absence and/or abundance for special-status wildlife species listed in **Table 3.3-5**, *Special-Status Wildlife with the Potential to Occur,* within the Draft PEIR, which includes Pacific green turtle and plan design will focus on wildlife avoidance.

Additional mammal, reptile and fish species will be surveyed under the provisions of Mitigation Measure BIO8. Raptors and nesting birds will have protections under Mitigation Measure BIO4 (see Section 3.3.5).

Additionally, the commenter suggests providing more information about the land bridges proposed in the three Conceptual Restoration Plan alternatives (**Figures 5-1 through 5-3**, *Final Alternatives*). While the land bridges were considered as part of the Conceptual Restoration Plan, they were not carried forward as features of the proposed program for evaluation under CEQA due to their design complexity and high construction cost. LCWA could incorporate these features as part of future design phases and would prepare the associated environmental documentation as required under CEQA at that time.

Response CDFW-4

The commenter recommends mitigation ratios for special-status plant species and sensitive natural communities of up to 7:1. The commenter also requires demographic data of special-status plant species populations be included in the environmental documentation.

This program is at least partially self-mitigating and where sensitive natural communities may be impacted in implementing the restoration plan, they will be mitigated at an appropriate ratio in kind with the habitat impacted. Specific mitigation ratios are added to the modified mitigation measures and it is reasonable to increase mitigation ratios for those sensitive natural communities with a higher sensitivity ranking. A mitigation ratio of a minimum 2:1 for natural communities with a rarity ranking of S3 or higher will be incorporated into the restoration designs. For special-status plant species, those species with small population numbers (less than 50 individuals) will incorporate mitigation ratios up to 7:1, where on-site seed sources are available, e.g., California boxthorn and southwestern spiny rush. Higher special-status plant mitigation ratios of up to 3:1 will be incorporated where suitable habitat area can support populations of large individual numbers, e.g., southern tarplant, the most common of the special-status plant species observed. This is reflected in the modified mitigation measure in Section 3.3.5.

For sensitive natural communities, which include those communities with a rank of S1-S3 as stated on the CDFW Natural Communities webpage, Mitigation Measure BIO-9 has been revised to include a minimum 2:1 for natural communities with a rarity ranking of S3 or higher and the ratio will be incorporated into the restoration designs. This mitigation measure uses the 60 percent absolute cover as the minimum success criteria because it is a realistic goal when applied to a group of natural communities, although some natural communities may have higher absolute percentages as part of the restoration design plans. The County of Los Angeles's ordinance for activities proposed for significant ecological areas does not apply within incorporated areas of the County such as the City of Long Beach.

Where seed is to be planted for the restoration efforts, the greatest effort will be made to make use of local genotypes. Mitigation Measure BIO-1 has been revised to include performance standard for the success of propagated or transplanted species will be achieved with the survival of the appropriate number of individuals meeting the mitigation ratio (1:1 for most species) after five years of growth and the establishment of a self-propagating population for annual species for a minimum of three years after revegetation completion for a specific area. In addition, it is acknowledged that transplantation of perennial plant species is a potential mitigation technique but must be used sparingly and only when the receiving site parameters are a suitable match from the donor location. It is noted that success criteria for specific special-status plant species, covered under Mitigation Measure BIO-1, will have to be different from the success criteria for sensitive natural communities, covered under Mitigation Measure BIO-9.

Demographic data are not a requirement of CEQA, as long as the environmental documentation provides substantial information to assess potential impacts and the proposed mitigation is sufficient to reduce the identified impacts. Demographic data are appropriate for inclusion in regulatory permit conditions or monitoring plans in order to measure success of the mitigation efforts. Such details will be considered when designing the success criteria for specific restoration plans. Details regarding specific special-status plant populations and areas using the most current survey information available will be provided in subsequent CEQA documentation as specific restoration plan designs are developed. Where special-status species are observed in limited numbers, these areas will be prioritized for avoidance, e.g., coulter's goldfields.

In regard to estuary seablite, the individual plants depicted in Figure 3.3-2d is more accurate than the previously used polygons although the species is found extensively within the middle and upper salt marsh zones at Steamshovel Slough.

Response CDFW-5

The commenter provides recommended text to be used as part of the PEIR mitigation measures for the restoration program.

LCWA concurs with most of the recommended text and has modified appropriate mitigation measures with portions of the recommended text (See Section 3.3.5). Certainly, control of non-native species such as black mustard will be a key component of each area's restoration plan design.

Response CDFW-6

The commenter indicates that CDFW finds the Draft PEIR's jurisdictional delineation insufficient and recommends that the Draft PEIR fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the Lake or Streambed Alteration Agreement (LSA). The comment also recommends modifications to the jurisdictional delineation that includes separating CDFW and California Coastal Commission (CCC) jurisdictions, identifying areas that were not assessed, discussing potential federal and/or state jurisdiction, including Sec 10 Waters; and re-evaluating isolated wetlands that may be subject to Section 1602 of the Fish and Game Code.

The primary goal of the proposed program is the restoration and expansion of coastal salt marsh throughout much of the program area including on existing oil production facilities. Implementation of the program would result in a net increase in jurisdictional wetlands and waters that would mitigate any temporary loss of stream and riparian resources that currently exist within the program area. As required in accordance with Mitigation Measure BIO10, a jurisdictional delineation report shall be prepared that describes the jurisdictional resources and the extent of jurisdiction under the USACE, RWQCB, CDFW, and CCC within each restoration area (i.e., North, South, Central and Isthmus) when project-level planning is pursued. Agency permits, including USACE Nationwide or equivalent permit, Los Angeles RWQCB Water Quality Certification, CDFW LSA, and CCC Coastal Development Permit, would be issued following the completion of the restoration design and determination of impacts to streams and wetlands at the project-level for each restoration area. As such, pursuant to Section 1600 *et seq*. and/or under CEQA, the project-level CEQA analysis for each restoration area will fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement.

The Draft PEIR, Chapter 3.3 Biological Resources, Section 3.3.3 Regulatory Framework of the Draft PEIR, has been revised to distinguish between CDFW and CCC jurisdiction and USACE Sec 10 waters, and acknowledges the portions of the South Area that were not assessed due to access limitations, but that will be formally delineated at the project-level. Moreover, the discussion has been revised to indicate that the potential presence of isolated or non-federal waters that may be subject to waste discharge requirements under the Porter Cologne Water

Quality Control Act will be determined based on the project-level jurisdictional delineation and permitted in accordance with Mitigation Measure BIO10, Section 3.5.5, Project Impacts and Mitigation Measures.

Response CDFW-7

The commenter requests clarification whether the new office will conflict with restoration of the Pumpkin Patch site and if Belding's savannah sparrows could be potentially impacted.

The proposed program described in Chapter 2 Project Description of the Draft PEIR would not include a new office at the Pumpkin Patch site. The commenter may be referencing the office proposed as part of the Los Cerritos Wetlands Oil Consolidation and Restoration Project (State Clearinghouse Number 2016041083). The proposed program would involve construction of earthen levees on the Pumpkin Patch site. In accordance with Mitigation Measure BIO8 in Section 3.5.5, a Wildlife Avoidance Plan will be prepared and approved by CDFW and USFWS prior to commencement of construction, which shall include specific species minimization and avoidance measures. As modified, Mitigation Measure BIO8 specifies that if special-status species cannot be avoided, Incidental Take Permits from the United States Fish and Wildlife Service and California Department of Fish and Wildlife will be required and compensatory mitigation for the loss of occupied habitat shall be provided as approved by the resource agencies.

Response CDFW-8

The commenter recommends reevaluating long-term conceptual plans, specifically in the South Area, to include more diverse vegetation communities including more upland habitat. The exact mix of different habitat types and vegetation will be further analyzed for the project-level design. The PEIR alternative considered more extensive grading in the South Area to lower the site to marshplain to be able to analyze the impacts of this amount of extensive grading. The future site design would be refined during project-level design to balance creating marsh today with creating room for habitat migration in the future.

The commenter also recommends modifying the conceptual plans to incorporate space to accommodate habitat migration with sea-level rise. The commenter specifically recommends considering 1.7 and 3.5 ft. of sea-level rise. Appendix H, *Hydrodynamics Modeling Report,* includes the modeled habitat elevation bands under 1.7 and 3.3 ft. of sea-level rise. Assuming the acreages presented in Table 2-6 occur at the average elevation within the habitat band (e.g., all of the mid marsh occurs at 5.4 ft. NAVD based on last column of Table 4-2 in Appendix H) and roughly three quarters of the tidal salt marsh is high marsh and one quarter is mid marsh, the following table summarizes the marsh acreage with 1.7 and 3.3 ft. of sea-level rise.

Habitat	Mid-term acreage	Acreage with 1.7 ft. of SLR	Acreage with 3.3 ft. of SLR
Transition Zone	16	Some from uplands	Some from uplands
High Marsh	50	16	Some from uplands
Mid Marsh	16	50	16
Low Marsh	Some along channels	16	50
Mudflat	Some along channels	Some along channels	16

With 3.3 ft. of sea-level rise, 80 percent of the initial marsh and transition zone habitat would remain, so the site as designed is resilient to up to 3.3 ft. of sea-level rise.

The commenter also asks for clarification on the amount of sea-level rise considered for the Conceptual Restoration Plan alternatives and whether those alternative reflect near, mid, or long-term restoration. Section 5.2.1.1 provides the background on the development of the current alternatives, including the history of the Conceptual Restoration Plan. The exact Conceptual Restoration Plan alternatives were not evaluated in the PEIR but led to the development of the alternatives that were analyzed. As discussed in Section 5.2.1.2:

"The Conceptual Restoration Plan identified the next step in the restoration design process:

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

As a result, the following alternatives were developed as hybrids of the Conceptual Restoration Plan alternatives." Therefore, these alternatives were not analyzed in the PEIR and were not classified as near, mid, or long-term restoration. The Conceptual Restoration Plan evaluated sea-level rise amounts of 1.5 and 5.5 ft.

Response CDFW-9

The commenter suggests that the proposed phasing approach be reconsidered so that there will not be continuous modifications to the landscape over the next 20 years and that oil operations should be decommissioned in the near-term. As stated in Chapter 2 Project Description, Section 2.5 LCW Restoration Plan Goals and Objectives of the PEIR, one of the goals of the LCWA's restoration planning is to "Incorporate phasing of implementation to accommodate existing and future potential changes in land ownership and usage, and as funding becomes available." As described in Sections 2.2.3 and 2.3.1 of the PEIR, the LCWA does not own all of the land or the oil leases within the program area. Therefore, in order to allow for any near-term restoration activities to move forward, flood protection is required to protect portions of the Program that are currently privately owned or being used for purposes other than conservation.

As stated in Chapter 2 Project Description, Section 2.7.1.1 of the Draft PEIR, "The timing of construction at each site is dependent on multiple variables, including property transfers, removal

of oil infrastructure, and related facilities, availability of funding, and permit approvals. Each phase of the proposed program will take multiple years to complete construction activities and with multiple years anticipated between each phase."

Agreements are not in place in all instances that would allow the LCWA to consolidate existing oil operations. As stated in the PEIR Section 2.7.1.1 "For oil operations that do not have agreements in place with LCWA, it is expected that overall levels of oil and natural gas production would continue until production decreases to below economically viable levels, after which oil production would stop production."

Response CDFW-10

The commenter suggests analyzing the impact to biological resources up and downstream of the program area due to a drop in water level caused by the program. Appendix H provides the results of the hydrodynamic modeling, which showed that the "maximum water surface elevation during the annual high tide matches the tidal boundary condition" (Chapter 2 Project Description, Section 3.2.1 Typical Tides\Central Area\Existing and Full Breach Conditions). This means that the tidal water levels within the river are not impacted by the program.

The commenter also suggests that reconnection of the river to the floodplain could cause erosion of the marsh during a larger storm event and deliver sediment runoff downstream. Appendix I presents the sediment dynamics assessment that analyzed the potential for erosion. As discussed in Impact HYD1, "For storms less than the 10-year event (10 percent or greater chance of occurrence annually), no export from the marsh is expected. The sediment dynamics analysis showed that under full breach conditions, the 100-year event could export up to 10,000 cy of sediment (Appendix I). However, these events would occur infrequently with less than a 1 percent chance of occurrence every year. While the erosion could result in an increase in turbidity during storm events, it would be an infrequent, temporary impact, and one which is typical of natural systems and already occurs at the site. As a result, erosion could result in an infrequent, temporary impact relating to the contribution of constituents to the San Gabriel River; these inputs would not have a substantial impact on the beneficial uses of the system. Additionally, Mitigation Measure HYD1 in Chapter 3.8 Hydrology and Water Quality, Section 3.8.5 Project Impacts and Mitigation Measures of the Draft PEIR, has been developed to ensure monitoring and adaptive management is conducted to recognize and address any erosion, deposition, or sediment quality issues."

Response CDFW-11

The commenter states that to provide additional comments on cumulative impacts of the proposed program, it is recommended that the Seal Beach Residential Project and Haynes Generating Station Intake Channel Infill Project are depicted and that impacts to the burrowing owl habitat in the Callaway Marsh Site be avoided. In addition, the commenter suggests that species-specific surveys for the Pacific green sea turtle should be conducted.

As indicated in Chapter 3.3 Biological Resources, Section 3.3.6 and in **Table 3-1**, *Cumulative Projects*, the Seal Beach Residential Project (Cumulative Project No. 3) occurs approximately 0.25 miles from the southwestern most portion of the program area. The Haynes Generating

Station Intake Channel Infill Project (Cumulative Project No. 22) is located adjacent to the program area at 6801 Second Street.

As indicated in Response to Comment No. CDFW-3, direct impacts to Pacific green turtle will likely be avoided in the restoration design because direct in water activities will be designed to avoid impacts to aquatic wildlife. However, the restoration program includes restoring a San Gabriel River connection with Central LCWA, and potentially other locations. This would be achieved by removing segments of the existing levee on the north banks of the river, resulting in changes in San Gabriel River resources. Pre-restoration design surveys as required by Mitigation Measure BIO8 in Section 3.5.5, will verify the use of the program area by special-status aquatic species, including the Pacific green turtle, and plan design will focus on wildlife avoidance.

As stated in Response to Comment No. CDFW-2, the mitigation measures developed for the PEIR are designed to focus on avoidance in the restoration design where special-status species are documented. In accordance with Mitigation Measure BIO5 in Section 3.5.5, a pre-construction burrowing owl survey will be conducted. If burrowing owls are detected, a Burrowing Owl Management Plan will be prepared and approved by CDFW and implemented prior to construction. Mitigation Measure BIO5 has been revised to indicate that occupied habitat will be avoided and/or enhanced by restoration design and implementation. Implementation of Mitigation Measure BIO5 would mitigate impacts to burrowing owl in accordance with the CDFW 2012 Staff Report on Burrowing Owl Mitigation.

Response CDFW-12

The commenter indicates that CDFW recommends that the LCWA seek appropriate take authorization under California Endangered Species Act (CESA) prior to implementing the Program.

Mitigation Measures BIO3 and BIO8 in Chapter 3.3 Biological Resources, Section 3.3.5 of the Draft PEIR, have been revised to indicate that an Incidental Take Permit be obtained for any listed species that may be impacted during construction or operational phase of the program, or other mitigation options identified by CDFW in accordance with Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c). These mitigation measures have further been revised to specify that 1) take will be determined at the project-level for each restoration area, 2) CDFW and USFWS consultation shall occur prior to approval of the restoration design and 3) take authorization shall be provided prior to commencement of any ground disturbing activities.

Response CDFW-13

The commenter indicates that mitigation measures for adverse Program-related impacts to sensitive plants, animals, and habitats should emphasize avoidance and reduction of Program impacts. The comment further indicates that habitat restoration, enhancement, creation and/or acquisition should be discussed in detail and that areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Lastly, the commenter emphasizes that the Lead Agency must exercise due diligence in reviewing the qualifications of the entity that

would manage the mitigation lands and that mitigation banking inquiries may be directed to the CDFW's South Coast Region Banking Coordinator.

As stated in Response CDFW-2, the mitigation measures developed for the PEIR are designed to focus on avoidance in the restoration design where special-status species are documented. Mitigation Measure BIO1: Avoidance of Special-Status Plants in Section 3.5.5 will be implemented prior to each design phase, which includes conducting focused plant surveys in accordance with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, March 20, 2018).

Response CDFW-14

The commenter recommends that a qualified biological monitor approved by CDFW be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by construction activities. The commenter also indicates that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.

Implementation of the program will greatly enhance the value of habitat at the Los Cerritos Wetlands Complex, which currently is impacted by disturbances and modifications that degrade habitat value. With the success of the restoration efforts, the Los Cerritos Wetlands Complex should become home to a greater number of species over time. Moreover, the mitigation measures developed for the PEIR are designed to both provide a baseline understanding of the resources for each phase of the restoration plan and to focus on avoidance in the restoration design where special-status species are documented. Nonetheless, Mitigation Measure BIO8 in Section 3.5.5 has been revised to indicate that the Wildlife Avoidance Plan shall require that a qualified biological monitor approved by CDFW be onsite prior to and during ground and habitat disturbing activities to move special status species or other wildlife of low mobility out of harm's way that could be injured or killed by ground disturbing activities.

Response CDFW-15

The commenter states that the PEIR relies on future surveys and the preparation of future plans is considered deferred mitigation. The comment also states that surveys over the entire program area need to be disclosed.

The comments are correct; an environmental analysis may not defer to future studies in order to either analyze potential impacts or to determine appropriate mitigation. However, the current environmental analysis has not been deferred in that standard biological surveys were conducted by qualified biologists and the PEIR provides documentation of the resources that have been inventoried during nearly the past ten years. Additionally, all areas within a proposed project boundary are required to be analyzed. See Response to Comment No. CDFW-2 which states that access to all the properties within the program area is not currently available for surveys because of existing land ownership, that numerous studies have been conducted regarding the biological resources of the program areas, that surveys conducted now would be out-of-date by the time certain phases of the restoration is designed, and that mitigation measures for this PEIR are

designed to provide a baseline understanding of the resources for each phase of the restoration plan and to focus avoidance in the restoration design where special-status species are documented. Response to Comment No. CDFW-2 goes on to state that as each phase of the restoration plan is designed, further CEQA analysis at the project-level of analysis will be required and public comment will be possible at each stage. See Chapter 2 Project Description, Section 2.1.2 for revised text that describes the restoration and CEQA process subsequent to the certification of this PEIR. Because the restoration program will be developed over a multi-year schedule, impacts for each restoration phase will be subsequently evaluated and mitigation implemented according to the program mitigation measures, as modified in this PEIR and in additional CEQA analysis. Mitigation measures in Section 3.3 5 have been modified to clarify that areas that are in future phases for restoration efforts will have surveys completed prior to design of the restoration plans. It must also be stated that as each phase of the restoration plan is designed, current field surveys will be conducted to define the baseline conditions at the time of the restoration plan.

Please see Response to Comment No. CDFW-2 for additional discussion.

Response CDFW-16

The commenter indicates that transplantation and translocation of individual plants or animals are not supported by CDFW as a primary mitigation strategy. The comment continues that study results have shown unreliable results from such mitigation practices. The commenter also offers that preservation is a preferred mitigation strategy for long-term mitigation success.

The comment is acknowledged and supported. The restoration program will incorporate preservation of habitat wherever it can be supported and wherever it would not interfere with restoration efforts for improving the overall ecosystem habitats.

Transplantation applies only to plant species and is referenced in Mitigation Measure BIO1 in Chapter 3.3 Biological Resources, Section 3.3.5, Project Impacts and Mitigation Measures. Transplantation has been successfully implemented for many species but it is acknowledged that perennial species with substrate specificity are not candidates for transplantation except where similar substrates can be documented within the proposed transplantation location. Thus, transplantation is a potential mitigation technique but must be used sparingly and only when receiving site parameters are a suitable match from the donor location.

Translocation is mentioned in association with burrowing owl mitigation (Mitigation Measure BIO6 in Section 3.3.5) and as an optional technique for other special-status wildlife species (Mitigation Measure BIO8 in Section 3.3.5) in an effort to get individual animals out of harm's way. Translocation of burrowing owl, especially passive translocation, has been a successful technique in a number of states, including California. Optimal timing for translocation for burrowing owl appears to be to coincide with periods of natural dispersal (such as juvenile dispersal) or during the late non-breeding season, in February or early March, or in the early breeding season in March and April.

Translocation as mitigation for most other wildlife species remain experimental, although translocation has successfully been used for conservation purposes such as translocation of individual into an area to re-establish populations in formerly occupied areas. Although translocation would be used only as a last resort, in actuality, the effort would be more of a relocation, temporarily moving an animal out of harm's while construction efforts are active and animals would not likely be moved far, considering that the restoration plan will create habitat for the individual species likely to need relocation.

Please see Response to Comment No. CDFW-19 regarding acceptance of specific recommended mitigation measures at the project-level for each restoration site.

Response CDFW-17

The commenter indicates that the Program as proposed, could have an impact on fish and/or wildlife, and assessment of filing fees is necessary. The comment further states that fees are payable upon filing of the Notice of Determination by the Lead Agency.

This comment is noted, and the Lead Agency intends to pay the filing fee upon filing of the Notice of Determination.

Response CDFW-18

The commenter appreciates the opportunity to comment, requests notification of responses to said comments, and provides contact information which is noted for the record.

Response CDFW-19

The commenter is recommending a Draft Mitigation and Monitoring Reporting Plan (MMRP) that includes 43 biological resources mitigation measures (BIO1 through BIO43) to be considered for incorporation into a future environmental document for the Project.

As stated in Response to Comment No. CDFW-2, as each phase of the restoration plan is designed, further CEQA analysis at the project-level will be required and public comment will be possible at each stage. The mitigation measures developed for the PEIR are designed to both provide a baseline understanding of the resources for each phase of the restoration plan and to focus on avoidance in the restoration design where special-status species are documented. Mitigation Measures BIO1 through BIO24 proposed by the commenter include focused surveys for specific wildlife species prior to Program construction/activities. These mitigation measures are noted and will be included in the MMRP for each project-level CEQA document where appropriate.

Mitigation Measure BIO25 that is proposed by the commenter recommends that supplemental documents be provided in the appendix that discuss the impetus, design, and necessity of land bridges proposed in **Figures 5-1, 5-2, and 5-3**, *Final Alternatives*, of the Draft PEIR and provide a discussion as to how bridges would facilitate wildlife movement around the LCWC. As indicated, as each phase of the restoration plan is designed, further CEQA analysis at the project-

level will be required and public as well as responsible agencies comments will be possible at each stage.

Mitigation Measure BIO26 that is recommended by the commenter suggests including areas of non-native vegetation-dominated cover in focused surveys for special-status wildlife species dependent on grasslands/upland habitat where appropriate. As indicated in Mitigation Measure BIO8 in Section 3.3.5 of the Draft PEIR, focused surveys will be concentrated in areas that contain suitable habitat prior to LCWA's approval of the project plans or the publication of subsequent CEQA documents for any project site that potentially contains special-status species. Therefore, if it is determined that grassland/upland habitat is suitable for a particular special-status species, then such habitat would be surveyed.

The commenter recommends that a Mitigation Measure BIO27 be considered, which requires that a biological monitor be present during initial grubbing and grading operations. Mitigation Measure BIO8 in Section 3.3.5 of the Draft PEIR has been modified to require biological monitoring during ground-disturbing activities.

Mitigation Measure BIO28 presented by the commenter suggests design standards for metal fence posts to prevent injury to raptors. This suggested mitigation measure will be considered as a design feature. Moreover, as each phase of the restoration plan is designed, further CEQA analysis at the project-level will be required and the public as well as responsible agencies will be afforded an opportunity to comment.

Mitigation Measure BIO29 presented by the commenter suggests disclosing population information and impact locations for rare plants documented in the Program Area using data collected from 2012 through 2018. Due to limited access, not all of the Program areas have been surveyed because of existing ongoing operations. Additionally, because the restoration plan will be implemented over a 20-30-year period, perhaps even longer, focused surveys conducted from 2012-2018 would be clearly out-of-date by the time certain phases of the restoration plan are designed, let alone implemented. Because the extent of rare plant populations is currently unknown within the program area, focused surveyed will be conducted at the project-level for each restoration area, so that design considerations can be made to minimize impacts to individuals to the greatest extent feasible.

Mitigation Measure BIO30 presented by the commenter recommends clarifying the extent and locations of estuary seablite in the program area. **Figure 3.3-2d,** *Special-Status Plants – North Area*, and Section 3.3.2.4 c. The locations of estuary seablite in Chapter 8 and depicted in Figure 3.3-2d are based on the most recent survey conducted in 2017 by Glenn Lukos Associates, which identified 650 individuals near Steamshovel Slough. Furthermore, this is the most accurate data that has been collected. Information collected previously by Tidal Influence that depicts a polygon as mention in the comment depicts suitable habitat, not positive identification of individual plants. Lastly, the results of the 2017 survey are referenced in the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR. As required in accordance with Mitigation Measure BIO1 in Section 3.3.5, focused plant surveys will be conducted at the project-level prior to LCWA's approval of the project plans or the publication of subsequent CEQA

documents for any project site that potentially contains special-status species, so that each restoration area can be designed to minimize and/or avoid impacts to rare plants to the greatest extent feasible, as well as to establish a baseline for determining potential impacts.

Mitigation Measures BIO31 through BIO34 presented by the commenter suggests mitigation measures for rare plants and sensitive natural communities. The restoration areas will be partially self-mitigating (onsite) and where rare plants and/or sensitive natural communities may be impacted in implementing the restoration plan, they will be mitigated at an appropriate ratio. Specific mitigation ratios are added to the modified mitigation measures and it is reasonable to increase mitigation ratios for those sensitive natural communities with a higher sensitivity ranking. This is reflected in the modified mitigation measures. Moreover, restoration areas that would impact rare plants and/or sensitive nature communities will incorporate mitigation of effected rare species and sensitive communities into the design and/or will be mitigated onsite within the Program area. A Mitigation, Maintenance, and Monitoring Program and/or Restoration Plan for rare plants and sensitive vegetation communities will be prepared at the project-level for each restoration area.

Mitigation Measure BIO35 presented by the commenter recommends using the Restoration Techniques described under CDFW Comment 16 for project-level activities under the Program and include the language as a mitigation measure. The comment is acknowledged and supported. Plant transplantation is a potential mitigation technique but must be used sparingly and only when receiving site parameters are a suitable match from the donor location. This criterion has been added to Mitigation Measure BIO1 in Chapter 3.3 Biological Resources, Section 3.3.5 Project Impacts and Mitigation Measures.

Mitigation Measure BIO36 presented by the commenter recommends LCWA shall expand on the herbicide-use language in the Project Description by providing safety measures, protocols, and standards regarding herbicide use (or no herbicide use) around special-status plants, wildlife, and vegetation communities. The commenter further recommends that LCWA implement buffer zones to protect species-status species, including habitat structures, from direct herbicide contact and drift.

As stated in Chapter 2 Project Description, mechanical removal is the preferred method of removing invasive species; accordingly, invasive plant species removal would occur using mechanical methods to the maximum extent possible. Herbicides would be used in accordance with manufacturers' application guidelines for specific species when manual and mechanical removal methods are not effective and may be used in conjunction with physical removal methods for species that are known to be difficult to control. The program's restoration contractor would prepare an herbicide treatment plan for each treated invasive species, including such information as the type of herbicide to be used, application rates, and timing of treatment. Herbicides would be applied using a localized spot-treatment method and applied in a manner that would eliminate or reduce drift onto native plants, including special-status species. In all such cases, they would be used only to the extent necessary to support native plant establishment and limit adverse impacts to sensitive species and habitats. As currently stated, herbicides would not be used if wind conditions are not appropriate for application. Any use of herbicides would also

be in full accordance with any applicable rules and restrictions, including any restrictions in the City of Long Beach Local Coastal Program.

Mitigation Measure BIO37 presented by the commenter recommends controlling large areas of black mustard, ripgut brome, and poison hemlock in phases instead of removing all vegetation at one time, because non-native vegetation could support wildlife that could be displaced if non-native vegetation is completely removed and native vegetation has yet to be restored. As indicated in Chapter 2 and Mitigation Measure BIO1 within Chapter 3.3 Biological Resources, Section 3.3.5 Project Impacts and Mitigation Measures, of the Draft PEIR, vegetation would be biologically monitored prior to clearing to prevent inadvertent impacts to sensitive wildlife species, including nesting birds. Furthermore, non-native vegetation removal would occur during separate occasions for each restoration area; therefore, large swaths of vegetation will be available within the program area for wildlife that may be displaced. This includes areas that would have already been restored as well as those that have yet to be restored, including properties immediately adjacent that are outside of the program area.

Mitigation Measure BIO38 presented by the commenter suggests that LCWA address CDFW's concerns with the PEIR's jurisdictional delineation. This comment has been addressed in Response to Comment No. CDFW-6.

Mitigation Measure BIO39 presented by the commenter recommends that LCWA clarify whether the new office at the Pumpkin Patch site will conflict with restoration of the site and potentially impact Belding's savannah sparrows. This comment has been addressed in Response to Comment No. CDFW-7.

Mitigation Measure BIO40 presented by the commenter recommends that long-term conceptual plans be reevaluated, especially for the South Area to maximize vegetation community diversity, not only habitat types, including acknowledgement of upland habitat resiliency to sea level rise. This comment has been addressed in Response to Comment No. CDFW-8.

MM Mitigation Measure BIO41 presented by the commenter indicates that erecting, lowering, breaching, removing berms or flood walls after or during restoration may impact and disrupt biological resources and water flow and that LCWA shall minimize disruptive activities and consider workflows that strategically schedules landscape and waterflow altering projects for the near-term to the extent possible. This comment has been addressed in Response to Comment No. CDFW-9.

Mitigation Measure BIO42 presented by the commenter recommends addressing potential impacts to biological resources up and downstream along the San Gabriel River because the Program could lead to a drop in water level, effecting special-status aquatic wildlife species. This comment has been addressed in Response to Comment No. CDFW-10.

Mitigation Measure BIO43 presented by the commenter recommends showing where the Seal Beach Residential Project and Haynes Generating Station Intake Channel Infill Project will occur in Program maps, and implement Mitigation Measures for burrowing owl and Pacific green sea

turtle due to potential cumulative impacts. This comment has been addressed in Response to Comment No. CDFW-11.

Response CDFW-20

Responses to the referenced letter are provided above in Responses to Comments Nos. CDFW-1 to CDFW-19.

Comment Letter CSB

City of Seal Beach

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July 6, 2020

Sally Gee
Los Cerritos Wetlands Authority
100 N. Old San Gabriel Canyon Rd.
Azusa, CA 91702

RE: CITY OF SEAL BEACH COMMENTS ON DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE LOS CERRITOS WETLANDS RESTORATION PLAN (STATE CLEARING HOUSE #2019039050)

Dear Ms. Gee,

CSB-1 Pursuant to Public Resources Code Sections 21091 and 21092, and California Environmental Quality Act (CEQA) State Guidelines Sections 15105 and 15087, this letter is written in response to the Draft Program Environmental Impact Report (PEIR), State Clearinghouse No. 2019039050, for the Los Cerritos Wetlands Restoration Plan as prepared by Environmental Science Associates (ESA).

The project location is identified as an approximately 503 acre area located in the east Long Beach and north Seal Beach areas, straddling both Los Angeles County and Orange County. The program proposed to restore wetland, transitional, and upland habitats throughout the subject area. This includes construction of new public access, flood management facilities, and modification of existing infrastructure and utilities. Therefore, the proposed program will have a direct impact on property located within the City of Seal Beach. The items identified below provide comments from the City of Seal Beach.

CSB-2 Section 2.72 of the DEIR provides a summary of the phasing of restoration improvements proposed for the South Area. Of particular interest is the near-term listed activity of building a Seal Beach Visitors Center and associated parking. It is believed that conducting this activity as early as possible in this activity phase would be of great benefit in being able to educate and inform residents and visitors alike of the remediation and restoration efforts underway and those planned over the next several years. In addition, it is encouraged for the Center to also include information regarding the history of the property, including cultural history of the California Native Americans.

CSB-3 Access to the Center and associated parking should be limited to 1st Street with no direct vehicular access provided to Pacific Coast Highway. In addition, street improvements to Pacific Coast Highway should also be completed across the subject property consistent with City and CALTRANS standards, and ensure safe pedestrian and bicycle access and connectivity between 1st Street, the San Gabriel River Trail and the San Gabriel River Bridge.

Within this same section, it is identified that a new restricted trail will be constructed that will connect Gum Grove Park with the Sam Gabriel River Trail. It is noted that access will be initially

CSB-4 restricted to docent-led tours. A second restricted trail is also noted in the same section. The addition of these trails will further enhance use of Gum Grove Park and the Gum Grove Trail. Since the identified routes are within native grassland area, as identified on Figures 2-16 and 2-17, it is hopeful that the restricted use of the identified trails and overlook will be short in duration in order to promote and encourage pedestrian use of the area and connectivity between the proposed Visitors Center and Gum Grove Park. However, efforts should be made to limit placing the proposed trails in close proximity to the established adjacent residences to the south.

CSB-5 Sections 2.7.2.5 and 3.16.5 note the City's existing waterline within the South Area, more specifically with the existing 1st Street road area. It is identified in the PEIR that the City intends to reline the existing waterline, which is scheduled to occur within the next 18-24 months. In addition to notifying OCWD and LBWD prior to ground disturbance, the City of Seal Beach requests being notified as well. It is requested that notification of at least 30 days be provided for any disturbance that would result in disruption of water service.

CSB-6 In general, it is appreciated that impacts to Seal Beach have been carefully considered, including certain mitigation measures that ensure minimal impact, if any, during construction activity. Of particular interest is construction impacts associated with air quality, noise and transportation. The applicable chapters of the PEIR represent impacts to be negligible with the proposed identified mitigation measures. With the phasing of work spanning greater than 20 years, it is imperative that communication between the Los Cerritos Wetland Authority (LCWA) and the City remain strong, including occasionally revisiting the PEIR with regard to schedule and assurance that all applicable mitigation measures are being implemented.

CSB-7 Thank you for the opportunity to comment. Should you have any questions in regard to our comments or wish to further discuss, please do not hesitate to contact me.

Sincerely,

Les Johnson
Community Development Director

C: Jill Ingram, City Manager
Steve Myrter, Public Works Director
Iris Lee, Deputy Dir. of Public Works/City Engineer

CSB-8

From: Les Johnson
To: Sally Gee
Subject: City of Seal Beach Comment Letter - Draft PEIR for Los Cerritos Wetlands Restoration Plan
Date: Monday, July 6, 2020 3:39:03 PM
Attachments: PEIR Comment Letter 7-6-20.pdf

Ms. Lee,
Please find attached to this email written comments from the City of Seal Beach with regard to the Draft Program Environmental Impact Report for the Los Cerritos Wetlands Restoration Plan. Should you have any questions, comments or wish to discuss, please do not hesitate to contact me. Thank you.

Les Johnson
Community Development Director
City of Seal Beach – 211 Eighth Street, Seal Beach, CA 90740
(562) 431-2527, Ext. 1313

Civility Principles:

1. Treat everyone courteously;
2. Listen to others respectfully;
3. Exercise self-control;
4. Give open-minded consideration to all viewpoints;
5. Focus on the issues and avoid personalizing debate; and,
6. Embrace respectful disagreement and dissent as democratic rights, inherent components of an inclusive public process, and tools for forging sound decisions.

For Information about Seal Beach, please see our city website: www.sealbeachca.gov

City of Seal Beach, July 6, 2020

Comment Letter CSB

Response CSB-1

The commenter acknowledges receipt of the Draft PEIR and provides a summary of the proposed program. Specific comments regarding the Draft PEIR are provided and responded to below.

Response CSB-2

The commenter expresses support for the proposed Seal Beach Visitors Center to be completed as early as possible and that it should include cultural history of the California Native Americans. The LCWA will work with the City of Seal Beach to determine a timeline for the proposed Visitors Center and ensure that the interpretive aspects of the center accurately represent the cultural history of California Native Americans with input from those tribes that LCWA consulted with during the preparation of this PEIR.

Response CSB-3

The commenter indicates that access and parking for the Seal Beach Visitor Center should be limited to 1st Street and that necessary improvements be made to ensure safe public access. Chapter 2 *Project Description,* of the Draft PEIR states that parking and access would be along 1st Street only. The LCWA will work with the City of Seal Beach to determine all necessary improvements to ensure visitor safety.

Response CSB-4

The commenter expresses concern for the length of the proposed trails on the South LCWA Site and suggests they should not be placed near the adjacent residences. All efforts will be made to ensure the location of the trails do not disrupt nearby residents while promoting use of Gum Grove Park and the proposed Visitors Center.

Response CSB-5

The commenter requests that the City Seal Beach be notified prior to any ground disturbance and be given 30 days-notice in advance of disruption to water service. As presented in Table 2-18, the LCWA would be required to acquire a site plan review and grading and encroachment permits for any work done in the City of Seal Beach. As part of this permitting process, advance notice would be provided to the City.

Response CSB-6

The commenter recognizes the numerous mitigation measures being put in place to reduce construction impacts and requests that the LCWA maintain regular communication with the City of Seal Beach throughout all phases of the program. The City of Seal Beach is a member of the LCWA Steering Committee and an appointed board member of the LCWA. Communication with Seal Beach will continue throughout all phases of the program implementation.

Response CSB-7

The commenter provides a general conclusion statement and does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response CSB-8

Responses to the referenced letter are provided above in Responses to Comments Nos. CSB-1 to CSB-7.

Comment Letter LASD

LOS ANGELES COUNTY SANITATION DISTRICTS
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

July 6, 2020
Ref. DOC 5720951

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

Dear Ms. Gee:

Draft PEIR Response for Los Cerritos Wetlands Restoration Plan

LASD-1 The Los Angeles County Sanitation Districts (Districts) received a Draft Program Environmental Impact Report (PEIR) for the subject project on May 11, 2020. The proposed project areas within the Districts' sphere of influence are located within the jurisdictional boundary of District No. 3. Previous comments submitted by the Districts in correspondence dated April 3, 2019 (copy enclosed) still apply to the subject project with the following comments:

LASD-2 1. 2.2.3 Project Areas, *page 2-6*, North Area paragraph – The Districts maintain sewerage facilities within this portion of the project area, predominantly within the Southern Synergy Oil Field Site, that may be affected by the proposed project. Approval to construct improvements within a Districts' sewer easement and/or over or near a Districts' sewer is required before construction may begin. For a copy of the Districts' buildover procedures and requirements go to www.lacsd.org, under Services, then Wastewater Program and Permits and select Buildover Procedures.

LASD-3 2. City of Long Beach, *page 3.16-5*, first paragraph – The Districts are named as the wastewater services provider for the program areas and state this includes "the current practice of accepting produced water from oil extraction on the program area." These project areas may require an amendment to a Districts' permit for Industrial Wastewater Discharge. Project developers should contact the Districts' Industrial Waste Section in order to reach a determination on this matter. If this update is necessary, project developers will be required to forward copies of final plans and supporting information for the proposed project to the Districts for review and approval before beginning project construction.

LASD-4 All information concerning Districts' facilities and sewerage service contained in the document is current. If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717 or at araza@lacsd.org.

Very truly yours,

Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:ar
Enclosure
cc: D. Thomas
J. Kilgore

Comment Letter LASD

COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

GRACE ROBINSON HYDE
Chief Engineer and General Manager

April 3, 2019

Ref. Doc. No.: 4959987

LASD-5

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

Dear Ms. Gee:

NOP for Los Cerritos Wetlands Restoration Plan

The Sanitation Districts of Los Angeles County (Districts) received a Notice of Preparation of a Draft Environmental Impact Report (NOP) for the subject project on March 12, 2019. The majority of the proposed project area is located within the jurisdictional boundaries of District No. 3. We offer the following comments:

1. The proposed project may impact existing and/or proposed Districts' facilities (e.g. trunk sewers, recycled waterlines, etc.) over which it will be constructed. Districts' facilities are located directly under and/or cross directly beneath the proposed project alignment. The Districts cannot issue a detailed response to or permit construction of, the proposed project until project plans and specification that incorporate Districts' facilities are submitted for our review. To obtain copies of as-built drawings of the Districts' facilities within the project limits, please contact the Districts' Engineering Counter at engineeringcounter@lacsd.org or (562) 908-4288, extension 1205. When project plans that incorporate our facilities have been prepared, please submit copies of the same to the Engineering Counter for our review and comment.

2. Availability of sewer capacity depends upon project size and timing of connection to the sewerage system. Because there are other proposed developments in the area, the availability of trunk sewer capacity should be verified as the project advances. Please submit a copy of the project's build-out schedule to the undersigned to ensure the project is considered when planning future sewerage system relief and replacement projects.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,

Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:ar

cc: Engineering Counter
A. Howard

DOC 4994105.D03

LASD-6

From: Raza, Adriana
To: Sally Gee
Subject: Los Cerritos Wetlands Restoration Plan
Date: Monday, July 6, 2020 3:14:10 PM
Attachments: image001.png
image006.png
image007.png
Los_Cerritos_Wetlands_Restoration_Plan.pdf

Sally,

Attached please find a pdf copy of the Draft PEIR Response letter for the subject project. Because of the stay at home order, an original hard copy will not be mailed to your attention. After the order has been lifted, please contact me at the information below if you will require a hard copy for your records.

Adriana Raza
Customer Service Specialist | Facilities Planning Department
562-908-4288 ext. 2717 | araza@lacsd.org

LOS ANGELES COUNTY SANITATION DISTRICTS
Converting Waste Into Resources | www.LACSD.org

Los Angeles County Sanitation District, July 6, 2020

Comment Letter LASD

Response LASD-1

The commenter acknowledges receipt of the Draft PEIR by the Los Angeles County Sanitation District. The commenter notes that previous comments were submitted by the Los Angeles County Sanitation District that still apply and are enclosed with the letter. The enclosed comments note that Los Angeles County Sanitation District cannot provide a detailed response or permit construction until project plans and specification that incorporate the Los Angeles County Sanitation District facilities are submitted for review. The enclosed comments also note that trunk sewer capacity should be verified as the project advances.

In response to the enclosed comments, project plans will be prepared as part of individual restoration projects subsequent to the preparation of this PEIR and will be submitted to Los Angeles County Sanitation District for review.

Additional specific comments regarding the Draft PEIR are provided and responded to below.

Response LASD-2

The commenter notes that an approval to construct improvements within a Districts' sewer easement and/or over or near a Districts' sewer is required before construction may begin. As shown in **Table 2-17**, *Required Permits and Approvals*, of the Draft PEIR, permits/approvals from multiple agencies, including Los Angeles County Sanitation District would be obtained as necessary according to specific detailed designs for the proposed restoration activity. These permits/approvals would be determined on a project level basis and subsequent to the preparation of this PEIR.

Response LASD-3

The commenter notes that the project areas may require an amendment to a Districts' permit for Industrial Wastewater Discharge. Permits and approvals (including an amendment to an existing permit) would be obtained as necessary according to specific detailed designs for the proposed restoration activity. These permits/approvals would be determined on a project level basis and subsequent to the preparation of this PEIR.

Response LASD-4

The commenter provides contact information and is noted for the record.

Response LASD-5

The commenter is including a prior letter submitted in response to the Notice of Preparation. Responses to the referenced letter are provided in Responses to Comments Nos. LASD-1.

Response LASD-6

Responses to the referenced letter are provided above in Responses to Comments Nos. LASD-1 – LASD-5.

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

JENNIFER LUCCHESI, *Executive Officer*
(916) 574-1800 *Fax* **(916) 574-1810**
California Relay Service TDD Phone **1-800-735-2929**
from Voice Phone **1-800-735-2922**

Contact Phone: **(916) 574-1890**

Established in 1938

July 6, 2020

File Ref: SCH #2019039050

Sally Gee
Los Cerritos Wetlands Authority
100 N. Old San Gabriel Canyon Rd.
Azusa, CA 91702

VIA ELECTRONIC MAIL ONLY (sgee@rmc.ca.gov)

Subject: Draft Program Environmental Impact Report (PEIR) for the Los Cerritos Wetlands Restoration Plan, East Long Beach and North Seal Beach areas, Los Angeles County and Orange County

Dear Ms. Gee:

SLC-1 The California State Lands Commission (Commission) staff has reviewed the subject Draft PEIR for the Los Cerritos Wetlands Restoration Plan (Program), which is being prepared by the Los Cerritos Wetlands Authority (LCWA). The LCWA, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect sovereign land and their accompanying Public Trust resources or uses. Additionally, because the Project involves work on sovereign land, the Commission will act as a responsible agency.

Commission Jurisdiction and Public Trust Lands

SLC-2 The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited

SLC-2 Cont.

to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Lease 9005.9, a General Lease – Public Agency Use (Lease), was issued to the LCWA by the Commission for use of a parcel of state-owned sovereign land located in the city of Seal Beach, adjacent to Pacific Coast Highway, the San Gabriel River channel, and 1st Street. Under the Lease, the LCWA is currently authorized to perform debris clean-up, invasive species abatement, and conduct escorted and supervised public education programs within the parcel. The Draft PEIR proposes to construct a visitor center and parking area within the existing lease area. As these uses are not currently authorized and the existing lease will expire on August 13, 2022, the LCWA will need to apply for a new lease from the Commission for any proposed construction activities and uses planned for the State Lands parcel. As part of that application, a detailed project description, including construction drawings with a site plan, will be required.

Please note that the State Lands parcel is subject to four other leases with authorizations for various uses: Lease 3154.9, a General Permit – Public Agency Use to the city of Los Angeles Department of Water and Power for a water intake structure; PRC 5283.9, a General Permit – Public Agency Use to the city of Seal Beach for a bicycle trail and transportation corridor, and appurtenant improvements; Lease 5981.1, a Right-of-Way Easement to the Southern California Edison Company for an overhead transmission line; and Lease 8726.9, a General Lease – Public Agency Use to the Orange County Flood Control District for access to the Los Alamitos Retention Basin. To ensure there are no conflicting uses proposed with any existing lessees, the LCWA will be required to obtain letters of concurrence from each lessee acknowledging and agreeing to any proposed construction activities and uses within the parcel.

Project Description

The purpose of the Draft PEIR is to identify the significant environmental impacts of the proposed program, to identify alternatives to the proposed program, and to indicate the manner in which those significant effects could be mitigated or avoided. It serves as a first-tier environmental document and the foundation for subsequent CEQA analysis.

SLC-3

The goals and objectives of the proposed Program would:

- Restore tidal wetland processes and functions to the maximum extent possible
- Maximize contiguous habitat areas and maximize the buffer between habitat and sources of human disturbance.
- Create a public access and interpretive program that is practical, protective of sensitive habitat and ongoing oil operations, economically feasible, and will ensure a memorable visitor experience.
- Incorporate phasing of implementation to accommodate existing and future potential changes in land ownership and usage, and as funding becomes available.

- Strive for long-term restoration success.
- Integrate experimental actions and research into the project, where appropriate, to inform restoration and management actions for this project.

From the Program Description, Commission staff understands that the Program would include the following component that has the potential to affect State sovereign land:

SLC-3 Cont.

- Potential public access improvements and visitor amenities - would include building a Seal Beach Visitor Center and associated parking on an existing raised building pad on the State Lands Parcel site in the South area within the next 10 years.

The Draft PEIR identifies Alternative 2 as the Environmentally Superior Alternative. This alternative would reduce impacts to biological resources, greenhouse gas emissions, and energy use, but does not reduce impacts related to air quality, cultural and tribal resources, and noise and vibration.

Environmental Review

Commission staff requests that the LCWA consider the following comments on the Project's Draft PEIR to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the PEIR and subsequent environmental documents to support a future lease approval for the Program.

General Comments

SLC-4

1. Public Agency Approvals: Table 2-18 states that the approval required by the Commission would be an encroachment permit. However, the Programs construction would require a lease from the Commission, not an encroachment permit. Staff requests that the correct approval be reflected in the table.

Project Description

SLC-5

2. The Program (per page 2-34 of the PEIR) includes the construction of a Seal Beach Visitor Center and associated parking on an existing raised building pad on the State Lands parcel site as shown in black on Figure 3.3-1a. However, it is unclear how the remainder of the parcel would be used. Figure 2-12 includes a call-out that reads "raise the building pad" and only depicts restoration activities on the eastern side of the parcel, yet Figure 2-16 shows pathways through the central and western portions of the parcel. Commission staff request that further detail be provided as to the buildout of the State Lands parcel (also see Comment #3 below for additional remarks).

Biological Resources

3. Depending on the proposed layout for the visitor center and parking noted in Comment #2, the facility could destroy areas designated as potential Environmentally Sensitive Habitat Areas (ESHA) as shown in Figure 3.3-3a. This

SLC-6 area also contains special-status plants, chiefly Lewis' evening primrose and Southern tarplant. Commission staff request that the Commission be included in discussions with the California Coastal Commission (CCC) in regard to ESHA determinations and that the detail requested above also include whether (per Mitigation Measure [MM] BIO-1), revegetation of special-status plant species would occur on the State Lands parcel.

Climate Change

4. Sea-Level Rise. A tremendous amount of State-owned lands and resources under the Commission's jurisdiction will be impacted by rising sea levels. Because of their nature and location, these lands and resources are already vulnerable to a range of natural events, such as storms and extreme high tides.

   Governor Brown issued Executive Order B-30-15 in April 2015, which directs state government to fully implement the Safeguarding California Plan and factor in climate change preparedness in planning and decision making. The Safeguarding California Plan sets forth "actions needed" to safeguard ocean and coastal ecosystems and resources as part of its policy recommendations for state decision-makers. In addition, the State of California released the 2018 Update to the Safeguarding California Plan in January 2018 to provide policy guidance for state decision-makers
SLC-7 as part of continuing efforts to prepare for climate risks.

   Please note that when considering lease applications, Commission staff will (1) request information from applicants concerning the potential effects of sea-level rise on their proposed projects, (2) if applicable, require applicants to indicate how they plan to address sea-level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea-level rise, including adverse impacts on public access.

   As noted above, Commission staff will require details of how the Program complies with the Safeguarding California Plan, and how the proposed visitor center facilities on state lands would address the potential effects of sea-level rise. Under Section 3.6.2.2 (page 3.6-3) of the Draft PEIR, it states "Adaptation strategies are not included in this report directly, but the project design did consider sea level rise." A sea-level rise analysis was included in Appendix H (*Hydrodynamic Modeling Technical Report*) to the PEIR; however, this data was not carried forward into the PEIR, nor was the Appendix referenced in Section 3.6.2.2. Commission staff suggest that a summary of this information be included in the Draft PEIR, or at minimum, a reference to Appendix H added to more easily direct the public to the data.

Tribal Cultural Resources and Consultation

5. Consultation and outreach on the Program began on June 17, 2019. California Native American Tribes who consulted with LCWA pursuant to AB 52 indicated that

SLC-8

the Program area is culturally sensitive and important, and expressed support for the restoration of the wetlands. The Tribes also provided input on several cultural MMs, which was incorporated.

The Program includes areas that, during review of the 2019 Los Cerritos Wetlands Oil Consolidation and Restoration Project (Oil Consolidation Project, which is a separate project whose lands are also included in the Program area), were identified by Tribal representatives (Gabrieleno Band of Mission Indians - Kizh Nation) as a Tribal cultural landscape. The Gabrieleno-Tongva San Gabriel Band of Mission Indians, as well as a member of the Juaneño Band of Mission Indians, Acjachemen Nation also participated in consultation on that project and described the Oil Consolidation Project site as "Sacred Lands that are part of a larger area of connected tribal sites that constitute a Tribal Cultural Landscape that may be eligible for listing by the National Register as a Tribal Cultural Property." The LCWA also notes, however, that the area "was not and has not since been formally documented or evaluated for listing in the National Register or California Register." (Draft PEIR page 3.15-7)

Notwithstanding the fact that the PEIR area has not been evaluated for eligibility for the State or National Registers, CEQA provides discretion to lead agencies to determine and define a Tribal Cultural Resource. Given that during previous projects in the area numerous prehistoric burials and various artifacts were discovered, and as a result of Consultation the Tribes communicated the importance of the area to tribal culture and history, Commission staff agrees with the LCWA's "determination to treat this tribal cultural landscape as a historical resource for the purposes of this PEIR[.]" (Draft PEIR page 3.4-28). Staff suggests, however, that the LCWA clarify or provide a footnote of explanation under Impact TRI-1 to prevent confusion by the reader. Impact TRI-1 concludes that no mitigation is required because "This tribal cultural landscape has not been formally documented, geographically defined, nor has it been evaluated for listing in the California Register or for listing in a local register of historical resources. As such, no impacts would occur." While this is a technically true statement given that the area has not officially been listed or determined eligible, the LCWA has determined the cultural landscape to be a significant Tribal Cultural Resource. Consider adding text to this section making this important distinction and pointing the reader to the analysis and conclusion contained in the Impact TRI-2 section that follows.

The Draft PEIR concludes that even with the implementation of MMs, some archaeological resources that contribute to the landscape's significance as a Tribal cultural resource would not be avoided or preserved in place; therefore, impacts to Native American or prehistoric archaeological resources that convey the significance of the Tribal cultural landscape are considered significant and unavoidable. Continued engagement and Consultation with the affected tribes as project level analyses proceed will be critical to ensuring Native heritage and culturally important natural resources. Commission staff encourage LCWA to strive for full implementation of all mitigation measures that describe Tribal co-management of the

SLC-8 Cont.

restoration areas including incorporating Tribal input on native vegetation and habitats.

Generally speaking, for a program level document, Commission staff understands the determination that changes to the significance of Tribal cultural resources are significant and unavoidable, given the reasonable uncertainty that exists at this tier. Staff suggests, however, that LCWA develop and describe how various *project level* CEQA documents tiered from this PEIR could feasibly incorporate the identified mitigation measures such that individual projects may not have a significant and unavoidable effect. Presenting a clearer roadmap in this document would greatly enhance the LCWA's substantial evidence that the measures in the PEIR represent all feasible ways to reduce and avoid effects.

SLC-9

6. Title to Resources: The PEIR should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on state parcels, or in the tide and submerged lands of California, is vested in the State and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). Commission staff requests that the LCWA consult with Staff Attorney Jamie Garrett should any cultural resources on state lands be discovered during construction of the proposed Project. In addition, Commission staff requests that the following statement be included in the EIR's Mitigation and Monitoring Plan: "The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the California State Lands Commission must be approved by the Commission."

SLC-10

Thank you for the opportunity to comment on the Draft PEIR for the Project. As a responsible and trustee agency, the Commission will need to rely on the certified PEIR for the issuance of any lease as specified above and, therefore, we request that you consider our comments prior to certification of the PEIR. Please send copies of future Project-related documents, including electronic copies of the Final PEIR, Mitigation Monitoring and Reporting Program, Notice of Determination, CEQA Findings and, if applicable, Statement of Overriding Considerations, when they become available. Please refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or cynthia.herzog@slc.ca.gov. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Staff Attorney Jamie Garrett, at (916) 574-0398 or jamie.garrett@slc.ca.gov. For questions concerning Commission jurisdiction, please contact Drew Simpkin, Public Lands Management Specialist, at (916) 574-2275 or drew.simpkin@slc.ca.gov.

Sincerely,

Eric Gillies, Acting Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
C. Herzog, Commission
J. Garrett, Commission
L. Calvo, Commission
D. Simpkin, Commission

SLC-11

From: Herzog, Cynthia@SLC
To: Sally Gee
Cc: Simpkin, Drew@SLC; Garrett, Jamie@SLC; Calvo, Lucinda@SLC; OPR State Clearinghouse
Subject: SCH #2019039050 Comments on the Draft PEIR for the Los Cerritos Wetlands Restoration Plan
Date: Monday, July 6, 2020 4:23:57 PM
Attachments: image001.png
image002.png
image003.png
image004.png
2019039050 Los Cerritos PEIR Ltr.pdf

Ms. Gee:

Please find attached, our comment letter on the Draft PEIR for the Los Cerritos Wetlands Restoration Plan. Feel free to contact me with any questions.

Sincerely,
Cyndi Herzog

Cynthia Herzog, Senior Environmental Scientist
CALIFORNIA STATE LANDS COMMISSION
Division of Environmental Planning and Management
100 Howe Avenue, Suite 100-South | Sacramento | CA 95825
Phone: 916.574.1310 | Email: Cynthia.Herzog@slc.ca.gov

California State Lands Commission, July 6, 2020

Comment Letter SLC

Response SLC-1

The commenter acknowledges receipt of the Draft PEIR by the California State Lands Commission and states that it will act as a Responsible Agency. Specific comments regarding the Draft PEIR are provided and responded to below.

Response SLC-2

The commenter provides background on the State Lands Commission jurisdiction and management authority and the public trust doctrine. The commenter references an existing lease agreement between the State Lands Commission and the LCWA and allowed activities under the agreement for the State Lands Parcel located in the City of Seal Beach. The commenter notes that LCWA will need to apply for a new lease to authorize new activities and uses described for the proposed program. The commenter also notes that there are four other leases with authorizations for various uses with other entities and that LCWA will need to obtain letters of concurrence with these other lessees acknowledging and agreeing to proposed construction activities and uses within the parcel. In response, LCWA will apply for a new lease and obtain letters of concurrence subsequent to the preparation of this PEIR as part of project-level planning.

Response SLC-3

The commenter provides a summary of the proposed program relative to the State sovereign land, and the PEIR goals and objectives, and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SLC-4

The commenter notes that **Table 2-18**, *Required Permits and Approvals of the Draft PEIR*, shows a requirement for an encroachment permit from the State Lands Commission when in fact a lease from the State Lands Commission would be required. Table 2-18 has been modified to indicate that a lease would be required.

Response SLC-5

The commenter suggests including further detail on the buildout of the State Lands parcel. This detail has not been developed as part of the program, but would be developed in more detail at the project-level.

Response SLC-6

The commenter states that depending on the proposed layout of the visitor's center, populations of special-status plants could be impacted and consultation with both the State Lands Commission and Coastal Commission would be required regarding ESHA mitigation measures. The details of the footprint of the visitor's center have not been developed as part of the program, but would be developed in more detail during project-level planning. However, the visitor's center is intended to be located on the existing foundation slab that currently is un-vegetated.

Any proposed development of the site would require the LCWA to coordinate with the State Lands Commission who is the current owner of property as well as all lessees who include the City of Seal Beach. All proposed mitigation measures for the program would be applicable to the State Land Commission's property and therefore mitigation for impacts to special status species would be required. Coastal Commission has jurisdiction over this property and would be a permitting agency.

Response SLC-7

The commenter provides information on some of the State guidance documents regarding sea-level rise and climate change. The comment notes that Commission staff will request info on the potential effects of sea-level rise on the program, the planned adaptation strategies, and program modifications to reduce impacts from sea-level rise, with a focus on public access. Hydrodynamic modeling of the program under sea-level rise conditions is presented in Appendix H of the Draft PEIR. This information will be used at the project-level to further analyze impacts due to sea-level rise and potential adaptations or project modifications.

The comment also notes that the sea-level rise modeling presented in Appendix H was not referenced in Chapter 3.6, Greenhouse Gas Emissions, Section 3.6.2.2 and suggests including the information or a reference in this Section. The text within Section 3.6.2.2 has been revised, please refer to Chapter 3.6, Greenhouse Gas Emissions of the Draft PEIR.

Response SLC-8

The commenter states that the analysis under Impact TRI1 requires clarification since the tribal cultural landscape was determined to be a tribal cultural resource by LCWA, in its discretion and supported by substantial evidence, and as such is analyzed under Impact TRI2. In response to this comment, clarifying text was added under Impact TRI1 in Chapter 3.14 Transportation, Section 3.14.5 Project Impacts and Mitigation Measures of the Draft PEIR.

Response SLC-9

The commenter states that title to cultural resources on state lands is vested in the State. The commenter requests that LCWA consult with Staff Attorney Jamie Garrett regarding any cultural resources discoveries on state lands and that text be included in the PEIR indicating that final disposition of archeological, historical, and paleontological resources recovered on state lands must be approved by the California State Lands Commission.

In response to the first request in this comment, Mitigation Measure CUL14 has been revised. In response to the second request in this comment, Mitigation Measure CUL-15 has been revised. Please refer to Chapter 3.4 Cultural Resources, Section 3.4.5 Project Impacts and Mitigation Measures for revisions to the Draft PEIR.

Response SLC-10

The commenter requests that any future project level documents be sent to the agency. The commenter also provides contact information and is noted for the record.

Response SLC-11

Responses to the referenced letter are provided above in Responses to Comments Nos. SLC-1 to SLC-10.

Comment Letter CCC

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY GAVIN NEWSOM, GOVERNOR

CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071

August 6, 2020

Attn: Sally Gee
Los Cerritos Wetlands Authority
100 N. Old San Gabriel Canyon Road
Azusa, CA 91702

Re: Draft PEIR for Los Cerritos Wetlands Restoration Plan
State Clearinghouse No. 2019039050
Coastal Commission Staff Comments

Dear Ms. Gee:

CCC-1 Commission staff appreciates the opportunity to review and provide comment on the Draft Program Environmental Impact Report (PEIR) for the Los Cerritos Wetlands Restoration Plan (Plan). The following comments address, in a preliminary manner, the issue of the proposed plan's consistency with the Chapter 3 policies of the California Coastal Act of 1976. This letter is an overview of the main issues Commission staff has identified at this time based on the information presented. We request notification of future drafts of the Plan and look forward to collaborating with the LCWA as the Plan and EIR are developed.

CCC-2 Regarding the coastal jurisdictions represented, the PEIR is correct in stating that the entire program area is within the coastal zone and includes areas within both the City of Long Beach and the City of Seal Beach. As described in the PEIR, the City of Seal Beach does not have a certified Local Coastal Program (LCP). Thus, the Coastal Commission is responsible for processing coastal development permits (CDPs) for development projects within the coastal zone in Seal Beach and making determinations of the consistency of such projects with the Chapter 3 policies of the Coastal Act. As also stated in the PEIR, the City of Long Beach has a certified LCP, which is the standard of review for projects within the City's permit jurisdiction area. A large portion of the site, however, is currently within the Coastal Commission's retained permit jurisdiction area where the standard of review is Chapter 3 of the Coastal Act. The PEIR, however, does not acknowledge that within the Commission's retained jurisdiction area, the certified LCP can provide guidance as to a project's consistency with Chapter 3 of the Coastal Act.

CCC-3 Staff would also note that the coastal jurisdictions, and accordingly the standard of review for projects, described in the PEIR are subject to change upon, for example, the Commission's certification of the Southeast Area Specific Plan (SEASP) in the City of Long Beach which has been submitted to the Commission for review. Additionally, the City of Seal Beach has prepared a draft Coastal Land Use Plan, which if approved by the Commission, may provide guidance for the proposed project.

CCC-4

It is unclear how the Restoration Plan described in the subject PEIR is intended to be implemented from a Coastal Act perspective. Does the LCWA intend to submit the Plan to the Commission for certification as a Public Works Plan (PWP), a specific plan amendment to the City of Long Beach LCP, or obtain multiple CDPs from various jurisdictions? In any case, all development[1] projects in the program area, which can include maintenance work, require a coastal development permit pursuant to the Coastal Act and Commission's regulations or under the City of Long Beach's certified LCP. Given the complexity of this wetland ecosystem and the sensitive coastal resources present within, additional and more thorough project review will be required as a part of necessary future CDP to implement the proposed restoration project and associated development of trails and public amenities. Thus, additional environmentally sensitive habitat area determinations, wetland delineations, biological surveys, coastal hazards analyses, and alternatives analyses, among other information requests may be required in association with project-specific CDP applications.

CCC-5

The remainder of Commission staff's comments are organized in the order presented in the Draft PEIR.

Executive Summary

[ES-7] Please ensure that the proposed program is consistent with all conditions of CDP No. 9-18-0395 (Beach Oil Minerals and LCWA).

CCC-6

[ES-12] Throughout the PEIR, one of the flood risk and storm management strategies described is the construction of earthen levees and berms or flood walls. The impacts to coastal resources associated with the installation of earthen levees or berms and flood walls can be quite different. Please explore these differences as part of the impact analysis and clarify which project elements might trigger the use of one form of protection over the other. In addition, there are alternative flood wall designs that could minimize impacts to coastal resources by providing additional habitat area and/or public access and recreation opportunities.

CCC-7

[ES-20] With regard to the management of cut and fill material, impacts associated with the source and deposition of material and compatibility of the material with the receiving sites should be analyzed. Stockpiles of surplus material should avoid being

[1] The definition of development is stated in Section 30106 of the California Coastal Act of 1976 and reads as follows: "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

CCC-7 cont.

sited in locations where impacts to coastal resources, including but not limited to wetlands, environmentally sensitive habitat areas, public access, and coastal views, could occur. The PEIR should also consider placement of surplus soils on local beaches, if clean and compatible.

CCC-8

[ES-23] Regarding the development and implementation of an adaptive management plan, it appears that: (a) program-wide baseline monitoring will be conducted prior to refinement of the restoration design and application for individual projects; (b) performance criteria will be developed; (c) subsequent monitoring will be conducted on a project-by-project basis; and (d) evaluation of project success based on meeting performance goals will, in turn, inform future projects. For baseline monitoring, some monitoring methods may constitute development and would, thus, require a CDP or, if included in a LCP (or PWP) application, would need to be described in more detail than provided in the PEIR. In addition, the performance criteria should be included in a LCP or PWP application. Furthermore, the PEIR does not describe the governance structure that would facilitate evaluation and adaptive management programs. These details should be included in the PEIR to ensure potential impacts of program-related development are minimized.

CCC-9

[ES-25] It should be clear that the preferred alternative will *avoid* impacts to coastal resources to the maximum extent feasible and where avoidance is not possible, given the goal of maximum wetland restoration at the site, any impacts will be mitigated. For example, any proposed development, including access improvements, will be sited and designed to avoid impacts to coastal resources and, if infeasible, will be sited and designed to minimize impacts to the maximum extent feasible. If the two alternatives considered do not accomplish this, then additional alternatives should be considered. Section 30233 of the Coastal Act requires that dredging or grading (even for restoration purposes) of wetlands shall only be permitted when demonstrated to be the least environmentally damaging alternative and where mitigation measures are provided to minimize adverse effects. If only two alternatives are explored, how can a reasonable determination of the least environmentally damaging alterative be made if there are other feasible alternatives that have not been explored? Please explore alternatives or sub-alternatives which reduce dredging and grading, especially in existing wetlands, areas with native plants that support habitat, and areas where cultural resources exist.

Chapter 2. Project Description

2.5 Los Cerritos Wetlands Restoration Plan Goals and Objectives

CCC-10

[2-25] Goal 2(c) suggests that the edges of the LCW Complex should be designed to be compatible with neighboring land uses. In many cases, industrial, commercial, and residential development neighbor the site. Maximum restoration and protection of coastal resources should be prioritized over compatibility with such development. Please analyze alternatives which allow the LCW complex to expand into buffer areas between the existing wetland and existing and planned development. Please refer to the Long Beach Draft SEASP Plan, which requires such buffer areas and setbacks from future development, including natural drainages rather than armored berms.

CCC-11

[2-26] Section 30210 of the Coastal Act requires maximum access and recreational opportunities for all people. While Goal 3 does encourage public access and recreation in the wetlands complex in a manner that is protective of sensitive habitat, the language used in the goal—encouragement of access if "practical" and "economically feasible"—could restrict the benefits of such coastal access and recreation only to members of "the surrounding community." The LCWA should amend the goal to encourage equitable access to the LCW Complex and diverse, equitable, and inclusive community engagement. Commission staff suggests that PEIR consider Coastal Act Section 30214 and regulate public access depending on the fragility of the resources, both environmentally sensitive resources and tribal cultural resources, while not limiting considerations to economic feasibility. Access should also be planned around bus stops, sidewalks, and roads that may be accessed by a broader group of the public than just the surrounding residents.

CCC-12

In addition, Goal 3 fails to highlight the existing relationship between Native Americans and this coastal area that must be acknowledged, respected, and preserved. Through comment letters, it appears as though affected Native American Tribal Governments did not participate in designing the proposed restoration program. One way to address this would be to invite Tribal members to help define "restoration success," which is the subject of Goal 5, and coordinate a plan that is representative of Tribal Interests, to the maximum extent feasible, to ensure that impacts are avoided, minimized, or mitigated in conformity with the Coastal Act and other applicable legal requirements. As such, this would necessitate that Tribes meaningfully participate in the decision-making process and dialogue regarding program alternatives that are mutually beneficial to Tribal Interests and protecting our coastal resources. It is our understanding that the wetlands and surrounding sites have been listed as Sacred Lands with the Native American Heritage Commission by the local tribal governments. There is some mention of working with Tribal Governments on the creation of interpretative signage and displays, but in the context of Goal 3 when considering public access, has the option been explored to reserve a portion of the site for sacred and ceremonial purposes that is not available to the general public but is available for use by affected Tribes? Additionally, the EIR should analyze project alternatives which avoid dredging or grading in areas that have sensitive Tribal resources.

2.6 Land Use and Zoning Designations

CCC-13

[2-27] Our staff would note that the City of Long Beach (2019) Land Use Element (source of the land uses depicted in Figure 2-9) is not part of the City's certified LCP. The Coastal Commission certified a different land use map (Southeast Area Development Plan), which the City has since amended but has not been certified by the Coastal Commission.

2.7.1.3 Flood Risk and Stormwater Management

CCC-14

[2-33] This section should include a description of how restoration projects will consider best available science and mitigate potential climate-related impacts, including but not limited to impacts resulting from sea level rise, in the refinement of

restoration project design. The EIR should analyze project alternatives capacity to adapt to sea level rise and retain the functional value of the wetland.

2.7.8.3 Perimeter Levees and Berms

CCC-15 [2-82] This suggestion suggests that levee access roads and trails would require repaving. It is unclear whether repaving suggests that the road and trails are proposed to be hardscaped. If so, the EIR should note that there are potential alternatives that may be less environmentally damaging. Specifically, the EIR should analyze the potential for natural drainage areas and wetland buffers from development, which may be adjusted over time.

2.7.8.7 Parking Lots

CCC-16 [2-83] Parking rates can affect public access to the LCW Complex and, accordingly, recreation opportunities. Thus, the proposed parking fee structure should be described and analyzed. The fee schedule, hours, and location of parking lots should prioritize wetland and coastal visitors over residents of nearby neighborhoods and the commercial developments.

2.8 Required Approvals

CCC-17 [2-83] The PEIR states: “restoration activities associated with more detailed design would require discretionary approval from multiple agencies.” As mentioned previously, all development (as defined in the Coastal Act) in or immediately adjacent to wetlands and environmentally sensitive habitat areas requires a CDP unless the development is determined to be exempt.

CCC-18 [2-84] Table 2-18 states that the approval needed from the Coastal Commission in the City of Long Beach is a Consolidated CDP. As stated previously, projects located within the City’s permit jurisdiction area require a Local CDP and projects within the Commission’s retained jurisdiction area require a CDP from the Commission. The Long Beach City Council has not recently authorized the Commission to process consolidated CDPs, so the applicant will likely need a Local CDP for the portion within the City’s jurisdiction and a CDP from the Commission for the portion within the Commission’s jurisdiction.

<u>Chapter 3. Environmental Setting, Impacts, and Mitigation Measures</u>

Aesthetics

CCC-19 [3.1-18] Thank you for including relevant Coastal Act and City of Long Beach LCP policies in the PEIR. Staff would note that, with regard to the City of Long Beach LCP: (a) portions of the City’s Zoning Code and some General Plan elements, including the Open Space and Recreation Element, Scenic Routes Element, and Mobility Element are, in whole or in part, part of the certified LCP; (b) there may be more LCP policies that are applicable to this restoration plan; and (c) if certified, some of the SEASP policies included in the PEIR might be modified from their current language. Program elements should be consistent with all certified LCP and Coastal Act policies.

CCC-20 [3.1-20] Our staff is not aware of a proposal by the City of Long Beach to amend the LCP to include the proposed aesthetics policies listed in the PEIR. Are these suggested for a future LCP amendment associated with the Restoration Plan? If so, staff would like to be notified of the preparation of a LCP amendment and may provide more specific comments at that time.

CCC-21 [3.1-23] Please provide additional detail regarding the duration and intensity of "temporary" impacts during construction and between phases, if applicable.

CCC-22 [3.1-41] The PEIR acknowledges that Section 30251 of the Coastal Act requires development be sited and designed to minimize alteration of natural landforms and protect views to and along the ocean; however, there are no corresponding visual resources analyses.

CCC-23 [3.1-46] Lighting design that achieves the minimum degree of illumination necessary for public safety, minimizes light trespass into adjacent non-target areas, and limits the illumination of open space and sensitive habitat areas to the maximum extent feasible serves to minimize impacts to coastal resources. In addition, lighting should be downward directed, shielded, energy efficient, dark sky-compatible, and should incorporate state-of-the-art improvements in lighting technology when replaced thereafter. Furthermore, programmable timing devices could be encouraged to turn off unnecessary lights where feasible.

Biological Resources

CCC-24 [3.3-67] Does the extent of potential State and Federal jurisdictional waters include additional area added over the expected life of the program due to sea level rise? If not, potential changes to jurisdictional and habitat boundaries should be analyzed based on the best available science on sea level rise.

CCC-25 [3.3-97] Special Condition 8 of CDP No. 9-18-0395, described previously, requires that any temporary impacts to environmentally sensitive habitat area do not persist longer than one year. The subject Restoration Plan should be consistent with all conditions of CDP No. 9-18-0395.

CCC-26 [3.3-109] The PEIR suggests that impacted special-status plants will be restored at a minimum 1:1 ratio. In past actions, the Commission has determined that a minimum 3:1 or 4:1 replacement ratio is appropriate for permanent impacts to environmentally sensitive habitat area. Temporary impacts as part of a restoration project should be minimized and the restoration should take place as quickly and in as few phases as possible to prevent temporal loss of habitat.

CCC-27 [3.3-117] If the City of Long Beach Tree Maintenance Policy differs from the Tree Trimming and Removal Policy approved by the Commission for areas within the Commission's retained jurisdiction, the Commission-approved policy should supersede the City's Tree Maintenance policy.

Cultural Resources

CCC-28

- The proposed Extended Phase I and Phase II archeological investigations would require a CDP in order to carry out the development prior to the permit for the restoration project.

CCC-29

- Mitigation Measure CUL-7 only calls for avoidance and preservation in situ if the resource (which may be a tribal cultural resource) is significant to the tribal cultural landscape. What is the threshold for significant and how will that be evaluated in the event that the Native American monitors decline significance testing and/or data recovery? The preferred method of treatment for all tribal cultural resources should be preservation in situ, given that this is a tribal cultural landscape.

CCC-30

- Additionally, according to the mitigation measures if avoidance is determined by the LCWA to be infeasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations, then that resource shall be subject to data recovery and curation. The proposed project is restoration of a wetland complex. Capping of tribal cultural resources in planned open space is a frequent practice. Why would factors such as proposed project design and the nature of the find influence whether or not a tribal cultural resource could be capped and preserved?

CCC-31

- The mitigation measures state that Native American tribal input will be sought in the development of the Phase I and II Extended Investigation plans and the Phase III Data Recovery and Treatment plan. Native American tribal input should also be sought for the development of the Archaeological Resources Monitoring and Mitigation Plan. Native American Tribal governments should determine, in the development of these plans, if data recovery is appropriate, and if curation is necessary- have input on curation of the tribal cultural resources. Mitigation Measure CUL-15: Curation and Disposition of Cultural Materials states that all Native American archaeological materials will be curated, with the exception of funerary objects or grave goods (i.e., artifacts associated with Native American human remains) at a repository first accredited by the American Association of Museums, then it shall be offered to a non-accredited repository, and then LCWA shall offer the collection to a public, non-profit institution or donate it to a local California Native American Tribe(s) (Gabrielino or Juañeno) for educational purposes. The materials should first be offered to the Native American tribal governments.

Geology, Soils, and Paleontological Resources

CCC-32

[3.5-20] The California Coastal Act includes policies related to geology, soils, and paleontological resources. Please refer to Sections 30253, 30233, and 30244 of the Coastal Act, respectively.

Greenhouse Gas Emissions and Energy

CCC-33

[3.5-20] Similarly, Section 30253(d) of the Coastal Act requires the minimization of energy consumption and vehicle miles traveled with new development. The program should be found consistent with this policy. Access to the trails system and the wetlands should be provided from existing and planned bus stops and sidewalks. Existing parking lots should be improved and integrated with the trail system and wetlands rather than constructing new parking lots. Please analyze alternatives which integrate the planned wetland restoration with public access facilities.

Hazards and Hazardous Materials

CCC-34

[3.7-4] CDP No. 9-18-0395, Special Condition 19, requires the preparation of a revised Oil Spill Prevention and Response Plan. A discussion of the role of the Plan in protecting coastal resources could be added to the description of the Synergy Oil Field Site.

Hydrology and Water Quality

CCC-35

[3.8-26] The sea level rise scenarios that are analyzed in the PEIR are 1.7 and 3.3 feet of sea level rise, which are the upper values for the "likely range" (which has approximately a 17% chance of being exceeded) of sea level rise by 2070 and 2110, respectively, given a low risk aversion scenario. Low risk aversion scenarios may be used for projects that would have limited consequences or have a higher ability to adapt, such as sections of unpaved coastal trail, public accessways, and other small or temporary structures that are easily removable and would not have high costs if damaged. Medium-high risk aversion scenarios should be used for projects with greater consequences and/or a lower ability to adapt such as residential and commercial structures. Extreme risk aversion (H++) scenarios should be used for projects with little to no adaptive capacity that would be irreversibly destroyed or significantly costly to repair, and/or would have considerable public health, public safety, or environmental impacts should that level of sea level rise occur.

Given that the Los Cerritos Wetlands Complex is one of the few remaining larger coastal wetland areas in Southern California and, as stated in the PEIR, even one foot of sea level rise would inundate most of the Synergy Oil Fields Site, the projects associated with the restoration should be adaptable to allow natural migration of the wetlands. If the restoration is planned around 1.7 to 3.3 feet of sea level rise, and adjacent development is armored to prevent adaptive capacity, the restored areas could be irreversibly destroyed if more than 3.3 feet of sea level rise occurs. Thus, the EIR should analyze impacts associated with low-, medium-high, and extreme risk scenarios with 100-year storms to assess the feasibility of maintaining restored wetlands for future generations. Specifically, the EIR should analyze alternatives or sub-alternatives which provide wetland benefits even if up to 6.6 feet of sea level rise occurs (medium-high risk aversion for year 2100). The EIR should analyze the capacity of different project alternatives to be adapted to future conditions of 6.6 feet or greater of sea level rise and still provide a range of habitats and ecological benefits.

Land Use and Planning

CCC-36

[3.9-5] The Coastal Act has several policies relating to priority land uses in the coastal

zone (Sections 30220 through 30223). These policies should be addressed in the EIR. Any development (e.g. visitor centers, trails) which may be associated with the restoration of the wetlands should be analyzed for consistency with the Coastal Act.

CCC-37 [3.9-23] There appears to be a typo in the title of the section: Consistency with the California Coastal Plan *[Act?]* and Long Beach Local Coastal Program.

Noise

CCC-38 [3.11-1] Evaluation of noise and vibration impacts on sensitive coastal resources including sensitive wildlife species should also be assessed.

Recreation

CCC-39 [3.13-6] The Coastal Act has a number of recreation-related policies that should be added to this section.

Transportation

CCC-40 [3.14-8] The Coastal Act requires maximum public access for all people; the Long Beach Mobility Element also encourages public transit and new bus stops at activity centers. Commission staff suggests the LCWA propose and analyze impacts of additional transit stop(s) at accessible parts of the wetland complex could encourage more equitable public access and recreation at the program site.

Chapter 5. Alternatives

5.4.2.4 Tidal Connection from Steamshovel Slough to the Central Area

CCC-41 [5-21] The PEIR suggests that, for CEQA purposes, the creation of a tidal connection under 2nd street is infeasible ("could not be accomplished in a successful manner within a reasonable period of time") and would result in additional construction and transportation impacts. However, this alternative could minimize air quality impacts, increase the restoration area, and meet a number of the Restoration Plan's goals including: restoring tidal wetland processes and functions to the maximum extent possible and maximizing contiguous habitat areas. In addition, elevating 2nd street would also minimize impacts to the road from coastal hazards. Therefore, staff recommends that the LCWA tailor the overall program design to facilitate future implementation of this alternative when the project is considered feasible. If the project alternatives cannot connect the habitats because of current conditions of funding constraints, they should be designed to enable future projects to more easily improve wetland function and connectivity when sea level rise occurs or funding is available.

CCC-42

Please note that the comments provided herein are preliminary in nature. More specific comments may be appropriate as the program develops. Coastal Commission staff requests notification of any future activity associated with this program and related projects. Thank you for the opportunity to comment on the Draft PEIR. Please feel free to contact our staff at SouthCoast@coastal.ca.gov with any questions.

Sincerely,

Christine Pereira

Christine Pereira
Coastal Planner

cc: Amber Dobson, District Manager, CCC
Zach Rehm, District Supervisor, CCC
Christopher Koontz, Planning Bureau Manager, City of Long Beach

CCC-43

From: Pereira, Christine@Coastal
To: Sally Gee
Cc: Rehm, Zach@Coastal; Dobson, Amber@Coastal
Subject: Coastal Commission Staff Comments on Draft Program EIR for the Los Cerritos Wetlands Restoration Plan
Date: Thursday, August 6, 2020 8:58:17 AM
Attachments: Draft PEIR for Los Cerritos Wetlands Restoration Plan - Coastal Commission Staff Comments_8.6.20.pdf

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Dear M. Gee,

Please find attached our comment letter for the Draft Program EIR for the Los Cerritos Wetlands Restoration Plan.

Thank you.

Christine Pereira | Coastal Program Analyst
CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802

California Coastal Commission, August 6, 2020

Comment Letter CCC

Response CCC-1

The commenter acknowledges receipt of the Draft PEIR by the California Coastal Commission (CCC). Specific comments regarding the Draft PEIR are provided and responded to below.

Response CCC-2

The commenter states that the Draft PEIR does not acknowledge that within the CCC's retained jurisdiction area, the certified Local Coastal Program (LCP) can provide guidance as to a project's consistency with Chapter 3 of the California Coastal Act (CCA). Chapter 3.9 Land Use and Planning, Section 3.9.2 Regulatory Setting, of the Draft PEIR has been revised to make this clarification. No further revision or analysis in the Draft PEIR is required.

Response CCC-3

The commenter notes that the standard of review for coastal jurisdictions are subject to change upon, for example, the CCC's certification of the South East Area Specific Plan (SEASP) 2060 and the certification of the City of Seal Beach LCP. Chapter 3.9, *Land Use and Planning*, of the Draft PEIR acknowledges that while the SEASP 2060 has not been certified by the CCC an analysis for informational purposes of the SEASP 2060 was included in the Draft PEIR. This is because the SEASP 2060 is anticipated to be completed and issued in its final form within the lifetime of the proposed program. As further discussed in Section 3.9.2 Regulatory Setting, of the Draft PEIR a draft LCP for the City of Seal Beach was submitted to the CCC for review, but was not certified. At this time the City of Seal Beach reinitiated preparation of the Seal Beach LCP and it is unknown when the Seal Beach LCP would be certified. The City of Seal Beach has not shared a draft of the LCP with the public at this time. However, Section 3.9, *Land Use and Planning*, of the Draft PEIR has been revised to clarify that the Seal Beach LCP would be applicable to the proposed program when it is certified by the CCC.

Response CCC-4

The commenter states that it is unclear how the proposed program described in the Draft PEIR is intended to be implemented. Table 2-18 on page 2-84 of Chapter 2, *Project Description*, of this Draft EIR, provides a list of the required permits and approvals necessary for development of the proposed program, which includes coastal development permits to be obtained through the CCC and the City of Long Beach. At this time, LCWA has not yet determined the approach that will be taken in obtaining a coastal development permit. Obtaining this permit would be determined on a project level basis and subsequent to the preparation of this PEIR.

Response CCC-5

The commenter notes that the proposed program would need to be consistent with the conditions of Coastal Development Permit (CDP) No. 9-18-0395 (Beach Oil Minerals Project [BOMP]). Section 2.4.4 Los Cerritos Wetlands Oil Consolidation and Restoration Project,

in Chapter 2 Project Description, of the Draft PEIR provides background on the BOMP and proposed Los Cerritos Wetlands Restoration Plan (proposed program). While portions of the BOMP are located within the program area, a project-level environmental impact report (EIR) was completed and a CDP was conditionally approved by the CCC on December 13, 2018 for BOMP; the CDP is unrelated to the proposed program analyzed within this PEIR. LCWA will comply with all conditions associated with CDP(s) issued for individual restoration projects associated with this proposed program.

Response CCC-6

The commenter notes that the impacts associated with earthen levees/berms and flood walls can be quite different and suggests exploring these differences as part of the analysis. Chapter 5 Project Alternatives of the Draft PEIR, provides a discussion of the consideration of a flood wall option for the Central Area (rather than the earthen levees that are proposed in the program). Section 5.4.2.1 presents the analysis that led to this alternative not being carried forward, including a comparison of the levees to the flood walls.

Additionally, impacts associated with berms and flood walls were evaluated throughout the document. For example, the aesthetics analysis evaluates both an earthen berm and a flood wall as options between the South LCWA site and the Hellman Retained site. In other cases, such as in the biological resources analysis, the more impactful of the two options was assessed (i.e., the earthen berm with its larger footprint impacts more existing habitat compared to a smaller footprint flood wall).

Choosing between an earthen berm and a flood wall will be part of the refinement to the design that will be conducted at the project-level. Considerations will include how the flood control feature effects public access, impacts to habitat, and construction feasibility. Specific designs of flood walls that minimize impacts to coastal resources will be considered in the project-level design.

Response CCC-7

The commenter requests that impacts associated with the source and deposition of material and compatibility of the material with the receiving sites should be analyzed. As discussed on page ES-20 (Section ES.7.6.2, Earthwork Quantities), while cut and fill estimates have been prepared for each of the areas, the future design would seek to balance cut and fill as much as possible to avoid import and export.

The commenter further requests that "stockpiles of surplus material should avoid being sited in locations where impacts to coastal resources, including but not limited to wetlands, environmentally sensitive habitat areas, public access, and coastal views, could occur." As discussed in Section 2.7.6.3, Stockpiling and Excess Fill Placement, excess soil from the South LCWA site could be stockpiled on the Long Beach City property site, which is currently in a degraded condition and would not impact coastal resources. In addition, soil not needed for levee construction would be placed in upland areas or exported, as described in Off-Site Soil Export under Section 2.7.6.4, Implementation Methods, to local landfills or the Los Angeles

ocean disposal site off the coast from San Pedro (LA-2) or the Newport Bay ocean disposal site off the coast from Newport Beach (LA-3).

The commenter requests "the PEIR should also consider placement of surplus soils on local beaches, if clean and compatible." Given the generally clayey and silty nature of the shallow soils, as described in Chapter 3.5, Geology, Soils, and Paleontological Resources, of the Draft PEIR, the material would generally be incompatible for a beach setting.

Response CCC-8

The commenter notes that baseline monitoring methods would need to be described in more detail for an LCP or PWP application with the CCC. Any additional details would be provided as part of these applications. The comment further suggests a governance structure to facilitate the adaptive management program is needed and should be analyzed by the PEIR. A Draft Monitoring and Adaptive Management Plan (MAMP) Framework has been included as Appendix B of the Final EIR, which includes a governance structure to facilitate the adaptive management program.

Response CCC-9

The commenter notes that it should be clear that the preferred alternative should avoid impacts to the maximum extent feasible. As discussed in Chapter 5, Alternatives, of the Draft PEIR, consistent with CEQA Guidelines Section 15126.6, each alternative was evaluated for its ability to attain most of the proposed program's objectives, its ability to reduce and/or eliminate significant impacts associated with the proposed program, and its feasibility. In addition, CEQA Guidelines Section 15126.6 states that "an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation."

Response CCC-10

The commenter states that while Goal 2(c) of the proposed program suggests that the edges of the Los Cerritos Wetlands Complex should be compatible with neighboring land uses, the commenter notes that maximum restoration and protection of coastal resources should be prioritized over compatibility with neighboring land uses, which include industrial, commercial, and residential uses. The commenter requests that alternatives that allow the Los Cerritos Wetlands Complex to expand into buffer areas be analyzed. At this time, the proposed program has not been designed to this level of detail to show where buffers would be located in relation to adjacent uses. This level of detail will be determined as part of individual restoration projects, and considerations will be made regarding the commenter's request. The commenter also cites the SEASP, which require such buffer area and setbacks from future development, including natural drainages, rather than armored berms. Requirements of the SEASP will be taken into consideration as well at the time this level of detail is determined for individual projects. It should be noted that armored berms are not proposed within the proposed program. Rather, vegetated earthen berms will be provided and will provide for upland habitat and public access. Also, see Response to Comment No. CCC-14, below.

Response CCC-11

The commenter suggests an amendment of Goal 3 to align with Section 30210 of the Coastal Act, which requires maximum access and recreational opportunities for all people, and to encourage equitable and diverse access to the LCW beyond the surrounding community. The LCWA and its member agencies consider equitable access for all people to be an important goal. The LCW is not located in a disadvantaged community, but the LCWA considers the LCW as a regional resource that expands beyond the immediate surrounding community. Currently, through the LCWA's Stewardship Program and Stewardship Partners (including the Los Cerritos Wetlands Land Trust, El Dorado Audubon, and Aquarium of the Pacific), public programs are held regularly and open to all members of the public. Additionally, multiple K-12 students from disadvantaged communities outside the immediate area have been hosted on field trips to the LCW, thanks to the Los Cerritos Wetlands Land Trust. The LCWA will seek to expand equitable public access to the LCW while balancing conservation needs as the program moves forward. Please refer to Chapter 2 Project Description, Section 2.5 Project Objectives, of the Draft PEIR for revisions to Goal 3.

Response CCC-12

The commenter states that Goal 3 fails to highlight the existing relationship between Native Americans and this coastal area and recommends an approach to involve tribal input. Please see Responses GABACJ5 and GABACJ6. The commenter's suggestion regarding reserving a portion of the site for sacred and ceremonial tribal purposes is noted, and the LCWA will further explore this opportunity with the tribes.

Response CCC-13

The commenter notes that the City of Long Beach Land Use Element is not part of the Long Beach Local Coastal Program (LCP) and that a different land use map (Southeast Area Development Plan [SEADIP]) is used in the LCP. Chapter 3.9, Land Use and Planning, of the Draft PEIR acknowledges that the SEADIP was approved as a whole by the LCP Advisory Committee for inclusion in the LCP and functions as the current zoning for the program area. Page 3.9-2 also acknowledges that the CCC has yet to certify the proposed Southeast Area Specific Plan (SEASP) 2060; however, it is anticipated that the SEASP 2060 will be completed and issued in its final form within the lifetime of the proposed program. Chapter 3.9, Land Use and Planning, of the Draft PEIR includes an analysis of both the adopted SEADIP and proposed SEASP 2060. Figure 2-9, General Plan Land Use Designations, Section 2.6, and Section 3.9 of the Draft PEIR have been revised to reflect the land use designations in place prior to the City Council's recent adoption of an updated General Plan Land Use Element. Section 3.9 has been revised to acknowledge that the CCC has yet to certify the updated General Plan Land Use Element; however, it is anticipated that the updated General Plan Land Use Element will be certified in its final form within the lifetime of the proposed program. Chapter 3.9 includes an analysis of both the certified General Plan land use designations and the not yet certified General Plan land use designations.

Response CCC-14

The commenter suggests Chapter 2 Project Description, Section 2.7.1.3 of the Draft PEIR should include a description of how restoration projects will consider best available science and mitigate potential climate-related impacts, including but not limited to impacts resulting from sea level rise, in the refinement of restoration project design. Please refer to Section 2.7.1.3 for revisions to the Draft PEIR.

The commenter also recommends analyzing the capacity of the program to adapt to sea-level rise. The proposed program has been designed with sea-level rise in mind, including planning for sea-level rise in the height of flood management features (Section 2.7.4.3) and the marshplain elevation (Section 2.7.4.2). Additionally, the CRP considered three alternatives with varying amounts of sea-level rise resiliency, which served as the basis for the design of the proposed program.

Response CCC-15

The commenter notes it is unclear whether the roads and trails would be hardscaped. The roads would be hardscaped to provide access to heavy equipment which would be necessary for maintaining the levee system. The trails would not be hardscaped except in areas where the trail overlaps with the roads. Alternatives to paving the roads will be considered at the project-level of design and will depend on the feasibility of providing access to heavy equipment.

The commenter suggests that the EIR should analyze the potential for natural drainage areas and wetland buffers from development. The proposed program includes bioswales to capture runoff from the roads in the Central Area. The majority of the site is wetland, so no additional wetland buffers are proposed.

Response CCC-16

The commenter suggests including the proposed parking fee structure and prioritizing wetland and coastal visitors over residents of nearby neighborhoods and commercial developments. The LCWA will develop a parking fee structure and methods to prioritize certain visitors as part of the CDP application, if applicable. This level of detail would be determined on a project-level basis and subsequent to the preparation of this program EIR.

Response CCC-17

The commenter notes that all development (as defined in the Coastal Act) in or immediately adjacent to wetlands requires a CDP. As shown in **Table 2-18**, *Required Permits and Approvals*, of the Draft PEIR, permits/approvals from multiple agencies, including the CCC's permits to construct and operate, would be obtained as necessary according to specific detailed designs for the proposed restoration activity. These permits/approvals would be determined on a project level basis and subsequent to the preparation of this program EIR.

Response CCC-18

The commenter notes the Long Beach City Council has not recently authorized consolidated CDPs, so the LCWA will likely need a Local CDP and CDP from CCC. Table 2-18 *Required Permits and Approvals* has been updated accordingly.

Response CCC-19

The commenter notes that portions of the City of Long Beach's zoning code and some General Plan Elements, including the Open Space and Recreation Element, Scenic Routes Element, and Mobility Element are, in whole or in part, part of the certified Long Beach LCP. This has been clarified in the Draft PEIR in Chapter 3.9 Land Use and Planning, of the Draft PEIR. The commenter also notes that there may be more LCP policies that are applicable to the proposed program than what is listed on page 3.1-18 in Chapter 3.1 Aesthetics, of the Draft PEIR. The LCP policies listed on this page of the Draft PEIR are specific to aesthetics/visual character and do not represent the comprehensive list of policies applicable to the proposed program. In addition, the commenter notes that if certified, some of the SEASP 2060 policies might be modified from their current language as presented in the Draft PEIR. This comment is noted. The analysis provided in Chapter 3.1 Aesthetics, of the Draft PEIR represents the language for the SEASP 2060 policies that were known at the time of the writing of the Draft PEIR. Ultimately the proposed program would be consistent with what is included in the SEASP 2060 at the time of certification by the CCC.

Response CCC-20

The commenter notes that the CCC is not aware of a proposal by the City of Long Beach to amend the LCP to include the proposed aesthetic policies listed in the Draft PEIR within Chapter 3.1 Aesthetics. The text provided therein is directly quoted from the City of Long Beach LCP certified by the CCC on July 22, 1980 and as shown on pages 67 and 68 of the adopted LCP. No further clarifications or revisions to the Draft PEIR are required.

Response CCC-21

The commenter asks for additional detail regarding duration and intensity of "temporary" impacts during construction and between phases. Additional detail would be determined on a project-level basis and subsequent to the preparation of this program EIR.

Response CCC-22

The commenter states that there is no corresponding visual resources analysis as it relates to Section 30251 of the California Coastal Act. Section 3.1 Aesthetics, of the Draft PEIR, provides a consistency analysis for Section 30251. As discussed therein, while development of proposed program would change views from public viewpoints, a majority of the viewpoints would be enhanced by the proposed program and scenic quality would increase with the phasing out of oil production facilities and non-native, invasive species, and the restoration of native vegetation and wetland habitat. The proposed program was found to be consistent with this policy of the California Coastal Act.

Response CCC-23

The commenter notes that lighting design that achieves the minimum degree of illumination necessary for public safety, minimizes light trespass into adjacent non-target areas, and limits the illumination of open space and sensitive habitat areas to the maximum extent feasible serves to minimize impacts to coastal resources. Analysis provided under Impact AES4 in Section 3.1 Aesthetics, of the Draft PEIR provides an analysis of light and glare impacts during construction and operation of the proposed program. As discussed therein, during construction, any construction lighting would be aimed towards the activity and would be mostly contained within the area where work would be occurring. In addition, a lighting plan, as required by Mitigation Measure AES1 would ensure that security lighting does not pose undue light and/or glare. During operation, the proposed program would comply with the applicable lighting requirements sets forth by the cities of Seal Beach and Long Beach, including Seal Beach Municipal Code Section 11.4.20.025, which requires that lighting in parking areas be directed away from adjacent streets and properties and shall not blink, flash, change intensity, or cause glare and Long Beach Municipal Code Section 21.41.259, which requires that all parking area lighting be directed and shielded to prevent light spillover to adjacent properties. For the individual sites within the City of Long Beach, in compliance with the standards set forth in the SEADIP (PD1), all lighting would be directed downward and exterior lighting would be designed and located in such a way that it does not project off-site or onto adjacent uses. The proposed program would also comply with SEASP 2060, once adopted, which requires that prior to approval of any development within the Coastal Habitat, Wetlands, and Recreation (CHWR) land use, the project applicant shall submit a photometric plan demonstrating that the proposed program will be designed and shielded so that nighttime lighting shall be no greater than 0.10 foot-candles at the edge of the habitat. With compliance with regulatory requirements and implementation of Mitigation Measure AES-1, impacts related to light and glare during construction and operation of the proposed program was found to be less than significant.

Response CCC-24

The commenter asks if the extent of potential State and Federal jurisdictional waters includes additional areas expected to be inundated in the future with sea-level rise. No, the extent of jurisdictional waters does not include future potential areas due to sea-level rise. At the project-level, each project under the program will conduct a wetland delineation closer to the time of implementation, which will map jurisdictional waters at that time. An analysis of the potential change to wetland habitat will be conducted at the project level, based on sea-level rise scenarios.

Response CCC-25

The commenter notes that CDP No. 9-18-0395 requires any temporary impacts to not persist longer than one year. Subsequent to the preparation of this program EIR, at the project-level, each project under the program will obtain the necessary permits prior to implementation, including a CDP. The projects will follow all permit conditions.

Response CCC-26

The commenter asserts that the 1:1 mitigation ratio for special status plants is not appropriate and suggests that the restoration should take place as quickly as possible and in as few phases as possible. See Responses to Comments Nos. CDFW-4 and CDFW-9.

Response CCC-27

The commenter states that the Coastal Commission approved Trimming and Removal Policy approved by the Commission supersedes the City of Long Beach Tree Maintenance Policy in any instances where they differ. The description of Impact BIO5 has been amended to incorporate the recognition of the Tree Trimming and Removal Policy approved by the Commission for City of Long Beach areas within the Commission's retained tidelands jurisdiction.

Response CCC-28

The commenter states that the proposed Extended Phase I and Phase II archaeological investigations would require a CDP in order to carry out the development prior to the permit for the restoration project. LCWA understands that a CDP permit would be required. This comment is noted.

Response CCC-29

The commenter states that Mitigation Measure CUL7 only calls for avoidance and preservation in situ if the resource (which may be a tribal cultural resource) is significant to the tribal cultural landscape, and asks what is the threshold for significant and how will that be evaluated in the event that the Native American monitors decline significance testing and/or data recovery. The commenter states that the preferred method of treatment for all tribal cultural resources should be preservation in situ. As noted in Mitigation Measure CUL6 (see Chapter 3.4 Cultural Resources, Section 3.4.5 Project Impacts and Mitigation Measures) the threshold for significance is the California Register Criteria 1-4. Significance criteria for Native American resources will be developed in consultation with Native American Tribes to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered in the evaluation. LCWA will consider the significance of the resource to tribes prior to requiring any subsurface investigation, and has revised CUL6 to indicate as such. LCWA understands and agrees that avoidance and preservation in place is the preferred method of treatment for all tribal cultural resources.

Response CCC-30

The commenter states that Mitigation Measure CUL7 indicates that if LCWA determines that avoidance is infeasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations, then that resource shall be subject to data recovery and curation. The commenter asks why these factors would influence whether a tribal cultural resource could be capped and preserved. LCWA's intent is to avoid and preserve in place tribal cultural resources as much as possible. CEQA requires that lead agencies should, whenever feasible, seek to avoid damaging effects on archaeological resources, but provides for data recovery as a means to mitigate impacts to archaeological resources if avoidance is infeasible. CEQA Guidelines Section 15364 defines "feasible" as "capable of being accomplished in a

successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

Response CCC-31

The commenter states that Native American tribal input should be sought for the development of the Archaeological Resources Monitoring and Mitigation Plan and on the curation of tribal cultural resources. The commenter states that materials should first be offered to the Native American tribal governments. With regards to the first part of this comment, LCWA agrees that tribal input should be sought on the plan, and has revised Mitigation Measures CUL9 and CUL12 to include their review of this document. With regards to the second part of this comment, LCWA understands that tribes may prefer to retain ownership of artifacts. The State of California Resources Agency's *Guidelines for the Curation of Archaeological Collections* (State Historical Resources Commission and Department of Parks and Recreation, 1993) states that archaeological collections that are created by compliance with state environmental laws and regulations (such as CEQA) must be housed at qualified repositories. The guidelines also state that a collection from a Native American site may best be curated by a qualified repository maintained by a tribal museum. LCWA will consult with tribes on the final disposition of Native American archaeological materials and on the selection of the curation facility, with preference given to tribal museums for Native American collections. If a suitable repository cannot be identified, then LCWA will donate the collection to a local California Native American Tribe(s) (Gabrielino or Juañeno). In response to this comment and other comments, Mitigation Measure CUL15 has been revised, please refer to Chapter 3.4 Cultural Resources, Section 3.4.5 Project Impacts and Mitigation Measures for revisions to the Draft PEIR.

Please note that this does not pertain to Native American human remains and associated items, which will be treated in accordance with applicable state law, and the disposition of Native American human remains and associated funerary objects or grave goods shall be determined by the landowner in consultation with LCWA and the Most Likely Descendant in accordance with Mitigation Measure CUL 17: Human Remains Discoveries in Chapter 3.4 Cultural Resources, Section 3.4.5 Project Impacts and Mitigation Measures.

Response CCC-32

The commenter notes that the California Coastal Act includes policies related to geology, soils, and paleontological resources, including Sections 30253,30233, and 30244 of the California Coastal Act. Reference to these sections have been added to Chapter 3.5 Geology, Soils, and Paleontological Resources, of the Draft PEIR. No further edits or revisions are necessary.

Response CCC-33

The commenter notes that the Coastal Act requires the minimization of energy consumption and vehicle miles traveled with new development and that the program should be consistent with this policy. The commenter suggests analyzing alternatives that integrate restoration with public access facilities. Additional detail would be determined on a project level basis and subsequent to the preparation of this program EIR. At a conceptual level. the proposed program integrates restoration with public access as described in Sections 2.7.2.4, 2.7.3.4, 2.7.4.4, and 2.7.5.4.

Response CCC-34

The commenter suggests that a discussion of the role of the revised SPCC in protecting coastal resources, required under CDP 9-18-0395, Special Condition 19, could be added to Chapter 3.7 Hazards and Hazardous Materials, Section 3.7.2. However, this page is in Section 3.7.2 Environmental Setting, which describes the setting for the Synergy Oil Field site with a focus on what hazardous materials are there. SPCCs are a regulatory requirement and are better discussed in Section 3.7.3 Regulatory Framework; note that SPCCs are discussed in Clean Water Act of 1972 as amended by the Oil Pollution Act of 1990, and Unified Hazardous Waste and Hazardous Materials Management Regulatory Program. To address this comment, a section describing the above-referenced special condition has been added to Section 3.7.3 Regulatory Framework, Local.

Response CCC-35

The commenter suggests considering additional sea-level rise scenarios in Section 3.8 as well as the sustainability of the wetlands with sea-level rise. A major goal of the program is to create tidal marsh that is self-sustaining habitat. The program was designed to account for sea-level rise by allowing wetland transgression into transition and upland habitat areas, without requiring additional construction. Habitats across the program area would change in response to sea-level rise through 2100 and beyond, but they would be more resilient than under the no project alternative. The broad transition slopes between wetland and upland habitat in the South Area are intended to increase the resiliency of the restored wetland to future sea-level rise and allow wetland habitats to transgress up slope with rising sea levels. This process of "coastal rollover" has occurred over geologic time, is expected to continue and accelerate with projected sea level rise, and has been documented at marshes in California (Wasson et al., 2013) and throughout the U.S. (Morris et al., 2002). Including room for marsh transgression is considered a restoration "best practice" (Fejtek et al., 2014).

The Los Cerritos Wetlands restoration approach seeks to balance creating wetlands today versus creating upland areas where wetlands can transgress (i.e., versus upland areas that provide "future wetlands"). Areas that would be wetland under 6.6 ft. of sea-level rise or greater would not be wetland today, but would be upland habitat. Since sea-level rise is accelerating, marsh created today (while sea-level rise rates are low) should be expected to be maintained longer than marsh created later (once rates of sea-level rise have increased). While the 3.3 ft. sea-level rise scenario analyzed in Appendix H has a 17% chance of being exceeded by 2110, this means that the model projections show that it is more likely that sea-level rise will stay below 3.3 ft. by 2110, and the majority of the marsh in the program area will remain viable. If the amount of sea-level rise ends up less than the projections used in the design, this means that any designed future wetland areas would not become wetland during the design life of the project. These areas would come at the expense of providing wetland habitat today and over the near- and medium-term. Therefore, the Los Cerritos Wetlands restoration approach uses the low risk sea-level rise projections for planning wetland habitat restoration and upland transgression areas.

For flood management analyses and planning, 5 ft. of sea-level rise was considered in the design of the Central Area levees to reflect the medium risk sea-level rise scenarios. This higher amount

of sea-level rise was used since the risk associated with sea-level rise exceeding this projection has the high consequence of flooding major infrastructure and development.

Response CCC-36

The commenter notes that the California Coastal Act has several policies relating to priority land uses in the coastal zone, including Sections 30220 through 30223, and these policies should be addressed within the Draft PEIR. **Table 3.9-1**, *Consistency Analysis with Local Land Use Plans*, in Chapter 3.9 Land Use and Planning, of the Draft PEIR provides an analysis for Sections 30221, 30222, and 30223. Analysis as it relates to Section 30220 has been added to this table.

Response CCC-37

The commenter notes a typo in Chapter 3.9 Land Use and Planning, Section 3.9.5 Project Impacts and Mitigation Measures, of the Draft PEIR. This has been clarified in the PEIR.

Response CCC-38

The commenter indicates that evaluation of noise and vibration impacts on sensitive coastal resources including sensitive wildlife species should be assessed.

As indicated under Impact BIO-1, temporary indirect impacts from construction noises and vibrations could occur to Belding's savannah sparrow, California black rail, Ridgeway rail, and yellow rail, as well as to other avian species that may nest in the area. As such, in accordance with Mitigation Measure BIO4, if active nests are observed, an avoidance buffer will be demarcated by a qualified biologist with exclusion fencing and shall be maintained until the biologist determines that the young have fledged and the nest is no longer active.

Construction generated noises and vibrations are also considered under Impact BIO4 with regards to wildlife movement. As stated, an increase in noise and dust during construction may have a temporary indirect impact to terrestrial wildlife movement. However, such indirect impacts are not considered significant as an existing bike path, Pacific Coast Highway and Westminster Boulevard currently provide a high level of disturbance to terrestrial wildlife movement in the program area.

Response CCC-39

The commenter notes that the California Coastal Act includes a number of recreation-related policies that should be added to Chapter 3.13 Recreation, of the Draft PEIR.
Reference to recreation-related policies, including Sections 30210, 30211, 30212, 30212.5, 30213, 30214, 30220, 30221, 30222, 30223, 30224, 30252 of the California Coastal Act has been included in Section 3.13, *Recreation*, of the Draft PEIR. No further edits or revisions are necessary.

Response CCC-40

The commenter suggests that the PEIR propose and analyze impacts of additional transit stops. As discussed in Chapter 3.14 Transportation, of the Draft PEIR, the proposed program would not alter the local roadway configuration or permanently disrupt bus stops or bike lanes

once operational, and therefore would be consistent with all applicable transportation and traffic plans. As there are no impacts to transportation facilities, analysis of additional transit stops is not warranted. Nonetheless, LCWA notes this comment and will consider adding new bus stops as part of individual restoration projects.

Response CCC-41

The commenter suggests tailoring the program design to facilitate future implementation of the tidal connection to Steam Shovel Slough under 2nd Street. Chapter 5 Project Alternatives, Section 5.4.2.5 discusses that the restoration design for the South Synergy Oil Field site would need to be developed in further detail to explore the feasibility of tidally connecting to the Central Area. Additionally, the feasibility of raising 2nd Street would need to be explored with the City of Long Beach, with considerations made for sea-level rise related hazards, traffic impacts associated with a lengthy construction period, and engineering feasibility. If and once these various variables are better understood, this alternative could be considered feasible and LCWA could choose to move forward with design and implementation. The near-term Central Area design does not constrain the future of this alternative. If this alternative was to be moved forward in the future, a new CEQA document would be required to analyze the impacts.

Response CCC-42

The commenter notes that their comments are preliminary in nature and requests notification of future projects as they are developed. This commenter also provides contact information which is noted for the record.

Response CCC-43

Responses to the referenced letter are provided above in Responses to Comments Nos. CCC-1 to CCC-42.

Comment Letter SHP

SIGNAL HILL PETROLEUM

American Energy.
American Jobs.

July 3, 2020

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

Re: Comments on the Draft Program Environmental Impact Report for the Los Cerritos Wetlands Restoration Plan ("Draft PEIR").

Dear Ms. Gee,

SHP-1 Signal Hill Petroleum, Inc. ("SHP") has previously commented on a preliminary portion of the Los Cerritos Wetlands Authority ("LCWA") Draft PEIR and a copy of our January 20, 2020 letter with our comments is attached. Our position on the issues stated in this letter have not changed with our review of the current Draft PEIR.

SHP is a staunch supporter of the LCWA and it was through SHP's commitment and significant investment that the Trust for Public Lands, the California Coastal Conservancy and SHP ultimately negotiated a deal to acquire all of the land and mineral interests of the Bryant Trust. The land ownership was then transferred to the newly formed LCWA and SHP retained the mineral ownership and entered into certain easement agreements to allow for on-going oil operations in concert with LCWA's management and upgrade of the newly acquired coastal habitat.

SHP-2 We support the over-arching goals of the Los Cerritos Wetlands Restoration Plan ("the Project") which the Draft PEIR is targeted to address. However, we believe an important project goal is missing from the Draft PEIR and that is to protect and enhance access to the significant hydrocarbon reserves that exist under the project area in conjunction with the goals of habitat restoration and maintenance. Specifically, the Easement Agreement (see January 20, 2020 letter) states: "It is the intent of the parties hereto that this Agreement shall establish and define certain parameters which shall allow for existing and future oil and gas operations to be conducted...in conjunction with open space and wildlife habitat restoration...".

We appreciate that the Draft PEIR recognizes that the Project will span decades and mentions time frames of 40 years plus. We believe this time frame is consistent with the economic future for SHP's oil and gas production within the Central LCWA Site and the Isthmus LCWA Site. At issue though, is the Draft PEIR is inconsistent with this long view in its description of project phasing activity in the LCWA Central Site. The Draft PEIR states in Section 2.7.4.1 that "The Central LCWA Site...would be available for restoration in the near term, and the existing oil operations...operated by Signal Hill Petroleum, Inc. would be protected in place by proposing to raise the wells out of the flood plain." The Project restoration referred to is breaching the San Gabriel River flood control levee and submerging the Central

LCWA Site. As we have stated before, no contract or agreement currently exists between SHP and LCWA to move forward with this scenario.

SHP-3 In 2.7.4.2 Ecosystem Restoration, Table 2-10, we are concerned that the assessment of post restoration "Managed Habitats" is overly optimistic. In the main Project scenario, the current San Gabriel River levee is breached, an "Interim levee" constructed and SHP well pads in the Central LCWA Site are raised 13 – 15 feet. We estimate that there will be a net loss of 14 acres of current habitat to the footprint of the new levees and well pads and the slopes required to construct them. Table 2-10 in the Draft PEIR references "Vegetated levees and berms" of 12.9 acres. The new levee and pad slopes will have to be covered with rip-rap rock to withstand the forces of the San Gabriel River during flood conditions and will not be "vegetated". We believe this results in a significant loss of current habitat that is not assessed in the Draft PEIR.

SHP-4 We are open to discussing the concerns expressed above and possible solutions at your convenience.

Regards,

David Slater
COO/Executive Vice President

Attachment/

Cc: S. McDaniel
A. Rothwell
D. Russell

Comment Letter SHP

SHP-5

SIGNAL HILL PETROLEUM

January 20, 2020

Mr. Mark Stanley
Executive Director
Los Cerritos Wetlands Authority
c/o Rivers and Mountains Conservancy
100 N. Old San Gabriel Canyon Road
Azusa, CA 91702

Re: Los Cerritos Wetlands Restoration Plan Draft EIR
LCWA Central and Isthmus Areas

Dear Mr. Stanley,

Signal Hill Petroleum ("SHP") is a partner in and has a vested stake in the Los Cerritos Wetlands ("LCW") "Central LCWA Area" and the "Isthmus Area". SHP financially partnered with the State of California Coastal Conservancy for the acquisition of these areas as a public/private partnership in 2006. SHP owns the mineral fee interest underlying the LCWA Central, the Bryant Central and the Isthmus Area and operates twelve oil wells and supporting oil facilities in these areas per easements contained in that certain "Termination of Oil and Gas Lease and Grant of Easement" agreement recorded in Los Angeles County on July 7, 2006 ("Easement Agreement"). The Easement Agreement includes several different types of easements, each with different rights and obligations. Most notably, there are "Exclusive Use Easements" whereby SHP has the exclusive use of these easement areas and there is no requirement in the Easement Agreement to modify, change or relocate these easement areas or the operations conducted within them.

SHP has just received and reviewed Chapter 2 of the draft Project EIR ("Draft PEIR") for the proposed Los Cerritos Wetlands Restoration Program. The Draft PEIR outlines the restoration work proposed for the LCWA Central and Isthmus Areas of the LCW. As stated above, SHP has producing oil wells in these areas and these wells have significant oil reserves and value still to recover. We have concerns about the impact of the proposed restoration plans on SHP's oil and gas production operations within the Exclusive Use Easements within these restoration areas.

Several restoration scenarios require constructing new flood control levees along the north and west boundaries of the LCWA/Bryant Central area and then breaching the existing levee opening the area up to the San Gabriel River Flood Control Channel and tidal flow. The newly constructed levees are planned to be approximately 15 feet higher than existing grade. To accommodate this change will require raising all of SHP's oil well pads and well heads in the LCWA Central Area by 15 feet. To raise the oil well pads and well heads, the wells will have to be taken off production, all equipment removed from each well, a temporary retrievable plug placed in each well, all surface equipment removed (pumping units, concrete

Signal Hill Petroleum, Inc.
2633 Cherry Avenue, Signal Hill, California 90755 (562) 595-6440 Fax: (562) 426-4587

pads, electrical equipment, etc.), and a 15 foot high casing riser fabricated and installed. The wells would then have to remain idle until such time that the levee and the well pad grading and construction are complete. Estimating that the levee/well pad construction time will be 12 – 18 months or more, the lost production value for the aggregate well downtime will be significant in addition to the expense of the well work. Further, all of SHP's wells are located within Exclusive Use Easements.

Currently, there is no agreement in place between SHP and the LCWA that would allow for such modification to SHP's wells. This was noted in the "Initial Study - Los Cerritos Wetlands Restoration Plan" dated March 2019 which states: "The timing of the long-term phase depends on decommissioning of existing oil operations and could vary from 20 years (where agreements are in place) to longer time frames. *For oil operations that do not have agreements in place with LCWA*, it is expected that ...oil and natural gas production would continue...".

The draft PEIR incorrectly states in Section 2.3.1 "Property Ownership and Oil Leases" that: "The LCWA has an agreement with Signal Hill Petroleum, Inc. on the Central LCWA site that includes "reasonable" relocation and modification of oil operations...". The existing agreement does not have any requirement for SHP to change, alter or relocate its exclusive use easement areas which are where the wells are located.

We are also, concerned that the Draft PEIR states that there will be immediate and significant restoration activity that is inconsistent with SHP's ongoing oil operations. Specifically, in Section 2.7.4 under the heading "Phasing", it states that "the Central LCWA site is available for restoration immediately...existing oil operations on the Central LCWA site operated by Signal Hill Petroleum, Inc. would be protected in place by raising the wells out of the floodplain."

We will contact your office to schedule a meeting to discuss the issues we have outlined above and possible solutions for moving this important project forward.

Regards,

David Slater
Executive Vice President/COO
Signal Hill Petroleum, Inc.

Cc: Eric Zahn, Tidal Influence

SHP-6

From: Alex Rothwell
To: Sally Gee
Cc: Dave Slater; Sean McDaniel; Debra Russell; eric@tidalinfluence.com
Subject: SHP Public Comment Letter for the LCWA Draft PEIR
Date: Monday, July 6, 2020 3:13:58 PM
Attachments: image001.png
image002.png
LCWA Draft PEIR Comments 2020-07-03.pdf

Hello Sally,

Please see SHP's public comment letter for the LCWA Draft PEIR attached. Thank you.

Respectfully,
Alex Rothwell

Alex Rothwell | Community Relations Manager
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Tel: 562.326.5258
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Website: www.shpi.net
Responsibility. We know the drill.

Signal Hill Petroleum, July 3, 2020

Comment Letter SHP

Response SHP-1

The commenter references an enclosed letter with comments made on a version of the PEIR shared with Signal Hill Petroleum prior to the public circulation of the Draft PEIR. The commenter indicates that Signal Hill Petroleum's position on the issues stated in the enclosed letter have not changed.

The commenter in the enclosed letter notes that there is no agreement in place between SHP and LCWA that would allow for modification to SHP's wells. In response to the referenced letter, LCWA had clarified the agreement between Signal Hill Petroleum and LCWA with the inclusion of the following language:

Chapter 2 Project Description, Section 2.7.4.5 of the Draft PEIR states that "As proposed in the Termination of Oil and Gas Lease and Grant of Easement agreement between Signal Hill Petroleum, Inc., and the LCWA, Signal Hill Petroleum, Inc. would relocate or modify aboveground pipelines and utilities on the Central LCWA site and remediate soils that have been impacted by oil operations to accommodate the restoration. Thus, restoration in the near term would include pipeline relocation, but not well relocation. Additionally, outside of this agreement, existing Signal Hill Petroleum, Inc. wells would be protected in place by proposing to raise the wells out of the floodplain to 19 ft. NAVD, 13 ft. above marsh-plain elevation. When Signal Hill Petroleum, Inc. elects to modify their oil operations, the changes would be analyzed under a separate CEQA document."

The commenter in the enclosed letter also notes concern that there will be immediate and significant restoration activity that is inconsistent with SHP's ongoing oil operations. See Section 2.1.2 which has been modified to include information regarding the next steps LCWA will take, including additional environmental review, prior to implementing individual restoration projects envisioned in the proposed program.

Response SHP-2

The commenter indicates support for the over-arching goals of the Los Cerritos Wetlands Restoration Plan but notes that a key goal that is missing is to protect and enhance access to significant hydrocarbon reserves that exist under the project area in conjunction with the goals of habitat restoration and maintenance. The commenter further notes that no contract or agreement currently exists between SHP and LCWA to move forward with the scenario of restoring the Central LCWA site, identified as a near-term phasing activity. In response to the first comment, the goals and objectives referenced in Section 2.5, Required Permits and Approvals, of the Draft PEIR do acknowledge phasing of implementation of restoration to accommodate existing and future potential changes in usage. Fundamentally, the goals and objectives are to implement habitat restoration and increase public access. In response to the second comment, see Response to Comment No. SHP-1.

Response SHP-3

The commenter expresses concern that the "managed habitats" presented in **Table 2-10**, *Post-Restoration Habitats and Acreages in the Central Area*, in the Draft PEIR are overly optimistic. The comment notes that the new levee and well pad slopes in the Central Area will have to be covered with rip-rap rock to withstand the forces of the San Gabriel River and therefore will not be vegetated. Appendix I of the Draft PEIR provides hydrodynamic modeling and an erosion analysis for the 100-year storm event on the San Gabriel River. The results showed that some erosion is likely to occur along the tidal wetland channel and along the bank of the river. Only minor erosion (<0.5 ft.) was predicted in the vicinity of the well pads or along the new levees. Additionally, this type of storm event would be infrequent with only a 1 percent annual chance of occurrence. As discussed in Section 2.7.4.3 Flood Risk and Stormwater Management\Levees, "The Central Area is expected to primarily be a backwater area during flood events, and erosion potential is expected to be limited along most of the levee reach. The new levees may incorporate buried soil cement or rock protection of the levee core with vegetation on the slopes." Rip-rap rock is not expected to be necessary along the proposed levees or gas well pads based on the hydrodynamic modeling, so the managed habitats presented in Table 2-10 are expected to be appropriate for the programmatic-level analysis.

Response SHP-4

The commenter indicated a willingness to discuss the aforementioned comments and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SHP-5

See Response to Comment No. SHP-1.

Response SHP-6

Responses to the referenced letter are provided above in Responses to Comments Nos. SHP-1 to SHP-5.

Comment Letter EDAUD

HAMILTON BIOLOGICAL

July 6, 2020

Ms. Sally Gee
Los Cerritos Wetlands Authority
100 North Old San Gabriel Canyon Road
Azusa, CA 91702
Transmitted by email: sgee@rmc.ca.gov

SUBJECT: COMMENTS ON DRAFT PROGRAM EIR LOS CERRITOS WETLANDS PROGRAM LONG BEACH, CALIFORNIA

Dear Ms. Gee,

EDAUD-1 On behalf of El Dorado Audubon Society, Hamilton Biological has reviewed the Draft Program EIR (DPEIR) for the Los Cerritos Wetlands Program. In 2014/2015, Audubon California retained Cooper Ecological, Inc., to provide input on advanced planning of conservation and restoration of the Los Cerritos Wetlands. Under that contract, I collaborated with the lead author, Dan Cooper, on the attached report, dated October 27, 2015, entitled, *A Conservation Vision for the Los Cerritos Wetlands, Los Angeles County/Orange County California* (Cooper and Hamilton 2015).

Historical Ecology and Landscape Change of the San Gabriel River

EDAUD-2 It is concerning that this plan to restore large areas of the Los Cerritos Wetlands appears to have been devised without any formal reference to the landmark 2007 study by Dr. Eric Stein and colleagues, *Historical Ecology and Landscape Change of the San Gabriel River and Floodplain*.[1] It is difficult to understand how natural communities of the Los Cerritos Wetlands could be competently restored under a DPEIR that contains no references to this foundational document.

Problematic Proposal for 10-Acre "Native Grassland" in South Area

Page 2-38 of the DPEIR states:

EDAUD-3

> A 10-acre grassland, raptor foraging habitat is required to be restored in the southwest corner of the site. Target native grassland species would include Alkali sacaton (*Sporobolus airoides*), purple needlegrass (*Stipa pulchra*), and alkali ryegrass (*Elymus triticoides*). This area would meet the conditions for Heron Pointe, a previously approved residential devel-

[1] Stein, E. D., S. Dark, T. Longcore, N. Hall, M. Beland, R. Grossinger, J. Casanova and M. Sutula. 2007. *Historical ecology and landscape change of the San Gabriel River and floodplain.* Tech. Rpt. 499. So. Calif. Coastal Water Rsrch. Proj. 101 pp. + append. www.rmc.ca.gov/grants/resources/499_historical_ecology.pdf

opment located outside the program boundaries south and east of the South Area per Coastal Development Permit 5-97-367-A1. The Coastal Development Permit's Amendment Staff Report (filed on September 12, 2000) requires the creation of 9.2 acres of suitable raptor foraging habitat to support various bird species which nest and/or forage in the South Area and within Gum Grove Park.

The DPEIR's assertion that the 10-acre site "is required to be restored" to grassland, or to any other particular habitat type, is inaccurate and misleading. The site was historically part of the wetland system, but after fill spoils were deposited there the site became vegetated with non-native species of mustard, wild radish, annual grasses, etc. Since this site never was a native grassland, it cannot be "restored" to native grassland. Experience tells us that any effort to *force* this area to become a native grassland will almost certainly fail. This would represent a great monetary expense and an unacceptable loss of opportunity for legitimate ecological restoration.

EDAUD-3 Cont.

Coastal Development Permit 5-97-367-A1 requires setting aside and managing the 9.2 acres for the purpose of providing valuable foraging habitat for raptors. For the past 20 years, the area in question has been determined to satisfy this requirement despite being vegetated with various non-native weeds and grasses (i.e., habitat restoration has not been required to satisfy the permit conditions). The Coastal Development Permit calls for a Raptor Foraging Habitat Management Plan, which Glenn Lukos Associates prepared in 2001. Cooper and Hamilton (2015) reviewed this plan and found that it provided no detailed analysis of raptor usage, no restoration component, and no special maintenance measures apart from "regular clearing and mowing activities" that were already being conducted in the area.

A relevant part of the Coastal Development Permit is Special Condition 22, which places an Open Space Deed Restriction on the 9.2-acre raptor foraging area:

> **22. OPEN SPACE DEED RESTRICTION**
>
> **A.** No development, as defined in section 30106 of the Coastal Act shall occur in the raptor foraging habitat delineated by the map required pursuant to Special Condition 21 except for:
>
> 1. Activities related to raptor foraging habitat maintenance pursuant to the raptor foraging habitat management plan required pursuant to Special Condition 21.C.; and
>
> 2. The following development, if approved by the Coastal Commission as an amendment to this coastal development permit: activities related to public access, recreation, and wetland restoration provided that such development continues to designate a minimum of 9.2 acres of equivalent or better functioning raptor foraging habitat.

The Deed Restriction allows for "development" to provide public access and recreation within and around the 9.2 acres of raptor foraging habitat, but also requires that "such development continues to designate a minimum of 9.2 acres of ***equivalent or better functioning raptor foraging habitat***" (emphasis added). Section 2.7.7.2 of the DPEIR, Adaptive Management, provides general discussions of baseline and ongoing monitoring of various aspects of the project, but does not explain how the project biologists intend to substantiate the DPEIR's assumption that increased human activity in the South

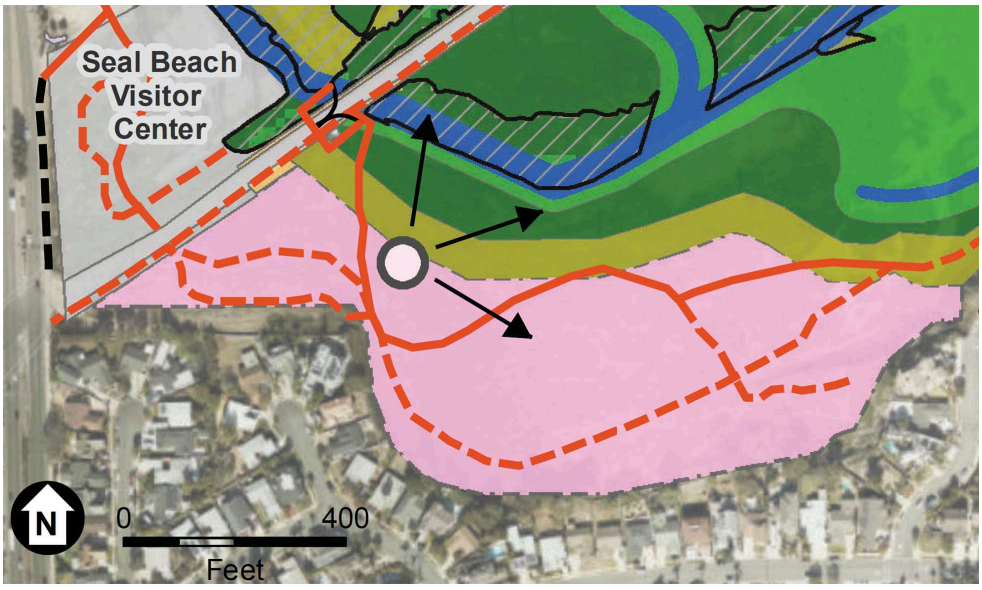
Area can be accommodated without reducing raptor use of the 9.2-acre raptor-foraging habitat area (thus violating the Deed Restriction).

The DPEIR does not quantify or describe raptor use of this area. The eBird checklist for nearby Gum Grove Park (https://ebird.org/hotspot/L738572/media?yr=all&m=) shows that White-tailed Kites, Northern Harriers, Cooper's Hawks, Red-shouldered Hawks, Red-tailed Hawks, Great Horned Owls, and American Kestrels apparently use the raptor foraging area with some regularity. Given that the 9.2-acre area is dominated by mustard and other weeds, its value for raptors appears to relate to the generally low levels of human activity in the area. Demonstrating compliance with the Deed Restriction requires the project proponents to (1) determine the current level of raptor use of the Deed Restriction area during different seasons; and (2) provide for future adequate and standardized monitoring of raptor use of the Deed Restriction area. If raptor use of the Deed Restriction area is found to be diminished, the EIR should include a mitigation measure restricting public activity specifically to restore raptor use to at least pre-project levels. If this type of approach is not taken, the potential impacts of the project on raptor foraging in the Deed Restriction area will be unknown, and the Program EIR should acknowledge a potentially significant impact not avoided or reduced to below the level of significance by the project's mitigation measures.

EDAUD-3 Cont.

Additionally, since the Deed Restriction is part of Coastal Development Permit 5-97-367-A1, and the Coastal Commission will need to issue a Coastal Development Permit for the Seal Beach portion of the project, any intensification of land use that could violate the Deed Restriction (by potentially reducing the value of the 9.2 acres for foraging raptors) could present an unnecessary regulatory obstacle for the overall project.

The following excerpt from Figure 2-16 on page 2-44 of the DPEIR shows in pink the 10-acre area proposed for "native grassland restoration" (this includes the 9.2-acre Deed Restriction area).



Excerpt from Figure 2-16 showing in pink the proposed 10-acre native grassland and raptor foraging area. An existing restricted-access trail (solid orange line) is shown running through the area, as well as multiple proposed new trails (broken orange lines) and a proposed "viewpoint" (circle with arrows).

Human activity in the Deed Restriction area currently consists of occasional use of one limited-access trail. As Figure 2-16 shows, the project would establish a network of trails leading to a new Seal Beach Visitor Center that would be built within 200 feet of the raptor foraging area. The project would also construct a "viewpoint" along the northern boundary of the raptor foraging area. Page 2-43 states:

> A new restricted trail would be constructed through the raptor habitat on the South LCWA site in the near term. The trail would connect Gum Grove Park to the existing San Gabriel River Trail, fishing area, and trails on the Isthmus area. Initially this trail would be restricted to docent-led tours until habitat areas are established and a management plan is approved. A viewpoint would be constructed in the raptor habitat area.

EDAUD-4

Each road or trail built through a relatively small patch of habitat, such as the 10-acre area in question, (a) reduces the overall area of restored habitat; (b) increases human-related disturbance in the restored habitat; (c) creates edges that can be vectors for invasive weeds; and (d) divides the larger habitat patch into smaller patches. Examining the map excerpted on the previous page, the proposed establishment of multiple trails through the pink area **would create eight or nine fragments of habitat separated from each other by roads/trails**. In such a limited area, this would clearly be placing a desire for human access and recreation over the needs of foraging raptors. The project's habitat restoration and raptor foraging habitat goals can best be achieved, while providing for adequate public access/recreation, by establishing fewer trails through this area.

Is the ultimate plan to allow dogs, bicycles, or any other non-pedestrian use of any trail through the 10-acre restoration site after the management plan is approved? If so, how would this be demonstrated to be consistent with the Deed Restriction on this area?

The DPEIR does not indicate the parties who would be responsible for leading the docent-led tours. El Dorado Audubon is interested in being involved with this activity.

EDAUD-5

The DPEIR's proposal to establish a 10-acre native grassland dominated by alkali sacaton (*Sporobolus airoides*), purple needlegrass (*Stipa pulchra*), and alkali ryegrass (*Elymus triticoides*) has a high potential to completely fail, as native grassland restoration projects often do, especially when they are undertaken in areas where grasslands never existed before. For example, in the mid-1990s, the County of Orange set out to establish 25 acres of "native grassland" adjacent to the Santa Ana River channel at North Talbert Regional Park (i.e., in an area very similar to the site proposed for native grassland restoration in the South Area). Two decades later, in 2015, Moffat & Nichol prepared for the County of Orange a remedial *Talbert Regional Park Final Habitat Restoration Plan*[2], in which they mapped the failed grassland restoration site as "Disturbed/Degraded Restoration Area." Please see my photo of the failed grassland restoration site on the next page.

[2] Moffat & Nichol. 2015. Talbert Regional Park Final Habitat Restoration Plan. Report dated December 2015, prepared in Association with Chambers Group, Inc., and New West Land Company for OC Parks, Irvine, CA. Available at https://www.ocparks.com/civicax/inc/blobfetch.aspx?BlobID=54858

EDAUD-5 Cont.

Photo taken on October 1, 2013, showing the "native grassland" restoration site at North Talbert Regional Park, along the Santa Ana River channel in Orange County. After several years of intensive efforts to "force" native grassland to become established in this area, the County of Orange eventually gave up on this restoration. *Robert A. Hamilton*.

Moffat & Nichol (2015) described the failed grassland restoration area shown above as follows:

> Portions of the Talbert Preserve were planted with native vegetation as part of a restoration effort for the site; however, not all areas were successfully restored. **Due to a lack of maintenance, many areas are now dominated by sparse nonnative ruderal vegetation** and are not likely to support native wildlife species. Nonnative species within these degraded restoration areas include fennel (*Foeniculum vulgare*), shortpod mustard, and tocalote (*Centaurea melitensis*). Scattered native coyote brush shrubs were also present, but in low densities. [emphasis added]

Having spent considerable time walking and observing the lower Santa Ana River area from the 1980s to present, I can verify that complete failure of the 25-acre native grassland restoration was *not* "due to a lack of maintenance." For multiple years during the late 1990s and early 2000s, I personally witnessed the County's **intensive but ultimately futile efforts** to kill off weeds and to plant and seed native grasses and wildflowers across the 25 acres. The site simply was not suited to establishment of grasslands.

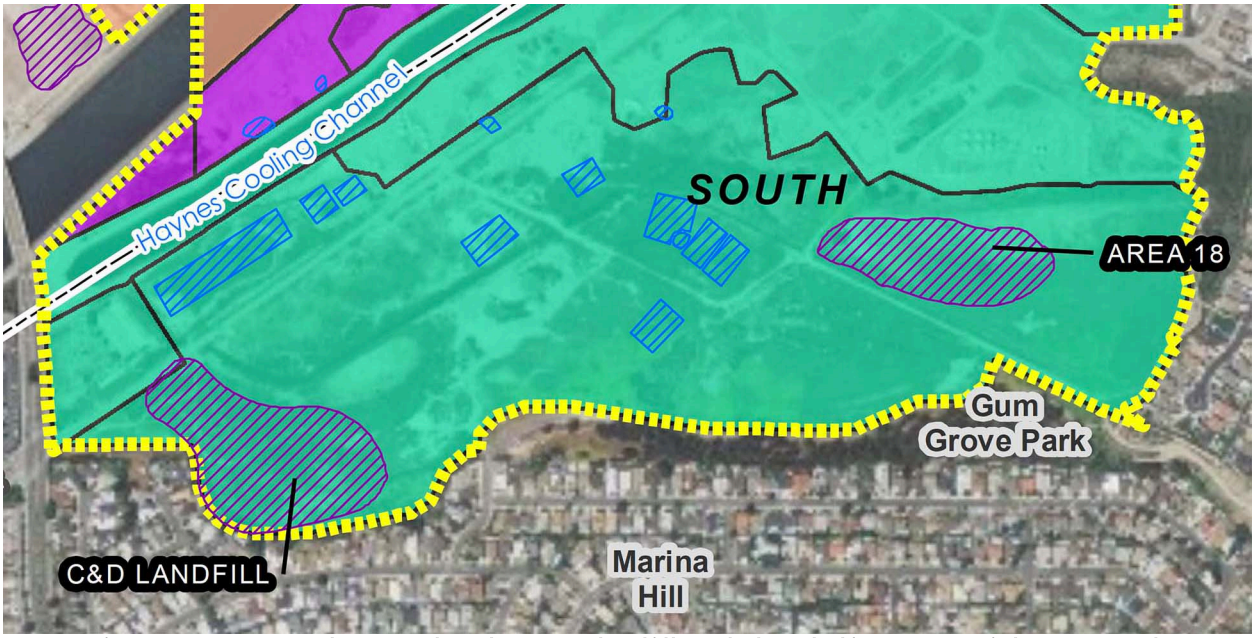
EDAUD-5 Cont.

On a more fundamental level, it makes no sense to blame "lack of maintenance" for the complete failure of a restoration project, 20+ years after initial planting. The process of ecological restoration involves (a) restoring an ecologically appropriate natural community to an area **where it occurred historically** and, (b) after a limited period of irrigation, weeding, and possibly replanting, **allowing the community to become self-sustaining**. It is not a glorified landscaping project that requires extensive ongoing maintenance to create the illusion of a natural community.

Legitimate native grasslands, composed of various native grasses and wildflowers, have proven very problematic to establish under any circumstances, but especially in areas with artificial fill soils that did not support grasslands historically. In such situations, the native species are often overwhelmed by the explosive growth of widespread non-native weeds and annual grasses better adapted to disturbed soil conditions. Soils may also be excessively saline or have other qualities that prevent establishment of the grassland species being introduced under the "restoration" plan. If the soil conditions are not suitable to begin with, no technique exists to force native grasses and wildflowers to grow in them. Regarding soils, Page 3.5-2 of the DPEIR states:

> According to Saucedo et al. (2016), artificial fill is present over most of the entire program area, likely placed during development of the oil field, construction of the nearby marina, and channelization of the San Gabriel River. The artificial fill consists of sediments that have been removed from one location and transported to another by humans. Artificial fill may contain modern debris such as asphalt, wood, bricks, concrete, metal, glass, plastic, and even plant material.

Figure 3.5-4 in the DPEIR shows that the C&D landfill underlays roughly half of the proposed native grassland restoration site.



Excerpt from Figure 3.5-4 showing that the C&D landfill underlays half or more of the proposed "native grassland" restoration site.

EDAUD-5 Cont.

Regarding the potential hazards associated with the C&D Landfill, page 3.7-9 states:

> The landfill area is not known to have had any oil wells (CalGEM, 2019). The landfill was investigated for hazardous materials in 2004 and 2006 (Anchor 2006). The landfill reportedly accepted clean fill material from city projects, private projects, and the U.S. Army Corps of Engineers (USACE) in conjunction with dredging of the San Gabriel River. When investigated further in 2006, the observed landfilled materials consisted of layered sand, silt, clay, and gravel, with chunks of concrete and asphalt of varying sizes; no other waste types were observed other than one license plate.
>
> Although not considered to be associated with the former landfilling activities, crude oil was observed along the southern portion of the landfill in 2006. The extent of the crude oil in 2006 was approximately 100 feet wide by 500 feet long by 3 to 6 inches thick at a depth of about 10 feet below the ground surface. The source is believed to be a former oil pipeline that crossed this area that was removed between 1954 and 1958.

My 32 years of experience participating in and observing restoration projects in coastal southern California leads me to conclude that the DPEIR's proposal to establish "native grassland" on artificial fill soils and a landfill, in a low-lying area that probably supported alkali meadow and/or tidal wetland historically, is very likely to fail.

One possible adverse outcome is for alkali sacaton, one of the three grass species proposed for planting, to establish a dense stand across some or all of the grassland planting area. This occurred in a section of South Talbert Regional Park that was originally intended as an extensive willow-riparian habitat restoration site (see photo below).

Photo taken on July 29, 2019, showing a dense, monotypic stand of alkali sacaton grass established in South Talbert Regional Park in Orange County. *Robert A. Hamilton*.

EDAUD-5 Cont.

Although technically a "native grassland," establishment of an extensive stand of alkali sacaton does not represent "restoration" of a natural community found along the coast of Orange or Los Angeles counties. The ecological value of such an area for foraging raptors, or for special-status wildlife species, is highly questionable. Such an outcome would not represent a successful ecological restoration, and it would not be desirable in the Los Cerritos Wetlands.

Restore Alkali Meadow Instead of "Native Grassland"

In describing the historical communities of the region, Stein et al. (2007; *Historical ecology and landscape change of the San Gabriel River and floodplain*) stated:

> **Of particular note is the loss of the vast alkali meadows, which were once the most common type of wetland in the lower watershed, but are now totally absent from the landscape.**

EDAUD-6

Page 68 of the same report identifies numerous rare or extirpated plants found in alkali meadow habitat in the area, including Nuttall's alkali grass (*Puccinellia nuttalliana*), spreading alkaliweed (*Cressa truxilensis*), saltmarsh bird's-beak (*Chloropyron maritimum* ssp. *maritimum*), southern tarweed (*Centromadia parryi* ssp. *australis*), and Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*). Pages 75–76 describe the alkali meadow community in greater detail:

> Saltgrass (*Distichlis* spp.) dominated alkali meadows at the landward edge of the tidal marsh at Alamitos Bay, and extended well beyond regular tidal influence, and were observed by early naturalists to include 'a growth of willow, salt (grasses), and moisture loving or alkali resistant plants.' . . . these alkali meadows may have expanded and contracted over time, being larger than the extent mapped within the study area during certain periods.

As discussed by Cooper and Hamilton (2015), an alkali meadow community likely occurred within or near the 10-acre area proposed for "native grassland restoration." Our report provided evidence, *based mainly on the work of Stein et al. (2007)*, that patches of alkali meadow habitat that remain in the Los Cerritos Wetlands should be considered to be an extremely important natural community for plants (including special-status species that would be impacted by grading for the project) and for wildlife.

Rather than attempting to "restore" native grassland habitat to an area of fill soils and landfill, where grassland did not historically occur and where the potential to establish a diverse and ecologically valuable native grassland is extremely low, **the plan should call for restoring 10 acres of the valuable alkali meadow habitat that likely occurred in this general area historically**. This represents a ***minimal*** level of alkali meadow restoration to be included as a component of an ecologically valid restoration of the Los Cerritos Wetlands. More would be preferable. This form of restoration could be readily achieved by grading down the existing fill to a level that would be flooded seasonally, and that would therefore support alkali-loving forbs and grasses typical of this depleted and ecologically important natural community. Any construction debris or other extraneous/hazardous materials encountered in the area of the C&D landfill would be addressed as discussed on pages 3.7-36 and 3.7-37 of the DPEIR (Impact HAZ-3).

So long as human activity is adequately managed, the 10-acre alkali meadow would provide foraging habitat for numerous raptor species at least equivalent to the mustard stand that currently occupies this space. To help ensure this outcome, it is recommended that public access through this part of the project site be limited to one or two trails running along the periphery of the restored alkali meadow, not through the middle of the restored habitat area.

EDAUD-7

Dogs and bicycles should not be permitted in the alkali meadow/raptor foraging area.

To demonstrate consistency with the existing Coastal Development Permit under intensified human use of the area, the EIR should require adequate, standardize monitoring of raptor foraging in this area, pre-project and in perpetuity, with a requirement to reduce human activity in the area if observational data show diminishment of raptor use that appears to result from intensification of human use.

In addition to its **much greater potential for successful establishment**, compared with attempting to establish "native grassland" at this site, a 10-acre alkali meadow would **provide a unique and much-needed habitat area for various rare plant species known from the project site and nearby area.** This includes the special-status species discussed below, which will be impacted by grading for the project and which may be difficult or impossible to re-establish elsewhere on the project site.

Impacts to Special-Status Plants

The DPEIR identifies populations of three rare plants on the project site: *Lasthenia glabrata* ssp. *coulteri*, *Centromadia parryi* ssp. *australis*, and *Camissoniopsis lewisii*. The first two of these are ranked 1B.1 by the California Native Plant Society (CNPS), referring to species considered "rare or Endangered in California and elsewhere, seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)." The first two have NatureServe rankings of S2 , referring to species "imperiled in the state because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the state."

EDAUD-8

Populations of *Lasthenia glabrata* ssp. *coulteri* and *Centromadia parryi* ssp. *australis* are generally identified as Environmentally Sensitive Habitat Areas (ESHA) under the Coastal Act. The *Camissoniopsis* is not as rare as the other two, and populations may not be specifically regarded as ESHA.

Although the DPEIR identifies only a "low" potential for the CNPS-ranked Vernal Barley (*Hordeum intercedens*) to occur on the site, a local botanist who wishes to remain anonymous identified this species in a remnant patch of alkali meadow habitat at the Los Cerritos wetlands, along drying edges of seasonally-flooded, grassy swales (Cooper and Hamilton 2015). This suggests that this special-status species probably does occur on the project site.

EDAUD-9

Page 3.3-117 of the DPEIR provides the following discussion of ESHA:

> Pursuant to California Coastal Act (CCA) Section 30240 of the CCA, impacts to ESHA are generally limited to activities such as habitat restoration as noted by the Coastal Commission Staff Report (GLA 2017d). Moreover, the CCA establishes a high standard for protection of areas that are identified as environmentally sensitive. Only resource-dependent uses, such as habitat restoration, are allowed within an ESHA. Implementation of Mitigation Measures BIO-1 through BIO-10 would ensure that impacts to existing EHSA are temporary and minimized, as well as less than significant.
>
> Potential ESHA occur throughout the South, Isthmus, Central and North Areas based on the suitability to provide habitat for special-status species and/or the presence of a CDFW Sensitive Natural Community. Ground disturbing activities associated with ecosystem restoration activities, flood risk and stormwater management, development of public access and visitor facilities, and infrastructure and utility modifications would temporarily impact ESHA. These impacts, needed to implement the habitat restoration, can be allowed pursuant to Section 30240 and Section 30233(a)(b) of the CCA. Following completion of grading and restoration efforts, the overall ESHA would be expanded primarily due to the conversion of non-ESHA to ESHA. This would include the conversion of abandoned oil facilities to natural communities.

EDAUD-10

Page 3.3-96 of the DPEIR addresses potential impacts to special-status plant species:

> Suitable habitat is present or individuals have been observed in the proposed program area for 31 special-status plant species, including within the South, Isthmus, Central and North Areas (refer to Table 3.3-4). Many of these species have not been documented in the program area, but they have the potential to occur there. Ecosystem restoration activities, development of public access, and infrastructure and utility modifications may impact these species should they be present. The loss of any of these species, should they be present, would be significant. Implementation of Mitigation Measure BIO-1 would reduce impacts to these species to a less-than-significant level by requiring avoidance and/or re-establishment of special-status plants, and restoration of any impacts to these special-status species, respectively. Implementation of Mitigation Measure BIO-2 would further reduce impacts to these species through the implementation of a Worker Education Awareness Program (WEAP) and monitoring of initial work efforts by a qualified biological monitoring.

Mitigation Measure BIO-1 on page 3-3.108 states:

> Prior to ground-disturbing activities (e.g., vegetation removal and grading), a qualified botanist/biologist shall conduct a habitat assessment to determine the presence or absence of suitable habitat for special-status plant species. If suitable habitat is determined to be present, focused plant surveys should be conducted in accordance with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, March 20, 2018). The locations of any special-status plants within 25 feet of proposed disturbance areas shall be identified and mapped. Individual plants shall be flagged for avoidance and an avoidance buffer of at least 10 feet shall be established around the plant(s).
>
> If special-status plants cannot be avoided, they shall be incorporated into the proposed program's restoration design at a minimum ratio of 1:1 (one plant planted for every one plant removed, or 1 square foot of absolute cover planted for every 1 square foot of absolute cover removed). Special-status plants that cannot be avoided shall be salvaged prior to impacts using species-specific propagation methods, such as transplanting, seed and cuttings. Seed

EDAUD-10 Cont.

> collection shall occur during the appropriate time of year for each species. Seeds shall be propagated by a qualified horticulturalist or in a local nursery, and shall be incorporated into habitat-specific seed mixes that will be used for revegetation of the restoration areas.

Comparing Figure 2-12 and Figure 2-14 in the DPEIR with the map of special-status plant species provided as Figure 7 in Appendix C to the DPEIR (Supplemental Biological Surveys and Mapping for the Los Cerritos Wetlands), the restoration plan appears to involve mass-grading both of the known populations of *Camissoniopsis lewisii*, three known populations of *Lasthenia glabrata* ssp. *coulteri*, and several known populations of *Centromadia parryi* ssp. *australis*. Typically, mass-grading projects cannot be amended to avoid small populations of rare plants. The DPEIR must quantify the maximum levels of proposed impacts to the known populations of each special-status plant species.

Incorporation of the impacted special-status plant species "into the proposed program's restoration design," in compliance with Mitigation Measure BIO-1, does not ensure that impacts to these species will be mitigated to below the level of significance. This is because establishing new populations of special-status species where they do not already occur is difficult and prone to failure. As stated in the CNPS *Statement Opposing Transplantation as Mitigation for Impacts to Rare Plants*[3]:

> Transplantation is rarely successful in establishing rare plants at new locations. A study by the Department itself found that, even under optimum conditions with ample time for planning, transplantation was effective in only 15% of cases studied. Other reviews have found similar problems. There are many reasons for this poor success rate . . . we often know very little about the biology of rare plants. We may not be aware of all the intricate habitat requirements of each listed species. Rare plants are often specialists that exploit a particular and unusual combination of habitat attributes. They may require a particular soil type, set of pollinators, mycorrhizal fungi or other associate species, aspect, hydrological regime, microclimate or some combination of these or other factors for survival. [citations omitted]

Mitigation Measure BIO-1 must include an appropriate performance standard by which to evaluate whether each impacted rare plant population is successfully re-established. The standard should be that the new population is maintaining its numbers and extent, and the plants are reproducing themselves unassisted by irrigation, weeding, reseeding, etc., for a period of years. In those cases where long-term monitoring shows that re-establishment is unsuccessful, Mitigation Measure BIO-1 must include contingency measures that will ensure eventual successful re-establishment of the impacted population. As the DPEIR is written, multiple rare plant populations could be wiped out without any successful replacement. This would represent an unmitigated significant impact, and could also violate the Coastal Act's strict protections for ESHA.

As discussed in these comments, the 10-acre portion of the project site currently proposed for "native grassland restoration" would be more appropriately, and more successfully, restored to an alkali meadow community. A 10-acre alkali meadow restoration site would be ideal for establishing new populations of *Lasthenia glabrata* ssp. *coul-*

[3] https://www.cnps.org/wp-content/uploads/2018/04/transplanting2.pdf

teri, *Centromadia parryi* ssp. *australis*, *Hordeum intercedens*, and possibly other plant species that occur, or that historically occurred, in the lower San Gabriel River floodplain. The proposed "native grassland restoration" would be unsuited to providing habitat for the re-establishment of rare plant populations since the species in question require alkali meadows and flats, not grasslands.

EDAUD-10 Cont.

Project Alternatives

The three identified project alternatives — minimum alteration, moderate alteration, and maximum alteration — all call for fairly extensive plantings of "coastal sage scrub/upland" habitat. These plans, like the preferred project, contain almost no restoration of alkali meadow habitat, despite the finding of Stein et al. (2007; *Historical ecology and landscape change of the San Gabriel River and floodplain*) that "vast alkali meadows . . . were once the most common type of wetland in the lower watershed, but are now totally absent from the landscape." The DPEIR should explain why this important and ecologically valuable natural community, which could be readily restored across large parts of the project site, is essentially ignored in all of the project alternatives.

EDAUD-11

Red Diamond Rattlesnake

Page 3.3-46 of the DPEIR states, "Red diamond rattlesnake has been documented on site (Tidal Influence 2012), but only one individual was observed and may have been an unauthorized release." In a report posted to iNaturalist[4], herpetologist Brian Hinds advised strongly against considering the Red Diamond Rattlesnake (*Crotalus ruber*) to be a naturally occurring species in the Los Cerritos Wetlands:

> The company in charge of the restoration of this area, posted this picture.
>
> I don't believe this ruber is native it would represent a very large range extension, and Habitat that is well out of the norm for this species. I am not aware of any historical records in the LA Basin for this species.
>
> I am entering into the Database because of the potential importance of this observation.
>
> Since this time I have been doing survey work in the LC Wetlands area, and I have not seen any other Ruber. It is my belief someone released this ruber and maybe others into the area. This is not natural ruber habitat.

EDAUD-12

Page 3.3-99 of the DPEIR states, "The coast horned lizard, coastal whiptail, and Southern California legless lizard were not observed in the program area during any general biological surveys. The red diamond rattlesnake was observed in the program area."

To avoid perpetuating the idea that the project site is part of the known or expected range of the Red Diamond Rattlesnake, the DPEIR should state that this species is very unlikely to occur there naturally. The DPEIR's impact analysis should be revised to clarify that a disjunct population is not believed to exist on the project site.

[4] www.inaturalist.org/observations/11384993

CONCLUSION

EDAUD-13 I appreciate the opportunity to review and comment upon the Draft Program EIR for the Los Cerritos Wetlands Restoration Plan. I can be reached at (562) 477-2181 or robb@hamiltonbiological.com.

Sincerely,

Robert A. Hamilton
President, Hamilton Biological, Inc.
http://hamiltonbiological.com

Attached: Cooper, D.S. and R. A. Hamilton. 2015. *A Conservation Vision for the Los Cerritos Wetlands, Los Angeles County/Orange County, California*. Revised draft, dated October 27, 2015, prepared by Cooper Ecological Monitoring, Inc., for Audubon California, San Francisco. [Appendices not included.]

cc: Mary Parsell, President, El Dorado Audubon Society
Margot Griswold & Travis Longcore, Los Angeles Audubon Society
Andrea Jones, Director of Bird Conservation, Audubon California
Samuel Schuchat, Executive Officer, California State Coastal Conservancy
Erinn Wilson, Environmental Program Manager, CDFW
Jonna Engel, Senior Staff Ecologist, California Coastal Commission

EDAUD-14

From:	Robert Hamilton
To:	Sally Gee
Cc:	Mary Parsell; Samuel Schuchat; Margot Griswold; Travis Longcore; Jones, Andrea; Jonna Engel; Erinn Wilson
Subject:	El Dorado Audubon Comments; DPEIR for the Los Cerritos Wetlands Restoration Plan
Date:	Monday, July 6, 2020 11:30:34 AM
Attachments:	Hamilton Bio_Los Cerritos Wetlands Restoration_DEIR Review_LCW Program_7-6-20.pdf LCWetlands_Cooper_Hamilton_10-27-15_No Appendices.pdf

Dear Ms. Gee,

On behalf of El Dorado Audubon, Hamilton Biological respectfully submits the attached comments on the Draft Program EIR for the Los Cerritos Wetlands Restoration Plan.

Please briefly acknowledge receipt of the attached comments via return email.

Thank you,
Robb Hamilton
President, Hamilton Biological, Inc.
562-477-2181

EDAUD-15

A CONSERVATION VISION

FOR THE

LOS CERRITOS WETLANDS

LOS ANGELES COUNTY/ORANGE COUNTY, CALIFORNIA

REVISED DRAFT

October 27, 2015

PREPARED BY:

Daniel S. Cooper
Cooper Ecological Monitoring, Inc.
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PREPARED FOR:

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Table of Contents

INTRODUCTION/OVERVIEW

The Los Cerritos Wetlands occupy approximately 500 acres near the mouth of the San Gabriel River, at the border of Los Angeles County and Orange County, and include parts of Long Beach and Seal Beach, California. Historically, the wetlands were part of the vast swath of tidal saltmarsh of Alamitos Bay, one of several large, estuarine embayments stretching from Long Beach into central Orange County, but as the area became developed and its hydrology radically altered, the total acreage of the Alamitos Bay wetlands was reduced by nearly 90 percent, from 2400 to 256 acres. The most pristine remnant, Steam Shovel Slough in Long Beach, accounts for 44 acres (roughly 20 percent of the total open space). The remainder of the wetlands supports a mix of ruderal and native vegetation, much of it within active oil fields and subject to disturbance and hydrological disruption. Limited areas of freshwater marsh and seasonal wetlands support plant and wildlife species not found in the saltmarsh or surrounding urban area, including several plant and wildlife species of conservation concern.

The Los Cerritos Wetlands Authority (LCWA) was established in 2006 through a joint powers agreement adopted by the Rivers and Mountains Conservancy, the State Coastal Conservancy, and the Cities of Long Beach and Seal Beach. The LCWA's purpose is to provide for a comprehensive program of acquisition, protection, conservation, restoration, maintenance, and operation and environmental enhancement of the Los Cerritos Wetlands area, consistent with the goals of flood protection, habitat protection and restoration, and improved water supply, water quality, groundwater recharge, and water conservation. The LCWA can acquire and own real property, but it does not have the power of eminent domain; thus, oil and other resource operations will likely continue, on at least a portion of the land, into the future. Under the LCWA, planning for Los Cerritos Wetlands has involved various biological and hydrological studies, as well as conceptual restoration plans involving engineering drawings of new tidal channels to restore wetland hydrology to degraded and disturbed areas.

Audubon (through its local chapters) has been "at the table" during the restoration planning process, and at this stage the organization and its members consider it important (a) to take a step back and review the conceptual planning and the restoration work that has been completed to date,

and (b) to set forth additional conservation priorities for the more intensive phases of restoration that are now being contemplated.

In an unusual circumstance, after we submitted an initial draft of our report to Audubon in mid-2015, a revised and improved "Final Conceptual Restoration Plan" was released by LCWA that appears to have addressed many of our initial concerns with the earlier versions that had been provided to us for analysis[1]. However, rather than restarting a new analysis from scratch, we have opted to simply note where our comments specifically apply to the earlier planning efforts (including early conceptual maps).

In general, Audubon would like to see (in the final alternative selected):

- Acknowledgment of the functions of Los Cerritos Wetlands as a component of the larger Alamitos-Anaheim Bay ecosystem (including the Seal Beach Naval Weapons Station/National Wildlife Refuge and Colorado Lagoon), specifically how its current resources, such as rare/target species (once better documented), relate to those in the surrounding area;
- More reliance on light-handed or even passive restoration in some areas, rather than creating extensive networks of tidal channels and other heavily engineered features;
- Updated surveys for sensitive plant and wildlife species of the entire Los Cerritos Wetlands complex to document usage areas that might conflict with, or inform plans for, habitat enhancement;
- Establishment of realistic species conservation goals whereby restoration and management outcomes could be measured (e.g., viable populations of wandering skipper butterflies in three distinct areas of the wetlands, or the preservation of all known occurrences of the rare Coulter's goldfields *Lasthenia glabrata* ssp. *coulteri*);
- A brief feasibility analysis for re-establishing populations of key extirpated species, such as Bernardino aster (*Symphyotrichum defoliatum*), Ridgeway's rail, and tidewater goby, through reintroduction and/or habitat restoration;

[1] Moffatt and Nichol. 2015. Los Cerritos Wetlands Final Conceptual Restoration Plan. Prepared for Los Cerritos Wetlands Authority in association with Tidal Influence, Everest International Consultants, Coastal Restoration Consultants, New West Land, Chambers Group, Inc., Kinnetic Laboratories, Inc. and Livable Communities. August 2015.

- Exploration of and reference to cost-effective, low-impact restoration actions on and off the subject property, and the potential outcomes that may further conservation goals on the wetlands overall (e.g., selective removal of eucalyptus from Gum Grove Park and replacement with native plant species in order to increase the natural character of the area and to improve habitat for native plant and wildlife species not adapted to using eucalyptus);
- Establishment of mapped "core habitat areas" that are farthest from existing edges, roads, and trails, and which will be largely protected against human-related disturbance in perpetuity.

As is the case in many of the region's large, urban open spaces, habitat conditions vary considerably within Los Cerritos Wetlands, and any plan must take into account a range of conditions, from the undisturbed tidal marsh of Steam Shovel Slough to the highly degraded/impacted landscape of Hellman Ranch, where large areas of filled-in saltmarsh support only non-native mustard and other weeds. In between these two extremes is a gradient of somewhat disturbed yet somewhat functional habitats, from saltmarsh where tidal action has been blocked, thus altering the ratio of vegetation to saltflat, to pockets of mulefat and willow that are dependent on urban runoff that provide key habitat for various native birds and other wildlife. Such "novel" or anthropogenic communities may have been absent from the LCWA focal area historically, but natural versions of these communities were present only a short distance inland, in parts of the watershed now developed. Thus, generalizations about Los Cerritos Wetlands being at once "highly degraded" and "critically important" fail to capture the actual range of habitat conditions, and should be replaced with a more nuanced understanding that acknowledges current functions of different parts of the wetlands, as well as prior conditions and future goals.

Complicating matters are two truths that limit the effectiveness of any restoration proposal: (a) oil drilling may persist across much of the conservation area for the foreseeable future, precluding significant restoration activity across large areas of otherwise productive habitat, and (b) the LCWA has had difficulty keeping homeless people from setting up camps in brushy areas across the

wetlands, which not only decreases the value of the habitat for wildlife but also increases the risk of catastrophic wildfire[2].

A third constraint involves the state of the scientific data currently being used in restoration planning. Today, the status and distribution of most species in and around Los Cerritos Wetlands remain incompletely documented, particularly for such an aggressive restoration plan. This is partially due to access restrictions, and also reflects the fact that much existing development within the conservation area predates the California Environmental Quality Act (CEQA), and therefore occurred without the range of biological surveys that would have been required in order to evaluate and mitigate the effects of development on natural resources (and which would have better documented species occurrence prior to losses to development). The recent data that have been collected and made available to the public are useful, but not all of the information has been gathered in a standardized or ideal manner suitable for conservation planning[3].

For example, a standardized waterbird survey conducted during the winter of 1979-1980 found 12,234 individuals of 53 species using the non-tidal wetland habitat alone in the Los Angeles County portion of the site (Steam Shovel Marsh and all of Orange County, including Hellman property and the Orange County Flood Control District lands were not included), with counts of several hundred waterfowl and shorebirds made on multiple dates[4]. Table 1 below provides sample counts from this survey, to give an idea of the high levels of bird use that have been recorded in the seasonal, "ruderal" wetlands (note: these should not be interpreted as comprehensive survey data, but just an example of how existing data might be used, or new data collected).

[2] Management of the homeless situation has improved following the dangerous fire of May 2014, but these types of management issues tend to be cyclical, and the situation always has the potential to deteriorate again as priorities and funding levels shift over time.
[3] We do not intend this as a criticism of work to date; we realize that access has been limited even to biologists charged with restoring and studying the site due to private property concerns and oil extraction activity.
[4] Data found in an unpublished California Department of Fish and Game report that appears to be from 1981.

Table 1. Sample counts of waterbirds at seasonal wetlands over 16 days during 1979-1981 (daily counts pooled), by subarea, at Los Cerritos Wetlands, exclusive of Orange County portion.

Species	Oil fields north of Westminster (Subareas "A" and "B")	Oil fields south of Westminster (Subareas "F", "I" and "J")
Northern Pintail		109 (J); 94 (F)
Green-winged Teal		71 (F)
Cinnamon Teal	72 (A)	115 (J)
Northern Shoveler		75 (F); 149 (J)
Semipalmated Plover		69 (J)
Black-bellied Plover	393 (B)	1314 (F)
Dunlin		253 (F)
Dowitcher (presumably Long-billed)		961 (F)
Western Sandpiper		710 (F)
American Avocet		251 (F)
Black-necked Stilt		326 (J), 115 (F)
Gulls	1000+ (A), 2000+ (B)	1000 (I)
Caspian Tern	54 (B)	

Our review of existing information did not reveal any more recent, standardized waterbird surveys conducted by a field ornithologist on the property (aside from informal birdwalks to a portion of the Hellman property at the far southeast corner), nor have nesting bird surveys or wintering raptor surveys been conducted at the wetlands. As of 2015, no professional botanist had completed site-wide habitat mapping or targeted rare plant surveys, no entomology study has been conducted, and the only fish survey we could locate for the entire wetlands was a single day of seining in 1979[5]. Therefore, while important biological baseline information has been gathered on topics such as the vegetation communities in and adjacent to tidal wetlands, and surveys for focal species have been conducted for a handful of the rarest taxa over the years, these data may not yet be complete enough for the purpose of developing comprehensive restoration and management recommendations[6]. Only by understanding the constraints that come with the land, including sensitive species usage, and by devising workable strategies to mitigate the effects of human intrusions, can biologists and planners develop a vision for the conservation and restoration of Los Cerritos Wetlands that stands a good

[5] See Table II, Fishes collected at Los Cerritos Wetlands on December 6, 1979, in "Determination of the Status of the Los Cerritos Wetlands", unpublished report, California Department of Fish and Game, undated (four species are listed, California killifish, striped mullet, tilapia and topsmelt).

[6] Several local environmental impact reports probably contain usable bird and other species information (see citations in Tidal Influence 2012) these should be tracked down and reviewed, and their relevant data presented for analysis.

chance of substantially improving habitat conditions for a variety of native plant and wildlife species, including some of the most imperiled denizens of the region, over the long term.

With the aforementioned caveats, we offer below an outline of issues for local Audubon chapters to focus their efforts on, and specific recommendations for future plant and wildlife surveys. Our recommendations are informed by an understanding of various ways in which the Los Cerritos Wetlands conservation area could contribute to conservation of biodiversity at the local and regional levels. Only after an adequate baseline is established will it be possible to thoroughly review restoration plans (in whatever form they take at that time).

Note: To improve readability of the discussions, we include scientific (Latin) names only for plant taxa, which may have many different common names; with a few exceptions, we do not include them for wildlife taxa, which generally have standardized common names. Scientific names are included for all plant and wildlife taxa listed in the tables at the end of this report.

Summary of biota, including sensitive species

Our analysis suggests that the number of plant taxa in the Los Cerritos Wetlands could be up to double the number reported in current environmental documentation[7] (see Appendix, Table A1, below). The 123 bird species listed by Tidal Influence ("Appendix A: Floral and Faunal Database" in the 2012 Habitat Assessment Report) is at least a dozen species lower than the number of species reported to eBird for just one subarea of the wetlands[8]. We also question the use of the term "database" for a simple (alphabetical) species list with no associated dates, abundance information, or documentation (sight record, photograph, specimen, etc.); we believe that an actual database, with at least cursory seasonality and abundance data, is a critical component for conservation planning.

Our own review indicates that 14 sensitive bird species, eight sensitive plants, and a handful of sensitive reptiles, mammals, and invertebrates have been recorded at Los Cerritos Wetlands, at least historically (see Appendix, Table A2). Many more sensitive plants and animals have the potential for occurrence based on their status elsewhere in the region (e.g., at Bolsa Chica) and the habitats present at the site, but lack of surveys precludes knowing for sure (see Tables A2 and A3). At least

[7] See species lists in "Tidal Influence 2012": "Los Cerritos Wetlands Habitat Assessment Report" prepared for Los Cerritos Wetlands Authority and Moffatt & Nichol by Tidal Influence, Rev. August 31, 2012.
[8] 135 species have been reported from the "Los Cerritos Wetlands" eBird hotspot as of early 2015; additional bird species have been reported from numerous other locations at the wetlands; see www.eBird.org.

14 plant and animal taxa, known from early records from Long Beach or persisting nearby, have likely been extirpated from the wetlands (Table A4). Some of these species could potentially be re-established in Los Cerritos Wetlands, either through planting/seeding (plants) or through a combination of translocation and habitat restoration/expansion (wildlife). Finally, the natural colonization of a given area by sensitive species could be facilitated by creating or expanding suitable habitat, such as planting certain areas with well-considered assemblages of native plant species (this currently occurs on a limited scale, e.g., at "Zedler Marsh" near the center of the site). For example, the California gnatcatcher, not known from the site currently or historically, has recently colonized extensive plantings of coastal scrub habitat around Bolsa Chica, and this listed species appears to be a good candidate to expand farther north to the Los Cerritos Wetlands conservation area in coming years if habitat restoration continues (others listed in Table A5). We have tried to limit our analysis and comments to species known to be present (or confirmed extirpated) here at the wetlands or in neighboring Anaheim Bay, which features similar, if much more extensive, habitats.

Comments on Previously-identified Natural Communities

NOTE: The comments had been written to refer to the 2012 restoration planning documents, and not to the more recent 2015 Final Conceptual Restoration Plan and associated mapping. We have tried to indicate where more the more recent plan addresses our initial comments and impressions.

Tidal Influence (2012) initially provided information on current and historical plant communities/habitat types of the Los Cerritos Wetlands conservation area. While we agree with many of their findings, minor inconsistencies in nomenclature create room for some confusion about the species composition of some of the habitat types present in different parts of the conservation area, as well as uncertainty regarding the composition of plant communities that would be restored in some areas. For example, nearly 90 percent of the historical habitat acreage in Los Cerritos Wetlands is believed to have been tidal saltmarsh (called "southern coastal saltmarsh" by Tidal Influence), and "alkali meadow" is said to have accounted for only approximately six percent of the historical acreage (Tidal Influence 2012; Table 1). These terms, employed again in the most recent (2015) portrayal of habitat at the site (Moffat and Nichol 2015), are widely understood but follow an outdated classification system (Holland 1986[9]). Today, agencies tend to use (and in some

[9] Holland, R. 1986. Preliminary descriptions of the terrestrial natural communities of California. Unpublished document, California Department of Fish and Game, Natural Heritage Division. Sacramento, CA.

cases have insisted that survey reports also use) a newer system, Sawyer et al. (2009[10]), which is based more on the dominant one or two plant species in a patch of vegetation. Both systems have their merits and shortcomings, but we suggest re-writing future analyses using the current one.

For "historical habitat types", Tidal Influence employed terminology used specifically for wetlands (Cowardin et al. 1979[11]), and thus in Figures 4a and 4b, they map the majority of the wetlands as "vegetated wetland (southern coastal salt marsh)" and a smaller amount as "palustrine marsh (non-tidal wetlands)."[12] "Hybrids" between these two classifications were used to develop the "Screening Alternatives" – since updated by Moffatt and Nichol (2015) – for the various wetland restoration scenarios recommended for the site[13], with classifications here based on inundation time (e.g., "low intertidal" and "mid intertidal") as well as certain Holland-like categories for some vegetation types of the restoration alternative maps ("mulefat scrub"), though not all types (including the confusing "transition zone" for upland areas just above the marsh plain). Another hybrid approach was used for existing vegetation, with 12 "coastal habitat types" consisting of six "Holland communities" plus six types of habitats not assigned to a particular plant community[14].

Notably, Tidal Influence described disturbed versions of native plant communities using two catchall terms, "ruderal wetlands" and "ruderal uplands", and these designations appear in the more recent mapping by Moffat and Nichol (2015; Figures 3-1 and 3-2). Tidal Influence defined these types as supporting less than 25 percent cover of native species, and (presumably) by their propensity to flood (as opposed to upland habitat). Using these terms, the current habitat array of Los Cerritos Wetlands has thus been described as dominated by these ruderal or "non-natural-wetland" habitats, including "ruderal uplands" (22.0%), "ruderal wetlands" (15.8%), salt flats (8.8%) and alkali meadow (7.7%)[15]. Three minor native habitats, "southern coastal brackish marsh", "southern willow scrub", and "mulefat scrub", are mapped as occurring patchily on either side of

[10] Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society, Sacramento. 1300 pp.
[11] Cowardin, L.M., V. Carter, F. Golet and E.T. LaRoe, 1979. Classification of wetlands and deepwater habitats of the United States. USFWS.
[12] In these examples, "palustrine marsh" appears to be roughly equivalent to "alkali meadow".
[13] Downloaded from:
http://www.intoloscerritoswetlands.org/new%20pdfs/screening%20alternatives/8%20Screening%20Alternatives.pdf
[14] In their analysis, "plant communities" are specifically native-dominated plant communities; habitats that are unvegetated ("due to harsh conditions", see p. 9) are not included as native plant communities, notably salt pan/"salt flats".
[15] Excludes subtidal and unvegetated habitats mapped as such.

Westminster Boulevard; the latter two also occur between the San Gabriel River channel and the DWP Haynes Cooling Channel, near Zedler Marsh.

We should note that this approach is not "wrong", and is similar to that taken by Johnston and colleagues (2011[16]) at the Ballona Wetlands (see, for example, their mapping of "low marsh", "mid marsh", and "upland scrub" in Figures 3.3, 4.1, etc.). An important difference, however, is that the Ballona researchers elected to omit the term "ruderal", despite predominance of non-native species across much of the Ballona Wetlands, and instead chose to add shading to native-dominated areas on their maps (see, for example, Figure 4.1). In our opinion, this approach is preferable because it does not automatically discount the importance of non-native vegetation (which may be more prevalent in some years than others) that often provides significant habitat for various target plants and animals, in some cases seasonally (such as when flooded) or as the result of other subtle factors not captured on habitat maps. We explore these issues below, and offer our comments on where our interpretation might differ from that of Tidal Influence/Moffat and Nichol.

Salt Flats

Pages 17–18 of the Tidal Influence report state:

> At LCW, [salt flats] are probably derived from a variety of degraded salt marsh habitats. At LCW, some of these areas may become brackish and support submerged algae. Many areas currently supporting this habitat at LCW lack the defining salt panne plant species *Batis maritima* (salt wort) and *Monanthochloe littoralis* (shore grass)… The flooded conditions are hot spots for wintering migratory bird species and amphibians like the Baja California treefrog, but once dry the flats become inhospitable to most wetlands organisms.

We generally agree with this assessment, but also note that salt flat habitat (referred to as "alkali flats" by Dark et al. 2007, pp. 66–68) has been nearly eliminated in southern California, even as saltmarshes have been restored. Restoration practitioners typically regard salt pan/panne habitat as inferior to tidal marsh and other vegetated habitat types, and replace it with these habitats during restoration efforts. As noted in the preceding excerpt, however, salt pannes may be *heavily* used by birds, and this is true not only in winter but during migration as well, especially when late-season storms create pools that exist for some or all of the spring migration period (generally March through May).

[16] See Johnston, K.K., E. Del Giudice-Tuttle, I.D. Medel, J. Dorsey, D.S. Cooper, and S.P. Bergquist. 2011. The Ballona Wetlands Ecological Reserve Baseline Assessment Program: 2009-2010. Santa Monica Bay Restoration Commission. Report prepared for the California Coastal Conservancy and California Dept. of Fish and Game. 446 pp. Available: http://ballonarestoration.org/wp-content/uploads/2014/03/BWER_YR1_Baseline_Report_full.pdf

Essentially, any rain event at any time of year can transform salt pan into important bird habitat. In areas with a perched groundwater table, or where topsoil has been deposited (naturally or otherwise), alkali meadow or even semi-riparian habitat can develop in or around these depressions (*Ibid*). Another important point is that many native plant species *preferentially* occur at the margins of salt pan, and not necessarily in fully tidal marsh, or even in less-frequently-inundated, or muted, tidal marsh. A relatively high proportion of these species, and this community as a whole, are of conservation concern in the region. Therefore, any loss of these habitats should be evaluated both in terms of (a) their importance to birds (and other wildlife) at multiple scales, and (b) their representation in the landscape. It is likely that additional studies and data collection would be needed to complete these analyses.

As a note, we opt to categorize salt flat habitat at Los Cerritos Marsh as "seasonal wetland", as described further below.

Southern Willow Scrub

Page 18 of the Tidal Influence report states:

> Having the most vertical stratification, [southern willow scrub] has the potential to host the greatest diversity of bird species including nesting and foraging habitat. Habitat for amphibians is also provided.

While this may be true, to our knowledge no specific data support this or any other assertion about the observed species diversity of birds or other groups in riparian habitats in the Los Cerritos Wetlands conservation area. Of the several riparian-obligate bird species that breed in southern California, none has been recorded breeding in these patches of riparian habitat at the site. Near the southeastern corner of area, riparian habitat apparently installed in association with the Heron Pointe development has been visited by the state- and federally endangered least Bell's vireo, and by several California Species of Special Concern, including yellow warbler and yellow-breasted chat. Expanding this area of riparian habitat as part of the planned restoration of Los Cerritos Wetlands would therefore be expected to bolster several small, but important, populations of sensitive bird populations, but these don't exist currently at the site. Any conservation analysis conducted as part of restoration planning should evaluate (a) creation of one large, semi-contiguous stand of riparian habitat capable of supporting relatively stable populations of the vireo and other sensitive bird species (and where this could be located), versus (b) creation of multiple independent stands (as

exists today), none of which may be large enough to reliably constitute nesting habitat for the least Bell's vireo or other sensitive bird species.

Alkali Meadow

This habitat type is prone to periodic flooding and thus functions as either grassland or seasonal wetland[17] (or a combination of the two), and this makes alkali meadow habitat very difficult to describe and map. Pages 19–20 of the Tidal Influence report state:

> [Alkali meadows] have been inadvertently recreated in Los Cerritos Wetlands as a result of former tidal salt marsh being artificially filled above sea level by fine textured saline soils. These meadows generally occur in basins formed by roadways throughout the LCWA Phase 1 Properties, the Bixby Ranch Wetlands, and Marketplace Marsh. These meadows are also found along the fringes of salt flats and are relatively low in species richness at Los Cerritos due to the manner by which this habitat type has been formed…This plant community provides breeding habitat for amphibians and foraging habitat for migrating shorebirds and ducks. These meadows provide important coastal grassland foraging habitat for raptor species (namely red-tail hawks, American kestrels, and white-tailed kites)."

Describing the historical communities of the region, Stein et al. (2007, p. XI) wrote, "Of particular note is the loss of the vast alkali meadows, which were once the most common type of wetland in the lower watershed, but are now totally absent from the landscape." Page 68 of the same report lists numerous rare or extirpated plants that were dependent on alkali meadow habitat in the area, including Nuttall's alkali grass (*Puccinellia nuttalliana*), spreading alkaliweed (*Cressa truxilensis*), saltmarsh bird's-beak (*Chloropyron maritimum* ssp. *maritimum*), southern tarweed (*Centromadia parryi* ssp. *australis*), and Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), and pages 75–76 describe the alkali meadow community in more detail:

> Saltgrass (*Distichlis* spp.) dominated alkali meadows at the landward edge of the tidal marsh at Alamitos Bay, and extended well beyond regular tidal influence, and were observed by early naturalists to include 'a growth of willow, salt (grasses)[18], and moisture loving or alkali resistant plants.' . . . these alkali meadows may have expanded and contracted over time, being larger than the extent mapped within the study area during certain periods.

[17] The terms "wetland" and "seasonal wetland" describe areas that are inundated permanently, or for extended periods on a regular basis, affecting the area's soils and vegetation; many plant communities can comprise wetlands.
[18] The mulefat thickets present at current-day Los Cerritos Wetlands appear to support an understory dominated by saltgrass (Tidal Influence 2012:19); arguably, this "mulefat scrub" vegetation type could be merged with alkali meadow, with mulefat appearing in patches where freshwater is present for longer periods, reducing alkalinity.

Notably, Table 6.2 on Page 71 of the same report is a habitat classification "crosswalk" that equates alkali meadow to "palustrine emergent saline wetland". Thus, it is likely that alkali meadow, or a seasonally-flooded equivalent, was indeed present in the historical Los Cerritos Wetlands complex, perhaps in the northeastern corner near Loynes Drive and in the far southeast between Gum Grove Park and near the current Orange County Flood Control basin, areas that Tidal Influence (2012:6–7) mapped as "palustrine marsh".

To us, this suggests that the patches of alkali meadow habitat that remain in the conservation area are extremely important at both local and regional scales, likely representing the last relicts of a once-widespread ecological community. The Tidal Influence report, together with unpublished data by a local botanist wishing to remain anonymous (see Appendix, Table A1), includes several native species as typical of this community, which is mapped as being fairly extensive both north and south of Westminster Boulevard. While the Tidal Influence report suggests that plant species diversity in these areas is low, focused botanical surveys would be needed to confirm the species richness of these areas and to determine the presence or absence of sensitive plant species. However, it is worth noting that Tidal Influence has mapped several occurrences of rare alkali meadow species within the study area, including Coulter's goldfields, and a local botanist (unpubl. data) recently collected the CNPS-ranked *Hordeum intercedens* from alkali meadow habitat at the wetlands (he found the grass growing along drying edges of seasonally-flooded, grassy swales). Still, we acknowledge and appreciate the fact that a relatively large – and apparently accurate – area of the wetlands complex was recently remapped as "alkali meadow" by Moffat and Nichol (2015; Figures 3-1 and 3-2).

Brackish Marsh

When the San Gabriel River ran freely, brackish areas would have been particularly extensive during the winter and spring months, when rains and snowmelt would have brought strong flows of fresh water to mix with the salty tidal marshes, and generally rare during the dry summer and early fall months, limited to areas fed by perennial springs. Given this temporal shifting under natural conditions, it is unsurprising that Tidal Influence (2012) considered the historical extent of "southern coastal brackish marsh" to be poorly understood, and Stein et al. (2007) did not mention brackish marsh by name. However, the description by Tidal Influence (2012:67) of brackish marsh in today's Los Cerritos Wetlands as a reed-dominated wetland fed by anthropogenic irrigation and street runoff is probably better treated as the "perennial freshwater wetland" community that was present in the historical lower San Gabriel River floodplain, including parts of north Long Beach,

within the broad band of seasonal and spring-fed wetlands. In the Los Cerritos Wetlands conservation area, the largest area currently classified as brackish marsh is at Marketplace Marsh, but we also note that the habitat is additionally mapped "in oil field drainage ditches along roadsides, adjacent to street curb-cuts, and within deeper basins fed by culverts from urban areas." These habitat areas are poorly known to us, as they are off-limits to the public.

Under normal (non-drought) conditions, Marketplace Marsh is a small freshwater pond surrounded by a wide border of cattails (*Typha* sp.) and California bulrush (*Schoenoplectus californicus*). Given that this area has not been subject to the tides for many years, it is probably best considered a form of freshwater marsh despite the presence of alkaline soil (see Table 6.2 in Stein et al. 2007). In the modern landscape of southern California, we should note that nearly *all* freshwater wetlands are substantially affected by urban runoff and flood control manipulations, and Marketplace Marsh is typical, in that it is fed by urban runoff from the adjacent shopping center. This "man-made" aspect of the marsh does not detract from its importance to local wildlife (and plants), particularly considering that natural versions of this habitat are essentially absent from the landscape. As in so many parts of the region, only anthropogenic, or at least human-influenced, marsh remains. Thus, we suggest a reclassification of Marketplace Marsh and critical evaluation of the other wetland types mapped as "southern coastal brackish marsh", to the more appropriate "perennial freshwater wetlands" or similar[19], to better reflect the freshwater plants and wildlife present; however, we are not wholly opposed to retaining the term "brackish".

It appears that the value of Marketplace Marsh, however it is ultimately classified, has been downplayed in the latest Final Conceptual Restoration Plan (Moffat and Nichol 2015, p. 32):

> "Brackish marsh is a productive and rare habitat in Southern California and worthy of restoration where conditions allow. However, urban runoff can deliver nutrients and other pollutants into the ecosystem, making it a generally undesirable source of water where habitat is the primary focus. It is probably better to develop bioswales or other storm water treatment wetlands off-site that do not have a habitat focus or develop a mechanism that allows urban runoff to enter the restored marsh after contaminants have been reduced, ideally in a way that mimics the frequency and magnitude of storm events."

Based on our observations, Marketplace Marsh is actually providing high quality habitat for many plant and wildlife species, including those that have become locally rare in the Los Angeles Basin

[19] Acknowledgment of perennial freshwater wetlands at the site is important for future species occurrence as well; it is possible that western pond turtle (*Actinemys marmorata*), for example, could be introduced here, as it has been essentially eliminated from coastal Los Angeles County and opportunities for reestablishment are few.

through the decades. Most, if not all, of these do not avoid areas of treated wastewater or urban runoff, so it is unclear why this quality would limit the habitat values here.

Other Wetland Types

Biologists struggle to classify various forms of disturbed coastal wetlands that were historically extensive and subject to tidal influence but that have been degraded and fragmented, leaving remnants of saltmarsh and large areas of ruderal vegetation. At the Ballona Wetlands, for example, Johnston (2011; Figure 4.1) mapped such habitat (dominated by pickleweed and ruderal vegetation) as "Estuarine high marsh" and "Estuarine mid marsh", depending on the frequency and duration of inundation, even though it is typically precipitation, rather than tidal flow, that inundates the habitat. Areas farther removed from tidal influence that are wholly flooded by precipitation are mapped as "seasonal wetland" even though they may share the same vegetation as high (or mid) marsh; neither of these are called "brackish marsh", nor should they be. We are not advocating the adoption of these terms for the marsh at Los Cerritos Wetlands, but simply pointing out the usefulness in defining or even creating terms that reflect the conditions *on the ground*, rather than trying to fit the conditions on the ground to existing terms.

Working in the San Francisco Bay Area, Baye (2000[20]) treated similar habitats as "Diked Bayland Plant Communities", writing that they "can resemble (vegetation) of local tidal salt marshes, tidal brackish marshes, non-tidal perennial freshwater marshes, or seasonally wet grasslands" and that "some also have characteristics similar to components of tidal marshes which are now regionally scarce or extirpated, such as high marsh pans". Baye (2000:37) noted that "diked wetlands usually have lower native species richness than their analogous natural plant communities, and often a larger component of exotic plant species…the result of past land uses". However, regarding the potential conservation value of diked bayland habitats, Baye (2000:40) observed that such areas:

> …still provide important plant conservation functions [including where] agriculture and development have eliminated most historic natural seasonal wetlands in supra-tidal grasslands [and] the original vernal pool flora which occurred in subsaline to alkaline depressions…has been largely extirpated in its original location, but persists in artificial equivalent topography and edaphic conditions in some diked seasonal wetlands. . . [Such areas may] provide important founder populations for opportunities to restore vernal pool and swale systems.

[20] See "Plants and environments of diked baylands", pp. 33-42, In: Goals Project. 2000. Baylands Ecosystem Species and Community Profiles: Life histories and environmental requirements of key plants, fish and wildlife. Prepared by the San Francisco Bay Area Wetlands Ecosystem Golas Project. P.R. Olofson, ed., San Francisco Bay Regional Water Quality Control Board, Oakland.

Similar statements could apply to disturbed coastal wetland fragments in the Los Cerritos Wetlands conservation area – occurrences of southern tarplant, for example, hint at areas that could support vernal pool vegetation (and fauna). Rather than dismissing the value of these sites in favor of fully tidal wetlands[21], we would urge planners to more fully document the flora and fauna of all areas of small, seasonal/anthropomorphic wetlands throughout the Los Cerritos Wetlands complex, in case some rare element has found its way into one of them. The area where Coulter's goldfields occur, for example, is a mostly-dry ditch within an active oil field that is disked annually, killing off most of the plants each year; this is the type of habitat that could easily be overlooked by overly focusing on recreating a particular habitat type at the expense of a seemingly degraded one.

Sensitive Species Use by Habitat Type

A species may be considered to be "sensitive" 1) if listed as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW); 2) if biologists identify regional, statewide, or range-wide population declines (includes, for example, California Species of Special Concern); or 3) if biologists recognize local populations as being sparse, rapidly dwindling, or otherwise unstable (includes, for example, Los Angeles County Bird Species of Special Concern)[22].

Legal protection for sensitive species varies widely. Species listed as threatened or endangered, and their required habitats, are accorded fairly strict protection under the federal and state endangered species acts. Non-listed sensitive species generally warrant consideration during planning of actions that may adversely affect their populations. For example, the Los Angeles County Department of Regional Planning now considers all Los Angeles County Bird Species of Special Concern) as part of their review process for proposed development projects; several of these species occur, or potentially occur, at Los Cerritos Wetlands (Table A6). In some cases, impacts to sensitive species may be considered "significant" under the California Environmental Quality Act (CEQA), thus

[21] From Moffat and Nichol (2015, p. 32): "Shallow basins (some bermed in by oil roads) retain rainwater and can pond for several months in wet years. When ponded, these areas are used by waterfowl and shore birds. Reintroduction of tides will cause these habitats to convert and/or be reduced in area. While these ponds are currently providing occasional ecosystem functions, it is probably not desirable to protect these habitats from conversion to tidal salt marsh in place. There may be opportunities to recreate some of the lost functions in different areas of the complex."

[22] Refer to http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/spanimals.pdf for animals and http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/spplants.pdf for plants, and to Los Angeles County Sensitive Bird Species Working Group. 2009. Los Angeles County's Sensitive Bird Species. Western Tanager 75(3):1-11, available at: http://losangelesaudubon.org/index.php/conservation-a-restoration-mainmenu-82/sensitive-species-report-mainmenu-150

requiring mitigation to avoid or minimize adverse impacts to the extent feasible. In the context of a restoration project, actions that impact a moderately sensitive species may be considered appropriate if they are needed to improve habitat conditions for a more sensitive one. Careful analysis should be conducted to ensure that restoration prioritizes the preservation and restoration of the more sensitive and ecologically important species and communities, and minimizes impacts to any sensitive species.

Table A1 (see Appendix) lists plant species historically recorded in the vicinity of Los Cerritos Wetlands that lack special status and that have may been extirpated from the conservation area. Table A2 lists sensitive species known to occur within the Los Cerritos Wetlands conservation area or that have at least moderate potential to occur there. Table A4 lists species known only from historical records, or from the general Long Beach area, but not in the habitat types now represented within the conservation area. Finally, Table A5 lists special-status species unlikely to occur at Los Cerritos Wetlands today, but that might be supported if proper habitat conditions are established.

For the following analysis, it is useful to group sensitive species according to a short list of habitat types (see e.g., Table A3). The seven main plant and wildlife habitats we use are: **Saltmarsh**, **Seasonal Wetland**, **Freshwater Marsh**, **Coastal Prairie/Scrub**, **Riparian**, **Tidal Channel** and **Urban/Ruderal**. We treat as Saltmarsh any area supporting vegetation typical of tidal or muted-tidal conditions, acknowledging that, for some purposes, areas fully deprived of tidal influence may best be considered as Seasonal Wetland even if they support pickleweed or other typical Saltmarsh plant species. We include salt flat/salt panne as a form of Seasonal Wetland habitat because it is clearly a seasonally inundated habitat, and because its edges support species more typical of Seasonal Wetland habitat than any other[23]. Our Freshwater Marsh includes the "brackish marsh" community mapped by Tidal Influence (2012), at least in part (i.e., at Marketplace Marsh), and Riparian incorporates both "southern willow scrub" and "mulefat scrub." Coastal Prairie/Scrub habitat, while marginal at the site, is treated separately from weedy areas of fill, which we treat as Urban/Ruderal. Obviously, these categories are subjective and open to various interpretations, and each one typically grades into and overlaps others.

[23] We note that some authors use "salt panne" to describe features within a tidal marsh, where geology produces barren, salt-encrusted patches often within a sea of pickleweed and other saltmarsh vegetation. Obviously this isn't a situation that currently exists at Los Cerritos Wetlands, though it likely did in the past. Today, the salt panne habitat here is totally separated from tidal influence, yet nonetheless holds some conservation value that should be acknowledged.

Saltmarsh (included muted saltmarsh) at Los Cerritos Wetlands provides the primary habitat for Belding's savannah sparrow, wandering skipper, southern saltmarsh harvest mouse, Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), and two species of seablite. Each of these species is dependent on this habitat type, or on vegetation immediately adjacent to Saltmarsh, such as Seasonal Wetlands that have a strong component of Saltmarsh species. Saltmarsh provides secondary habitat for several raptors (e.g., northern harrier, white-tailed kite, burrowing owl, peregrine falcon) as well as loggerhead shrike and southwestern spiny rush, all of which also occur readily in other habitat types. Species that could potentially be present, or which could occur following restoration, include short-eared owl, large-billed savannah sparrow, San Diego black-tailed jackrabbit, south coast marsh vole, southern California saltmarsh shrew, and tidewater goby. Finally, special-status saltmarsh species believed absent, but which could be re-introduced to the area, include the light-footed Ridgway's [clapper] rail and saltmarsh bird's-beak; non-sensitive plants likely extirpated from this habitat include California saltbush (*Atriplex californica*). If any species with at least moderate potential for occurrence has not been explicitly searched for, protocol-level surveys should be initiated that would detect them or confirm their absence.

Much of the Saltmarsh habitat at Los Cerritos Wetlands is "muted", having been deprived of tidal influence for many years, even decades. Where alkali levels allow, these areas have been invaded by non-native weeds or even Riparian plants, and where alkali levels are too high to support even Saltmarsh plants this habitat takes the form of unvegetated salt pan. Even though these are clearly anthropogenic habitats, we consider it preferable to classify them as they exist today, rather than as they once were (tidal saltmarsh) or what they could be with a change in management. To this end, we treat these below as "seasonal wetlands", a broad habitat with potentially many subdivisions. Obviously, if the vegetation of a given site is clearly dominated by Saltmarsh species (e.g., pickleweed), it should be classified as such; thus, the Seasonal Wetland category generally applies to areas that are typically inundated during the rainy season and consistently arid from late spring through fall, and that do not support vegetation that would be classified as "marsh".

Seasonal Wetland habitat at Los Cerritos Wetlands provides the primary habitat for two special-status species known to persist here, southern tarplant and vernal barley (*Hordeum intercedens*), the latter identified in surveys by a local botanist but not treated in current documentation. Seasonal wetland provides secondary habitat for the Saltmarsh species listed above, as well as for terns from local breeding colonies (including elegant tern, least tern and black skimmer) and snowy plover.

Davidson's saltscale (*Atriplex serenana* var. *davidsonii*) may persist, as it still occurs at Anaheim Bay, and three other rare species of *Atriplex* — Coulter's saltbush (*A. coulteri*), south coast saltscale (*A. pacifica*), Parish's brittlescale (*A. parishii*) — could be re-introduced if indeed they are not present (all are very difficult for even experienced naturalists to identify and can resemble more widespread, non-native taxa). This habitat could also support (re-introduced) San Diego black-tailed jackrabbit. Several regionally rare birds are found in Seasonal Wetland habitat, including the greater white-fronted goose, snow goose, long-billed curlew, horned lark, and western meadowlark. Many plant species found in seasonal wetlands that lack any classification of sensitivity at the state level are nonetheless very rare in Los Angeles and Orange counties; the following species potentially occur at Los Cerritos Wetlands, or could be re-introduced if determined to be extirpated. These include *Atriplex argentea* (observed by D. S. Cooper in 2014 at Hellman property), *Baccharis douglasii*, *Euthamia occidentalis*, *Galium trifidum*, *Gnaphalium palustre*, *Hordeum brachyantherum*, *Hordeum depressum*, *Juncus bufonius*, several species of *Lepidium*, *Nitrophila occidentalis*, *Rumex salicifolius*, *Sesuvium verrucosum*, *Sidalcea neomexicana* ssp. *thurberi* and *Spergularia marina*[24]. All of these species could be considered to be of "local concern" and addressed in future restoration plans if found to be present. They should be searched for and documented at Los Cerritos Wetlands, or survey data showing their absence should be made available.

Freshwater Marsh is arguably one of the least-known communities at Los Cerritos Wetlands, and is only well developed at a single site, Marketplace Marsh, where freshwater is provided by urban runoff, creating somewhat brackish conditions. Southwestern spiny rush is a sensitive plant species often found at the margins of Freshwater Marsh. The northern harrier uses this habitat for foraging, and could potentially breed there in the future. Clark's marsh wren, a narrow southern California endemic that may be present at Marketplace Marsh (April and early July records in eBird), is heavily dependent on dense Freshwater Marsh habitat. Other sensitive species potentially present, at least seasonally, include redhead, least bittern, short-eared owl, yellow-headed and tricolored blackbirds, South Coast garter snake, and western pond turtle. Regionally-rare birds found in Freshwater Marsh habitat include the American bittern and nesting populations of white-faced ibis, Virginia rail and sora. Rare plants potentially present include San Bernardino aster (*Symphyotrichum defoliatum*), small spikerush (*Eleocharis parvula*), and lucky morning glory (*Calystegia felix*). As with Seasonal Wetland, Freshwater Marsh supports many species widespread in the state but uncommon to rare (or

[24] *Spergularia marina* has been (re)introduced at Zedler Marsh at Los Cerritos Wetlands, *per* E. Zahn, Tidal Influence.

extirpated) in the Los Angeles/ Orange County area. Species to look for include *Ammannia coccinea, Symphyotrichum lanceolatum* var. *hesperium, Baccharis douglasii, Cyperus erythrorhizos, C. esculentus, C. niger, C. odoratus, Erigeron philadelphicus, Euthamia occidentalis, Galium trifidum, Oenanthe sarmentosa, Petunia parviflora, Phyla lanceolata, Persicaria lapathifolia, Ranunculus cymbalaria* var. *saximontanus*, and *Rumex salicifolius*. All of these species should be searched for and documented at Los Cerritos Wetlands, or survey data showing their absence should be made available.

Coastal Prairie and Coastal Scrub habitats would have occurred naturally in a shifting matrix in the South Bay/Long Beach area just inland of coastal wetland habitat; they are extremely limited at Los Cerritos Wetlands. A relict occurrence is found along a small bluff at the southern end of the site, adjacent to Gum Grove Park. The flora here appears depauperate, but access is limited and surveys are lacking. A handful of sensitive bird species may make occasional use of this habitat, including several raptors (including burrowing owl) and loggerhead shrike, and two reptiles may be present, coast horned lizard and San Bernardino ringneck snake. Few sensitive plants are likely to persist at the site currently, although *Phacelia ramosissima* var. *austrolittoralis*[25] may well occur since it is tolerant to disturbance and occurs readily in urban-edge situations, and the much rarer coast woolly-heads (*Nemacaulis denudata* var. *denudata*) persists at nearby Bolsa Chica in habitat not dissimilar to that present at Los Cerritos Wetlands[26]. Various specialized plants and wildlife associated with this general habitat type, such as the Pacific pocket mouse and Brand's phacelia (*Phacelia stellaris*), were likely lost many decades ago, and would not have high probabilities of becoming established at the site if they were translocated there due to degradation and/or limited extent of the remaining habitat. Species with less specific habitat requirements, such as the San Diego black-tailed jackrabbit, could probably be re-introduced. As mentioned previously, there is potential for California gnatcatchers from Bolsa Chica to colonize the small (5-acre) area of restored Coastal Scrub habitat near Zedler Marsh, and it may make sense to expand this limited area of upland habitat northeast along the Haynes Cooling Channel to the slopes of the Orange County Flood Control basin near Westminster Boulevard. Elsewhere in the conservation area, plantings of Coastal Prairie and Coastal Scrub habitat may make sense only in limited areas of upland around the edges of the wetlands.

[25] Taxonomy uncertain; may be indistinguishable from more widespread forms, *per* A.C. Sanders, UCR Herbarium.
[26] See Roberts, F.M. 2008. The vascular plants of Orange County, California. An Annotated Checklist. F.M. Roberts Publications, San Luis Rey, California.

Riparian habitat, like Freshwater Marsh, was likely either absent or extremely limited in the vicinity of Los Cerritos Wetlands historically, yet today it is an important habitat type, at least at the margins of the conservation area. Within the last several years, five acres of dense riparian scrub (mixed with a more xeric coastal scrub) have been created just east of Gum Grove Park, adjacent to the Heron Pointe housing development, and much smaller stands dot other parts of the wetlands, including Marketplace Marsh. The flora and fauna of the Heron Pointe site is complicated by the amount of introduced plant material used in restoration, and the area is fenced off to keep the public out, but limited eBird data suggest that sensitive, riparian-obligate bird species may be in the process of colonizing this area. Species recorded there recently include the least Bell's vireo, yellow warbler, and yellow-breasted chat. Both the white-tailed kite and Cooper's hawk favor these types of situations, where riparian trees are surrounded by low, herbaceous habitat, as habitats for nesting and roosting. Contemporary plant and bird occurrence data are also limited for riparian species at Marketplace Marsh, which has been gated private property for decades. As alluded to previously, ecotones between Riparian and other habitat types, such as Seasonal Wetland and Freshwater Marsh, can be extremely productive habitat for birds and many other wildlife species, with the willows and mulefat providing cover and food sources for a variety of species. Presumed extirpated species that could be reintroduced into these habitats include south coast garter snake (*Thamnophis sirtalis* ssp.), and plants such as *Calystegia felix*, *Helianthus nuttallii* ssp. *parishii*, *Nasturtium gambelii*, and *Symphyotrichum defoliatum*.

Tidal Channel habitat is found in both the Los Cerritos Channel and associated Steam Shovel Slough at the northern end of the site, as well as along the lower San Gabriel River channel and the associated Hayes Cooling Channel that parallels the river. Within the conservation area, Tidal Channel represents the primary habitat for the green sea turtle, California brown pelican, and various terns, and provide habitat for less frequently-occurring sensitive species such as the brant. Small numbers of marine-wintering waterfowl, such as the common loon, ruddy duck, bufflehead, and surf scoter, regularly overwinter on the area's tidal channels. Two sensitive subspecies of savannah sparrow — Belding's and large-billed — would be expected to forage at the edges of local tidal channels, even on bare rock, particularly where adjacent to Saltmarsh habitat. The endangered tidewater goby has been considered as having a low likelihood of occurring, presumably due to the lack of true brackish/estuarine conditions (Steam Shovel Slough, the primary intact saltmarsh habitat at the site, has no freshwater input), but fish surveys have not been conducted since the 1980s (LCWA *in litt.*, November 14, 2014).

Urban/Ruderal habitat is obviously widespread in the region, but a few key areas deserve mention, especially Gum Grove Park, which occupies the southern boundary of the southern area of the site. The park includes a small population of southern tarplant, as well as fragmentary coastal sage scrub (see "Coastal Prairie and Coastal Scrub" above). It also supports several nesting raptors, though these are the typically widespread species such as the Red-tailed Hawk (M. Parsell, unpubl. data). Other areas of Ruderal habitat occur throughout the entire conservation area, each of which should be carefully investigated to confirm absence of cryptic native species, particularly those that can only be detected under certain circumstances (for example, some low-lying areas that transform into seasonal wetlands during rainy years may be passed off as non-native grasslands or weedy upland fields during drier years). Even expanses of iceplant can hide pockets of natives within small gaps, and cannot be written off as having low value without appropriate surveys. Certain urban habitats near wetlands can provide important habitat for nesting bird species, especially nesting colonial waterbirds (e.g., herons, egrets, and cormorants) and raptors. The species involved may not have special status (e.g., California Species of Special Concern), but a nesting site of any species that tends to be re-used year after year may be recognized as a sensitive resource (e.g., an Environmentally Sensitive Area per criteria in Section 30107.5 of the California Coastal Act). One well-known urban nesting colony near the conservation area is the marina portion of Alamitos Bay, which has supported nesting colonial waterbirds for several years[27]. These waders presumably forage in a variety of habitats within Los Cerritos Wetlands during the spring and summer nesting season.

Coastal Commission Permitting and Other Constraints

The entire Los Cerritos Wetlands conservation area lies within the Coastal Zone and is therefore subject to the permitting authority of the California Coastal Commission. Permitting authority for actions that take place in the Long Beach portion of the conservation area is conferred to the City of Long Beach, which has a certified Local Coastal Program (LCP) as well as a current/ongoing "Southeast Area Specific Plan[28], although apparently some of the Los Cerritos Wetlands within the City limits are uncertified. The City of Seal Beach does not have a certified LCP but apparently is in the process of developing one, with completion scheduled for 2016[29]. Therefore, a Coastal

[27] Cooper, D. S. unpublished data. Twenty nests great blue heron and 15 nests of black-crowned night-heron and/or snowy egret on 2 June 2012 in "trees in parking lot & pier area along N. Marina Dr. and road to Alamitos Bay Fuel Dock from 225 N. Marina Dr. to 255 N. Marina Dr. on north side of parking lot."
[28] http://www.lbds.info/seadip_update/
[29] www.coastal.ca.gov/lcp/lcpgrant/apps/LCPAGP_CityofSealBeach.pdf

Development Permit issued directly by the Coastal Commission is required for any actions that take place in the Seal Beach portion of the conservation area, including any restoration actions, as required in specific parts of the conservation area under existing Coastal Development Permits or Restoration Orders. Two main ones, the raptor foraging area on the Hellman Property, and the habitat restoration order along Loynes Drive, are discussed below.

Hellman Property Raptor Foraging Habitat Set-aside

In compliance with Coastal Development Permit (Nos. 5-97-367/5-97-367-A1) issued for the Heron Pointe development on the Hellman Property, in 2002 an Open Space Deed Restriction was issued that implemented various Special Conditions of the Permit. This included Special Condition No. 21, which required (a) the setting aside of at least "9.2 contiguous acres of contiguous raptor foraging habitat" adjacent to and north of Gum Grove Park, and (b) preparation of a raptor foraging habitat management plan that identifies various management measures intended to prevent loss of raptor foraging habitat functions and values. The 9.2-acre area set aside in compliance with Special Condition No. 21 consists primarily of relatively flat land that supports a tall (often exceeding two-meter-high) non-native herbaceous grassland, dominated by such ruderal species as black mustard (*Brassica nigra*), wild radish (*Raphanus sativus*), and various non-native annual grasses. Glenn Lukos Associates prepared a summary of their 2001 Raptor Foraging Habitat Management Program and reported that the 9.2-acre area:

> … consists primarily of relatively flat land that supports non-native grassland and ruderal species. Survey results [from 2001] indicate that American kestrels and White-tailed kites actively hunt and kill prey within the 9.2-are study area as do red tail hawks [*sic*], although at a lower rate.

Attractiveness of the 9.2-acre set-aside area for raptors was attributed to the following:

> The combination of numerous utility poles, telephone wires, fence posts, and other structures, provides numerous perching platforms from which raptors can scan the open grasslands and ruderal area below. The proximity of the utility poles and structures to the open fields creates an optimal field of view for the raptors. Additionally, the open fields are conducive to high levels of rodent activity.

There is no indication that the analysis provided above is based on anything more than the conjecture of the biologist(s) who prepared the report. For example, no small mammal trapping was conducted to determine the population levels of different prey species. The report contains no specific information on the numbers of different raptor species observed foraging in this area, the seasonality of use, the locations of any raptor nesting documented nearby, or the potential relationship between raptor populations on the Hellman property and those in the nearby Seal Beach National Wildlife Refuge. The Raptor Foraging Habitat Management Program did not

identify any maintenance measures apart from "regular clearing and mowing activities" that were already being conducted in the area; specifically, they note "vegetation clearing and/or discing will be maintained at its current level within the 9.2-acre area and will be performed in the same manner." Presumably, this means "the same manner" as was being routinely conducted at the time. The condition of the 9.2-acre area does not appear to have changed substantially since 2001 (i.e., the area continues to support a mix of annual grassland and ruderal mustard and radish stands), but the current mowing regime, if any, is not known to us. American kestrels and red-tailed hawks still forage extensively in this area; information provided by local birders and records submitted to eBird (www.eBird.org) suggest that the white-tailed kite has become rare over the years

Conservation efforts in the 9.2-acre area of the Hellman property are therefore constrained by the Open Space Deed Restriction, although the wording of the Deed Restriction allows for active restoration or other conservation measures in this area, so long as they would not degrade existing raptor foraging habitat functions and values. Therefore, before any conservation actions are taken in the 9.2-acre set-aside area, we recommend an updated survey of raptor foraging activity and habitat usage (of utility poles and lines, fences, etc.) and an evaluation of the likely results of any proposed changes to the vegetation, maintenance activities, or human use of this area. Any changes to its intended use for foraging raptors would have to be approved by the Coastal Commission (or the City of Seal Beach, if this area eventually becomes covered under a certified LCP). We also recommend that future maps showing restoration alternatives accurately depict and describe this area as requiring special attention to ensure that it continue to be attractive to foraging raptors (or that it be managed in such a way that improves its function to raptor foraging).

Mandatory Habitat Restoration at 6400 East Loynes Drive

This 9.38-acre parcel, situated between Loynes Drive and the north bank of Los Cerritos Channel, near the northern boundary of the conservation area, is part of an old landfill operation (refuse dump) used to fill coastal marshland during the 1940s and 1950s. The top layer of the landfill was disturbed by unpermitted grading that occurred on 19 and 20 March 2009, and which altered the topography and removed most of the vegetation from the site. Apparently, the grading also exposed the old dump. This area was then covered with fill imported pursuant to Coastal Commission Emergency Permit 5-09-068-G. Commission staff issued the emergency permit on 7 April 2009 because the certified City of Long Beach LCP did not contain provisions for the issuance of emergency permits.

Following the issuance of the emergency permit, the applicant constructed a six-inch thick cap over a 50,000 square foot portion of the dump. A condition of Emergency Permit 5-09-068-G required the applicant to apply to the City of Long Beach for the follow-up permit. On 12 October 2009 the City of Long Beach approved Local Coastal Development Permit 0904-15 to allow the import of one thousand cubic yards of soil to re-establish and maintain the cap over the existing landfill (in response to Coastal Commission Emergency Permit 5-09-068-G), and to allow weed abatement to comply with a Fire Department order. Several persons appealed this decision to the City Planning Commission because the local coastal development permit did not include a condition requiring any restoration of the project site. On December 3, 2009, the Planning Commission held a public hearing and approved Local Coastal Development Permit 0904-15 with conditions. The appeals were denied, but the Planning Commission added Special Condition Ten, which states: "The applicant shall comply with a remediation plan to be prepared by staff and submitted to the Planning Commission for consideration within 90 days."

The Planning Commission's decision was not appealable to the Long Beach City Council. On 25 January 2010 the Coastal Commission received the first of seven valid appeals of Local Coastal Development Permit 0904-15. The appeals called for restoration of the graded area of the site. On 10 March 2010 the Commission determined that a substantial issue existed with respect to the grounds of the appeals because: (a) the certified LCP designated the bay-fronting site for restoration as a brackish pond; (b) the certified LCP required that open space and natural habitat areas be preserved and that the waters of Alamitos Bay be protected from runoff; and (c) the absence of a detailed and enforceable habitat protection and restoration plan could adversely affect wildlife, wetlands, and the quality of adjacent tidal waters.

On 19 November 2010 the Coastal Commission approved Coastal Development Permit A-5-LOB-10-015. As part of the approval, the Commission modified Special Condition One, changing staff's recommendation to restore habitat on the site to a requirement for the applicant to install an impermeable dump cap and to contour the site to encourage the restoration of seasonal pools in certain portions of the disturbed site. This change required the Commission to adopt revised findings, which the Commission approved on 12 May 2011.

On 8 March 2012 the applicant requested an amendment to Coastal Development Permit A-5-LOB-10-015, deleting the requirement for the installation of an impermeable cap over the dump as part of

the re-vegetation plan because the installation of such a cap would cause lateral gas migration and necessitate the construction of methane gas collection system with extensive re-grading of the property and the installation of numerous gas extraction wells, pipelines and a gas-burning plant. As part of the same amendment that allowed for deletion of the cap, the Commission required restoration of the affected area with native Grassland/Coastal Scrub species. At the end of five years (= 2017), a minimum of 80% of the disturbed area shall be required to be covered with native plants, and no more than 5% of the disturbed area shall be allowed to be covered with non-native plants at any time[30]. As of October 2015, the site shows little evidence of successful native habitat restoration or creation of seasonal pools (R. A. Hamilton, pers. obs.).

Keystone and Indicator Species

Ecologists have developed many systems for describing species' roles in the ecosystem, two of which we consider most applicable to future conservation and habitat management at the scale of Los Cerritos Wetlands:

1. **Keystone Species (expanded definition)**, which hold a particularly important place in the ecosystem, either in providing food and resources for a diverse array of other taxa (e.g., "heritage" oak trees), or which, if removed, would result in a significant shift/change in the ecosystem (e.g., gray wolf in Rocky Mountain ecosystems); and

2. **Indicator Species**, which are easily-detected plants and animals characteristic of a particular native habitat that is in good, functional condition.

Keystone Species

For the Los Cerritos Wetlands, Keystone Species could include plants that support the species that comprise its distinctive natural communities, such as shore grass (*Distichlis littoralis*) and pickleweed (*Salicornia* spp.), both heavily used by Belding's savannah sparrow; willows (*Salix*) which support riparian-obligate species, and alkali rye (*Eylmus triticoides*), which appears to dominate the alkali meadow ecosystem. Aquatic taxa such as eelgrass (*Zostera marina*) are critical to the occurrence of brant and other marine birds, and marine fishes, including "baitfish" which are fed upon by locally-

[30] Any future change in land use at this site would require an amendment to Coastal Development Permit A-5-LOB-10-015 from the Coastal Commission or an additional coastal development permit from the Coastal Commission or from the City of Long Beach consistent with the certified LCP.

nesting terns. Fall-blooming shrubs such as coast goldenbush (*Isocoma menziesii*) and southern tarplant (*Centromadia parryi* ssp. *australis*) support a huge diversity of native pollinators (flying invertebrates such as flies, bees and wasps) that help maintain intact ecological relationships, and the rarer native spring annuals, such as Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), may be critical to support rare coastal invertebrates when they emerge in spring. While research on these interactions is sparse, it is clear that as sites become degraded around the region, these host-pollinator interactions become frayed and diversity collapses as more widespread, less-specialized species become increasingly dominant. Opportunities to maintain relatively intact systems, such as at Los Cerritos Wetlands, should be enhanced where possible.

Common and widespread species should not be overlooked as keystone species. California ground squirrels, for example, maintain both the sparse vegetation required for many locally uncommon plants (especially native annuals), and their complex burrow systems are utilized by burrowing owls and native reptile species such as side-blotched lizard and various snakes. Coyotes are another example of a keystone species, as their predation serves to check feral cat numbers.

Although they are non-native (and note that we are *not* advocating to keep them), eucalyptus and even palm trees may also be thought of as keystone species, in that a suite of locally-occurring wildlife species (including several native to the area) depend heavily on these tall trees, which add habitat elements that would otherwise be absent from the local landscape. Tree-dependent wildlife includes the monarch butterfly and various resident and migratory songbirds (mostly in eucalyptus) and nesting raptors, herons, and possibly bats (eucalyptus or palm). Prior to the introduction of these trees, it is unlikely that any of these wildlife species occurred at the site in their current roles, and we are not advocating that exotic trees take precedent over native communities such as Coastal Scrub and Coastal Prairie; indeed, the outright removal of these trees would likely be a boon to the native ecosystem here, even if it means, for example, that foraging raptors and herons might need to fly slightly farther distances to build nests (eucalyptus and other trees are still abundant throughout the region). Still, recognizing the functions of all habitat elements that currently exist, whether they stay or go, is a necessary part of restoration planning.

Indicator Species

Indicator species are native taxa associated with particularly robust examples of a particular habitat; ideally, they should be both readily detectable and reliably associated with a given resource.

Suggested currently-occurring indicator species at Los Cerritos Wetlands include Clark's marsh wren (Freshwater Marsh), Belding's savannah sparrow and wandering skipper (Saltmarsh), and yellow warbler (Riparian). Certain indicator species may utilize two or more habitats types, but may be useful to track, monitor, and manage for nonetheless. Examples of these "cross-habitat" indicator species include the California least tern, elegant tern, and black skimmer, colonial species that nest on sandy islets, coastal strand, and protected dunes, and forage in tidal channels of various depths and configurations. Three uncommon raptors, northern harrier, white-tailed kite, and burrowing owl, may range widely over a variety of open habitats (marshes, alkali meadow, coastal prairie and even saltpan), but require large blocks of flat, undisturbed habitat to do so. Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), mentioned earlier as a keystone species for native pollinators, is also an indicator species for intact "high saltmarsh", the zone not typically inundated by tidal flow, but maintained by winter precipitation. Species of perennial seablite (*Suaeda* spp.) are strong indicators of intact saltmarsh, as these plants tend to vanish as local saltmarshes become fragmented and degraded. The monarch butterfly is a strong indicator of dense eucalyptus groves, but may also be seen as a "contra-indicator" for native habitats that were displaced when the exotic trees were planted. The brant is a strong indicator for eelgrass beds and a healthy intertidal zone; the wintering population of this small goose at nearby Bolsa Chica Ecological Reserve has exploded in response to tidal basin restoration.

Conservation Targets: Goals and Strategy

What does successful restoration look like? For some projects, including typical mitigation efforts required in conjunction with development, simply planting suitable plants native to the region and keeping them alive for at least a few years will satisfy regulators. To be conducted with true ecological integrity, however, restoration must be carefully planned in light of current, former, and future ecological conditions and constraints. Each degraded site has a unique history of disturbance and a certain array of species dependent on it, or extirpated from it, and only the most carefully planned and executed large-scale efforts have potential to achieve holistic ecosystem restoration.

At its root, ecological restoration must start with history as a guide, looking at what plant and animal communities would have occurred in a given area and attempting to re-create them as faithfully as possible. This imperative is reflected in a recent "international primer" on restoration from the

Society for Ecological Restoration, which succinctly lays out guiding principles that apply to any ecological sound restoration attempt[31]:

> Restoration attempts to return an ecosystem to its historic trajectory. Historic conditions are therefore the ideal starting point for restoration design. The restored ecosystem will not necessarily recover its former state, since contemporary constraints and conditions may cause it to develop along an altered trajectory. The historic trajectory of a severely impacted ecosystem may be difficult or impossible to determine with accuracy. Nevertheless, the general direction and boundaries of that trajectory can be established through a combination of knowledge of the damaged ecosystem's pre-existing structure, composition and functioning, studies on comparable intact ecosystems, information about regional environmental conditions, and analysis of other ecological, cultural and historical reference information. These combined sources allow the historic trajectory or reference conditions to be charted from baseline ecological data and predictive models, and its emulation in the restoration process should aid in piloting the ecosystem towards improved health and integrity.

Despite a considerable amount of baseline data-collection (by Tidal Influence and others), the make-up of the current natural communities of the wetlands are still imperfectly known, as the site has never seen a formal, comprehensive botanical survey, a butterfly survey, a fish survey, nor site-wide, standardized pitfall trapping for reptiles and small mammals, some of the main groups that might inform restoration at what is now a relatively urbanized/degraded site. Bird occurrence data is much better known thanks to regular walks at the Hellman property and submission of these data to eBird, but large areas of the site – perhaps the majority – are not regularly visited by birders (generally due to legal access issues). Areas most conspicuously lacking wildlife data include Steam Shovel Slough, oil lands north of Westminster Boulevard, Marketplace Marsh and the alkali meadow immediately to the east, and the Orange County Flood Control District wetlands north of the Hellman property[32]. Thus, while important and presumably effective restoration work is ongoing in parts of the site, rare but important ecological events that would inform this and future restoration and habitat creation, such as an overwintering burrowing owl or a least tern nesting attempt on a little-used berm on the property, or an inconspicuous saltbush population growing amid oil wells, might well be completely missed by ongoing ecological investigation associated with restoration work at the site.

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[31] SER 2004. SER International Primer on Ecological Restoration, Society of Ecological Restoration International Science and Policy Working Group. Version 2, October 2004 (1). Available online at: http://www.ser.org/resources/resources-detail-view/ser-international-primer-on-ecological-restoration

[32] Currently (2015) LCWA has initiated bird/wildlife data collection at a portion of the flood control basin site, which should inform future conservation efforts here (*fide* E. Zahn).

Therefore, we cannot conclude that all the natural areas of the wetlands are understood well enough to justify active restoration over most of the site, since without a baseline there is little way of know what we're "restoring to" and thus, how to measure its success. For this reason, we suggest a refocus on conducting a series of comprehensive biological surveys, or synthesizing existing surveys where available, working with partner-landowners on the site, while still engaging in limited planting where appropriate. We also encourage incorporating wildlife monitoring into current restoration protocols and goals, and to make these data publically available, to inform analysis of what's working and what still needs to be done. As touched upon previously, establishing vegetation in a given area may be relatively straightforward, but unless we can observe that the new community resembles an earlier one *ecologically*, this is not getting to true/complete restoration (assuming it is possible, and in some areas and cases, it is not). In some respects, planting vegetation that resembles what might have been present is simply another way for humans to indulge our predilections, and to exert our will over the land. We also note that planting and seeding can be fraught with unintended consequences[33], especially near urban areas where any water (i.e., through irrigation) acts as a magnet for non-native plants and animals (such as Argentine ant *Linepithema humile*).

Too often, planting is not monitored for anything other than the growth of the installed plants; if they are doing well, the community is assumed to also be doing well. This simplistic view fails to address ecological integrity of the natural system – is it sustainable on its own, are native species dominant, etc. Lack of monitoring can also miss major developments that could inform the restoration. To take a local example, the Ballona Wetlands backdune relict in Playa del Rey has been the site of weed-pulling and native plantings (most recently, of *Eriogonum parvifolium* the foodplant of the federally listed El Segundo blue butterfly *Euphilotes battoides allyni*) since the 1980s, but it wasn't until 2011 that anyone checked to see if it was achieving the desired function (nor had anyone agreed on what the actual goal of this restoration was, other than to remove non-natives). In fact, the El Segundo blue is now resident there (pers. obs.), along with a second, equally rare (but un-listed) dune endemic butterfly, the dune metalmark (*Apodemia virgulti arenaria*). Only a tiny portion of the backdune has been planted with the favored buckwheat; much of the remainder is a mix of

[33] Longcore, T., R. Mattoni, G. Pratt, and C. Rich. 2000. On the perils of ecological restoration: lessons from the El Segundo Blue Butterfly. Pp. 281–286 in J. Keeley, M. Baer-Keeley, and C.J. Fotheringham, eds., 2nd Interface Between Ecology and Land Development in California. Open-File Report 00-62, U.S. Geological Survey, Sacramento, Calif.

(native) dune bush-lupine (*Lupinus chamissonis*) and willow (*Salix* spp.)[34]. Unfortunately, no further surveys are planned to determine whether these plants are attracting other rare obligate species back to the site, yet the "restoration" is ongoing.

We do not intend this to be a critique of current work, but more a call for additional effort and perhaps a slightly different focus. Ecological restoration at any scale entails historical research, current ecological study, detailed planning involving multiple interested parties, plant collection and propagation, site preparation, installation, maintenance, monitoring, and the identification and implementation of corrective measures. With room for error and uncertainty at each step, we should generally look for restoration to be moving the ecology of a given area in a direction that resembles earlier, less-degraded conditions, with clear goals and measurable outcomes. Complex ecological relationships take long periods to become established and native plant and wildlife species may take long periods to colonize newly created suitable habitat. Through historical collections and notes of botanists, however, enough is known about the original natural communities of the Los Angeles Basin more than a century ago to make a decent guess at what a "pre-invaded" habitat would have looked like. Ideally, those original species will be reasonably suited to the current soil and climate conditions, and therefore capable of fostering complex ecological communities that will be sustainable into the future[35].

To help ensure a useful final result, the conservation targets must involve both Goals and Strategies. This measured, deliberate approach is reflected in IUCN's recent review of recommendations for restoration[36], which measures the relative success of restoration against three "core principles" of best practices:

1. Effectiveness in re-establishing and maintaining protected area values;
2. Efficiency in maximizing beneficial outcomes while minimizing costs in time, resources and effort; and

[34] Discussed in training manual for Ballona Wetlands docents. See: http://www.cooperecological.com/ballonatrainingmanualnew.pdf

[35] However, simply planting "whatever will grow", even if native to southern California, does not constitute restoration; weeds will readily grow too. This is the problem – the species that are native are often outcompeted by those that aren't, or by those widespread native species that have wide ecological tolerances, meaning that success cannot be based on simply getting plants to thrive, but on what kind of ecosystem is being re-established, and for what species.

[36] Keenleyside, K.A., N. Dudley, S. Cairns, C.M. Hall, and S. Stolton. 2012. Ecological Restoration for Protected Areas: Principles, Guidelines and Best Practices. Gland, Switzerland: IUCN. x + 120pp.; available online at: http://data.iucn.org/dbtw-wpd/edocs/PAG-018.pdf

3. Level of engagement through collaboration with partners and stakeholders, promoting participation and enhancing visitor experience.

In the Best Practices chapter, Principal 1 warns against rushing to restore an area that may be functional on its own, or encouraged to self-restore with only minimal intervention, by first identifying when active restoration is the best option. Additional guidelines highlight the need to restore ecosystem structure and function, ecosystem resilience, and connectivity "within and beyond the boundaries of protected areas".

The Los Cerritos Wetlands, a large area that maintains some relatively pristine habitat but which has such tremendous potential for improvement in many parts, represents an ideal landscape in which to implement the Best Practices developed by the IUCN. Toward this end, we outline the following goals and strategies.

Goal 1. Protect and expand the best remaining examples of intact, native-rich habitat (even if currently dominated by exotic plant species).

Strategy: Inventory and map existing areas dominated by native species, or that provide important habitat values even if dominated by exotic species, and devise plans for their protection. Design restoration that increases the "effective size" of these habitats, where possible.

Native-rich habitats are found scattered around Los Cerritos Wetlands, but have never been comprehensively mapped at a scale that is useful for restoration and enhancement. For example, large areas of potential seasonal wetland habitat have been mapped simply as "Ruderal" without recognizing – or clearly indicating via mapping – the potential value of these areas to migratory waterbirds, invertebrates, and other taxa. Some of these habitats could support open-country bird and herptile species, for example, but only if they remain large and unfragmented by trails and landscaping. Current maps showing levels and types of wildlife activity within different parts of the conservation area are urgently needed to inform ongoing restoration planning. Once these are known, an assessment of the most critical areas to preserve and restore can be made. Within these selected areas, better conservation outcomes may be achieved through implementation of "light touch" management actions, such as fencing, signage, and outreach, than through intensive weeding

or planting of natives. Surveys to locate indicator/keystone species may be done concurrently to this mapping effort.

Goal 2. Identify, protect, and attempt to link rare/relictual plant and animal occurrences, such as occurrences of Coulter's goldfields, *Suaeda* species, and potential vernal pools.

Strategy: Continue to encourage visits by knowledgeable botanists, birders, and others to explore the site and submit their findings.

Parks and reserves around the world plan annual "Bioblitz" events that bring together scientists and interested citizens to document as many species – of everything – as possible in a single 24-hour period. As a little-known "diamond in the rough" on the California coast with many groups already interested in its conservation, the Los Cerritos Wetlands would attract many experts and laypeople to a well-conceived Bioblitz program. Once the key locations of target species are known, restoration strategy may be modified to better protect these occurrences, or least take them fully into account during development of restoration alternatives. We also note that, while informative at a certain level, data from monthly birdwalks that have been conducted at the Hellman site should not be extrapolated to other areas of the open space. Proper surveys must be conducted by experts who are familiar with subtle distinguishing fieldmarks, including vocalizations in the case of birds, and not by non-professional volunteers[37]. Otherwise, key species may be overlooked, misidentified, considered resident and breeding when actually present only during migration or winter, etc. We also urge planners to retain rare occurrences, particularly of plants, in place and buffered against disturbance (even from nearby restoration), rather than presuming that they could be transplanted or worked around as the surrounding habitat is modified.

Goal 3. Identify areas for extirpated species to return, and design restoration to encourage this.

Strategy: Develop a realistic strategy for encouraging species like California least tern, San Diego black-tailed jackrabbit, and others to return to using the wetlands, through habitat enhancement, future creation/restoration and/or re-introduction.

[37] We acknowledge the importance of volunteer-obtained data, but recognize that professional surveys are needed to confirm hard-to-identify species and to "ground-truth" reports from volunteers.

One of the major challenges to restoration at Los Cerritos Wetlands will be to reach agreement on the ecological communities to be established in each part of the conservation area. We advocate a transparent and deliberative restoration process that (a) considers the full range of species that have potential to occur at Los Cerritos Wetlands, and (b) explicitly considers the potential to establish conditions favorable to sensitive wildlife species that have been extirpated from the area, or that occur nearby, and that could either colonize naturally or be introduced back into the area. Since the existing planning documents do not provide complete lists of special-status species, including historical/extirpated species, we prepared Tables A2 and A4 in Appendix A so that this important information can be incorporated into restoration planning.

As an example, the California least tern bred in three areas of the wetlands into the 1970s: the "Pumpkin Patch" adjacent to Marketplace shopping center, and at two sites near Steam Shovel Slough on either side of Pacific Coast Highway (*fide* Charles Collins, CSULB). Although least terns continue to visit the site, and Los Cerritos Wetlands was included in the statewide survey of the species, no suitable breeding habitat has been maintained here in decades. Re-establishing a suitable area of nesting habitat for this species would entail setting aside a fairly large expanse of sandy/bare soil substrate that would be protected from predators and disturbance (e.g., with effective fencing or deep water). Areas suitable for re-establishment of this species are found in several parts of the wetlands, including along the spit of land just north of Steamshovel Slough. "Restoring" that area with Coastal Scrub would effectively preclude establishing a California least tern nesting colony there. Whether the recovery of a Coastal Scrub ecosystem would be preferable to a least tern colony should be debated based on many factors, including the likelihood of restoration success, the representation of each element in the landscape, etc.

> **Goal 4. Increase the size of small, native-dominated habitat patches, and connect isolated ones.**
>
> **Strategy:** After completing botanical surveys, employ targeted weeding to control exotic weeds from specific areas, followed by seeding and planting to expand and connect smaller patches of native habitat.

Unrelated to an overall, dramatic restoration plan involving creating new tidal channels and Saltmarsh, abundant opportunities exist for small-scale restoration through the site, similar to that

already in progress at Zedler Marsh. Areas such as Gum Grove Park and the Hellman Property support several small, isolated patches of native scrub that could be expanded outward (even slightly), or linked to create weed-free corridors (i.e., lanes of native species through the weeds) through aggressive weeding and planting. Examples include small vernal pools at the northern base of Gum Grove Park, as well as patches of bladderpod (*Peritoma arborea*) and sparse native shrubs along the low bluff just west of there, on the Hellman Property.

We also encourage the use of locally-sourced material (i.e., from the Long Beach/South Bay area), and discourage following general habitat guidelines issued by nationwide programs such as the "Native Seed Network" (e.g., "Coastal Sage Scrub[38]") or simply figuring out where a plant "can" grow (see, e.g., U.S. Forest Service guidelines[39]) which are intended more for gardening projects. Unless a plant can be located in life or as a herbarium voucher from the south coastal Los Angeles Plain (e.g., the Environmental Protection Agency's "Ecoregion 85d")[40] – and not from the Santa Monica Mountains, Puente Hills, or other non-basin areas, it should be not be intentionally introduced to the Los Cerritos Wetlands.

Goal 5. Slowly convert portions Gum Grove Park, and other degraded areas back into functional native ecosystems, while maintaining compatible existing uses.

Strategy: Use professional crews to begin to slowly retire non-native ornamental trees and shrubs (e.g., eucalyptus) where they are serving only marginal ecological or aesthetic purpose.

The widespread planting of exotic eucalytpus trees, locally and regionally, and the capacity of eucalyptus to survive and exclude native plants from its understory, have contributed to the decline of many native species that cannot use eucalyptus as habitat. At Gum Grove Park, eucalyptus trees provide arboreal cover otherwise largely lacking from the area, and many trees could be retained, but the dense forest could be strategically thinned and reduced in size (following appropriate surveys for raptors, monarch butterflies, and other sensitive species) and gradually replanted with more appropriate Coastal Scrub species while retaining appropriately-sized raptor/monarch areas within

[38] http://www.nativeseednetwork.org/ecomap?state=CA
[39] http://www.fs.fed.us/wwetac/threat_map/SeedZones_Intro.html
[40] http://www.epa.gov/wed/pages/ecoregions/level_iii_iv.htm#Level%20IV

the grove. We would recommend against planting more trees here, even ones native to southern California, since this bluff was most likely covered with Coastal Scrub, rather than oak woodland, riparian woodland, or other tree-dominated communities.

Goal 6. Prioritize areas of oil fields for gradual restoration to functional native ecosystems, such as seasonal wetlands, while maintaining existing uses.

Strategy: Map and analyze vegetation and habitat usage by target species on oil company lands.

As explained above, large areas of oil company property are excluded from existing mapping of proposed restoration, and some of those areas may be making important contributions to the biological diversity of the overall Los Cerritos Wetlands ecosystem. For example, a large area of the northern/Los Angeles County portion of the wetlands (owned by Synergy), is being contemplated for use as a wetlands land bank. Careful planning of its restoration should acknowledge its current role in supporting rare and significant plant and wildlife populations and uses, rather than its being seen as a "blank slate" for habitat creation. If appropriate and adequate surveys conducted by reputable specialists demonstrate that most or all of this area is truly degraded beyond the point of providing important habitat for biologically sensitive native species, we would support efforts to restore this area using whatever methods would be most appropriate and provide the greatest ecological benefits (including "heavy-handed" restoration of full tidal wetlands).

Goal 7. Maintain at least two core habitat areas where human activity is minimized.

Strategy: Map and analyze existing human use patterns, including roads and trails, and design at least two core areas (north and south).

Although limited in size and fragmented/degraded by roads, fences, and oil operations, Los Cerritos Wetlands include some of the last areas of open, undeveloped habitat left in coastal Los Angeles County. The simple fact that one cannot drive across the wetlands from north to south means that American kestrels can forage there every day without getting hit by cars, and flocks of meadowlarks and shorebirds can pass low over the land, largely unimpeded.

This recommendation deals with "common" species as much as with rare and protected ones, and seeks to acknowledge the rare and easily-lost "intact" quality of open space in the region. Features that break up the contiguity of this low, coastal ecosystem, such as piles of rusty pipe, cement foundations of old buildings, utility poles, redundant fences, berms and piles of rubble, and even palm trees, should be removed as quickly as possible from identified core areas, and future introduction of infrastructure, however minimal (irrigation pipes, wooden fences, walking paths) should be directed to their edges. This will benefit both the wildlife at the site, but also the human visitors, who will then have the opportunity to see the wetlands in a more undisturbed, naturally-functioning state. Logical core areas would be the entire northern area north of Westminster (including Steamshovel Slough), the middle area of LCWA Phase I west of the San Gabriel River Channel (east of Marketplace Marsh), and the entire Hellman property.

Restoration Recommendations by Subarea

NOTE: The comments had been written to refer to the 2012 restoration planning documents, and not to the more recent 2015 Final Conceptual Restoration Plan and associated mapping. We have tried to indicate where more the more recent plan addresses our initial comments and impressions.

It is important to recognize that virtually every part of the Los Cerritos Wetlands conservation area represents a form of bird and wildlife habitat, however degraded or impacted it may appear. Some areas offer niches for numerous species, others for only a handful. In some cases, as with pickleweed-dominated saltmarsh or salt pan, a particular vegetation or habitat type may represent the sole or strongly preferred habitat for a single species, even if little else occurs there. Documentation of the area's historical biota is a critical element of conservation, and may be used to guide restoration planning. Current restoration proposals for the site have been presented as a series of maps (see above link to LCWA site), which were treated as six separate "alternatives" by Tidal Influence (2012), subsequently reduced to three by Moffatt and Nichol (2015), each differing in extent and intensity of land transformation ("light touch" vs. dramatic altering of existing topography and hydrology)[41]. The following summary of the geographic subareas of Los Cerritos

[41] We have elected to retain the initial numbering system in the 2012 plan, with the thought that these alternatives (and their numbering system) is likely to change again as the restoration planning proceeds.

Wetlands briefly describes the main habitat types present and how proposed restoration actions may be expected to change the ecological resources in each subarea.

North Area (north of Second Street/Westminster Avenue)

Loynes Property

Main habitat types: Urban/Ruderal

This 10-acre site is now undergoing a partial re-vegetation attempt, following an incident in 2009 involving ground disturbance and vegetation removal, and uncovering part of a capped toxic waste dump. Proposed restoration alternatives recommend leaving it as-is (Alternatives 1 and 2); revegetating it with Coastal Scrub (Alternatives 3 and 4) or a mix of Coastal Scrub and Brackish Marsh (Alternative 5); or excavating a tidal channel and revegetating it with Saltmarsh (Alternative 6). As discussed subsequently, under "Coastal Commission Permitting and Other Constraints", a 2012 amendment to Coastal Development Permit A-5-LOB-10-015 requires most of this area to be restored with native Grassland/Coastal Scrub species. At the end of five years (= 2017), a minimum of 80% of the disturbed area shall be required to be covered with native plants, and no more than 5% of the disturbed area shall be allowed to be covered with non-native plants at any time[42]. As of January 2015, the site shows little evidence of successful native habitat restoration or creation of seasonal pools (R. A. Hamilton, pers. obs.).

Our recommendations: Because the herbaceous/ruderal habitat at this site is likely used by foraging raptors, such as the white-tailed kite, northern harrier, and American kestrel, the status of these species should be assessed. The area may also be used to some degree by Belding's savannah sparrows resident at nearby Steam Shovel Slough. At least one sensitive wildlife species, the burrowing owl, may occur here in the winter, at least sporadically, as there is a tiny relict population nearby at Seal Beach NWR, and migrants continue to pass through the region each fall. The area could also serve as a suitable re-introduction site for various plant species that have been extirpated from the area, such as Davidson's saltbush. However, we recognize that the site is very small, and not connected meaningfully to any other seasonal wetland/grassland habitat. Therefore, any change to the site should probably be seen as incremental to the restoration of the larger wetlands complex.

[42] Any future change in land use at this site would require an amendment to Coastal Development Permit A-5-LOB-10-015 from the Coastal Commission or an additional coastal development permit from the Coastal Commission or from the City of Long Beach consistent with the certified LCP.

"Northern Oil Fields" (former Berger and Dean property)

Main habitat types: Saltmarsh and Urban/Ruderal.

Most of the northern portion of Los Cerritos Wetlands is under a single ownership, which represents a significant opportunity for comprehensive restoration of an intact area of approximately 150 acres. The northern third of this subarea is dominated by 44-acre Steam Shovel Slough, a relatively intact tidal marsh widely recognized as one of the best examples of this habitat type remaining in southern California. Steam Shovel Slough is known to support a large population of Belding's savannah sparrow, and large numbers of shorebirds forage and roost here during stopover periods in migration. Several proposed restoration alternatives envision constructing new tidal channels or culverts to connect the southern edge of Steam Shovel Slough to the oil field area to the south, and Alternative 4 envisions the construction of a new freshwater channel running along its eastern edge. Some alternatives propose removing the fill material on the north and east sides of the slough and replanting with Coastal Scrub while others (Alternatives 1 and 2) recommend no change to this area.

Alternatives for the remainder of the property — the roughly 100 acres south of Steam Shovel Slough — involve constructing an array of culverts, tidal channels, and basins. These would extend those that exist at Steam Shovel Slough (Alternatives 1 and 2) or be independent of the slough and connect to Los Cerritos Channel (Alternatives 4 and 6); if the latter, wetland hydrology would be provided either by a new channel dug along the eastern edge of the property (Alternative 4) or (presumably) via a culvert from the existing Los Cerritos Channel (Alternative 6). Alternatives 3 and 5 would leave the current "connective hydrology" intact, and would simply employ culverts to convey water (presumably from precipitation and local runoff) around the site.

Our recommendations: We recommend leaving the hydrology of Steam Shovel Slough intact as much as possible (i.e., without expanding culverts or creating new tidal channels), to avoid the potential for unforeseen consequences that could either inundate the marsh too frequently or leave it too dry. As for the remainder of the site, we have not seen adequate plant and wildlife surveys to determine the impact of proposed tidal channels, inundation, and dramatic vegetation change as proposed by Alternatives other than 3 and 5. If surveys determine that no sensitive elements are present (rare species, etc.), then creating new tidal channels here, and tidal saltmarsh, would appear to be a positive outcome, and would greatly expand the valuable habitat already provided by Steam Shovel Slough. This could, in turn, enable saltmarsh species present at nearby Alamitos Bay to

colonize; species with potential to move into this area, either naturally or through translocation, include the brant and the light-footed Ridgway's rail.

South Area (south of Second Street/Westminster Avenue)

West side of San Gabriel River (includes City of Long Beach, part of the Bryant Properties, and "LCWA Phase I")

Main habitat types: Seasonal Wetland, Freshwater Marsh, Saltmarsh, Urban/Ruderal, and Riparian.

With three parcels under separate ownership, it is particularly important to establish a coherent restoration vision for this entire 65-acre subarea, especially since at least one of these areas (Bryant Properties along Westminster/Second Street) is still being contemplated for future commercial development. Proposed alternatives recommend creating a tidal connection to the San Gabriel River on the east (Alternatives 1 and 6), creating a second tidal connection on the north (under Studebaker Road; Alternatives 2 and 4), or introducing smaller culverts to convey seasonal precipitation (or more perennial runoff) around the site without tidal connections (Alternatives 3 and 5). As with other subareas, some alternatives would be highly disruptive to the existing habitats (mostly forms of Ruderal habitat), while others, such as Alternative 3, allow for most of the existing elements to remain unchanged.

Our recommendations: In our opinion, the vegetation communities present on the land differ somewhat from those mapped by Tidal Influence (Figure 3-1, Opportunities and Constraints). In particular, the Freshwater Marsh at Marketplace Marsh is mapped as Southern Coastal Brackish Marsh, the same habitat type mapped at various seasonal wetlands around the property [Note: this appears to have been updated/improved with the 2015 Final Conceptual Restoration Plan]. We consider Marketplace Marsh to be unique in the Los Cerritos Wetlands and believe that it should be treated as a separate habitat type, as it supports a completely different and important bird community (e.g., nesting song sparrow and red-winged blackbird, potentially breeding waterfowl). Elsewhere in this subarea, the large expanse in the northeast mapped as Alkali Meadow appears to us to be Ruderal Marsh, or possibly Muted Tidal Marsh, that has grown in with non-native grasses. Whether this area supports native meadow species such as alkali bulrush (*Bolboschoenus maritimus*), or alkali sink species such as various saltbushes (*Atriplex* spp.), is not known, as no survey data exists (or has not been made available to us as of this writing). Were sufficient cover and/or diversity of native species found to be present, we believe the Alkali Meadow area would represent a very high

conservation priority, regardless of whether it was once fully tidal marsh, since this habitat type is now almost eradicated from the Los Angeles Basin, where it was once widespread.

We would also like to see a discussion of the value of the Riparian Scrub habitat at the site. This habitat type is also locally and regionally rare, and supports different suites of plants and wildlife than do the surrounding wetlands and uplands in the conservation area. The Riparian Scrub in this subarea could potentially be expanded or enhanced through restoration, if appropriate. For example, the border between Marketplace Marsh and the adjacent shopping center could be planted with native willows and even cottonwoods that would provide both screening and useful habitat for a variety of native wildlife species. Since the nearest extant areas of Riparian Scrub lie nearly a mile away, however, restoring a small area of Riparian Scrub at Marketplace Marsh probably would not allow any extirpated riparian species to recolonize the area (since those species generally require large expanses of riparian habitat for breeding and foraging). Therefore, devoting some of the low-lying area around Marketplace Marsh to Riparian Scrub could be seen to represent an "opportunity cost" for some type of herbaceous wetland restoration that might produce a better conservation outcome.

East Side of San Gabriel River ("LCWA Phase I", part of the Bryant Properties)

Main habitat types: Saltmarsh and Urban/Ruderal (being restored to Coastal Scrub).

This narrow strip of land separates the San Gabriel River channel from the Haynes Cooling Channel, and is otherwise contiguous to the largest (more than 150-acre) expanse of contiguous open space remaining at Los Cerritos Wetlands, that of the Hellman property/"LCWA Phase II" and the Orange County Flood Control District retention basin. Proposed restoration includes expanding the tidal connection to the San Gabriel River and converting most of this strip to tidal saltmarsh (Alternatives 1, 2, and 4), potentially grading portions of the area to increase tidal coverage (Alternatives 2, 6?), or leaving the surrounding levees intact and focusing on restoration to seasonal (rain-filled) wetland and upland (presumably Coastal Scrub) habitat. Some of this "low-impact" restoration (clearing weeds and planting natives) has already commenced within this subarea.

Our recommendations: Given its proximity to much more extensive open space to the southeast (separated by a narrow "cooling channel"), this strip could contribute meaningfully to the aggregate amount of habitat in the southern half of Los Cerritos Wetlands, expanding the area needed by area-sensitive bird species such as the northern harrier, and providing increased habitat acreage for

extirpated taxa such as the light-footed Ridgway's rail. Ruderal upland habitats, if not inundated by tidal restoration, could be converted to Dune Scrub habitat (with importation of sand) that could support rare plant species (e.g., *Nemacaulis denudata*), and could be managed for nesting California least terns. The area could also form part of a substantial block of Coastal Scrub habitat extending from the existing scrub restoration area near Zedler Marsh southeast toward Gum Grove Park, following the northern base of the bluffs. This would be large enough to support several pairs of California gnatcatchers (if they were to colonize from nearby Bolsa Chica) and would provide useful habitat for a variety of wintering sparrows and other migratory songbirds.

Orange County Flood Control Basin

Current habitat types: Seasonal Wetland and Freshwater Marsh.

Proposed restoration of this large (30-acre) subarea includes planting with grassland and Coastal Scrub species or grading and creation of freshwater wetlands (Alternative 1; map not clear); re-contouring with fill to raise ground level then creating one (Alternative 4 and 6) or two (Alternative 2) tidal openings linking to the "cooling channel"; complete conversion to brackish marsh (Alternative 3), presumably with no fill/tidal connection; and a mixed-habitat approach with both wetland and riparian elements (Alternative 5).

Our recommendations: A substantial amount of high Freshwater Marsh habitat already occurs along an inlet channel in this subarea but is not shown on existing habitat maps. The floor of the basin is one of the largest contiguous blocks of Seasonal Wetland habitat in the entire Los Cerritos Wetlands complex. We are not aware of recent survey information on species use of this area in association with LCWA planning, but this basin is known in the birding community for supporting variably large numbers of waterfowl and shorebirds (e.g., green-winged teal, western and least sandpipers, avocets, dowitchers, yellowlegs) and could potentially support localized and/or declining Freshwater Marsh species as the white-faced ibis, Wilson's snipe, Clark's marsh wren and tricolored blackbird. Brackish, shallow-water wetland habitat is actually limited in the current configuration of Los Cerritos Wetlands. During fall and winter, burrowing owls could use the edges of the basin, and their breeding here is not inconceivable. Large-scale habitat creation here might be problematic; new tidal wetlands would require a considerable amount of fill, with no guarantee that they would function as planned. Coastal Scrub plantings could be done, but might conflict with the low, open profile attractive to waterbirds (present in the existing condition). Management issues, assuming the

basin would remain under the ownership of Orange County Flood Control, combined with the uniqueness and reasonable functionality of the existing habitat, makes this one of the less attractive locations for a dramatic wetland restoration proposal.

LCWA "Phase II"/Hellman property

Current habitat types: Urban/Ruderal, Saltmarsh, Seasonal Wetland and Coastal Scrub.

This subarea includes a diverse mix of intact habitat remnants (especially along tidal channels and where sufficient ground water serves to sub-irrigate Saltmarsh vegetation) as well as highly-disturbed Ruderal habitats, such as mustard fields north of Gum Grove Park. It is also the only area where relict stands of Coastal Scrub remain, mostly confined to the low bluffs at the southwestern corner west of Gum Grove Park. Proposed restoration seeks to use "selective grading" to enhance tidal flow across the majority of the site, either hydrologically unconnected (Alternative 1) or connected (Alternatives 2, 4, and 6) to the Orange County Flood Control basin to the north. The basin would be filled with excavated earth from elsewhere on the property. The remaining uplands would be restored, presumably to Coastal Scrub habitat. Other alternatives (3 and 5) would rely on short culverts strategically placed to improve flow within the subarea, and would add no hydrological connectivity to the Flood Control basin. Eelgrass restoration would be attempted within the "cooling channel" under several proposed alternatives.

Our recommendations: We recognize the importance of restoring the muted-tidal habitats, filled areas, and other ruderal habitats in the Phase II subarea, but also note that this area supports the largest population of the rare Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*) in the Los Cerritos Wetlands conservation area. This species would not thrive with frequent tidal inundation. We would also like to see more detail on the distribution of other rare plants and other species (such as tiger beetles) here, to ensure that existing occupied areas would be avoided (or to have more certainty that they would not be negatively impacted under various alternatives). Given the existing constraints on 9 acres of this area (to remain "raptor habitat", per an agreement with the California Coastal Commission), it might make sense to devote an even larger area of this subarea to Seasonal Wetland habitat (which is heavily utilized by raptors), augmenting the 9 acres mandated. Proper management, starting with rmoval of iceplant and other invasive species, but expanding to regular mowing as needed, could encourage a return of now-rare raptors such as white-tailed kite, ferruginous hawk and burrowing owl to the site (all three persist at Seal Beach NWR to the east).

Gum Grove Park (just outside project area)

Current habitat types: Urban/Ruderal.

Gum Grove Park lies just outside the Los Cerritos Wetlands conservation area, and so has not been treated in the various restoration alternatives presented. As it represents a large block of open space adjacent to even more open space, however, we consider this area crucially important to address.

Our recommendations: We recommend a complete "makeover" of this park, removing all eucalyptus and other non-native trees not currently and regularly used by nesting raptors and/or substantial numbers of wintering monarch butterflies. We suggest that surveys for wintering monarchs and nesting and wintering birds commence immediately. Southern tarweed is also known from this park. Portions of the park that do not serve important ecological functions should be identified and restored to a variety of native habitats, including Coastal Scrub and Coastal Prairie, and, if any seeps/springs exist, Riparian habitats.

APPENDICES

Appendix A. Species Lists

Comment Letter EDAUD

From: Mary Parsell
To: Sally Gee; Sam Schuchat; Andrea JonesAUDUBON
Subject: El Dorado Audubon -- PEIR Comments
Date: Monday, July 6, 2020 1:54:08 PM

El Dorado Audubon Society

June 9, 2020

RE: PEIR Los Cerritos Wetlands

Ms. Sally Gee
LCWA

Dear Sally:

EDAUD-16 Here are some additional comments from El Dorado Audubon. These are in addition to report from Hamilton Biological. Please confirm receipt.

EDAUD-17 We have been involved in the stewardship program since 2007 and have submitted records of birds observed and recorded on ebird.org to the Los Cerritos Wetlands Authority
(Bird species consistent with our records except that we have observed Tri-colored Blackbird in 2015 on the Marketplace Pond, owned by City of LB and visable from Shopkeeper Road.)

EDAUD-18 **Trails:**
Some are limited access with locks. What does this mean? What is the purpose? Is it to protect birds and wildlife?
At Bolsa Chica the trials are open to everyone and any group can lead a walk there. If there is to be a docent program El Dorado Audubon would like to be involved.

EDAUD-19 Dogs and bikes: We do not think that dogs or bikes should be allowed on the Los Cerritos Wetlands trails. People coming off the San Gabriel River bike path need to park and lock the bikes and walk the trails.

EDAUD-20 Picnic tables We are not in favor of picnic tables in the Los Cerritos Wetlands. As an example, many school kids visit San Joaquin Marsh in Irvine, CA but they have their lunches off-site.

EDAUD-21 **Public Parks in the area:**
Sim's Pond is not a public park. It is a biological reserve owned by the City of Long Beach, observation of pond's birds and other wildlife is from the sidewalk fence outside. Sidewalk is along Pacific Coast Highway and Loynes Dr.

Sincerely,

Mary Parsell
President
El Dorado Audubon

mfp2001@hotmail.com

El Dorado Audubon, July 6, 2020

Comment Letter EDAUD

Response EDAUD-1

This commenter acknowledges receipt of the Draft PEIR by El Dorado Audubon Society. This commenter provides a summary of commenter's prior work with El Dorado Audubon Society and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted. Specific comments regarding the Draft PEIR are provided and responded to below.

Response EDAUD-2

This commenter expresses concerns that Stein et al. 2007 was not used as a reference for the PEIR. The restoration designs in the PEIR are based upon the alternatives presented in the LCWA's Conceptual Restoration Plan which references Stein et al. 2007 throughout. Furthermore, Section 3.3 of the PEIR references Tidal Influence 2012 which presents historical ecology data and perspectives from not only Stein et al. 2007 but also from Grossinger et al. 2011. *Historical Wetlands of the Southern California Coast: An Atlas of US Coast Survey T-sheets, 1851-1889.* Dr. Eric Stein has been a member of the LCWA's Technical Advisory Committee throughout the planning process.

Response EDAUD-3

The commenter expresses concern about the location of the required 9.2-acre raptor foraging habitat area. In response, the 9.2-acre raptor foraging area has been relocated to the approved triangular shaped area indicated in *Hellman Ranch Raptor Foraging Habitat. 2001. Prepared by Glenn Lukos Associates, for John Laing Homes. August 2001. 9 pages.* See Section 2.7.2.2 and **Figure 2-12***, Proposed South Area Near-Term Restoration,* of the Draft PEIR. This location will not overlap with public access facilities and will include a mixture of transition zone and tidal marsh habitat. The details of this area's monitoring will be determined during the coastal develop permitting process. The proposed grassland is now indicated as transition zone and is expected to be a mix of upper marsh, coastal scrub and saline depressional wetlands similar to alkali meadow. The plant palette and habitat distribution of this area will be determined during the project level design effort for the South LCWA site.

Response EDAUD-4

The commenter expresses continuous concerns about the location of the required 9.2-acre raptor foraging habitat area as mentioned in EDAUD-3 above. In response, the 9.2-acre raptor foraging area has been relocated to the approved triangular shaped area indicated in *Hellman Ranch Raptor Foraging Habitat. 2001. Prepared by Glenn Lukos Associates for John Laing Homes. August 2001. 9 pages*, as described in Response to Comment EDAUD-3. The details of this area's trail and recreational use will be determined during the coastal development permit process. No decision regarding parties responsible for conducting docent tours has been made and El Dorado Audubon will be welcomed to participate.

Response EDAUD-5

The commenter expresses concern for the unlikely success of native grassland restoration projects, at least within the 9.2-acre area mentioned in EDAUD-3 and EDAUD-4 above. In response, the mention of native grassland and the proposed grassland is now indicated as transition zone which is expected to be a mix of upper marsh, coastal scrub and saline depressional wetlands similar to alkali meadow (see Section 2.7.2.2). The plant palette and habitat distribution of this area will be determined during the project level design effort for the South LCWA Site.

Response EDAUD-6

The commenter expresses that alkali meadow should be restored instead of native grassland. The proposed native grassland location is now indicated as transition zone and is expected to be a mix of upper marsh, coastal scrub and saline depressional wetlands similar to alkali meadow. The plant palette and habitat distribution of this area will be determined during the project level design effort for the South LCWA Site. For the purposes of the PEIR, alkali meadow habitat is considered as a transitional zone habitat type as it is often found around the fringes of coastal salt marsh. It should be noted that historically alkali meadows were not found within the program boundary and those that existed within the watershed were alkaline systems that functioned with very different chemistry based on different groundwater dynamics found further inland. However, plant communities do exist within the program boundary currently that resemble alkali meadows and these communities can be enhanced/created in transitional areas but will be more saline in their chemistry due to tidally influenced groundwater as opposed to inland alkaline systems.

Response EDAUD-7

The commenter expresses concern about public access impacts on the alkali meadow/raptor foraging area. In response the 9.2-acre raptor foraging area has been relocated to the approved triangular shaped area indicated in *Hellman Ranch Raptor Foraging Habitat. 2001. Prepared by Glenn Lukos Associates for John Laing Homes. August 2001. 9 pages.* See Section 2.7.2.2. This location will not overlap with public access facilities and will include a mixture of upland, transition zone and tidal marsh habitat. The PEIR provides the largest potential footprint for public access facilities in order to quantify the maximum potential impacts from public access on biological resources. The dashed lines in **Figure 2-16**, *South Area, Near Term Public Access*, of the Draft PEIR indicate "New Restricted Access Trail (Guided)" which means these trails will not be open to the general public for day use activities. Only one trail for public day use is indicated.

Response EDAUD-8

The commenter expresses the merits of restoring alkali meadow habitat with special-status plant species, especially southern tarweed (*Centromadia parryi* ssp. *australis*), and Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), which are both present within the restoration program area. In response, the area in question is now indicated as transition zone which will include saline depressional wetlands similar to alkali meadows once found along the tidal fringes of the San Gabriel River watershed. The plant palette details of this habitat will be determined during the project level design effort for the South LCWA Site. The two special-status plant

species, southern tarweed and Coulter's goldfields, will both be incorporated into the overall restoration program.

Response EDAUD-9

The commenter suggests the "Low" potential for occurrence ranking in regards to the CNPS-ranked Vernal Barley (*Hordeum intercedens*) may not be accurate, based on a local report of this species being present within alkali meadow habitat. In response, this ranking has been changed to "Present" and a description of the anecdote provided by the commenter has been included in Section 3.3.3, and **Table 3.34**, *Special Status Plant with the Potential to Occur within the Program Area,* of the Draft PEIR.

Response EDAUD10

The commenter raises concern that the Mitigation Measure BIO1 will not be sufficient to reduce impacts to special-status plant species potential restoration activities involving mass grading. As requested by the commenter, Mitigation Measure BIO1 has been revised. Please see Chapter 3.3 Biological Resources, Section 3.3.5 Project Impacts and Mitigation Measures for revisions to the Draft PEIR.

Surveying timing has been modified in the mitigation measures to provide baseline species information prior to the design of phased restoration plans. Please see Responses to Comments Nos. CDFW-2 and CDFW-3 for more specific details regarding biological survey timing. Please also see Response to Comment No. LCWLT-11 regarding survey timing specific to special-status plants and Response to Comment No. LCWLT-12 regarding survey timing in general for biological resources.

Response EDAUD-11

The commenter expresses that the PEIR should explain why alkali meadow is ignored by the proposed restoration alternatives. In response, the formerly proposed 10 acres of grassland has been removed from the project description and is now indicated as transition zone (see Chapter 2). The plant palette details of this habitat will be determined during the project level design effort for the South LCWA Site. Furthermore, it is expected that the "alkali meadow-like" plant communities will be restored along the edges of all salt marsh areas, especially where freshwater influence exists. The potential for other areas to be restored as plant communities that resemble alkali meadows will be determined during project level habitat restoration design.

Response EDAUD-12

The commenter expresses concern about perpetuating the idea that the project site is part of the known or expected range of the Red Diamond Rattlesnake. This concern is already addressed within Chapter 3.3 Biological Resources, Section 3.3.2.5, of the Draft PEIR where it is stated that "Red diamond rattlesnake has been documented on site (Tidal Influence 2012), but only one individual was observed and may have been an unauthorized release." The suspected introduction nature of this species occurrence has been revised in the PEIR.

Response EDAUD-13

The commenter concludes the comment letter but does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response EDAUD-14

The commenter included an email introduction for the submitted comment letter but does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted. Responses to the referenced letter are provided above in Responses to Comments Nos. EDAUD-1 to EDAUD-13.

Response EDAUD-15

The commenter is thanked for providing the reference, *A Conservation Vision for the Los Cerritos Wetlands, Los Angeles County/Orange County, California*, prepared by D.S. Cooper and R.A. Hamilton for Audubon California. October 27, 2015. No further response is warranted.

Response EDAUD-16

The commenter states the comments supplement those submitted in the El Dorado Audubon comment letter written by Robert Hamilton. It does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted. Responses to the referenced El Dorado Audubon letter are provided above in Responses to Comments Nos. EDAUD-1 to EDAUD-13.

Response EDAUD-17

The commenter states that the tri-colored blackbird has been observed as recently as 2015 within the program boundary. Chapter 3.3 Biological Resources, Section 3.3.2.5 has been amended to indicate the presence of this species within the program boundary.

Response EDAUD-18

The commenter asks for clarification on the meaning of trails that have "limited access with locks" and indicates that at Bolsa Chica the trails are open to everyone. The PEIR proposes that some trails will only be open for restricted use either for maintenance or for access to other land use areas. The trails open for day use by the general public are located in areas where public access will not impact birds and wildlife. No decision regarding parties responsible for conducting docent tours has been made and El Dorado Audubon will be welcomed to participate.

Response EDAUD-19

The commenter expresses concern for use of trails by dogs and bikes. This comment is noted and will be taken into consideration when the LCWA is developing guidelines for visitor use.

Response EDAUD-20

The commenter expresses concern for picnic tables in the Los Cerritos Wetlands. This comment is noted and will be taken into consideration when the LCWA is developing guidelines for visitor use.

Response EDAUD-21

The commenter expresses that Sims' Pond is not a public park. **Figure 2-9**, *General Plan Designations*, of the Draft PEIR indicates Sims' Pond as "open space," consistent with the biological reserve status mentioned in the comment.

Comment Letter LCWLT

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July 6, 2020

By U.S. Mail and Email: sgee@rmc.ca.gov

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

Re: Draft Programmatic Environmental Impact Report and Selection of Alternatives for the Los Cerritos Wetlands Restoration Plan

Dear Ms. Gee,

LCWLT-1

These comments are submitted on behalf of Los Cerritos Wetland Land Trust ("LCWLT") in connection with the draft programmatic environmental impact report (DPEIR) prepared for the Los Cerritos Wetlands Restoration Plan ("Project"). LCWLT has spent more than a decade educating and advocating for the protection and restoration of Los Cerritos Wetlands. The Los Cerritos Wetlands Authority (LCWA's) Los Cerritos Wetlands Restoration Plan presents a once-in-a-lifetime opportunity for comprehensive planning of the restoration of Los Cerritos Wetlands as well as to attract funding for important restoration pilots, activities and projects. The restoration of the Los Cerritos Wetlands is one of LCWLT's primary goals, and LCWLT appreciates the opportunity to comment on the Project and its environmental review at an early stage of development.

These comments are organized to address high level Project-related comments in the body of the letter. Specific comments concerning the inadequacies of the DPEIR are largely relegated in the Appendix. LCWLT aims to continue working with the Authority and its experts to maximize the value of the DPEIR to inform restoration options while at the same time clarifying the limitations of the DPEIR under CEQA. LCWLT welcomes the opportunity to discuss these comments with the Authority and to explore a path forward for the Final EIR and ultimately, approval of the Los Cerritos Wetlands Optimized Restoration Plan.[1]

[1] The Project Description section zeroes in on the focus of this DPEIR – specifically to provide information for an Optimized Restoration Plan, and environmental support for its adoption following additional work and public input. See Section 2.8 Required Approvals.

LCWLT has concluded that the DPEIR contains valuable information about a wide range of opportunities for restoring Los Cerritos Wetlands. For certain portions of the wetlands and certain planned activities, the DPEIR has limited value for purposes of environmental review pursuant to the California Environmental Quality Act (CEQA). Specifically, the DPEIR contains many deficiencies that render it inadequate under CEQA for all but the most environmentally benign projects. These deficiencies are enumerated in the attached appendix. If the EIR was not being presented for certification, LCWLT would have no objections to the document. Unfortunately, CEQA permits the Authority to rely on a certified EIR as the basis for future project, pilot and other entitlements. As the document is not specific as to the activities covered, LCWLT is concerned about the PEIR's use for activities whose environmental impacts have not been adequately disclosed, analyzed, or mitigated. In this instance, the DPEIR lacks clarity about the covered activity (the Optimized Restoration Plan) and instead suggests that any and all pilots, projects and activities listed in the DPEIR could be covered by the DPEIR, subject to project by project review.[2] There is no guarantee of future environmental analysis for projects not adequately analyzed in the DPEIR. As a practical matter, the lack of specificity regarding what the DPEIR "covers" is likely to result in confusion as to what activities are covered, and may lead to uncertainty, wasted time, wasted resources, and CEQA abuses. Given the absence of specific Project descriptions and site information in the DPEIR, the lack of a wetlands delineation, and deficiencies in the biological resources analysis, the document fails to provide a sufficient program or project-level analysis under CEQA for all but the most benign projects.[3]

LCWLT-1 Cont.

LCWLT appreciates the DPEIR's exploration of an alternative that would restore tidal flow to the Central Area of the Project from areas located above 2nd Street. The DPEIR's discussion of this alternative should be expanded and recirculated, or in the alternative, be revised to acknowledge the merits of this alternative and to commit to further exploration as part of the range of alternatives separate from this DPEIR. The DPEIR recognizes that this alternative would satisfy Project objectives by maximizing the area available for wetland restoration – the Project's overarching purpose. The alternative would minimize the area needed for berms and seawalls. Important for CEQA compliance, many of the Project's significant and adverse environmental impacts would be "substantially lessened" under such an alternative. Shorter berms would reduce significant environmental impacts, as smaller berms would require less ground disturbance, grading, movement of materials, truck traffic and disruption of habitat. Shorter berms would also limit the adverse aesthetic impacts presented by walls that would otherwise reach up to 18 feet in height. Thus, an alternative restoring tidal flow to

[2] See e.g., both Introduction and Executive Summary of the DPEIR.

[3] Projects that may proceed without additional environmental review are likely those that either have only beneficial impacts, are already adequately covered by a separate EIR and/or are already allowed by-right. The DPEIR may be sufficient to support revision and adoption of the Optimized Restoration Plan with additional information and analysis described herein.

LCWLT-1 End

the Central Area through conduits run below 2nd Street would have beneficial impacts on biological resources, air quality, traffic, and aesthetics, at the very least.

I. The DPEIR is Unclear About the Covered Actions.

The DPEIR is clear that the purpose of the Los Cerritos Wetlands Restoration Plan is the long term restoration of wetlands, habitat, and tidal flow, while increasing public access and appreciation. However, that is where the clarity ends. The Introduction, Executive Summary and Project Description sections of the DPEIR inconsistently describe the "project" covered by the DPEIR. Only the Project Description zeroes in on the Los Cerritos Wetlands Optimized Restoration Plan as the focus of the DPEIR. The Project, as described throughout the DPEIR, would involve a variety of activities and large amounts of earth moving over 503 acres of land held by ten landowners. Activities would include "remediation or containment of contaminated soil and groundwater, grading, revegetation, construction of new public access opportunities (including trails, visitor center, parking lots, and viewpoints), construction of flood management facilities (including earthen levees and berms, and walls), modification of existing infrastructure and utilities, and integrating experimental actions and research into the proposed program." (DPEIR p. 2-27.) The DPEIR is vague on details, however, in order to "accommodate existing and future potential changes in land ownership and usage…funding." (DPEIR p. 2-30.) The DPEIR notes, "the timing of construction at each site is dependent on multiple variables, including property transfers, removal of oil infrastructure, and related facilities, availability of funding, and permit approvals." (*Ibid*.)

LCWLT-2

As to actual activities and what will happen on which part of the wetlands, when, little information is included. An EIR's purpose is to eliminate this confusion:

> The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, covering the entire project, from start to finish. This examination is intended to provide the fullest information reasonably available upon which the decision makers and the public they serve can rely in determining whether or not to start the project at all, not merely to decide whether to finish it. The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they-and the environment-will have to give up in order to take that journey.

(*NRDC v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271.)

LCWLT-2 Cont.

While the DPEIR includes a litany of possible actions and activities at each given site, it does not clarify which specific actions would be authorized by the Authority's approval of the Project and certification of this EIR. On the contrary, the Introduction, Executive Summary, and Project Description are inconsistent about the environmental review that may occur in the future before steps are taken toward Project implementation. These inconsistencies will cause confusion regarding both the activities covered by the EIR and the need for future environmental review. Even if CEQA abuses are avoided, confusion over the specific purpose of this EIR will waste time and resources better spent restoring the wetlands. It makes sense that future actions may have less definition, given the uncertainty about future land uses and ownership. However, the DPEIR does not list which actions and activities, if any, can happen without additional environmental review.

For example, some Project activities are part of the Beach Oil Minerals Project and have already been approved with project-level environmental review. The DPEIR does not make this clear. Instead, the Executive Summary provides, "This Draft PEIR would support permit applications, construction contracts, and other actions required to implement the proposed program and to adopt mitigation measures that are intended to reduce or eliminate significant environmental impacts." (DPEIR, section 1.1.) A reader could interpret this to mean that the Program EIR will authorize all Project activities without further review. In the next sentence, the DPEIR contemplates CEQA review, but does not commit to it:

> This PEIR serves as a first-tier environmental document that focuses on the overall effects of implementing the activities that make up the proposed program. As a first-tier environmental document, this PEIR will serve as the foundation for subsequent CEQA analysis (e.g., Project level EIRs, addendums) which *may* be conducted for project-specific restoration designs.

(*Ibid*, emphasis added.) The DPEIR's Project Description takes a similar tack, noting:

> Subsequent to the preparation of this DPEIR, LCWA may develop more detailed designs that would serve to implement the proposed program activities…As individual restoration projects are fully developed, LCWA would conduct CEQA analysis for individual projects as appropriate *or may determine that no additional CEQA analysis is requ*ired.

(DPEIR p. 2-83, emphasis added.) The Project Description repeats this at page 2-1: "As a first-tier environmental document, this PEIR will serve as the foundation for subsequent CEQA analysis (e.g., project-level EIRs, addendums) which *may* be conducted for project-specific restoration designs." (DPEIR p. 2-1, emphasis added.) The Introduction,

by contrast, is clear that some Project activities could go forward without additional review:

LCWLT-2 Cont.

> If the environmental effects resulting from an action are fully covered by the analysis in this PEIR and no new mitigation measures are required, then the action is within the scope of this PEIR, and no additional environmental documentation is necessary (CEQA Guidelines Section 15168(c)(2)). I

(DPEIR, section 1.3.4.)

Another section of the Project Description indicates that this DPEIR is meant to inform the finalization of the Los Cerritos Wetlands Optimized Restoration Plan, not to authorize any immediate construction. Page 2-1 reads, "After the PEIR, the Los Cerritos Wetlands Optimized Restoration Plan will be developed. The restoration design presented in the Los Cerritos Wetlands Optimized Restoration Plan will be informed by this PEIR and public input."

LCWLT supports a scenario wherein the DPEIR will only inform the development of the Los Cerritos Wetlands Optimized Restoration Plan. However, LCWLT is concerned that project activities may go forward without additional, detailed, project descriptions and future, adequate CEQA review. The DPEIR must be revised to make any tiering clear and to clarify which Project activities, if any, can proceed without additional CEQA review. The Authority cannot wait until a future Project-related activity is proposed or funded, and then decide if additional CEQA review is required. Based on LCWLT's review of the DPEIR and its lack of specificity, it appears that the only DPEIR-described activities that can move forward without additional CEQA review are likely those that been the subject of a separate certified environmental document and/or are exempt from CEQA altogether. LCWLT is not reassured by the DPEIR's statements that proposed projects would be individually reviewed to determine whether additional environmental review is needed in the future.

The Authority's use of a program EIR, as opposed to a project-specific EIR, does not excuse the obligation to provide clear and detailed information to the public. "The ultimate inquiry . . . is whether the EIR includes enough detail 'to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.' " (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516.) As circulated, the DPEIR does not include the requisite detail.

The Court of Appeal provided recent guidance about the distinctions between program and project EIRs:

> Designating an EIR as a program EIR . . . does not by itself decrease the level of analysis otherwise required in the EIR. [I]n considering a challenge to a program EIR, 'it is unconstructive to ask whether the EIR provided 'project-level' as opposed to 'program-level' detail and analysis. Instead, we focus on whether the EIR provided 'decisionmakers with sufficient analysis to intelligently consider the environmental consequences of [the] project.'

LCWLT-2 End

(*Cleveland National Forest Foundation v. SANDAG* (2017) 17 Cal.App.5th 413, 426.). Even if more precise information may be available during project-specific review, the Authority "must still provide reasonably obtainable information, or explain (supported by substantial evidence) why it cannot do so. '[I]f known impacts are not analyzed and addressed in a program EIR, they may potentially escape analysis in a later-tier EIR.' (Forest Foundation, supra, 17 Cal.App.5th at p. 440.)" (*Golden Door v. County of San Diego* (2020) Slip. Opinion, pp. 101-102.)

LCWLT supports efforts to restore the wetlands, but CEQA requires that the activities involved in these efforts be clearly delineated for public understanding. Due to the absence of clear information about the future activities covered by this Program EIR, LCWLT felt it incumbent to exhaust its administrative remedies as required by CEQA. (See Attachment 2.)

II. The Authority Should Consider and Expand the DPEIR's Discussion of the Alternative of a Tidal Connection Below 2nd Street to the Central Area for Inclusion in the Optimized Restoration Plan.

"One of [an EIR's] major functions . . . is to ensure that *all reasonable alternatives* to proposed projects are thoroughly assessed by the responsible official." (*Laurel Heights Improvement Ass'n. v. Regents of the University of California* (1988) 47 Cal. 3d 376, 400.) LCWLT urges the Authority to consider an alternative that avoids immediate action on the Long Beach City property portion of the Central Area and ultimately restores tidal flow to the area via conduits running below 2nd Street. An example of this alternative is provided in Figure 5-3 of the DPEIR (CRP Alternative 3 – Maximum Alteration, See Attachment 1).

LCWLT-3

Under this alternative, the Authority would make the interim berm between the Long Beach City Property and the LCWA Central property permanent. Restoration work planned for the LCWA and Bryant sites could proceed. However, the Authority would wait to restore tidal flow to the Long Beach City property. Once tidal flow has been restored to the Synergy property via the lower channel, tidal flow could be brought under 2nd Street to the Long Beach City Property. Steamshovel Slough and the restoration work

already planned for that portion of the Project would not be affected. Again, the wetlands restoration planned for the LCWA property and Bryant portion of the Central Area, where berms and floodwalls would have reduced aesthetic impacts, could continue.

LCWLT-3 Cont.

This alternative presents several advantages:

- First, the alternative would not disrupt near term restoration plans for the Isthmus, South, and North areas, or those planned for the LCWA and the Bryant portions of the Central area.

- Second, it eliminates the need to breach the San Gabriel River levee to restore tidal flow to the Long Beach City property, preventing the project's greatest risk for increased flooding on adjacent roads and private property.

- Third, it eliminates the need for 120-foot-wide, 15-foot-tall berms or 18-foot-tall flood walls for flood protection. Restoring tidal flow to the Long Beach City property in the Central area via the Los Cerritos Channel requires flood protection, but the distance and the large amount of available land for water flow between the channel and the property permits the use of shorter and smaller berms.

- Fourth, it would improve wetland connectivity by joining a larger area of wetland between the Colorado Lagoon, Alamitos Bay, the Los Cerritos Channel, and both sides of 2nd Street.

- Fifth, shorter berms would reduce the aesthetic impact. The City of Long Beach's Southeast Area Specific Plan includes graphics depicting beautiful views of the wetlands. If the Central area is developed as proposed in the DPEIR, residents and visitors to Long Beach will never see these views. Instead, the beloved Los Cerritos Wetlands will be walled off with vegetated berms or sea walls that rise as tall as buildings along Pacific Coast Highway, 2nd Street, and Shopkeeper Road.

- Sixth, this alternative makes sense from an environmental impact standpoint. Along with the reductions in aesthetic impacts, the use of smaller berms or sea walls would reduce impacts related to construction, air quality, and ground disturbance. The Proposed Project would require 191,000-263,000 cubic yards of cut and fill in the Central area, alone, most of that for construction of the perimeter levee. (DPEIR p. 2-70.) Smaller berms would need less earth movement.

- Seventh, and most important, the reduction in berm heights (and therefore, necessary widths) would maximize the amount of land available in the Central Area for wetland restoration.

- Eighth, flow restoration from the Los Cerritos Channel and North Area, which already have wetlands species, may enhance seeding and the spread of native species to the Central area. Flow from the North Area, as opposed to that from the San Gabriel River, would also eliminate the likelihood that the river's contamination and trash could diminish water quality and habitat in the Central Area.

LCWLT-3 Cont.

Not inconsequentially, this alternative would provide more flexibility in the placement of the Beach Oil Minerals pipeline installation, flexibility that will be necessary to meet the Coastal Commission's special conditions.

The DPEIR endorses the view that this alternative satisfies the Project objectives and could reduce environmental impacts, the very purpose of a CEQA alternative. (Pub. Resources Code s. 21002.1) The DPEIR agrees that the restoration of a tidal connection from Steamshovel Slough to the Central Area "meets the program objectives because it would restore tidal wetland processes and functions and maximize contiguous habitat areas and buffers." (DPEIR p. 5-21.) While LCWLT would prefer a connection that avoids Steamshovel Slough, the same conclusions would apply to tidal restoration via the lower Los Cerritos Channel breach in at the Synergy property. As to levees, the DPEIR notes, "The footprint of the levee for this alternative would take up less space than the footprint of the levee in the proposed program, because the existing flood protection along the Los Cerritos Channel is not as high as the flood protection along the San Gabriel River. The smaller footprint would provide additional space for wetland restoration compared to the proposed program." (DPEIR p. 5-21.) Thus, this alternative would meet the Project objectives *to a greater degree than the proposed Project*.

The DPEIR further agrees that this alternative would likely reduce the Project's significant air quality impacts "because a substantially lower amount of fill may be moved on-site" and would cause fewer impacts to existing biological resources. (DPEIR p. 5-21.)

Despite these clear benefits, the DPEIR rejects this alternative due to the claim that it is infeasible. (DPEIR p. 5-21.) The alternative could not occur until the Los Cerritos Wetlands Oil Consolidation and Restoration Project has removed wells from the North Area and the Long Beach City Property, which is not expected to be complete for 20 years. However, the DPEIR is explicit that, "If the timing of that project were to change, this alternative could be considered feasible." (*Ibid*.) The DPEIR forgets that the Los Cerritos Wetlands Restoration Project is a long-range plan. Large portions of the Project, including the restoration planned for the North Area, will not be occurring within the next 20 years, anyway. This is true for portions of the Central Area, which are listed

as "Long Term (20 + years)." (DPEIR p. 2-69.) The DPEIR admits it was designed for maximum flexibility to "accommodate existing and future changes in land ownership and usage" and funding. (DPEIR p. 2-30.) Thus, the Authority's rejection of this alternative because it cannot occur *immediately* lacks substantial evidence.

LCWLT-3 Cont.

Notably, the City of Long Beach has not yet completed its Climate Action and Adaptation Plan. A report will be given at the June 25, 2020 City Council meeting, but no documents have been made public. The Authority is already aware that large portions of the site and surrounding areas will experience sea level rise during the implementation of the Project. Thus, before the Authority commits to a program that will breach the existing San Gabriel River levee, it is incumbent that the City of Long Beach review the implications in its Climate Action and Adaptation Plan. If the Authority delays breaching the San Gabriel River levee, the plans can be harmonized such that the Restoration will not jeopardize Long Beach's sea level rise adaptation strategy. Given that sea level rise will inundate larger portions of the Project site in the future, without the breach, the City of Long Beach and the Authority may decide that breaching the River levee is neither practical nor desirable. The Long Beach City property may be needed for sea level rise protection. The interplay between Long Beach's Climate Action and Adaptation Plan and this Restoration Plan must be explored.

The DPEIR also rejects this alternative because it would require creating a tidal connection under 2nd Street, "either through a set of culverts or by building a bridge or causeway over an open channel." (DPEIR p. 5-21.) The DPEIR claims, "This would result in extensive construction and transportation impacts." (*Ibid*.) While this may be correct, the DPEIR contains no analysis in support of the idea that 2nd Street construction would have more extensive environmental impacts than the construction of giant berms or sea walls and the elimination of wetland habitat. On the contrary, if sea level is going to rise, it is likely that the level of 2nd Street will need to be raised to avoid inundation. Construction and disturbance will be required, anyway, at some future point. Perhaps when 2nd Street is raised, it can become the berm that would otherwise be constructed. This would avoid the aesthetic, air quality, and biological resources impacts of unnecessary berms and walls. It is also possible that the culverts connecting tidal flow beneath 2nd Street could be constructed at the time 2nd Street is raised to avoid sea level rise.

As it satisfies the requirements of a CEQA alternative, and as the Authority has not provided substantial evidence for its rejection, LCWLT urges the Authority to expand its discussion of an alternative that implements the Central Area restoration but delays implementation on the Long Beach City Property until tidal flow can be restored below 2nd Street. This alternative satisfies the Project objectives to a greater degree than the proposed Project, would reduce significant environmental impacts, and permits alignment

between the Los Cerritos Wetlands Restoration Plan and Long Beach's Climate Action and Adaptation Plan that would otherwise be foreclosed. Once expanded, the DPEIR's discussion should be recirculated. In the alternative the DPEIR should be revised to acknowledge the merits of this alternative and to commit to further exploration of it as part of the range of alternatives separate from this DPEIR, for example, in the Optimized Restoration Plan.

LCWLT-3 End

III. Additional Concerns of the LCWLT.

LCWLT-4

LCWLT has been unable to locate a wetlands delineation for the restoration area. Thus, it appears that the DPEIR was prepared without reference to a wetlands delineation. A wetlands delineation is critical to resolving both biological and jurisdictional issues of this Project. The circulation of a DPEIR prior to the completion of a wetlands delineation puts the cart before the horse.

LCWLT-5

The DPEIR hydrology analysis recognizes the diminished water quality of water flowing through the San Gabriel River. The potential impacts of this water must be explored in much greater detail moving forward.

LCWLT-6

LCWLT is further concerned about the treatment of oil wells in the restoration area. For example, wells operated by Signal Hill Oil will remain in the Central Area, even after full restoration, but wells from other companies have been removed. The full removal and proper abandonment of wells is critical to restoration of a maximum amount of the Project site. There are also wells on the Hellman Ranch property that have been idle since 1928 but have not been officially abandoned. (See, https://www.latimes.com/projects/california-oil-well-drilling-idle-cleanup/map/.). LCWLT requests information the Authority has about the number of wells located on the property, number sealed off in the last ten years, and the number that are idle.

LCWLT-7

The LCWLT also seeks the Authority's rationale for excluding the Hitchcock property from the Project. As the Restoration Project includes private property such as the Hellman Retained site and the Bryant site, the private nature of the Hitchcock site does not appear to be the barrier. The California Coastal Commission has recognized the importance of the site's upland habitat; its inclusion in the Plan should be considered. (See, Attachment 3.)

Conclusion

LCWLT-8

The DPEIR contains valuable information about some of the options available for restoration in the wetlands, it is not adequate as an information document under CEQA. The document must be revised to clarify which activities the Authority believes are

LCWLT-8 Cont.

covered by this EIR and which activities will require further environmental review. LCWLT encourages the Authority to limit the use of the DPEIR to support refinement of the Los Cerritos Wetland Optimized Restoration Plan, assuming additional analysis of alternatives recommended herein, inclusion of those alternatives, and robust public engagement in the process. The DPEIR must also be revised to thoroughly explore an alternative that brings tidal flow to the Central Area below 2nd Street while avoiding the aesthetic, construction, and air quality impacts of the tallest berms. If not done in the DPEIR, the Authority should commit to further exploring this alternative when it finalizes the Los Cerritos Wetlands Optimized Restoration Plan. Finally, the Authority and its team must perform the studies and analysis needed to adequately disclose, analyze, and mitigate the Project's likely impacts on wildlife and sensitive species. This information must be included in a revised DPEIR and recirculated for public comment.

LCWLT supports a path forward consisting of the following steps:

1. Authority responds to comments and revises the text of the DPEIR. The revised document will clarify:

    a) The PEIR is intended to inform the Los Cerritos Wetlands Optimized Restoration Plan and not to provide environmental review for activities (projects, pilots and other activities) listed in detail in the DPEIR;

    b) The PEIR will reclassify the alternative for the Central Area discussed above as an alternative for incorporation into the Los Cerritos Wetlands Optimized Restoration Plan; and

    c) The only restoration projects or activities listed in the PEIR that may proceed are those that have been fully addressed by a certified EIR and/or any activities that are otherwise exempt from CEQA. Any other projects, pilots or activities cannot rely on the PEIR for other than general background information for cumulative impacts. The document cannot be relied upon for full analysis of the impacts of these projects.

2. If the Authority certifies the PEIR, it will be for the purpose of informing the drafting of the Los Cerritos Wetlands Optimized Restoration Plan.

3. Once finalized and certified, the PEIR and additional information as needed (e.g., on the LCWLT alternative for the central area) should be used to inform an Optimized Restoration Plan, including, as warranted, a description of alternatives that are extended to a longer term phase and need further study.

4. The Optimized Restoration Plan draft will be the subject of public review. To the extent additional environmental review is needed to adopt the Optimized Restoration Plan, this review should be occur.

LCWLT-8
End

5. The PEIR and the Optimized Restoration Plan, once completed, will have value to guide and inform projects, pilots, activities. However, any of those projects, pilots and activities not fully addressed in another certified environmental document or that otherwise would be exempt from CEQA will require additional environmental review unless large-scale revisions are first made to this DPEIR.

LCWLT looks forward to continued cooperation with the Authority as the Los Cerritos Wetlands Restoration Project moves forward and as the Authority finalizes the Los Cerritos Wetlands Optimized Restoration Plan. Thank you for the opportunity to comment.

Sincerely,

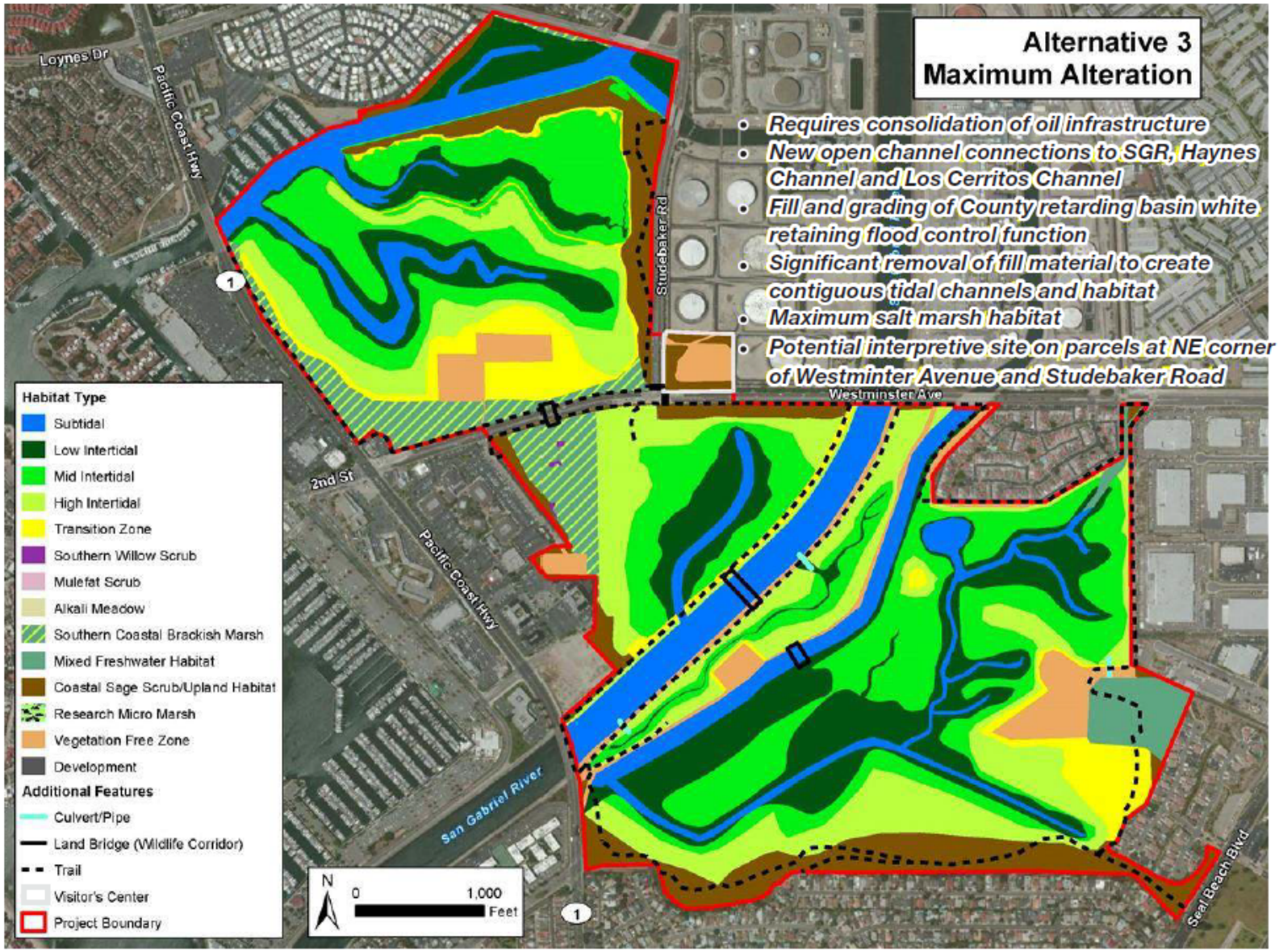
Michelle Black, on behalf of
Los Cerritos Wetlands Land Trust

Attachments:

1. DPEIR Figure 5-3, CRP Alternative 3 – Maximum Alteration
2. Appendix of Deficiencies Identified in Draft Environmental Report
3. California Coastal Commission Staff Report, available at https://documents.coastal.ca.gov/reports/2012/3/Th13a-3-2012.pdf

LCWLT-9

ATTACHMENT 1



SOURCE: Moffatt & Nichol, 2019
NOTE: Figure 5-3: Habitat types listed include all those proposed for Alternatives 1-3. Alternative 3 does not include the restoration of Research Micro Marsh or Mulefat Scrub.

Los Cerritos Wetlands Restoration Plan Draft Program EIR

Figure 5-3
CRP Alternative 3 – Maximum Alteration

ESA

ATTACHMENT 2

ATTACHMENT 2

Appendix: Deficiencies Identified in Draft Environmental Impact Report

If approved, the Project would authorize a variety of construction projects related to habitat restoration, the restoration of tidal flow, stormwater management, earthwork, grading, parking lot construction, levee, berm, and flood wall construction, soil import, soil export, revegetation, levee breaching, and soil remediation. Of greatest concern, the DPEIR fails to provide sufficient baseline information about the Project site and the specific Project activities and entitlements that would be authorized or approved by the certification of the Program EIR. Additionally, the DPEIR fails to fully disclose, analyze, and mitigate the Project's impacts on the biological resources of Los Cerritos Wetlands as required by the California Environmental Quality Act.

I. General CEQA Requirements.

LCWLT-10

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project's significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) The environmental impact report (EIR) process is the "heart of CEQA" and is the chief mechanism to effectuate its statutory purposes. (*In Re Bay-Delta Programmatic EIR Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1162.) LCWLT is concerned that the DPEIR fails to adequately disclose, analyze, and mitigate many of the Project's significant adverse environmental impacts.

Although an EIR need not be perfect, the Authority "must use its best efforts to find out and disclose all that it reasonably can." (CEQA Guidelines § 15144.) If important information cannot be obtained, the EIR must explain why. (*Sierra Club v. County of Fresno* (2017) 6 Cal.5th 502, 519-522.) The Authority must also "ensure that CEQA [GHG] analysis stays in step with evolving scientific knowledge and state regulatory schemes." (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 519.)

The DPEIR admits the Project would have significant adverse impacts with regard to air quality. Additionally, the Project would likely have significant adverse impacts on

biological resources, including sensitive species, although these impacts are neither disclosed nor mitigated in the DPEIR. Instead, large portions of the Project site and many sensitive species are not assessed at all. Furthermore, the DPEIR's analysis is infected by a lack of specificity in the project description and missing, but necessary, baseline information.

LCWLT-10 End

Many of the Project's significant and adverse environmental impacts would be "substantially lessened" under an alternative that restores the tidal connection to the Central Area using the lower channel constructed at the North Area. As recognized in the DPEIR, such an alternative would satisfy Project objectives by maximizing the area available for restoration and minimizing the area needed for berms and seawalls. The smaller berms would also lessen significant environmental impacts, as smaller berms would require less ground disturbance, grading, movement of materials, truck traffic and disruption of habitat. Smaller berms would also limit adverse aesthetic impacts created by up to 18-foot-high sea walls that would block water views from 2nd Street, Pacific Coast Highway, and Shopkeeper Road. Thus, an alternative restoring tidal flow to the Central Area via the North Area would have beneficial impacts on biological resources, air quality, traffic, and aesthetics, at the very least.

II. The Biological Resources Analysis is Inadequate.

The DPEIR's biological resources analysis fails to meet basic requirement of a biological resources analysis – to survey the Project site and disclose what lives there. This basic failure has led to an inadequate baseline for analysis. The consultants failed to survey the entire site, to survey all sensitive species likely to inhabit the site, to conduct surveys at appropriate times of year for the species being surveyed, or to conduct repeat rare plant surveys in appropriate locations. The obvious result is that the analysis likely understates the number of and population sizes of sensitive species that could be affected by the Project's construction and reconfiguration of hydrological and tidal connections. Consequently, the DPEIR fails to disclose, analyze, or mitigate the Project's impacts to biological resources. The existing analysis must be substantially expanded, updated, and recirculated before the Project moves forward.

LCWLT-11

Deficiencies in the DPEIR include, but are not limited to:

We have reviewed the Supplemental Biological Surveys and Mapping for the Los Cerritos Wetlands, conducted by Coastal Restoration Consultants in 2019. (Appendix C). The Supplemental Biological Surveys and Mapping have limitations that affect the adequacy of the biological resources analysis but were not disclosed.

- Certain areas of the Los Cerritos Wetlands complex were not mapped or surveyed, but this was not disclosed in the DPEIR, and no reasons were provided for this omission. The Hellman Retained site, Los Alamitos Retarding Basin site, South LCWA site, and Northern and Southern Synergy Oil sites must be surveyed. Without these surveys, the biological resources analysis lacks an adequate baseline for analysis and any substantial evidence for claims regarding the presence or absence of species.

LCWLT-11 cont.

- The blooming periods for the three species targeted during the effort are: *Camissoniopsis lewisii* (March - May), *Lasthenia glabrata ssp. coulteri* (Feb - June), and *Centromadia parryi ssp. australis* (May - Nov). Therefore, surveys should have been conducted for all areas between February and June when these plant populations appear to be blooming, with an additional survey again in the late summer for *Centromadia parryi ssp. australis*. This doesn't account for additional rare plant species blooming periods with the potential to occur on site. Based on what appears to be GPS tracking of the surveyors, full coverage for rare plants did not occur and areas avoided were not discussed or disclosed in the report. Furthermore, the areas surveyed were not covered multiple times for the blooming periods of all rare plants with the potential to be found on site. For example, the Zedler Marsh site was only covered on May 1, 2018; the majority of the Central Bryant Site and the Central LCWA Site was only covered on April 30, with smaller areas resurveyed on May 9, May 10, and Oct 22, 2018. Full coverage of these areas was not conducted during any of the surveys based on the tracking lines provided. For the South LCWA site, full coverage was not shown, and not all areas surveyed were revisited to account for the different blooming periods. Although full coverage may not have been possible during the wetter months, no disclosure was provided as to why full coverage was not provided during the surveys. Locating these rare plants is important because mitigation for these plants must achieve a ratio of 1:1. With accurate location of these rare populations, Project implementation can be designed to avoid these areas or provide insight as to where mitigation (seed collection, soil salvage) should occur.

- Rare plant surveys must be repeated during normal rain years. Plant surveys were conducted during the 2016-2017 rainfall season, during which only 3.65 inches of rainfall was recorded. As average rainfall at the nearest weather station is 11.32 inches, these plant surveys were conducted during drought conditions. The consultants claimed to identify the remains of target plant species that germinated during a previous, above-average rainfall. However, the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service do not generally accept the

results of rare plant surveys taken during droughts. Forensic surveys are unreliable and understate the full potential of rare plants that may be present onsite. Reliable surveys require a good rain year.

- Mitigation Measure Bio-1 requires rare plant surveys, but it does not require that the surveys occur during the appropriate blooming period. The measure should be revised to require surveys for areas not covered during the last two years, during the appropriate blooming periods of the season prior to any planned construction.

LCWLT-11
End

- The consultants failed to survey rare plant species or disclose a list of rare plant species that have been documented in the area between Palos Verdes and Bolsa Chica: *Aphanisma blitoides* (coastal bluffs), *Orcuttia californica* (vernal pools), *Abronia villosa var. aurita* (coastal scrub), *Euphorbia misera* (coastal scrub), *Nemacaulis denudata var. denudat*a (coastal dunes), *Atriplex serenana var. davidsonii* (wetland/riparian), *Isocoma menziesii var. decumbens* (coastal scrub), *Suaeda esteroa* (marshes, swamps), *Nasturtium gambelii* (marshes, swamps), *Astragalus hornii var. hornii* (meadows and seeps), *Helianthus nuttallii ssp. parishii* (marshes, swamps), *Calystegia felix* (meadows and seeps), *Dudleya multicaulis* (coastal scrub), *Nama stenocarpa* (marshes, swamps), *Atriplex parishii* (playas, vernal pools), *Navarretia prostrata* (meadows and seeps), *Chloropyron maritimum ssp. maritimum* (marshes, swamps), *Sidalcea neomexicana* (playas), *Symphyotrichum defoliatum* (meadows and seeps), *Eryngium aristulatum var. parishii* (grasslands, vernal pools), *Centromadia pungens ssp. laevis* (meadows and seeps), *Atriplex pacifica* (coastal scrub, playas), *Astragalus pycnostachyus var. lanosissimus* (marshes, swamps). A full suite of surveys during the appropriate blooming periods should be conducted during a year with adequate rainfall. This is important to understand the distribution of rare plants and assist with restoration planning, especially when there could be a conversion of vegetation/land types within the site, and seed collection and soil salvage is important for areas known to host rare plant species.

Concerns specific to the DPEIR's biological resources analysis include:

- The DPEIR states that biologists from GLA conducted detailed biological assessments and surveys on the program area (i.e., North and Central Areas) between 2010 and 2017. These surveys included the following: focused surveys for special-status plants and animals; vegetation mapping; delineation and assessment of wetlands and other aquatic resources; and general and focused biological surveys to obtain floral and faunal inventories, including wintering and breeding season surveys for the

LCWLT-12

burrowing owl (*Athene cunicularia*) and focused surveys for special-status plants. (DPEIR p. 3.3-2.) The DPEIR is not clear as to whether full coverage surveys were completed in 2017 and whether all rare plant species with the potential to occur onsite were surveyed. The DPEIR must base its analysis on the most current data.

LCWLT-12 cont.

- Existing conditions, health of the system, and vegetation communities can change over time, but are not reflected in the DPEIR. The habitat assessments and vegetation mapping are not current. For example, 9 years has passed since the last survey. (DPEIR p. 3.3-2.) We recommend that habitat be reassessed for areas that have not been updated over the past 4-5 years. This is important to understand the health of a system as it currently exists (the baseline for analysis) and the potential conversion of land types. New surveys will also provide a path to the success of the restoration plan. Current data on species diversity, cover, and distribution as well as non-native plant percentage cover will all contribute to the design and success criteria for this project.

- The DPEIR notes that CRC conducted Supplemental Surveys in 2018 that included updated vegetation mapping, a jurisdictional wetlands and waters assessment, mapping of Environmentally Sensitive Habitat Areas (ESHA), focused surveys for three special-status plants, and opportunistic avian observations on the four areas of the proposed program. (DPEIR p. 3.3-2.) The CDFW and USFWS generally do not accept the results of rare plant surveys taken during drought conditions. Forensic surveys are not reliable, and do not capture the full potential of rare plants to be found on site. A full suite of surveys should be conducted during the appropriate blooming periods for all rare plant species with the potential to occur on site, during a year with adequate rainfall. This is important to understand the distribution of rare plants and assist with restoration planning, especially when there could be a conversion of vegetation/land types within the site. In addition, opportunistic avian surveys do not account for species distribution, numbers, and migration patterns though and within the site. Avian point counts should be conducted to fully understand how avian species are utilizing the site, and how the restoration plan design can be prepared to benefit avian species. This will also be helpful to analyze the biological value and functionality of the project area once restoration implementation has been completed.

- In 2019, CRC conducted a review of the California Native Plant Society (CNPS) On-line Inventory and the California Natural Diversity Database (CNDDB) (CRC 2019) to identify special-status plants and wildlife species that have been previously

LCWLT-12 cont.

documented in the region. The areas that were queried included the United States Geological Survey (USGS) 7.5' minute quadrangle map for Anaheim, La Habra, Long Beach, Los Alamitos, Newport Beach, Seal Beach, South Gate and Whittier. The results of these database searches revealed special-status plant species that may have the potential to occur within the proposed program area. A complete list of plant species observed within the program area during CRC's 2019 assessment is provided in the floral compendium included in the Supplemental Biological Technical Report (Appendix C1). (DPEIR p. 3.3-2.) However, a species list was not provided in the Supplemental Biological Technical Report. Furthermore, only three species were targeted during the survey effort. The CNDDB listed 29 species in the area between Palos Verdes and Bolsa Chica, an area much less than the 8 quadrangles supposedly searched. Approximately 40 plants were evaluated in the EIR of which 30 have a high potential or are present on site and were not mentioned in this report. Ten species were determined to have a moderate potential or to be present on the entire project site. A full list of rare plants from not only CNDDB but also the IPAC and USFWS Sensitive species database should be thoroughly reviewed to determine the targeted species and a full suite of surveys should be conducted during a non-drought year during the appropriate blooming periods for all targeted species. Additionally, a full list of plant species observed during the surveys was not included in the report. The report is also devoid of surveys conducted in the following areas in the spring and fall of 2018: Southern areas: Hellman Retained site, Los Alamitos Retarding Basin site, South LCWA Site; and Northern areas: Northern and Southern Synergy Oil sites. These areas comprise approximately 50 percent of the site. Finally, the surveys did not occur in 2019; they occurred on March 5, April 17, April 30, May 1, May 9, May 10, and Oct 22, 2018.

- Focused botanical surveys were conducted at the Central Area (Pumpkin Patch site) in 2011, 2013, and 2016. Focused botanical surveys for the North Area (Synergy Oil Field site) were conducted in 2015 and 2016. During the 2015 survey, there was a significant focus on southern tarplant on the North Area (Synergy Oil Field site) because of the substantial numbers observed germinating early in the season that year. (DPEIR p. 3.3-3.) Focused surveys for rare plants are generally valid for up to two years, unless the surveys were performed in good conditions (above average rainfall). Here, four to five years has passed since the last time this area was surveyed. Incorporating rainfall data for 2014/2015 may be needed to support valid survey results. In addition, it is not clear if all rare plants with the potential to occur were targeted during the survey effort. This must be clarified.

- The DPEIR claims focused botanical surveys were conducted in all four areas in 2018 by CRC but the surveys focused only on three species: southern tarplant (*Centromadia parryi ssp. australis*), Coulter's goldfields (*Lasthenia glabrata ssp. coulteri*), and Lewis' evening primrose (*Camissoniopsis lewisii*). (DPEIR p. 3.3-3.). However, it is clear that these surveys did not cover all areas. Omitted sites include the Hellman Retained site, Los Alamitos Retarding Basin site, South LCWA Site, and Northern and Southern Synergy Oil sites.

- The DPEIR also explains that botanical surveys and jurisdictional delineations were performed on the City Property site by AECOM, Tidal Influence, and Vandermost Consulting Services, Inc. (VCS) as set forth in the 2016 Biological Resources Assessment and Wetland Delineation: Southeast Area Development and Improvement Plan (Placeworks and VCS Environmental 2016). (DPEIR p. 3.3-3.) Four years have passed since the surveys were conducted; they are outdated. It is not clear whether focused plant surveys included all species with a potential to occur within the survey area. If species were omitted, this must be corrected.

LCWLT-12 cont.

- The burrowing owl surveys are also insufficient. Although burrowing owls are known to have high site fidelity, the absence of burrowing owls during the surveys should not be considered valid since the surveys did not cover the entire area. Further, breeding surveys were only conducted in 2015, 5 years ago. Portions of these areas were visited during the non-breeding season. However, according to the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012): Non-breeding season (1 September to 31 January) surveys may provide information on burrowing owl occupancy, but do not substitute for breeding season surveys because results are typically inconclusive. Burrowing owls are more difficult to detect during the non-breeding season and their seasonal residency status is difficult to ascertain. Burrowing owls surveys must be repeated during the breeding season.

- The DPEIR states the 2018 jurisdictional assessment was conducted to identify and map potential federal waters that are likely to be considered jurisdictional by the USACE and potential state waters that are likely to be considered jurisdictional by the RWQCB, CDFW and CCC jurisdiction within the program area. (DPEIR p. 3.3-3.) However, the water assessment was not conducted within the entire Program Area as suggested by the DPEIR. The assessment did not include Southern areas including the Hellman Retained site, Los Alamitos Retarding Basin site, and South LCWA Site.

LCWLT-12 cont.

- DPEIR Table 3.3-5, Special-Status Wildlife with Potential to Occur, claims to provide a summary of all wildlife species determined to have potential to occur with the program area based on (1) species identified by the 2019 CNDDB as occurring (either currently or historically) in the USGS Anaheim, La Habra, Long Beach, Los Alamitos, Newport Beach, Seal Beach, South Gate and Whittier Quadrangles and (2) records of special-status species that are known to occur within the vicinity of the proposed program, or for which potentially suitable habitat occurs on site. (DPEIR p. 3.3-37.). Reference to the underlying report, however, demonstrates mention of only CNDDB. There is no evidence that of IPac or USFWS Sensitive species databases were consulted for full analysis. The CNDDB is a positive sighting database and should not be used solely to evaluate which species have the potential to occur on site.

- Table 3.3-6, Special-Status Wildlife with Potential to Occur within the Program Area, claims to provide a summary of all special-status wildlife species determined to be present or to have potential to occur within each of the four program areas. (DPEIR p. 3.3-55.) Yet, the potential for occurrence does not match the determinations in the Table 3-3.5. For example, one species, the state and federally endangered Ridgeways rail is listed as "present" in Table 3-3.5 but is not on Table 3.3-6. At page 3.3-104, the species is listed as "not present." This should be clarified and verified with adequate surveys.The PFO table states this species was observed on site. Suitable foraging and breeding habitat is present within North Area (Steamshovel Slough) and tidal marsh areas in the South and Isthmus Areas and non-tidal marsh in the Central Area. Since focused protocol level surveys have not been conducted for many of the state and federally listed species, it is important for this document maintain consistency when analyzing and determining potential for occurrence since it is an effective tool to identify parameters in efforts to increase biological value for the restoration design. In addition, the proposed program has the potential to impact areas that could potentially meet the definition for ESHA as defined under the CCA. Without focused surveys to determine presence of these species, the PFO analysis is used to help determine whether the habitat supports or is likely to support state- or federally listed threatened or endangered animal species, California Fully Protected species, or other special-status animal species. Based on this definition of an ESHA, it is probable that the boundaries of the ESHA could change and more ESHA areas could be impacted. These tables must be updated for accuracy and consistency.

- The DPEIR notes that certain habitats have been documented in the proposed program area and have the potential to be considered ESHA because of their

LCWLT-12 cont.

potential to support one of more of the following special-status species: western snowy plover, American peregrine falcon, white-tailed kite, Belding's savannah sparrow, least Bell's vireo, California least tern, Pacific green sea turtle, Coulter's goldfields, estuary seablite and southern tarplant. (DPEIR p. 3.3-61.) The DPEIR and report omit the following California state sensitive species and one State and federally listed species: red diamond rattlesnake (SSC), burrowing owl (SSC), loggerhead shrike (SSC), Ridgeway Rail (SE/FE), short-eared owl (SSC), yellow-breasted chat (SSC). Potential ESHAs should consider native vegetation that supports or is likely to support state- or federally listed threatened or endangered animal species, California Fully Protected species, or other special-status animal species (e.g., listed by CDFW as Species of Special Concern or have a CNDDB state rank of S1, S2, or S3). The report and DPEIR should be updated with evaluations considering these species for potential ESHA habitat designations.

- Northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops saga*x), Pacific mackerel (*Scomber japonicas*), and jack mackerel (*Trachurus symmetricus*), species managed under the Coastal Pelagic Fishery Management Plan, are all common in nearshore ocean waters and could swim into the channels in the Project. Three species managed under the Pacific Groundfish Fishery Managed Plan potentially could swim into the channel. These plans and the species managed under these plans should be discussed in this document to show how important this area is as EFH. (DPEIR p. 3.3-62.)

- The DPEIR considers the loss of suitable invertebrate habitat during grading to be temporary and less than significant, since the purpose of the proposed program is to enhance and restore habitat that is suitable for wildlife, including special-status invertebrate species. (DPEIR p. 3.3-96.) Wetlands are among the world's most valuable and most threatened habitats, and invertebrates are an extremely important component in these ecosystems. These invertebrates are one of the primary trophic links between lower plants and higher vertebrates (i.e., amphibians, birds and fish). This document doesn't analyze and discuss the invertebrate species and their role in this ecosystem. Grading will kill aquatic invertebrates. Soils within mudflat areas should be salvaged (where feasible) for areas that are proposed for activities such as grading. This will increase invertebrate survival and dispersal into newly land converted areas.

- Mitigation Measure Bio-1 (p. 3.3-108) does not adequately protect rare plants, as written. While the measure states that rare plant surveys should be conducted in

LCWLT-12 cont.

suitable habitat areas, it does not state that surveys must occur during the appropriate blooming periods. This measure protects the rare plants if construction occurs in mid- to late summer. However, if construction occurs in early spring, the surveys are not adequate since they would be performed outside the blooming period of herbaceous plants. There are areas that have not been surveyed and have no recent historical data that can be used to determine seed salvage areas. The measure should also be clarified regarding transplantation. Although transplanting rare herbaceous plant species is rarely successful, seed collection and propagation is can be successful. If ground disturbing work is proposed for areas where historical rare plant species and/or populations have been identified, the soils should be salvaged and replaced on site.

- Mitigation Measure Bio-2 can also be improved (p. 3.3-109.) The measure provides that initial grading and vegetation removal activities shall be supervised by a qualified monitoring biologist. The biologist shall ensure that impacts to special-status plants and wildlife, including wetland vegetation, are minimized to the greatest extent feasible during implementation of program activities on the South, Isthmus, Central and North Areas. However, the methods in which the biologist will ensure impacts are minimized are not specified. For example, work areas and avoidance areas should be clearly delineated (staking, flagging, silt fencing where feasible). Also, this measure doesn't specifically state how often the biologist is present. The biologist should be present daily and conduct sweeps prior to activities, especially during the nesting bird season. As written, the measure is impermissibly vague and deferred.

- Mitigation Measure Bio-4 provides: If construction or maintenance activities will occur during the avian nesting season (January 1 through August 31), a qualified biologist shall conduct pre-construction nesting avian surveys within no more than 5 days prior to the initiation of construction activities to identify any active nests. If a lapse in work of 5 days or longer occurs, another survey shall be conducted to verify if any new nests have been constructed prior to work being reinitiated. (DPEIR p. 3.3-109.) This will not adequately protect birds. Some bird species can build nests in 2 or 3 days. To protect our bird species, especially with sensitive bird species known on site, we suggest no more than a 72-hour window prior to work activities. In addition, it is unclear as to how a "lapse" and the "work area" is defined. We presume that the entire site will not have restoration implementation activities at once, and that work will be phased in areas. A survey of the entire site would not be adequate to identify new nests in areas that are more than 500 feet from existing

activities. Please consider revising to: "If no work has occurred for 72 hours, or if an area is located more than 500 feet from an active work area and 72 hours has passed within this area, a nesting bird survey should be conducted prior to work in that area to ensure that no active nests will be impacted." As project permit requirements change from project to project and contractors are required to adhere to different mitigation and avoidance measures, we suggest the preparation of an agency approved Nesting Bird Management Plan This Nesting Bird Management Plan (NBMP) that describes the measures that will be taken by the contractors to assure that avian protection measures are implemented to avoid and minimize impacts to nesting birds during construction. The NBMP should provide a description of protocols and methods that will be implemented to avoid and minimize impacts to nesting birds associated with construction of the Project. The NBMP should provide guidance for complying with federal and state regulations, including: nest surveying and monitoring methods, guidelines for establishing nest buffers, instructions for monitoring and reporting avian nesting activities, recommended nesting deterrents, and nest removal strategies.

LCWLT-12
End

- Mitigation Impact Bio-9 states: There are several aboveground pipelines and racks sited throughout the program boundary, many of which occur over wetland areas and will need to be removed. Based on the method of pipeline, rack, and tank removal, and the already disturbed areas that would be used to facilitate the removals, no impacts to CDFW Sensitive Natural Communities or riparian habitats are expected to occur. (DPEIR p. 3.3-112.) Substantial evidence has not been provided that impacts will not occur. The methods for removal should be reviewed by the agencies prior to demolition and removal. For example, it should be clear that the pipes will be disassembled and lifted off the ground and not dragged through wetland areas.

These concerns must be addressed in an expanded and updated biological resources analysis which must then be recirculated for public comment before the Project may proceed.

III. The Noise Analysis Fails to Consider the Impacts of Noise on the Wetlands.

LCWLT-13

Although the Project is aimed at restoring and enhancing wetlands, the DPEIR's noise analysis is entirely human-centric. Estimated noise limits and descriptions of noise impacts are provided for nearby homes, but the DPEIR fails entirely to describe the likely impacts that loud Project activities – and heavy construction equipment – will have on the species that currently inhabit the wetlands. Studies show that even minimal noise

LCWLT-13 cont.

and vibration disturbances can displace sensitive species, sometimes permanently. The Project anticipates loud, earthmoving and grading activities over a 20-plus year timeframe. Increased duration of noise and vibration increases the likelihood of significant impacts on biological resources, including burrowing animals. This does not appear to have been assessed in the DPEIR. The DPEIR must perform analysis of the Project's potential noise-related impacts on wildlife and habitat and recirculate that analysis.

For example, protected species typically have a prescribed noise limit, often 60 dBA. State endangered Belding's savannah sparrow (*Passerculus sandwichensis ssp. beldingi*) was found on the wetland area. A thorough environmental review of impacts to this species, such as that prepared for a CDFW Streambed Alteration Agreement, Incidental take permit, or USFWS Biological Opinion, would include information about the species noise tolerance. One project included the following analysis:

> SANDAG and RECON (1988) estimated that noise levels above 60 dBA Leq from March 15 to September 15 may impact vireo reproductive success. While vireos often continue to occupy areas subject to noise levels above 60 dBA, one study documented significantly reduced reproductive success due to noise impacts (Service 1995). Studies also observed movement away from construction activities and delayed pairing and initial nest establishment suggesting that excessive noise from construction activities may have resulted in the avoidance of suitable habitat and may have interfered with mating behavior (BonTerra 2000a, b, c, and d).[4]

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[4] BonTerra Consulting.
2000a. Breeding season 2000 weekly monitoring report of least Bell's vireo and coastal California gnatcatcher for the Crown Valley Parkway Bridge project, Orange County, California. 2 pp. (week of April 24 to April 28, 2000). Unpublished report prepared for the U.S. Fish and Wildlife Service.

BonTerra Consulting.
2000b. Breeding season 2000 weekly monitoring report of least Bell's vireo and coastal California gnatcatcher for the Crown Valley Parkway Bridge project, Orange County, California. 3 pp. (week of May 1 to May 5, 2000). Unpublished report prepared for the U.S. Fish and Wildlife Service.

BonTerra Consulting.
2000c. Breeding season 2000 weekly monitoring report of least Bell's vireo and coastal California gnatcatcher for the Crown Valley Parkway Bridge project,

The DPEIR does not disclose any noise limits for specific species or provide any information about whether the Project may exceed those noise limits. This must be corrected, and the DPEIR must be recirculated. This analysis must consider the impacts of impulsive, or short-term noise. Day-night averages such as CNEL may obscure the impacts of shorter-term, but much louder, noise.

LCWLT-13 End

The DPEIR also fails to include baseline information for ambient noise in the wetlands. The current iteration of the DPEIR only provides this information along roads, which obscures the Project's potential impacts to wildlife residing in the interior of the Project site.

Even if the Authority ultimately determines that the Project's noise-related impacts to biological resources are reasonable, all reasonably foreseeable impacts to sensitive species and existing habitat must be disclosed and analyzed in the DPEIR.

IV. Recirculation of the DPEIR Will Be Required.

CEQA requires recirculation of a draft EIR whenever "significant new information is added to the EIR after public notice is given of the availability of the draft EIR." (CEQA Guidelines s. 15088.5.) "Significant new information" requiring recirculation includes a disclosure showing that:

LCWLT-14

Orange County, California. 2pp. (week of May 29 to June 2, 2000). Unpublished report prepared for the U.S. Fish and Wildlife Service.

BonTerra Consulting.
2000d. Breeding season 2000 weekly monitoring report of least Bell's vireo and coastal California gnatcatcher for the Crown Valley Parkway Bridge project, Orange County, California. 2pp. (week of August 7 to August 11, 2000). Unpublished report prepared for the U.S. Fish and Wildlife Service.

United States Fish and Wildlife Service (Service).
1995. Biological Opinion (1-6-95-F-02). Programmatic activities and conservation plans in riparian and estuarine/beach ecosystems on Marine Corps Base, Camp Pendleton. Carlsbad Fish and Wildlife Office, Carlsbad, California. 61 pp.

San Diego Association of Governments (SANDAG) and Regional Environmental Consultants (RECON). 1990. Draft comprehensive species management plan for the least Bell's vireo. 37 pp

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

LCWLT-14
End

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish & Game Com*.(1989) 214 Cal.App.3d 1043).

Given the inadequacies in the biological resources analysis, once these deficiencies are corrected, and defined mitigation is developed, the DPEIR must be recirculated for all four reasons provided in CEQA.

LCWLT-15

ATTACHMENT 3

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Th13a

Filed:	9/16/2011
49th Day:	11/4/2011
180th Day:	3/14/2012
Staff:	Charles Posner - LB
Staff Report:	2/23/2012
Hearing Date:	March 8, 2012
Commission Action:	

STAFF REPORT: MATERIAL AMENDMENT

APPLICATION NUMBER: A-5-LOB-10-015-A1

APPLICANT: Loynes, LLC **AGENT:** Schmitz & Associates, Inc.

PROJECT LOCATION: 6400 E. Loynes Drive (SEADIP Subarea 23), City of Long Beach.

DESCRIPTION OF PROJECT ORIGINALLY APPROVED ON NOVEMBER 19, 2010:

Import of 1,000 cubic yards of soil to re-establish and maintain cap over an existing landfill on a vacant 9.38-acre site (in response to Coastal Commission Emergency Permit 5-09-068-G). Special Condition One of the permit requires the applicant to construct an impermeable cap on the dump to prevent water from infiltrating the landfill and to re-create the site's pre-disturbance topography and seasonal pools that existed on the site prior to grading. The disturbed area shall be re-vegetated with Southern California native plants appropriate to the site's hydrology and historical ecology (alkali meadows and transitional grassland/coastal scrub).

DESCRIPTION OF PERMIT AMENDMENT REQUEST:

A revised site restoration and re-vegetation plan required by Special Condition One of the underlying permit. The revised plan does not include a new dump cap or seasonal pools.

SUMMARY OF STAFF RECOMMENDATION

On November 19, 2010, the Commission approved Coastal Development Permit A-5-LOB-10-015 with conditions that require the applicant to re-create the site's pre-disturbance topography and to create seasonal pools that allegedly had existed on the site prior to the unpermitted grading that occurred in March 2009. To prevent water from infiltrating the abandoned landfill that exists beneath the site, a new engineered impermeable dump cap is required to be constructed over the abandoned landfill. [Note: The Commission modified Special Condition One at the November 2010 hearing, changing staff's habitat restoration recommendation to one that required the applicant to install the impermeable dump cap and to contour the site to encourage the restoration of seasonal pools in certain portions of the disturbed site. This change to Special Condition One required the Commission to adopt revised findings. The Commission approved the revised findings on May 12, 2011.]

The applicant has requested this permit amendment to delete the requirement for the installation of an impermeable cap over the dump as part of the re-vegetation plan because the installation of such a cap would cause lateral gas migration and necessitate the construction of methane gas collection system with extensive re-grading of the property and the installation of numerous gas extraction wells, pipelines and a gas-burning plant (Exhibit #6). Therefore, the underlying permit must be amended to either: a) revise the re-vegetation plan to reflect the

deletion of the impermeable dump cap and pools, or b) revise the project to include the construction of the methane gas collection system that would be required by the California Regional Water Quality Control Board and County if an impermeable cap is constructed over the abandoned landfill.

Staff is recommending that the Commission **APPROVE** the permit amendment request for a revised re-vegetation plan with the deletion of the impermeable dump cap and seasonal pools because it is the alternative with the least significant adverse effects on the environment. Approval of the permit amendment with conditions will require the applicant to re-vegetate the disturbed area on the landfill with Southern California native plants appropriate to the site's condition as an abandoned landfill. The previously imposed provisions for monitoring and future maintenance of the site are unchanged by the amendment. **See Page Three for the motion to adopt the staff recommendation.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Local Coastal Program (LCP), 7/22/1980.
2. California Integrated Waste Management Board, Inspection Report, File No. 19-AK-5003, 3/26/2009.
3. California Integrated Waste Management Board, Inspection Reports dated: 7/23/2010, 4/6/2010, 1/5/2010, 10/21/2009, 10/7/2009, 7/21/2009, 5/1/2009, 4/29/2009, 4/15/2009, 3/26/2009, 1/6/2009 & 10/9/2008.
4. South Coast Air Quality Management District, Notice to Comply No. D-18289, 4/3/2009.
5. Coastal Commission Emergency Permit 5-09-068-G, 4/7/2009 (Exhibit #3).
6. Biological Resources Evaluation and Jurisdictional Waters Delineation for APN 7237017006, by Ty M. Garrison, SWCA Environmental Consultants, 5/28/2009.
7. Peer Review of the Biological Resources Evaluation and Jurisdictional Waters Delineation for APN 7237017006, by PCR Services Corporation (PCR), 9/9/2009.
8. Comments on Illegal Development and Retroactive Permit to Remediate at 6400 Loynes Drive, Long Beach, by Travis Longcore, Ph.D. and Catherine Rich, J.D., M.A., Land Protection Partners, 10/8/2009 (Exhibit #12).
9. City of Long Beach Local Coastal Development Permit No. 0904-15, 12/3/2009.
10. Coastal Commission Substantial Issue Staff Report (Appeal A-5-LOB-10-015), 2/24/2010.
11. Habitat Revegetation and Monitoring Plan, Loynes Drive Project, Long Beach, by LSA Associates, Inc., September 2010.
12. Habitat Revegetation and Monitoring Plan, Loynes Drive Project, Long Beach, by LSA Associates, Inc., Revised September 2011 (Exhibit #8).
13. Biological Review for Coastal Development Permit Appeal A-5-LOB-10-015 – 6400 E. Loynes Drive, Long Beach, by LSA Associates, Inc., 11/15/2010.
14. Supplement to Biological Review for Coastal Development Permit Appeal A-5-LOB-10-015 – 6400 E. Loynes Drive, Long Beach, by LSA Associates, Inc., 11/16/2010.
15. Memo to Coastal Commission regarding Hitchcock Property, 6400 Loynes Drive, Long Beach, by Travis Longcore, Ph.D., Land Protection Partners, 11/17/2010 (Exhibit #14).
16. Delineation of Wetlands and Waters subject to Corps of Engineers Jurisdiction Under Section 404 of the Clean water Act and/or Section 10 of the Rivers and Harbors Act, Bixby Ranch, Los Cerritos Wetlands, Long Beach, California, by LSA Associates, Inc., 1/17/1997.
17. Biological Setting of the Bixby Ranch Company Oil Field Property in the Los Cerritos Wetland, Long Beach, California, by LSA Associates, Inc., Revised 7/8/1998.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

MOTION: *"I move that the Commission approve with special conditions the proposed amendment to Coastal Development Permit A-5-LOB-10-015 per the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution to Approve a Permit Amendment

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions of Permit A-5-LOB-10-015 as Amended

Staff Note: The Special Conditions below are the conditions of the underlying permit as modified and approved by the Commission on November 19, 2010, and adopted in revised findings by the Commission on May 12, 2011. The changes recommended by staff pursuant to this permit amendment are identified by strike-out for ~~deleted words~~ and **bold underlined text** for added text.

1. Site Restoration, Re-vegetation and Monitoring Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and written approval of the Executive Director, a revised re-vegetation and monitoring plan for the portions of the project site that were disturbed by prior grading on March 19 and 20, 2009 (as shown on Exhibit #4 of the Staff Report dated November 3, 2010 **and Exhibit #3 of the Staff Report dated February 23, 2012**), and including the area covered with the fill imported pursuant to Emergency Permit 5-09-068-G. The revised re-vegetation and monitoring plan shall be prepared by a qualified Resource Specialist in consultation with the California Department of Fish and Game, the County of Los Angeles Department of Public Health (Environmental Health Solid Waste Management Program), and the South Coast Air Quality Management District (AQMD).

The revised re-vegetation and monitoring plan shall include all of the provisions contained in the plan entitled, Habitat Revegetation and Monitoring Plan, Loynes Drive Project, Long Beach, by LSA Associates, Inc., September **2011** ~~2010~~ and shall also include the following provisions:

A. Native Plant List. All plants shall be Southern California native plants appropriate to the site's hydrology and historical ecology (~~alkali meadows and~~ transitional grassland/coastal scrub ~~– salt marsh to uplands~~). Appropriate native plants include, but are not limited to: **coastal sage bush, buckwheat, coast goldenbush, shining pepper grass, salt grass, bunch grass and annuals (e.g., lupine and yellowray goldfields).** ~~*Sesuvium verrucosum, Isocoma menziesii* ssp. *Vernonioides, Lasthenia glabrata* ssp. *Coulteri, Ambrosia acanthicarpa, Centromadia parryi* ssp. *Australis, Heliotropium Curassavicum, Lepidium nitidum, Suaeda taxifolia, Cressa truxillensis. Croton californicus, Frankenia salina, Malvella leprosa, and Distichlis spicata [Longcore LPP Memo, Table 1, 17 November 2010].~~ All seeds and cuttings employed shall be from local sources in the Los Angeles and Orange County coastal areas. Prior to the first planting cycle, the permittee shall provide the Executive Director with the quantities and sources of all plants to be used in the project.

B. Native Plant Coverage. The re-vegetation plan shall indicate the location, number and distribution of native plants to be installed. At the end of five years, a minimum of eighty percent (80%) of the disturbed area shall be covered with native plants. No more than five percent (5%) of the disturbed area shall be covered with non-native plants at any time.

C. ~~Dump Cap/Topography/~~Additional Fill. ~~An impermeable cap, sufficient to re-create seasonal pools, shall be provided (with additional soil and/or a liner) on the dump. The impermeable dump cap shall be designed in compliance with the specifications and requirements of the California Integrated Waste Management~~

~~Board, the Los Angeles Department of Public Health (Environmental Health Solid Waste Management Program), the Regional Water Quality Control Board (Los Angeles RWQCB), and the South Coast Air Quality Management District (AQMD). The topography of the site shall be restored to its pre-disturbance conditions with depressions between bumps for seasonal pools. Creation of the seasonal pools and installation of the plants shall not adversely affect the impermeable dump cap or result in the exposure of trash or other materials from the underlying landfill.~~ Additional soil shall be imported to create a minimum six-inch thick layer of soil for the new plants. **Installation of the plants shall not result in the exposure of trash or other materials from the underlying landfill.**

D. The storage or stockpiling of soil, silt, and other organic or earthen materials shall not occur where such materials could pass into coastal waters.

E. Timing of Re-vegetation. Re-vegetation shall commence as soon as possible following removal of non-native plants and preparation of the soil. Installation of the native plants shall commence at the project site no later than ninety (90) days from the date of Commission approval of **Permit Amendment A-5-LOB-10-015-A1** ~~this permit~~, or within such additional time as the Executive Director may grant for good cause. The initial planting shall be completed no later than six weeks from the commencement of planting, in compliance with the re-vegetation and monitoring plan approved by the Executive Director.

F. Removal of Non-native Plants. Prior to the installation of the native plants, the non-native weeds and grasses shall be removed from the area to be re-vegetated. Areas where Southern Tarplant exists shall not be disturbed. Prior to the removal of non-native vegetation, a qualified Resource Specialist shall survey the project site and identify with flags all areas of existing native vegetation**, including Southern Tarplant**. The permittee shall ensure that the areas of existing native vegetation are protected from disturbance during the implementation of the approved project.

G. No grading or scraping is permitted. No heavy machinery may be used. Smaller mechanized vehicles (e.g. Bobcats) may be used to transport heavy loads between paved roads and work areas. No dead plants shall be left on site and no persistent chemicals shall be employed.

H. No bird nests shall be disturbed at any time. Removal of non-native weeds, grasses and trees shall be done in compliance with the requirements of Special Condition Two of this permit.

I. Irrigation. A temporary irrigation system may be installed in order to provide enough water to keep the native plants healthy. No runoff shall leave the project site. The irrigation system shall be removed from the project site at the completion of the required monitoring and/or certification by the applicant's Resource Specialist that the required re-vegetation plan has become successful.

J. Invasive Plants. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

K. Erosion Control. Prior to removing the non-native plants and preparation of the soil, the permittee shall employ Best Management Practices (BMPs) to ensure that erosion does not occur.

L. Maintenance. Native vegetation shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the re-vegetation plan.

M. Disposal of Plant Matter. All cut plant material shall be disposed of at an appropriate off-site location within ten days of cutting. A separate coastal development permit will be required prior to the placement of any cut plant material in the coastal zone unless the Executive Director determines that no permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations.

N. Monitoring. The permittee shall provide the funding necessary to compensate a third party monitor (approved by the Executive Director) for the completion of the monitoring reports required by this condition. For at least five years following the initial planting, the permittee shall actively monitor the site, remove non-native plants and replant vegetation that has failed. The third party monitor approved by the Executive Director shall monitor and inspect the site no less than once each thirty days during the first year that follows the initial planting. Thereafter, the third party monitor shall monitor the site at least once every ninety days. Each year, for a minimum of five years from the date of permit issuance, the third party monitor shall submit, for the review and approval of the Executive Director, an annual re-vegetation monitoring report prepared by a qualified Resource Specialist which certifies the re-vegetation is in conformance with the approved re-vegetation plan. The annual monitoring report shall include photographic documentation of plant species and plant coverage. At the end of five years, a minimum of eighty percent (80%) of the disturbed area shall be covered with native plants. No more than five percent (5%) of the disturbed area shall be covered with non-native plants at any time. If the annual re-vegetation monitoring report indicates the re-vegetation is not in conformance with or has failed to meet the performance standards specified in the re-vegetation plan approved pursuant to this permit, the permittee shall submit a revised or supplemental re-vegetation plan for the review and approval of the Executive Director. The revised re-vegetation plan must be prepared by a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The permittee shall implement the supplemental re-vegetation plan approved by the Executive Director and/or seek an amendment to this permit if required by the Executive Director.

O. Review and Approval by Landfill Regulators. Prior to any re-vegetation or disturbance of the site, the permittee shall file an 1150.1 (Excavation of Landfill Plan) with the South Coast Air Quality Management District. ~~The final plan for the impermeable dump cap shall be reviewed and approved by the County of Los Angeles Department of Public Health (Environmental Health Solid Waste Management Program) and the California Integrated Waste Management Board.~~

The permittee shall implement the re-vegetation plan in accordance with the final plans approved by the Executive Director. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Ongoing Maintenance: Weed Abatement and Tree Trimming

Coastal Development Permit A-5-LOB-10-015 approves weed abatement, tree trimming, non-native tree removal, and ongoing maintenance of the property (6400 E. Loynes Drive) consistent with the terms of this permit. This permit does not authorize the construction of any trails or roads, or the erection of any fence, gate or wall. All weed abatement, tree trimming, ongoing maintenance, and all work carried out pursuant to any City or County issued abatement order, shall comply with the terms of this permit in order to ensure the protection of wildlife habitat and the long-term protection of breeding, roosting, and nesting habitat of state and federally listed bird species, California bird species of special concern, and bird species that play an especially valuable role in the ecosystem.

No bird nests shall be disturbed. Prior to tree trimming and weed abatement, a qualified biologist or ornithologist shall survey the project site to detect bird nests and submit a survey report to the permittee and the Executive Director of the Coastal Commission. The survey report shall include identification of all known nests. The permittee shall maintain a file of survey reports that includes a record of nests that is to be used for future vegetation removal decisions.

All weed abatement, tree trimming, non-native tree removal, and ongoing maintenance of open space areas shall be supervised by a qualified biologist or Wetland Ecologist and shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act, and shall be conducted in conformance with the following terms of this special condition.

A. Tree Trimming and Non-native Tree Removal

1. Unless otherwise specified by the terms of this permit, tree trimming and non-native tree removal shall take place only outside of bird breeding and nesting season, which is January 1 through September 30.

2. The trimming or removal of any tree that has been used for breeding and nesting within the past five years is prohibited, unless the permittee obtains a coastal development permit or emergency permit authorizing such trimming and removal. Prior to tree trimming or removal of any tree, a qualified biologist or ornithologist shall survey the trees to be trimmed or removed to detect nests and submit a survey report to the permittee and the Executive Director of the Coastal Commission. The survey report shall include identification of all trees with nests. The permittee shall maintain a file of survey reports that includes a record of nesting trees to be used for future tree trimming and removal decisions.

3. No bird nests shall be disturbed. Trimming may not proceed if a nest is found and evidence of courtship or nesting behavior is observed at the site. In the event that any birds continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 feet of any occupied tree (500 feet for raptors).

4. No California native trees shall be removed. All existing native vegetation shall be protected.

5. Tree trimming and non-native tree removal shall be done using only hand operated equipment only (e.g., machetes, weed whackers and chain saws). No herbicides shall be used.

B. Weed Abatement

1. Unless otherwise specified by the terms of this permit, weed abatement activities shall take place outside of the marsh bird nesting season (February 1 through August 31). Specifically required restoration work approved by the Executive Director is not subject to this limitation.

2. Prior to weed abatement and removal of any plant material, a qualified biologist or ornithologist shall survey the project site to detect nests and submit a survey report to the permittee and the Executive Director of the Coastal Commission. The survey report shall include identification of all known nests. The permittee shall maintain a file of survey reports that includes a record of nests that is to be used for future vegetation removal decisions.

3. No bird nests shall be disturbed. Weed abatement and removal of any plant material may not proceed within 300 feet (500 feet for raptors) of a nest where evidence of courtship or nesting behavior is observed. In the event that any birds continue to occupy nests during the non-nesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 feet (500 feet for raptors) of any nest.

4. All existing native vegetation shall be protected.

5. Weed abatement and removal of plant materials shall be done using only hand operated equipment only (e.g., machetes, weed whackers and chain saws). No herbicides shall be used unless it is specifically authorized by the Executive Director.

C. Disposal of plant matter. All cut plant materials shall be disposed of at an appropriate off-site location within ten days of cutting. A separate coastal development permit will be required prior to the placement of any cut plant material in the coastal zone unless the Executive Director determines that no permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations.

All weed abatement, tree trimming and non-native tree removal shall be conducted in strict compliance with this policy. Any proposed change or deviation from the approved development as conditioned shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations.

3. Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, ~~and~~ the U.S. Fish and Wildlife Service, **and any other regulatory agency with jurisdiction over the approved development,** with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

4. Condition Compliance

Within sixty (60) days of Commission action on this coastal development permit **amendment** application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

5. Timing of Re-vegetation

Implementation of the approved re-vegetation plan required by Special Condition One (i.e., ~~installation of an impermeable dump cap~~, removal of non-native plants, preparation of the soil, and installation of the native plants) shall commence as soon as possible following the issuance of the coastal development permit. Installation of the native plants shall commence at the project site no later than ninety (90) days from the date of Commission approval of **Permit Amendment A-5-LOB-10-015-A1** ~~this permit~~, or within such additional time as the Executive Director may grant for good cause. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

6. Future Development Restriction

This permit is only for the development described in **amended** Coastal Development Permit A-5-LOB-10-015. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Coastal Development Permit A-5-LOB-10-015 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

IV. Findings and Declarations for the Permit Amendment

The Commission hereby finds and declares:

A. Description of the Permit Amendment

On November 19, 2010, the Commission approved Coastal Development Permit A-5-LOB-10-015 with conditions that require the applicant to re-create the site's pre-disturbance topography and to create seasonal pools that allegedly had existed on the site prior to the unpermitted grading that occurred in March 2009. In order to prevent water from the seasonal pools from infiltrating the abandoned landfill that exists beneath the site, the Commission required a new engineered impermeable dump cap to be constructed over the abandoned landfill. The permit also requires the applicant to remove weeds and re-vegetate the disturbed area with native plants (Exhibit #3).

The applicant is requesting to amend the permit prior to implementing a proposed revised habitat re-vegetation and monitoring plan (Exhibit #8). The applicant is requesting that the Commission delete the requirement (Special Condition 1.C) for the installation of an impermeable cap and seasonal pools over the landfill as part of the required re-vegetation plan. The applicant asserts that the plan for the installation of an impermeable dump cap, which has been developed and submitted for review as required by the underlying permit, would result in significant adverse environmental effects that have not been reviewed or approved by the Commission. In addition, the applicant asserts that the large and visually impactful infrastructure would require regular maintenance that would result in frequent disturbance of the property.

The applicant lists the following reasons to justify the removal of the Commission's requirement to install an impermeable dump cap and seasonal pools:

- The installation of an impermeable dump cap would cause lateral methane gas migration to the perimeter of the dump, closer to the adjacent residences and the Los Cerritos Channel (Exhibit #5).

- The installation of an impermeable dump cap would trigger new rules of the landfill regulating agencies (County of Los Angeles Health Dept. and the California Regional Water Quality Control Board) that would require the applicant to construct an expensive and unsightly methane gas collection system, consisting of approximately twenty gas extraction wells, thousands of feet of above-ground pipelines, and a gas-burning plant (Exhibit #6).

- The installation of an impermeable dump cap and a methane gas collection system would require extensive re-grading and additional disturbance of the property, including the removal of the native vegetation that has re-established on the site (e.g., Southern Tarplant).

- The installation of an impermeable dump cap and a methane gas collection system, because of the noise and the amount of land that would be covered by wells and pipelines, would have a significant adverse effect on the habitat value of the site.

- The installation of an impermeable dump cap and a methane gas collection system would not be conducive to the Commission's intent of establishing vegetation typically associated with vernal pools on the site because the underlying substrate would be completely artificial and lacking the soil structure and hydrology upon which that plant community is dependant (Exhibit #7).

- The maintenance associated with an impermeable dump cap would likely result in the future removal of vegetation from the site and the disturbance of the soils.

Commission water quality staff has confirmed the current status of the landfill and the necessity of a methane gas collection system (in the event that an impermeable dump cap is installed) with the regulating agencies (Pete Oda, Environmental Health Specialist at County of Los Angeles Health Dept., and Wen Yang, Senior Engineering Geologist at the California Regional Water Quality Control Board). Methane gas has been documented emanating from the site (the reason for which the Commission issued Emergency Permit 5-09-068-G on April 7, 2009). Any water that percolates into the landfill can cause an increase in methane gas releases. Therefore, the regulating agencies do not allow any water to pool on the abandoned landfill (unless there is an impermeable barrier that prevents percolation). The abandoned landfill, with its permeable soil cap which lets methane gas escape vertically, is currently in compliance with the rules and standards of the landfill regulating agencies. The installation of an impermeable dump cap would be a "post-closure land use" on the landfill, as indicated in the letter from the Los Angeles County Department of Public Health Solid Waste Program, dated June 17, 2011, which regulates landfills in the County (Exhibit #4). Installation of an impermeable dump cap would also trigger the requirement build a methane gas collection system to comply with Los Angeles Regional Water Quality Control Board requirements, as indicated in its letter to the applicant dated June 28, 2011, to ensure that the methane does not travel laterally into the groundwater and flow into adjacent coastal waters and/or travel into adjacent residential areas which would create a health and safety hazard (Exhibit #5).

The applicant's proposed re-vegetation plan for the site, without an impermeable dump cap and seasonal pools, includes a revised plant list (Exhibit #8, ps. 10-12). In any case, the plant list is required to be all Southern California native plants. A dry land dump cap that remains permeable, however, must be vegetated primarily with low water-use plants such as coastal sage, buckwheat, bunch grass and annuals (e.g., lupine), instead of plant communities that rely on wetter environments with seasonal pools.

B. Project History

The project site is Subarea 23 of SEADIP (Southeast Area Development and Improvement Plan), a specific plan that covers the southeast portion of the City of Long Beach. The vacant 9.38-acre bay-fronting site, situated between Loynes Drive and the north bank of Los Cerritos Channel (Alamitos Bay), is part of an old landfill operation (refuse dump) that filled coastal marshland in the 1940s and '50s (Exhibit #2). The top layer of the landfill was disturbed by unpermitted grading that occurred on March 19 and 20, 2009. That unpermitted grading altered the topography and removed vegetation from most of the site. The area disturbed by the unpermitted grading is shown on Exhibit #3 (Source: Google Earth/USDA, May 25, 2009). Apparently, the grading also exposed part of the old dump.

On April 7, 2009, Commission staff issued an Emergency Permit 5-09-068-G to allow the applicant to take immediate action to mitigate elevated methane levels (up to 7700 ppm) detected at the site by the South Coast Air Quality Management District (Exhibit #3). Although the project site is located within the primary permitting jurisdiction of the City of Long Beach pursuant to its certified LCP, the emergency permit was granted by the Executive Director of the Commission because the certified LCP does not contain any provisions for issuing emergency permits. The emergency work authorized the applicant to:

> Import 1,000 cubic yards of clean fill dirt to create a minimum six-inch thick dirt cap over an area no larger than 50,000 square feet to cover exposed trash in order to prevent methane release, per orders to comply issued by California Integrated Waste Management Board (Inspection Report, File No. 19-AK-5003 dated 3/26/2009) and South Coast Air Quality Management District (Case No. D-18289, 3/26/2009).

Following the issuance of the emergency permit, the applicant constructed a six-inch thick cap over a 50,000 square foot portion of the dump using approximately one thousand cubic yards of imported fill dirt. A condition of Emergency Permit 5-09-068-G required the applicant to apply to the City of Long Beach for the follow-up permit.

On April 28, 2009, the applicant filed an application for a local coastal development permit with the City of Long Beach Department of Development Services. The City's Notice of Public Hearing for Local Coastal Development Permit No. 0904-15 identified the site as being in the appealable area of the coastal zone (the site comprises part of the north bank of Los Cerritos Channel, Alamitos Bay). The local coastal development permit that is the subject of this appeal also serves as the follow-up permit for Coastal Commission Emergency Permit 5-09-068-G.

On October 12, 2009, the City of Long Beach Zoning Administrator held a public hearing and approved Local Coastal Development Permit No. 0904-15 to allow the import of one thousand cubic yards of soil to re-establish and maintain the cap over the existing landfill (in response to Coastal Commission Emergency Permit 5-09-068-G), and to allow weed abatement to comply with a Fire Department order. The decision of the Zoning Administrator was appealed to the City Planning Commission by several persons because the local coastal development permit did not include a condition requiring any restoration or re-vegetation of the project site.

On December 3, 2009, the Planning Commission held a public hearing and approved Local Coastal Development Permit No. 0904-15 with conditions (Exhibit #3). The appeals were denied, but the Planning Commission added Special Condition Ten, which states:

> 10. The applicant shall comply with a remediation plan to be prepared by staff and submitted to the Planning Commission for consideration within 90 days.

The Planning Commission's decision was not appealable to the Long Beach City Council. On January 25, 2010, the Commission's South Coast District office in Long Beach received the first of seven valid appeals of the local coastal development permit. The appeals of the local coastal development permit call for restoration of the graded area of the site.

On March 10, 2010, the Commission determined that a substantial issue exists with respect to the grounds of the appeals because: a) the certified LCP designates the site for restoration as a brackish pond, b) the certified LCP requires that open space and natural habitat areas be

preserved and that the waters of Alamitos Bay be protected from runoff, and c) the absence of a detailed and enforceable habitat protection and restoration plan could adversely affect wildlife, wetlands, and the quality of adjacent tidal waters. A remediation plan prepared by City staff was never submitted to the Planning Commission (or Coastal Commission) for consideration.

On September 22, 2010, the applicant submitted a proposed re-vegetation and monitoring plan for the site entitled Habitat Revegetation and Monitoring Plan, Loynes Drive Project, Long Beach, by LSA Associates, Inc., September 2010.

On November 19, 2010, after a public hearing, the Commission approved with conditions Coastal Development Permit Application A-5-LOB-10-015. Special Condition One requires the applicant to submit a revised re-vegetation and monitoring plan that would result in the re-creation of site's pre-disturbance topography and seasonal pools that allegedly existed on the site prior to grading. The permit also requires the applicant to construct an impermeable cap on the dump (to prevent water from infiltrating the abandoned landfill) and to re-vegetate the disturbed area with Southern California native plants appropriate to the site's hydrology and historical ecology. On May 12, 2011, the Commission adopted the revised findings in support of the Commission's November 19, 2010 approval with conditions of Permit A-5-LOB-10-015.

On September 16, 2011, the applicant submitted Permit Amendment Request A-5-LOB-10-015-A1 and a proposed revised re-vegetation and monitoring plan for the site entitled Habitat Revegetation and Monitoring Plan, Loynes Drive Project, Long Beach, by LSA Associates, Inc., September 2011 (Exhibit #8). The applicant requests the removal of the requirement to construct seasonal pools and an impermeable cap on the dump.

C. Local Coastal Program

This coastal development permit, which is proposed to be amended, came to the Commission as an appeal. A de novo public hearing on the merits of an application uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, as in this case, findings must be made that an approved application is consistent with the public access and recreation policies of the Coastal Act.

The proposed project is located within the City of Long Beach. The City of Long Beach Local Coastal Program was certified by the Commission on July 22, 1980. On March 10, 2010, the Commission determined that the appeals raised a substantial issue regarding consistency of the development with the City of Long Beach certified LCP. The Commission approved the underlying de novo permit (A-5-LOB-10-015) on November 19, 2010.

Land Use Designation

The certified LCP designates the project site (Subarea 23) as a site for a brackish pond in the future. The site does not currently contain a brackish pond or any standing water. The certified City of Long Beach LCP designates the bay-fronting site as a restoration site; specifically as the site for a future 8.3-acre brackish pond. The project site falls within Subarea 23 of SEADIP (PD-1 - Southeast Area Development and Improvement Plan), a specific plan that covers the southeast portion of the City of Long Beach. The standards for SEADIP Subarea 23 (a component of the certified LCP) are set forth as follows:

SEADIP Subarea 23

a. The two wetland concepts generally outlined shall include a 8.3 acre brackish pond on Area 23 provided that the Executive Director of the California Coastal Commission determines (i) in addition to the setback for buffer, the elevation and setbacks between development and wetland edge shall be sufficient to ensure stability during liquefaction events caused by the maximum credible earthquake; (ii) that the location and operation of the proposed wetland are acceptable to the Regional Water Quality Control Board, the State Department of Health and to the Local Mosquito Abatement District.
b. If approval from these agencies results in reductions to the net size of the proposed wetland, restoration at this site shall only occur if the remaining area is sufficient to create a wetland at least the same size as the existing brackish pond at the Marketplace.

The LCP policy for SEADIP Subarea 23 refers to the brackish pond at the Marketplace because the restoration of SEADIP Subarea 23 is linked to the development plan for SEADIP Subarea 25. The brackish pond at the Marketplace is in SEADIP Subarea 25, which is an uncertified portion of the Los Cerritos Wetlands area located south of Second Street. An uncertified section of SEADIP called for filling the pond at the Marketplace (and other wetlands) and the construction of a business park in SEADIP Subarea 25. SEADIP Subarea 23 is identified as the site for mitigating the filling of the pond and wetlands in SEADIP Subarea 25.

There has been no recent development in Subarea 25, and the pond in that subarea has not been filled. Any proposal to place fill in SEADIP Subarea 25 of the wetlands would require a coastal development permit from the Commission and would raise issues of consistency with Section 30233 of the Coastal Act.

The certified LCP sets forth the following general provisions that relate to open space areas like the project site.

LCP Open Space Policies

The certified LCP requires that open space and natural habitat areas shall be preserved and that the waters of Alamitos Bay be protected from polluted runoff. The following goals and policies, contained in the Open Space Element of the City's General Plan, are equally weighted policies of the Land Use Plan (LUP) portion of the City's certified LCP:

1. Goals: Open Space - Preservation of Natural Resources

b. To preserve and enhance the open space opportunities offered by the inland waterways of the city through improved access and beautification.
g. To preserve areas which serve as natural habitats for fish and wildlife species and which can be used for ecologic, scientific, and educational purposes.
h. To locate, define, and protect other beneficial natural habitats in and about the city.

5. Goals: Open Space – Shaping Urban Development

a. To maintain and enhance existing and potential open space areas which are important as links, nodes, and edges, or provide relief from urban built-form.

8. Policies: Open Space Node – Alamitos Bay & Recreation Park

Conserve and enhance Alamitos Bay – Recreation Park open space node by:

e. Improving the quality of the Bay waters by controlling all forms of possible pollution, both in Bay and in tributaries upstream;
h. Maintaining close surveillance over all proposed projects in the Bay area through the environmental review process;
i. Exerting design controls on proposed improvements in order to prevent degradation of the aesthetic environment;

These LCP open space and natural resource preservation policies apply to the proposed project. The current land use of the bay-fronting property is an old dump/open space, devoid of buildings, roads, or other structures on the subject site. The property owner has not granted the public permission to access the property. Because the proposed project involves disturbance of the surface and vegetation on the site by grading, removal of vegetation and depositing fill, which will also help manage methane releases from the site, it is important to invoke these LCP policies to ensure that this open space is enhanced to support wildlife in the Alamitos Bay habitat and to control all forms of possible pollution, including methane, to improve the quality of the bay waters.

D. Re-Vegetation and Monitoring Plan

The previously approved project involves three inter-related phases of development: 1) re-establishment of the dump's soil cap, necessitated by prior unpermitted grading of the site, 2) restoration and re-vegetation of the graded area and disturbed dump cap, and 3) weed abatement/maintenance. The current land use (old dump/open space) has not been changed. The proposed development is intended to improve the environmental condition of the property by improving the scenic qualities and habitat values of the site through the proposed weed abatement and re-vegetation with native plants.

The question now before the Commission, is how to best restore the habitat value of the project site: by constructing water pooling areas over an impermeable dump cap, which would trigger the need to construct a methane gas collection system; or, by re-vegetating the site with native low-water use plants, without installing an impermeable dump cap, a methane gas collection system, and the new contours necessary to create seasonal pools?

The certified LCP calls for the preservation and enhancement of open space areas that serve as natural habitat areas, especially areas near Alamitos Bay like the project site. The LCP also requires that proposed projects along the bay prevent degradation of the aesthetic environment. Although the applicant now has agreed to re-vegetate the disturbed portion of the site with native plants, new information has been presented which substantially changes the scope of the restoration plan that the Commission envisioned when it approved Coastal Development Permit A-5-LOB-10-015 on November 19, 2010. The new information is the requirement for the construction of a methane gas collection system that would be triggered with the installation of the Commission-mandated impermeable dump cap. The construction of an impermeable dump cap and the associated methane gas collection system would include re-grading of the site, drilling of approximately twenty gas extraction wells, installation of

thousands of feet of above-ground pipelines, and construction of a gas-burning plant. Thus, it would cause significant disturbance to the natural habitat of the restored site and would visually degrade the aesthetic environment along the bay with the construction of an obtrusive methane gas collection system (Exhibit #6, ps. 12-15).

An impermeable dump cap and a methane gas collection system are only necessary if the restoration plan includes re-grading of the site to contour the top of the landfill in a manner that creates low areas for water to pool. The applicant's proposed alternative to the seasonal water pool plan does not include re-grading the site or any new construction; it simply involves the removal of non-native plants, importing additional soil to a depth of at least six-inches for planting purposes, landscaping the site with native low-water use plants, and maintaining the abandoned landfill as open space. The applicant's proposed plan would eliminate the potential for periodically disturbing the site in the future in order to maintain the dump cap, pipelines and extraction wells, which could undo the benefit of landscaping the site with native plants (Exhibit #6, ps. 4-7).

The applicant's proposal for re-vegetation of the site is attached as Exhibit #8 (Habitat Revegetation and Monitoring Plan, Loynes Drive Project, Long Beach, by LSA Associates, Inc., September 2011). Staff is recommending the approval of the applicant's permit amendment request (a revised re-vegetation plan with the deletion of the impermeable dump cap and seasonal pools) because it is the alternative with the least significant adverse effects on the environment, both in the short-term and long-term. With the knowledge that the installation of an impermeable dump cap would trigger a requirement to construct a methane gas collection system, to mitigate methane gas that would laterally migrate into the waters of the bay and adjacent residential areas, which would substantially change the character and habitat value of the project site, the Commission recognizes that the construction of seasonal pools on the site conflicts with the Commission's original intent to create an alkali meadow habitat on top of the abandoned landfill.

Type of Habitat

The appropriate type of habitat restoration necessarily depends on what type of habitat the site will support, and what species of wildlife utilize the site. Another factor is whether the disturbed portion of the site had any wetlands on it before the grading commenced on March 19, 2009. If any wetlands were destroyed by the grading, then it would be appropriate to require the applicant to mitigate for the loss of wetlands.

At the Commission's November 19, 2010 public hearing, there was disagreement between the applicant and the appellants over the type of habitat that existed on the site prior to the March 2009 grading episode. The appellants provided substantial evidence (e.g., photographs and testimonials) that wildlife exists on the site. Wildlife observed on the site includes fence lizards, squirrels, rabbits, rodents, raptors, herons, egrets and other common birds. The appellants also provided substantial evidence (e.g., photographs and testimonials) that the disturbed portion of site was not flat before the unpermitted grading occurred. The photographic evidence shows that the area where the unpermitted grading occurred had contours and low spots where the appellants assert that seasonal pools had been observed. Photographs taken on March 19 and 20, 2009 show a bull dozer grading part of the site and changing the contours of the land.

The observations described in a report by Dr. Longcore [Comments on Illegal Development and Retroactive Permit to Remediate at 6400 Loynes Drive, Long Beach, by Travis Longcore, Ph.D. and Catherine Rich, J.D., M.A., Land Protection Partners, 10/8/2009] support the assertions that seasonal pools existed on the disturbed portion of the site prior to the unpermitted grading. The Longcore report states that there are seasonal wetlands (vernal pools) that form on lower elevations on the western side of the property, and that wetlands (areas covered periodically with shallow water) previously existed on the portion of the site where the unpermitted graded occurred in March 2009. Photographs taken prior to March 2009 show small pools of water in the area where the unpermitted grading occurred. The record also shows that hydric soils exist on the site (PCR Report dated 9/9/9), as well as a few native wetland plants.

The applicant, however, did not agree that water ever pooled on the part of the landfill that was disturbed by grading in March 2009, at least not in sufficient quantities to be defined as "seasonal pools". The applicant cited the County and State dump inspection reports and prior surveys of the area which never indicated that there was any standing water or pools on the abandoned landfill.

The applicant continues to dispute this conclusion, asserting that any puddles that were seen on the site would have quickly evaporated and could not be categorized as wetlands or seasonal pools if they were not seen or documented as a regular presence over several years. The applicant also asserts that the aerial photos that were used to support the appellants' contention of rolling topography and water pools on the site do not actually show the presence of any water on the site. The applicant has provided studies of the area which did not identify any wetlands on the disturbed portion of the property [Delineation of Wetlands and Waters subject to Corps of Engineers Jurisdiction Under Section 404 of the Clean water Act and/or Section 10 of the Rivers and Harbors Act, Bixby Ranch, Los Cerritos Wetlands, Long Beach, California (by LSA Associates, Inc., 1/17/1997) & Biological Setting of the Bixby Ranch Company Oil Field Property in the Los Cerritos Wetland, Long Beach, California (by LSA Associates, Inc., Revised 7/8/1998).]

It must be noted that the Commission did not find that the unpermitted grading that occurred in March 2009 affected any wetlands or environmentally sensitive habitat areas based on testimony and written evidence, including aerial photos, submitted at the hearing by the appellants. In weighing the testimony and written materials submitted, the Commission, on November 19, 2010, determined that the appellants had provided sufficient evidence that the site had contained varying topography with low spots that may have allowed water to pool on top of the dump after rains. The Commission required the applicant to restore the varying topography on the site with low spots for seasonal pools.

The following studies of the site have also been produced as a result of the investigations that followed the unpermitted grading of the site:

- Biological Resources Evaluation and Jurisdictional Waters Delineation for APN 7237017006, by Ty M. Garrison, SWCA Environmental Consultants, 5/28/2009.
- Peer Review of the Biological Resources Evaluation and Jurisdictional Waters Delineation for APN 7237017006, by PCR Services Corporation (PCR), 9/9/2009.

- Comments on Illegal Development and Retroactive Permit to Remediate at 6400 Loynes Drive, Long Beach, by Travis Longcore, Ph.D. and Catherine Rich, J.D., M.A., Land Protection Partners, 10/8/2009.
- Biological Review for Coastal Development Permit Appeal A-5-LOB-10-015 – 6400 E. Loynes Drive, Long Beach, by LSA Associates, Inc., 11/15/2010.
- Supplement to Biological Review for Coastal Development Permit Appeal A-5-LOB-10-015 – 6400 E. Loynes Drive, Long Beach, by LSA Associates, Inc., 11/16/2010.
- Memo to Coastal Commission regarding Hitchcock Property, 6400 Loynes Drive, Long Beach, by Travis Longcore, Ph.D., Land Protection Partners, 11/17/2010.

These studies were conducted after the initial grading of the site occurred in March 2009, and all the studies acknowledge that the site is generally dominated by exotic plant species. The report for the project site submitted by the Los Cerritos Wetlands Trust (by Travis Longcore, PhD) indicates that the site has significant biological value because of its characteristics and its proximity to the tidal channel and the adjacent salt marshes. The Los Cerritos Channel (Alamitos Bay) borders the southern side of the property and the Los Cerritos Wetlands tidal marsh (Steam Shovel Slough) is about three hundred feet south of the project site (Exhibit #2). While most of the project site is primarily upland (about 16 to 20 feet of fill covering former salt marsh), Dr. Longcore's report states that there are seasonal wetlands (vernal pools) that form on lower elevations on the western side of the property and that seasonal wetlands (vernal pools) also existed on the disturbed portion of the site prior to grading.

The applicant asserts that the land should be restored to the condition it was in before the grading occurred, but he contends that the site was basically flat and contained no wetlands. Ultimately, the Commission on November 19, 2010 determined that there was substantial evidence to support the appellants' claims that water did pool, at least periodically, on some portion of the project site. The Commission, however, did not find that there was sufficient evidence to conclude that any actual wetland habitat had been destroyed because the evidence was not conclusive as to how often or for what duration (or even the location) these seasonal pools may have existed prior to the unpermitted grading. Site visits by the Commission staff ecologist and the applicant's biologist in March and October 2010 found very few specimens of native plants growing among the weeds, notably flowering lupine plants (in March) and Southern Tarplant (in October).[1] Based on the site visits and the review of the available evidence, and considering the state of the property as an abandoned landfill, the Commission's staff ecologist could not define any wetlands on the disturbed portion of the site.

In recognition of the scope of habitat destruction that was documented during the unpermitted grading that occurred in March 2009, the Commission determined that the most appropriate type of site restoration for the site was a project implemented by the applicant that would restore the site's former topography with bumps and low spots sufficient to create a few seasonal pools. The Commission, recognizing that a proposal to allow pooling water on the abandoned landfill would be problematic if it resulted in increased methane gas production (from mixing of water and the materials in the landfill), imposed the requirement to install an impermeable dump cap over the landfill.[2]

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[1] Southern Tarplant (*Centromadia parryi ssp. Australis*), which is listed as a 1B.1 rare plant by the California Native Plant Society.

[2] Los Angeles Co. Dept. of Public Health (Thomas White, 5/12/10) confirmed that the mixture of water and decomposing materials in an old dump would likely result in increased levels of methane emissions.

The Commission, at the November 19, 2010 hearing on the matter, also directed the applicant to come back with a permit amendment if the impermeable dump cap could not be approved by the appropriate landfill regulating agencies. The conditions of the permit require that the impermeable dump cap shall be designed in compliance with the specifications and requirements of the California Integrated Waste Management Board, the Los Angeles County Department of Public Health (Environmental Health Solid Waste Management Program), the Regional Water Quality Control Board (Los Angeles RWQCB), and the South Coast Air Quality Management District (AQMD).

After the applicant consulted with the landfill regulating agencies (County of Los Angeles and California Regional Water Quality Control Board), it was learned that an engineered impermeable dump cap could be constructed over the landfill, but only in conjunction with a methane gas collection system (Exhibits #4-6). The construction of such a system would thoroughly change the character and scale of the previously approved development that was anticipated to be a habitat restoration project.

Therefore, the underlying permit must be amended to either: a) revise the re-vegetation plan to reflect the deletion of the impermeable dump cap and seasonal pools, or b) revise the project to include the construction of the methane gas collection system that would be required by the California Regional Water Quality Control Board and County if an impermeable cap is constructed over the abandoned landfill. Staff is recommending that the Commission approve the proposed amendment to the permit, which results in a revised re-vegetation plan with the deletion of the impermeable dump cap and seasonal pools because it is the alternative with the least significant adverse effects on the environment. Approval of the permit amendment with conditions will require the applicant to re-vegetate the disturbed area on the landfill with Southern California native plants appropriate to the site's condition as an abandoned landfill. The previously imposed provisions for monitoring and future maintenance of the site are unchanged by the amendment.

The restoration plan that does not include an impermeable dump cap is the alternative with the least significant adverse effects on the environment, and more consistent with the policies of the Long Beach certified LCP because it involves minimal disturbance of the site and the protection of the native plants that have already re-established themselves on the site (e.g., Southern Tarplant). Maintenance of the abandoned landfill (with native plant landscaping), as proposed by the applicant, does not cause the significant adverse environmental effects associated with the installation of an impermeable dump cap. The permit amendment, if approved as requested, would eliminate the following significant adverse environmental effects associated with the installation of an impermeable dump cap:

- Lateral methane gas migration to the perimeter of the dump, closer to the adjacent residences and the Los Cerritos Channel (Exhibit #5).

- The adverse impacts caused by extensive re-grading and additional disturbance of the property, including the removal of the native vegetation that has re-established on the site (e.g., Southern Tarplant).

- The adverse impacts to the aesthetic environment along the bay caused by construction of a methane gas collection system, consisting of approximately twenty

gas extraction wells, thousands of feet of above-ground pipelines, and a gas-burning plant (Exhibit #6).

- The loss of habitat area and lowering of habitat value caused by land used for gas extraction wells and pipelines, and noise caused by blowers in the gas-burning plant.

- The adverse impacts caused by additional disturbance of the site in the future for ongoing maintenance of the dump cap and methane collection system (i.e., removal of established native vegetation).

In addition, the applicant's biologist asserts that the installation of an impermeable dump cap and a methane gas collection system would not be conducive to the Commission's intent of establishing vegetation typically associated with vernal pools on the site because the underlying substrate would be completely artificial and lacking the soil structure and hydrology upon which that plant community is dependant (Exhibit #7).

In order to avoid the significant adverse effects associated with the installation of a methane gas collection system described above, the implementation of a habitat protection and restoration plan, subject to the requirements of a revised Special Condition One, would bring the proposed development into consistency with the requirements of the certified LCP to preserve and enhance open space areas as natural habitats and to prevent the degradation of the aesthetic environment along the bay. Revised Special Condition One requires the planting of Southern California native plants appropriate to the site's hydrology and historical ecology (transitional grassland/coastal scrub). Alkali meadows are not an appropriate type of vegetation community on this abandoned landfill because the soil structure and hydrology necessary for the plants' survival cannot be constructed without an impermeable barrier that would cause significant adverse environmental impacts.

Appropriate native plants for the site include, but are not limited to, coastal sage bush, buckwheat, coast goldenbush, shining pepper grass, salt grass, bunch grass and annuals (e.g., lupine and yellowray goldfields). These plants need little or no irrigation to thrive in the upland area adjacent to Alamitos Bay. It is important to limit irrigation of the site to prevent polluted runoff from entering the waters of Alamitos Bay, and to prevent water from infiltrating into the underlying landfill (and increase methane pollution). The re-vegetation of the disturbed area with native plants will help protect the adjacent bay waters from polluted runoff by reducing erosion of the dump cap caused by wind and precipitation. The re-vegetation of the disturbed area will also improve aesthetic environment along the bay. The permit, as amended, also includes mitigation and habitat enhancement measures that will help protect the adjacent tidal areas from polluted runoff and sediment that may erode from the subject site subsequent to weed abatement.

The restoration of the project site as a brackish pond, as called for by the SEADIP plan, is not appropriate at this time and does not appear to be a viable alternative. The LCP calls for the conversion of the site (old landfill into a brackish pond at the time when another site in the SEADIP area (Subarea 25) is developed. At this time there is no proposal to develop Subarea 25. Therefore, now is not the time contemplated by the LCP for the conversion of the project site to a brackish pond. There is no proposal to convert the old dump site to a brackish pond~~,~~ and it would involve substantial environmental risk to create a pond on top of the old dump. Of course the LCP does not allow for any other use of the site, so it continues to remain open

space. The proposed project does not propose to change the use of the site, but to improve the environmental condition and aesthetics of the property by creating native habitat and controlling runoff and erosion.

Consistent with the certified LCP, the restoration plan required by Special Condition One is necessary to control pollution, runoff and erosion on the bay-fronting site. The implementation of a detailed habitat protection and restoration plan that protects wildlife and the adjacent tidal waters and wetlands would bring the proposed development into consistency with the requirements of the certified LCP to preserve and enhance open space areas as natural habitats.

Restoration and Re-vegetation Plan

In conclusion, to mitigate the adverse impacts of the proposed development, the disturbed portion of the site must be re-vegetated in order to enhance its value as wildlife habitat, reduce the potential for erosion, and beautify the site as required by the open space policies of the certified LCP. Revised Special Condition One requires the applicant to submit a revised re-vegetation plan for the portions of the project site disturbed by prior grading and by re-establishment of the dump cap. The applicant's proposed plan would re-vegetate 5.93-acre portion of the site that was disturbed by the unpermitted grading in March 2009 (Exhibit #8, p.5). The applicant's plan is consistent with the areal photograph dated on May 25, 2009 which shows the disturbed area that must be re-vegetated (Exhibit #4: Google Earth/USDA).

The revised re-vegetation plan must be developed in consultation with the California Department of Fish and Game, the County of Los Angeles Department of Public Health (Environmental Health Solid Waste Management Program), the Regional Water Quality Control Board (Los Angeles RWQCB), and the South Coast Air Quality Management District (AQMD). The revised re-vegetation plan must be developed and submitted for the approval of the Executive Director within sixty days (or within such additional time as the Executive Director may grant for good cause) of Commission action on this permit amendment. Only as conditioned to develop and implement a restoration and re-vegetation plan does the proposed development conform with the open space and habitat protection policies of the certified LCP.

The re-vegetation plan shall include only Southern California native plants appropriate to the site's hydrology and historical ecology natural habitat type, which is transitional scrub grassland). Appropriate native plants include, but are not limited to: coastal sage bush, buckwheat, coast goldenbush, shining pepper grass, salt grass, bunch grass and annuals (e.g., lupine and yellowray goldfields). All seeds and cuttings employed are required to be from local sources in the Los Angeles and Orange County coastal areas.

The disturbed open space, once restored and re-vegetated with native plants, will better support the wildlife observed on the site and in the adjacent wetlands, and will mitigate the adverse impacts to the habitat that result from the approved development, thereby complying with the relevant LCP policies. As conditioned, the permit includes specific provisions necessary to protect habitat and native vegetation on the site, and to protect the adjacent tidal areas from polluted runoff and sediment that may erode from the site subsequent to the vegetation removal. For example, revised Special Condition One specifies that native plants already growing on the site shall be protected and that no bird nests shall be disturbed at any time. A temporary irrigation system may be employed, but the applicant is required to install

erosion control during the restoration project (e.g., temporary sediment basins, silt traps, drains and swales, sand bag barriers, and silt fencing). Additionally, the permittee is required to provide the funding necessary to compensate a third party monitor (approved by the Executive Director) for the completion of the monitoring reports required by this condition. The site shall be actively monitored for at least five years. At the end of five years, a minimum of eighty percent (80%) of the disturbed area shall be covered with native plants. No more than five percent (5%) of the disturbed area shall be covered with non-native plants at any time.

This amended permit does not authorize the construction of any trails or roads, or the erection of any fence, gate or wall. Special Condition Six clarifies that future development as defined in PRC Section 30106, including, but not limited to, a change in the density or intensity of use land, shall require another amendment to Coastal Development Permit A-5-LOB-10-015 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government (City of Long Beach).

The resource agencies may require further mitigation measures to minimize or avoid impacts to marine resources. Therefore, Special Condition Three requires the permittee to comply with all permit requirements and mitigation measures of the other regulatory agencies with jurisdiction over the approved development with respect to preservation and protection of water quality and marine environment. Prior to any re-vegetation or disturbance of the site, the permittee shall also file an 1150.1 (Excavation of Landfill Plan) with the South Coast Air Quality Management District. Any change in the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed changes shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. Only as conditioned to mitigate and avoid impacts to marine resources does the proposed development conform with the open space and habitat protection policies of the certified LCP.

E. Recreation and Public Access

Because of the project's location between the first road (Loynes Drive) and the sea (Alamitos Bay), the proposed project must conform to the following public access and recreation policies of the Coastal Act.

Section 30210 of the Coastal Act states:

> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

> Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states (in part):

> (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30213 of the Coastal Act states:

> Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220 of the Coastal Act states:

> Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

> Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 of the Coastal Act states:

> The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 of the Coastal Act states:

> Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224 of the Coastal Act states:

> Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Most of the project site is fenced and provides no public access or recreation at this time. A service road/walkway that is used for walking by the public runs along the north bank of the Los Cerritos Channel (Alamitos Bay) along the water on the southern side of the property. This permit does not authorize the construction of any trails or roads, or the erection of any fence, gate or wall. Therefore, the proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, the proposed development conforms with the public access and recreation policies of the Coastal Act.

F. California Environmental Quality Act (CEQA)

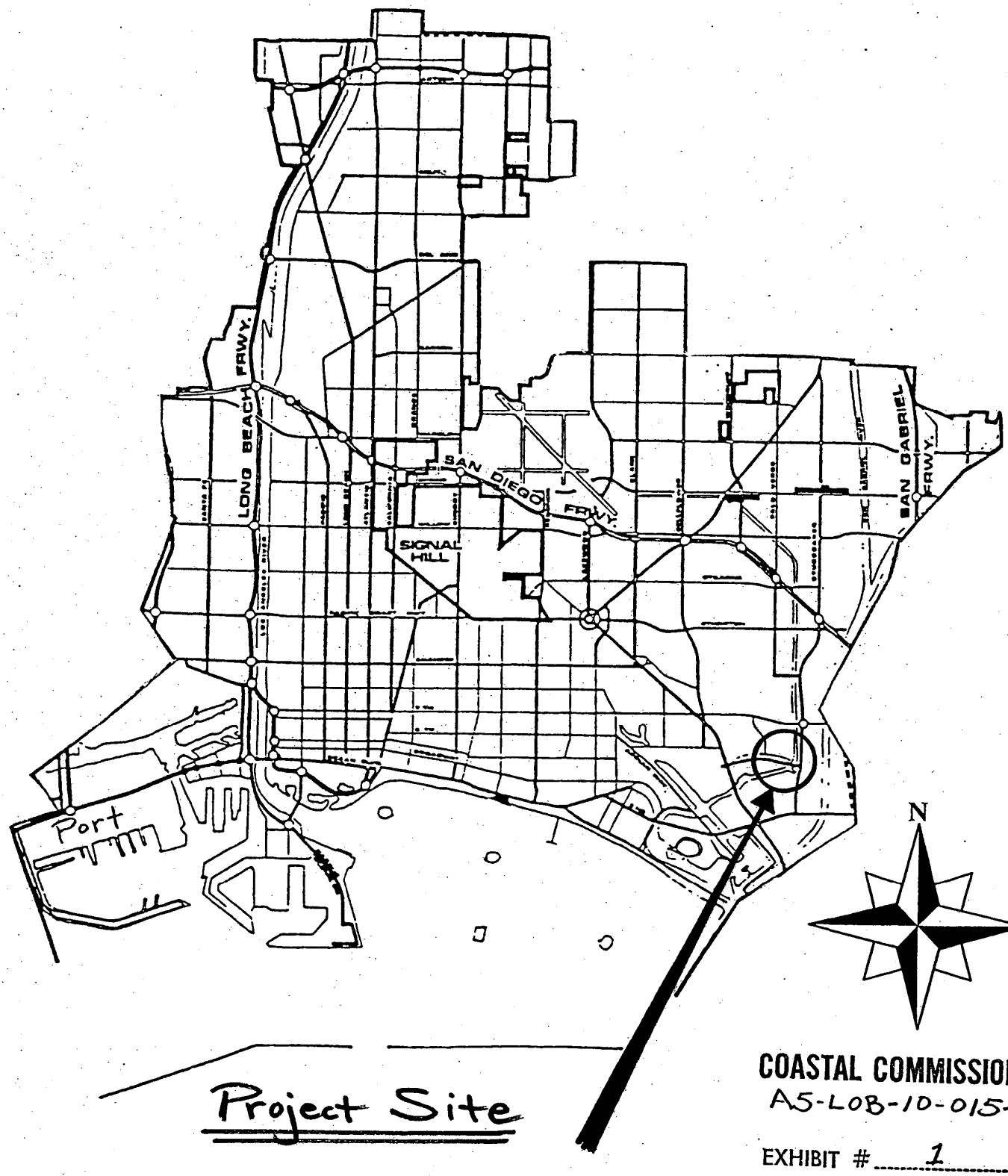
Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Long Beach is the lead agency for the purposes of CEQA review and has determined that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15308 (Class 8 – Actions by Regulatory Agencies for Protection of the Environment. On September 21, 2009, the City of Long Beach issued CEQA Categorical Exemption CE-09-029.

As explained in the findings above, the proposed project and permit amendment has been conditioned in order to be found consistent with the certified LCP and the public access and recreation policies of the Coastal Act. As conditioned, the approved project and permit amendment is the environmentally preferable alternative. Mitigation measures, in the form of special conditions, provide requirements for restoration and re-vegetation of the previously graded area of the site with native plants appropriate to the location; timing of the re-vegetation; monitoring and future maintenance of the site; and protection of water quality and marine resources.

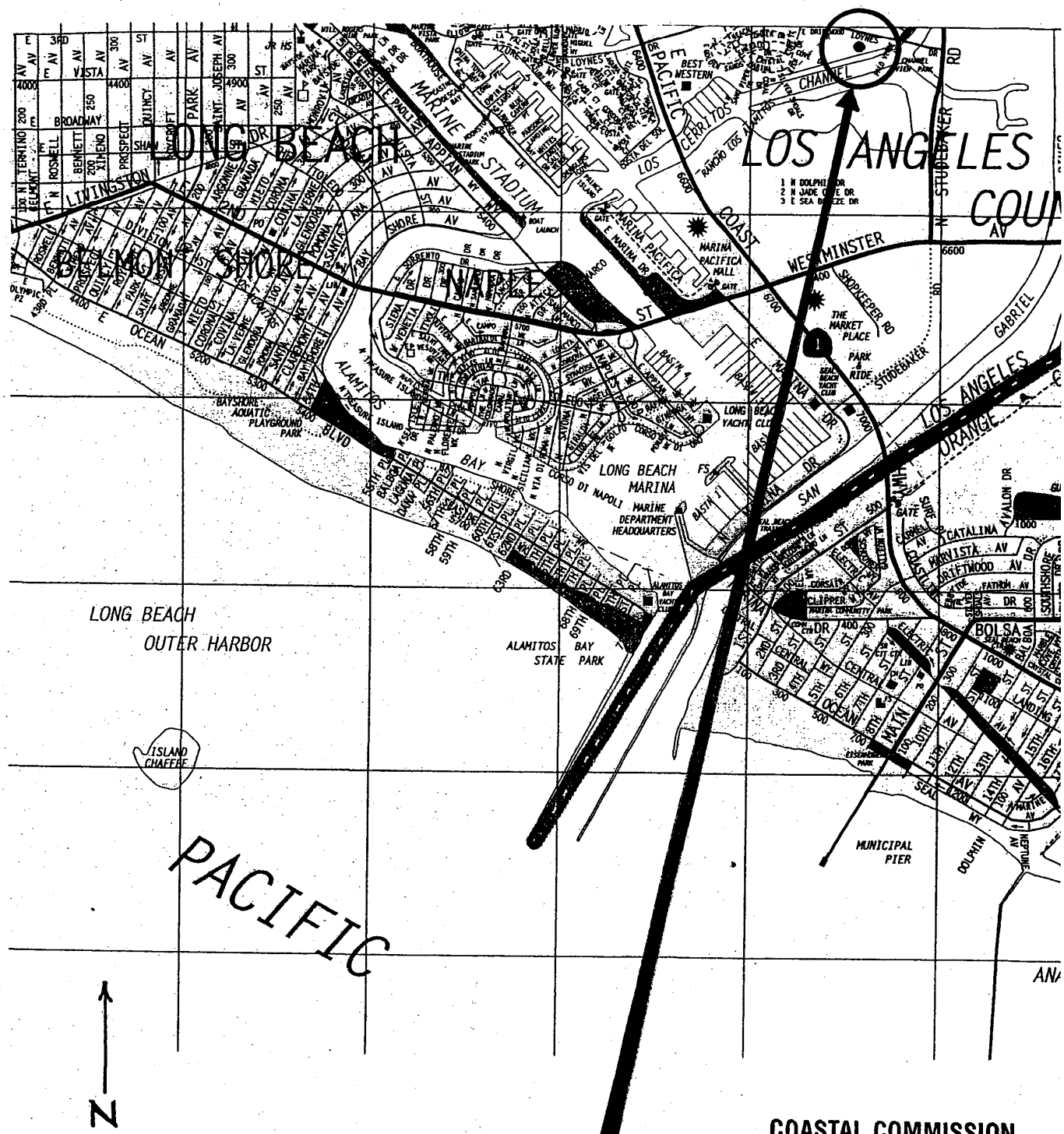
As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act and CEQA.

City of Long Beach



COASTAL COMMISSION
A5-LOB-10-015-A1

EXHIBIT # 1

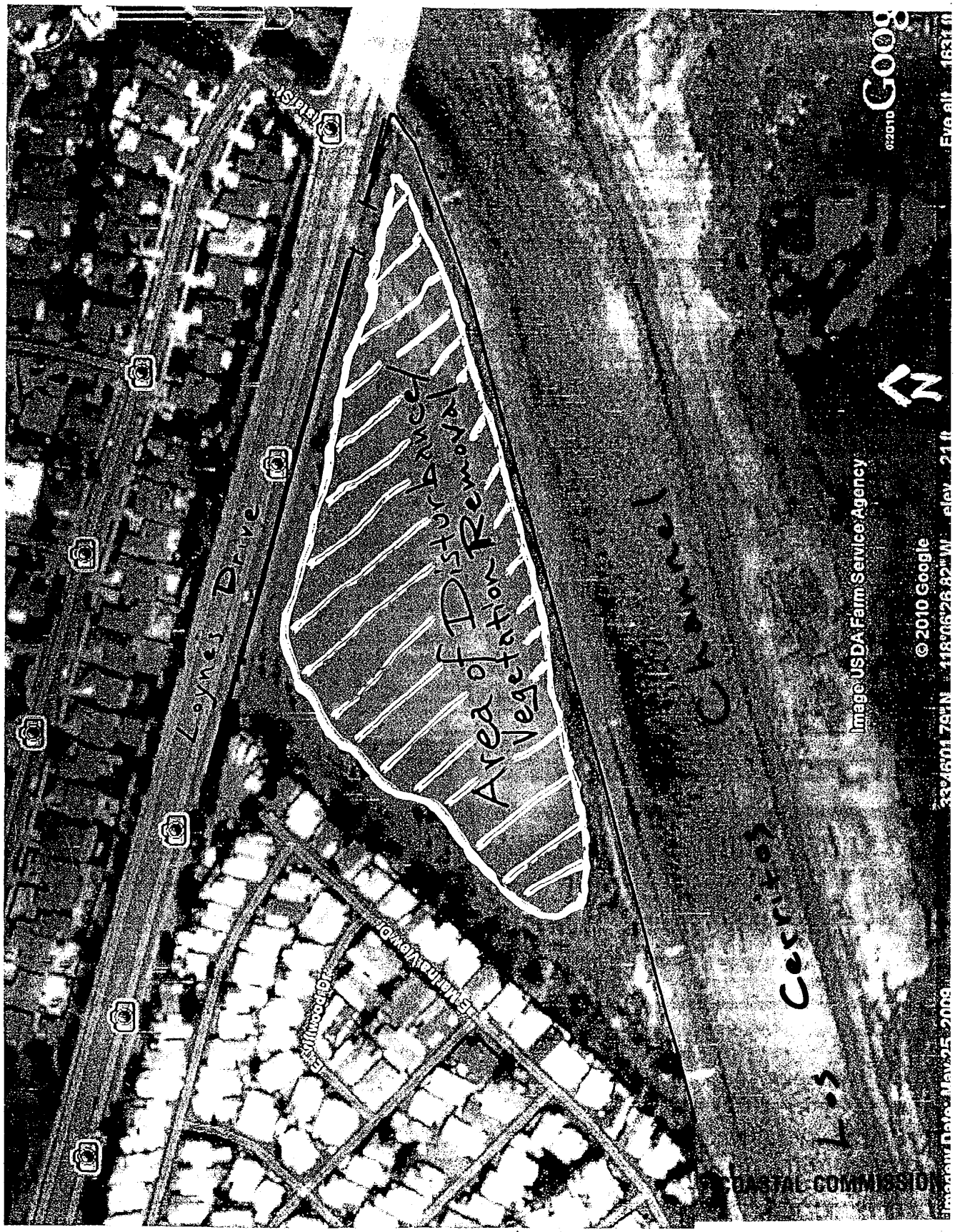


Project Site

6400 E. Loynes Drive

COASTAL COMMISSION
A5-LOB-10-015-A1
EXHIBIT # 2
PAGE 1 OF 1

Comment Letter LCWLT



Area of Disturbance

A-5-LOB-10-015-A1

EXHIBIT # 3

PAGE 1 OF 1

Comment Letter LCWLT

COUNTY OF LOS ANGELES
Public Health
Environmental Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

KENNETH MURRAY, REHS
Director of Environmental Protection Bureau

CINDY CHEN, REHS
Solid Waste Program Chief
5050 Commerce Drive
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TEL (626) 430-5540 • FAX (626) 813-4839

www.publichealth.lacounty.gov

June 17, 2011

Mr Paul Willman
Principal Solid Waste Planner
1360 Valley Vista Drive
Diamond Bar, CA 91765

RE: PROPOSED POST-CLOSURE LAND USE OF CITY DUMP & SALVAGE NO. 1 AND 3 (SWIS # 19-AK-5003)-6400 E. LOYNES DRIVE

The Los Angeles County Department of Public Health Solid Waste Program, acting as the Local Enforcement Agency has reviewed the Staff Report: Revised Findings from the California Coastal Commission. This proposed project is considered a change in post-closure land use which will trigger applicable regulatory requirements pursuant to California Code of Regulations (CCR), Title 27 Section 21190 "Post-closure Land Use". The proposed project mentions the installation of an impermeable cap to accommodate seasonal pools. Methane gas still is being generated at this closed landfill as indicated on the 03/26/09, "Closed Disposal Site Inspection Report". With that said, the installation of an impermeable cap will increase the potential of the gas migrating laterally towards the mobile home park and the homes across Loynes Drive.

If you have any questions, please contact me at (626) 430-5541.

Sincerely,

Pete Oda
Environmental Health Specialist IV

COASTAL COMMISSION
A-5-LOB-10-015-A1

EXHIBIT # 4

PAGE 1 OF 1

California Regional Water Quality Control Board
Los Angeles Region

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: http://www.waterboards.ca.gov/losangeles

Linda S. Adams
Cal/EPA Secretary

Arnold Schwarzenegger
Governor

June 28, 2011

Mr. Paul Williams, Principal Solid Waste Planner
Bryan A. Stirrat & Associates
1360 Valley Vista Drive
Diamond Bar, CA 91765

FURTHER COMMENTS ON PROPOSED POST-CLOSURE LAND USE OF CITY DUMP & SALVAGE NO. 3, 6400 E. LOYNES DRIVE, LONG BEACH, CALIFORNIA (FILE NO. 56-110)

Dear Mr. Williams:

Reference is made to a letter from the Executive Officer of the Regional Water Quality Control Board (Regional Board) to Ms. Tamar C. Stein of Cox, Castle & Nicholson LLP, dated November 9, 2010, that provided opinions on the proposed land use of a closed landfill as a brackish pond at the subject location (copy attached). The letter states that any land use of a closed landfill that submerges municipal wastes under water would not be consistent with the policies and practices of the Regional Board, because pollutants may be leached out of the wastes and cause pollution to surface and ground waters.

In a letter dated May 10, 2011, to the Regional Board and the Los Angeles County Department of Health Services, you proposed a conceptual final cover system for the closed landfill that includes, among other things, a linear-low density polyethylene (LLDPE) flexible membrane and a geosynthetic clay liner (GCL). Seasonal pools formed by captured stormwater would be constructed on top of the final cover system. While the proposed final cover system appears to be adequate to prevent water in the seasonal pools from entering buried wastes in the closed landfill, we are still concerned with the following:

1. Because the closed landfill is still generating landfill gas, the installation of an impermeable final cover could potentially contribute to lateral landfill gas migration that may cause pollution of groundwater;

2. With the installation of an impermeable final cover, landfill gas may be forced to flow into the residential areas at the vicinity of the site and create a health and safety hazard; and

3. Your plan does not include a program to monitor and maintain the integrity of the proposed final cover system, which could be damaged after installation.

A-5-LOB-10-015-A1
EXHIBIT # 5
PAGE 1 OF 3

If you plan to proceed with the proposed plan, the above issues must be adequately addressed. Please call me at 213-620-2253 or send me an email at wyang@waterboards.ca.gov if you have any questions.

Sincerely,

Wen Yang, Senior Engineering Geologist
Land Disposal Unit

Enclosure: Letter from Regional Board Executive Officer dated November 9, 2010

Cc: Pete Oda, County of Los Angeles Department of Health Services, Baldwin Park

Comment Letter LCWLT

California Regional Water Quality Control Board
Los Angeles Region

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: http://www.waterboards.ca.gov/losangeles

Linda S. Adams
Cal/EPA Secretary

Arnold Schwarzenegger
Governor

November 9, 2010

Ms. Tamar C. Stein
Cox, Castle & Nicholson LLP
2049 Century Park West, 28th Floor
Los Angeles, CA 90067-3284

OPINION ON PROPOSED POST-CLOSURE LAND USE OF CITY DUMP & SALVAGE NO. 3, 6400 E. LOYNES DRIVE, LONG BEACH CALIFORNIA (FILE NO. 56-110)

Dear Ms. Stein,

We are in receipt of your letter dated November 1, 2010 (copy attached), requesting an opinion letter from the Los Angeles Regional Water Quality Control Board (Regional Board) staff regarding whether the proposed use of a closed landfill at the subject location, referred to as the City Dump & Salvage No. 3 (Property), as a brackish pond would be consistent with the policies and practices of the Regional Board. Your letter indicates that the Property is approximately 9 acres, within the Coastal Zone, adjacent to the Los Cerritos Channel, and was used as a landfill until 1958.

Our records indicate that the Regional Board adopted Resolution No. 56-35 on October 18, 1956, prescribing requirements for City Dump & Salvage Company for the disposal of refuse east of the Pacific Coast Highway and north and west of the Los Cerritos Channel in Long Beach. Based on the location described in an aerial photo attached to your letter, the Property is part of the area that was permitted to accept household and commercial refuse as described in Resolution No. 56-35.

Municipal solid wastes contain various pollutants, such as metals, nutrients, volatile and semi-volatile organic compounds. When submerged to water, such pollutants may be leached out of the wastes and cause pollution to surface and ground waters. Any land use of a closed landfill that submerge municipal wastes under water would not be consistent with the policies and practices of the Regional Board, which is the state regulatory agency responsible for protecting water quality in Los Angeles and Ventura Counties, including the Property.

If you have any questions, please call Dr. Wen Yang, Chief of Land Disposal Unit, at 213-620-2253 or send an email to him at wyang@waterboards.ca.gov.

Sincerely,

Samuel Unger, P.E.
Executive Officer

Enclosure

COASTAL COMMISSION

EXHIBIT # 5
PAGE 3 OF 3

Submitted by Applicant 7Feb2012

EXECUTIVE SUMMARY OF THE PROJECT DESCRIPTION AND SUMMARY OF IMPACTS CITY DUMP & SALVAGE NO. 1 AND 3, 6400 E. LOYNES DRIVE, LONG BEACH

The conceptual final cover design that was developed in order to implement the seasonal pools requirement in the CCC's proposed Special Condition 1C for the City Dump & Salvage No. 1 and No. 3 site consists of an impermeable cap over the existing refuse. The seasonal pools are to be created on top of the cover section.

The County of Los Angeles Solid Waste Local Enforcement Agency (LEA) and the Los Angeles Regional Water Quality Control Board (LARWQCB) (local and state agencies which have jurisdiction over the site to enforce Federal and State regulations for solid waste sites) have voiced concerns via correspondence in regards to placing an impermeable cover on the site. They include the following:

- Impermeable cover could contribute to lateral landfill gas migration that may cause pollution of groundwater;
- With installation of impermeable cover landfill gas may be forced to flow into the residential areas adjacent to the site and create a health and safety hazard (due to landfill gas migration and ignition); and
- Need to include a program to monitor and maintain the integrity of the impermeable final cover system which could be damaged after installation.

In response to the above concerns, the addition of the impermeable final cover with seasonal pools would necessitate design/installation of a landfill gas collection and treatment system. Maintaining the site with a permeable soil cover would allow up to 20% of the methane to continue to be converted to harmless carbon dioxide. If the impermeable cover is placed, as required by Special Condition 1C, the methane cannot vent and no conversion to carbon dioxide can occur. Additionally, placement of an impermeable cover will force landfill gas to migrate laterally to homes and potentially the groundwater table and the nearby Los Cerritos Channel. This problem may be mitigated with installation of a comprehensive landfill gas collection and treatment system. This system would have to be operated for an indefinite amount of time until landfill gas generation levels are low enough to no longer present a threat to public health and safety.

The installation and maintenance/monitoring of the impermeable cover and landfill gas collection and treatment system will have several impacts to the surrounding neighbors and the environment. Additionally, existing and created biota and the created ponds will be impacted with construction and ultimate post-construction maintenance and monitoring. Impacts due to construction and post-construction maintenance/monitoring are summarized on Table 1.

Installation of the seasonal pools could also cause potential impacts to the groundwater and other issues. It is anticipated that the LARWQCB would require some type of moisture monitoring beneath the seasonal pools in order to ensure the effectiveness of the liner system in preventing water intrusion into the landfill from the pools. If moisture threshold levels are exceeded (indicating failure of the cover and infiltration into the waste below with associated potential impacts on the groundwater below the site), this would entail excavation and repair of the liner system above the suspected leak thus disturbing the pool and any established vegetative habitat in the area of the leaking pool.

The site in its current state is in compliance with the State requirements for closed landfills regulated by the LEA, LARWQCB and SCAQMD and would remain so with the addition of six inches of soil and non-irrigated native vegetation and habitat as initially recommended by CCC staff. None of the above environmental control and monitoring would be required because there would be no new post-closure activities that may jeopardize the integrity of the previously closed disposal site or pose a potential threat to public health and safety or the environment. The perimeter gas migration monitoring regularly performed by the LEA has noted no landfill gas migration exceedances and therefore, to date, no threats to public health and safety. Special Condition 1C requires placement of an impermeable cap which carries with it a large risk of landfill gas migration toward the adjacent residences as documented by the LEA and RWQCB letters mentioned above. The corrective action for this consists of construction and continual maintenance, monitoring and operation of a landfill gas collection and treatment system. This system does not guarantee that migration will not occur as it is based on periodically monitoring for exceedances and taking action to correct the exceedances. During the time between when an exeedance is detected and when it is corrected the residences would be at risk to landfill gas migration within their homes. This risk, as well as the impacts to the community from the construction, maintenance and operation of the landfill cover and gas collection systems described above, must be compared to the perceived benefit derived from the creation of ponds on top of the landfill.

PROJECT DESCRIPTION AND SUMMARY OF IMPACTS
CITY DUMP & SALVAGE NO. 1 AND 3, 6400 E. LOYNES DRIVE, LONG BEACH

The conceptual final cover design that was developed in order to implement the seasonal pools requirement in the CCC's proposed Special Condition 1C for the City Dump & Salvage No. 1 and No. 3 site consists of an impermeable cap over the existing refuse. The seasonal pools are to be created on top of the cover section (ranging in size from 1,700 to 3,200 square feet) as depicted on Exhibit 1 with the placement of additional soils to create the ridges and depressions. The conceptual final cover design (see Exhibit 2) includes from top to bottom:

- 12-inch minimum and 24-inch average (depth varies with seasonal pools and inter-pool ridges) vegetative soil layer;
- Geocomposite drainage layer (a thin plastic mesh that allows drainage and prevents build-up of water directly on top of the impermeable membrane liner);
- Linear-Low Density Polyethylene (LLDPE) flexible membrane liner (an impermeable plastic liner to prevent water from penetrating the refuse);
- Geosynthetic clay liner (bentonite, a clay-like material, encased in a fabric like material, used as a secondary measure to prevent water penetration into the refuse); and
- 24-inch minimum foundation soil layer (assumes 12-inch existing).

The County of Los Angeles Solid Waste Local Enforcement Agency (LEA), the primary agency which regulates the disposal site, has stated in their letter dated June 17, 2011 that "installation of an impermeable cap will increase the potential of the gas migrating laterally towards the mobile home park and homes across Loynes Drive." The implementation of Special Condition 1C would represent new post-closure activities that may jeopardize the integrity of the previously closed disposal site or pose a potential threat to public health and safety or the environment pursuant to 27 CCR 21100(b) (i.e, landfill gas migration and potential explosion, groundwater impacts). This project would therefore trigger 27 CCR, Section 21190 which requires that end uses of disposal sites be designed to:

- Protect public health and safety and prevent damage to structures, roads, utilities and gas monitoring and control systems;
- Prevent public contact with waste, landfill gas and leachate; and
- Prevent landfill gas explosions (due to landfill gas migration and ignition).

The Los Angeles Regional Water Quality Control Board (LARWQCB), the agency which regulates the protection of water quality as it relates to disposal sites, stated the following concerns in their June 28, 2011 correspondence:

- Impermeable cover could contribute to lateral landfill gas migration that may cause pollution of groundwater;
- With installation of impermeable cover landfill gas may be forced to flow into the residential areas at the vicinity of the site and create a health and safety hazard (due to landfill gas migration and ignition); and
- Need to include a program to monitor and maintain the integrity of the impermeable final cover system which could be damaged after installation.

The following discusses project construction and post-closure maintenance and monitoring required for the final cover and landfill gas collection and treatment system design items. Also included is a qualitative assessment of the potential impacts these activities may have on the surrounding community and the environment.

CONSTRUCTION REQUIREMENTS

Impermeable Cover Construction

The impermeable cover system construction will require approximately 75 working days or 15 weeks to complete. Work would not be performed during rain events.

- Clearing and Grubbing - Prior to final grading (preparation and leveling of the land to design specifications) and placement of the final cover, all existing vegetative materials must be removed from the surface without disturbing the underlying refuse. A scraper and dozer will be utilized to perform this work. Nuisances such as dust and noise will be generated as well as tailpipe pollutant emissions from the construction equipment.
- Foundation Layer/Vegetative Layer Placement - Foundation layer and vegetative soils will be placed at the site. This will require hauling of additional soil to the site to cover the impermeable cap area with an average of three feet of soil. Approximately 1,218 truckloads will be required to haul 19,500 cubic yards of soil, assuming 16 cubic yards per load. This equals 2,436 one-way truck trips and using a typical 2.0 multiplier for the end dumps results in 4,874 passenger car equivalents with associated neighborhood impacts on traffic circulation and road integrity. Use of a scraper, dozer and compactor will be required to place and compact the soils. In addition to traffic circulation impacts, nuisances such as tailpipe pollutant emissions, dust and noise will be generated from both construction and traffic.
- Barrier Layer – The geocomposite drainage layer, LLDPE liner, and geosynthetic clay liner will be delivered to the site on flatbed diesel trucks in rolls (approximately 22 feet long by 2 feet in diameter) and then placed using especially designed diesel forklifts. Diesel powered generators will be used to power the liner placement tools (grinders, heat welders, etc.). Nuisances such as truck traffic, dust, noise and pollutant emissions from the generators will be produced.

Landfill Gas Collection and Treatment System Construction

Maintaining the site with the existing permeable soil cover would allow up to 20% of the methane generated by the landfill to continue to be converted to harmless carbon dioxide. If the impermeable cover is placed, as required by Special Condition 1C, the methane cannot vent and no conversion to carbon dioxide can occur. Additionally, placement of an impermeable cover will force landfill gas to migrate vertically to adjacent homes and potentially the groundwater table and the nearby Los Cerritos Channel. This problem may be mitigated with installation of a landfill gas collection and treatment system consisting of landfill gas collection wells, lateral landfill gas collection lines, blowers which draw the landfill gas out of the landfill through the wells and collection lines, landfill gas condensate collection tanks, and a landfill gas flare (unit which incinerates the landfill gas) as detailed below (see Exhibit 3 which depicts the conceptual landfill gas collection plan):

- Drill vertical gas extraction wells with diesel drill rig to depth to be determined (see Photo 1). Noise, dust and pollutant emissions from diesel engines would generate impacts. Spoils (soil and refuse generated from drilling) would generate foul odors from exposed decomposing refuse, fugitive landfill gas emissions from the open hole and additional truck trips to haul spoils to a permitted disposal facility which can accept drilling spoils.
- Install collection piping from wells to main collection header (approximately 2,080 linear feet) and then approximately 136 linear feet of piping to the blowers and flare with landfill gas condensate (extremely odorous liquids from the landfill gas containing volatile organic compounds and other pollutants) collection (see Photos 2, 3, and 4 which depicts a representation of what may be required to be installed at the site). Diesel generators will be required to weld piping along with attendant noise impacts and pollutant emissions. The above ground piping option will be visually impactful as it will not blend into the vegetation. However, the below ground piping option would be extremely difficult to maintain due to inaccessibility. Excavation of the soils and disturbance of the vegetation would be required every time a repair is needed.
- Continuous treatment (incineration) of landfill gas via flare (minimum 20 feet high, 4-foot diameter). Blowers to create a vacuum to draw the landfill gas from the refuse to the flare requires construction of a concrete foundation (approximately 40 feet x 60 feet) with a 6 to 8 foot high fence or wall for security. Installation is via a crane. See Photo 5.

- Minimum of 6 months to permit system through the SCAQMD to build and ultimately operate the system. The minimum cost is $3 million to permit and build the system. Operating and maintenance costs could be as much as 6.4 million dollars over 20 years.
- Due to the age of the landfill, landfill gas quality (percent methane) and quantity (volume generated usually measured in standard cubic feet per second) may be relatively low yet still represent a flammable and explosive hazard. Because of the low quality and quantity of methane, the landfill gas may not be sufficient to maintain the flame within the flare. Additional fuel (e.g. propane or natural gas) would likely be required in order to augment low methane levels in the landfill gas and operate the flare.
- Landfill gas collection and treatment system would have to be operated until landfill gas generation levels are low enough to no longer present a threat to public health and safety; hence, long term operational impacts will include:
    - Visual (one stack at a height of a minimum 20 feet)
    - Noise (blowers for gas extraction will be adjacent to homes [closest home is approximately 175 feet from potential station locates – see Exhibit 3] which creates 80 dB but can be reduced to 65 dB with sound enclosure)
    - Requires regular maintenance as discussed under Post-Closure Maintenance/Monitoring Requirements below. This would disturb neighboring homes with noise and equipment emissions and may disturb protected habitat (plants and animals) should the surface soils need to be disturbed or pools drained.

A suitable alternative to the traditional landfill and treatment collection system with a flare may be a Granulated Activated Carbon (GAC) system. A GAC system is utilized when landfill gas levels may be too low to sustain a flame to operate a flare. A GAC system consists of GAC canisters and potassium permanganate ($KMNO_4$) vessels fed by gas blowers and a minimum 14-foot tall by 6-inch diameter exhaust vent stack. The gas is drawn by the blower under vacuum from the gas collection system through a filter which removes particulates and liquid (landfill gas condensate) from the landfill gas. Gas is then forced under pressure through the GAC vessel which removes most of the volatile organic compounds (VOC's) in the landfill gas and then through the $KMNO_4$ vessel which removes most of the other landfill gas constituents. The GAC system will require the same piping system and blowers as the flare treatment system. Construction of a concrete foundation (approximately 20 feet x 40 feet) for the equipment with a 6 to 8 foot high security fence or wall will be required. This alternative system does not incinerate or otherwise destroy the methane (a potent greenhouse gas) which is allowed to vent into the atmosphere and contribute to greenhouse effect issues. This system will cost the same as the collection and treatment system with a flare at $3 million to permit and build. Operating and maintenance costs could be as much as 6.6 million dollars over 20 years.

POST-CLOSURE MAINTENANCE/MONITORING REQUIREMENTS

Post-closure maintenance and monitoring is required to be performed under State regulations which are enforced by the LARWQCB (groundwater protection), LEA (landfill gas control and cover integrity), and South Coast Air Quality Management District (SCAQMD) (air quality/landfill gas control). The owner of the property would be responsible to ensure that all maintenance and monitoring is performed in accordance with the State regulations and that landfill gas migration and emission limits are met in order to ensure protection of Public Health and Safety and the Environment.

- Final Cover Maintenance - The primary purpose of the final cover maintenance procedures is to maintain the integrity of the completed final cover over the long-term and provide maintenance, scheduling and documentation so that materials and maintenance practices are consistent with the final cover design specifications for public safety and effectiveness of the cover. Quarterly visual inspections of the final cover will include identification of erosion and settlement problems by grid walking the site to visually observe the following typical maintenance issues:

- Evidence of erosion
- Visible depressions
- Ponded water (other than the seasonal pools)
- Odor
- Exposed refuse
- Cracks
- Settlement and subsidence
- Liquid seepage through the cover

All final cover repair and/or reconstruction activities are to be conducted in a manner directed at maintaining the integrity of the as-built final cover system. Potential causes of damage to the cover could be from earthquake, storm water erosion, differential settlement and vandalism. Repair of cover materials should be performed consistent with the layers and procedures utilized during the original final cover construction.

Impacts to the community from final cover maintenance are similar to those discussed above for Impermeable Cover Construction (i.e. traffic, dust, noise, pollutant emissions), but less severe due to a smaller, confined repair area (i.e., damaged cover area). Impacts to established vegetative habitat will also occur caused by construction equipment traveling to the affected area and excavation of vegetation and soils to repair any damaged area.

- Landfill Gas Collection and Treatment System Maintenance - The general maintenance of the landfill gas collection and treatment system involves weekly inspections of all wells, pipelines, mainline valves, and mainline sample points. One of the principal problems is vertical well breakage or shearing of the well casing caused by settlement or subsidence of the landfill. Another problem encountered in vertical well systems is the settlement of the landfill around the well casing. If a problem is discovered with a gas well, the following maintenance procedures will be performed:

  - The damaged well will be turned off to avoid excess dilution of the gas with outside air.
  - Necessary replacement parts (i.e., valves, hoses, pipe fittings) will be installed as required.
  - The well will then be reconnected to the system and returned to service.

  Redrilling, adding or replacing a gas well will be required should a well break or otherwise become non-functional or an additional gas extraction well be needed. The procedures are as follows:

  - The vegetative soil cover material will be excavated and the synthetic barrier layer cut in the area for drilling. Once the well has been installed, a synthetic boot will be slipped over the well head and then welded to the surrounding synthetic barrier layer. The vegetative soil material will then be back filled and compacted to 90% relative density.
  - The maintenance crew will construct the proper bentonite seal and install the valve vault.
  - The crew will also connect the well to the gas collection system.

  Weekly inspection of the landfill gas collection and treatment system will impact the ability to establish vegetation as regular pedestrian access to the wells is necessary. Maintenance of the landfill gas collection and treatment system will impact established vegetation due to cover removal/excavation to repair/replace a well. Impacts to established vegetative habitat will also occur due to construction equipment traveling to and from the affected area. In addition, impacts from dust, noise and tail pipe pollutant emissions will result through the use of construction equipment. There is also a potential for odors should the buried refuse be exposed as part of well repair/replacement.

- Landfill Gas Collection and Treatment System Monitoring – The SCAQMD, which enforces air quality regulations and permits landfill gas collection and treatment systems, administers Rule 1150.1 which requires evaluation of the destruction efficiency (effectiveness of the treatment

system to destroy/combust methane and other constituents of landfill gas) of equipment used to dispose of landfill gas on an annual basis. The evaluation of the efficiency will be based on flare exhaust source tests. Source tests are to be conducted in accordance with the requirements in the SCAQMD Permit to Operate which will be issued upon completion of construction of the landfill gas collection and treatment system. In addition to flare source testing, monitoring of interior and perimeter gas wells is to be performed and includes monthly measurements at each well head.

Monitoring of the landfill gas collection and treatment system will impact the ability to establish vegetation as regular pedestrian access to the wells is necessary. In addition, any corrective measures to the well field that are needed in response to flare exhaust source test or wellhead monitoring exceedances will cause additional impacts to the vegetation should any excavation of soils be necessary. In this case, impacts from dust, noise and tail pipe pollutant emissions will also result through the use of construction equipment.

- Perimeter Landfill Gas Monitoring System - Results of the perimeter gas migration monitoring program are also an indicator as to whether the landfill gas collection and treatment system is operating effectively. As required by 27 CCR, Section 20934(a), the results of regular (i.e., monthly or quarterly) landfill gas migration monitoring of the gas probes will be submitted to the LEA within 90 days of sampling unless the compliance levels of methane are exceeded in which case agency notification procedures must be followed. When gas migration monitoring indicates concentrations of methane in excess of the State regulated compliance level (greater than 5 percent methane by volume), the following steps should be taken by the owner:

  1. Take immediate steps necessary to protect public health and safety, and the environment from potential explosion due to landfill gas ignition.
  2. Confirm exceedances by re-monitoring the probe within 72 hours. If exceedances are confirmed, the LEA is notified within five days with proven measures that will be implemented for mitigation, see below. A written report is required to be submitted within ten days of compliance limit exceedance.
  3. If exceedance is confirmed through additional monitoring, increase monitoring frequency to a minimum of weekly or more frequently if appropriate. One or more of the following general techniques and procedures to control methane gas may be initiated:
     - Maintain and optimize landfill gas collection using the existing gas collection system.
     - Improve gas collection by improving landfill surface cover through remedial grading, which may disturb established vegetative habitat, to decrease air infiltration and the potential for subsurface combustion. Subsurface combustion can cause settlement due to the consumption of the refuse and ultimately damage the cover, vegetative habitat and the seasonal pools. The heat from subsurface combustion can melt the plastic liner portion of the final cover and allow water from the pools into the refuse and potentially the groundwater.
     - Install additional landfill gas extraction system components such as horizontal and/or vertical wells.
     - Install air injection systems using additional horizontal and vertical wells. Caution should be practiced to avoid air intrusion into the fill, which could cause subsurface combustion which may cause hot spots on the landfill surface. The heat from the hot spots can melt the plastic liner portion of the final cover and may impact established vegetative habitat and/or the pools.
     - Install barrier systems such as slurry walls or cement grout columns to block gas migration.
     - Other new technology alternatives that may be available at the time this procedure is implemented.

- All mitigation measures, other than simple adjustments of the landfill gas collection and treatment system, will be presented to the regulatory agencies (i.e., LEA and SCAQMD) prior to implementation (installation of air injection systems, slurry walls, etc.) for approval.

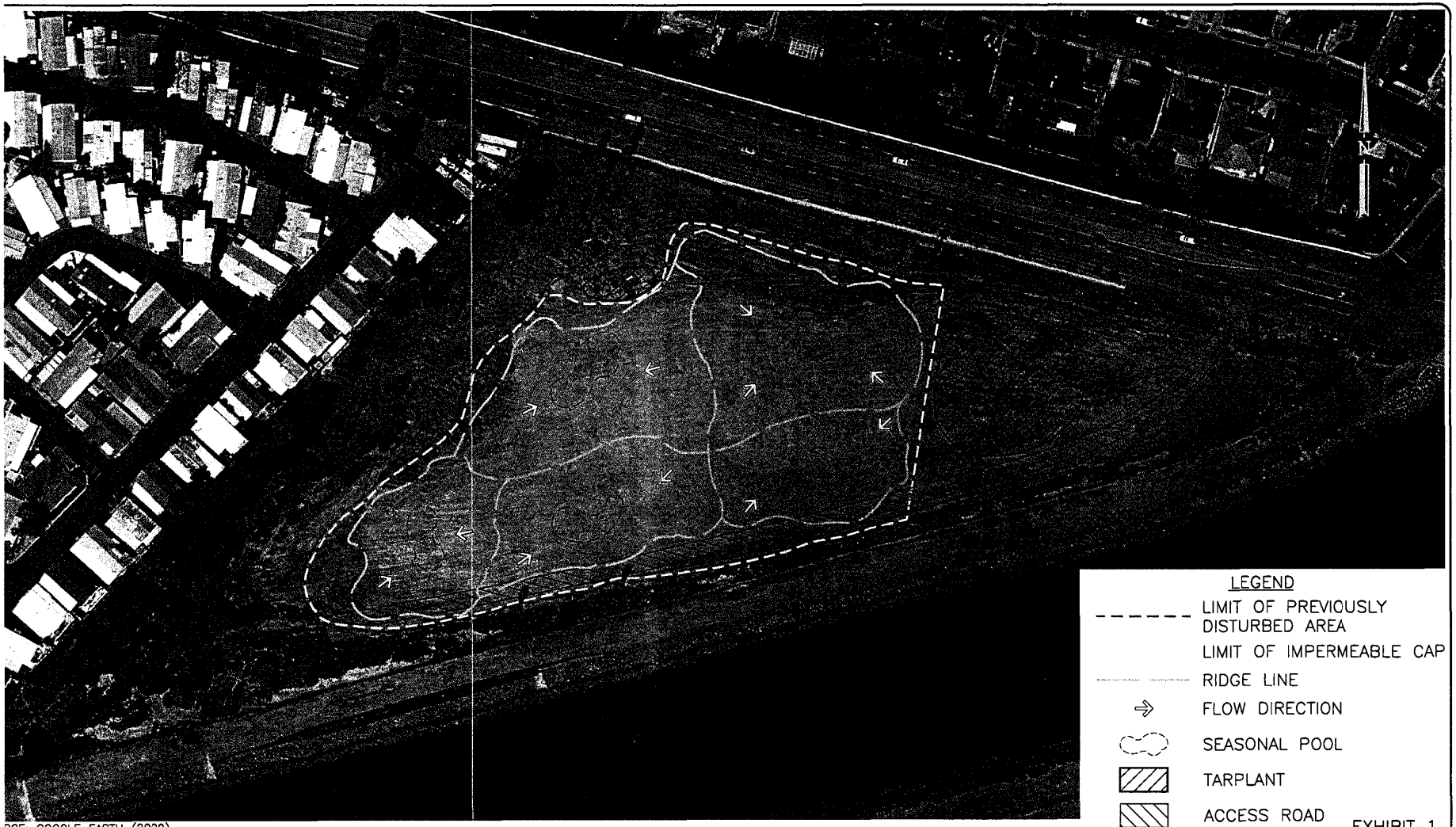
Any mitigation measures needed in response to perimeter methane gas level exceedances that require construction of additional facilities will cause impacts from dust, noise and tail pipe pollutant emissions through the use of construction equipment.

SEASONAL POOLS

- Sub-Pool Monitoring and Corrective Action - It is anticipated that the LARWQCB would require some type of moisture monitoring beneath the seasonal pools in order to ensure the effectiveness of the liner system in preventing water intrusion into the landfill from the pools. These monitors would be checked by the owner on a quarterly basis. If moisture threshold levels are exceeded (indicating failure of the cover), the situation would be evaluated and appropriate corrective action measures taken. Most likely this would entail excavation and repair of the liner system above the moisture monitor in question thus disturbing the pool and any established vegetative habitat in the area of the leaking pool.
- Vector Control - Due the presence of standing water within the seasonal pools inspections by the owner for vectors, particularly mosquitoes (which may carry vector borne disease), would need to be routinely conducted as they could become a nuisance for nearby residents. Control measures should be instituted as necessary (e.g., If pooled water persists into the mosquito season). This would most likely involve spraying the surface of the pools with an appropriate insecticide. Insecticides may have an adverse affect on the biota inhabiting the seasonal pools and/or any established vegetative habitat.

CONCLUSION

The site in its current state is in compliance with the State requirements for closed landfills regulated by the LEA, LARWQCB and SCAQMD and would remain so with the addition of six inches of soil and non-irrigated native vegetation and habitat as initially recommended by CCC staff. None of the above environmental control and monitoring would be required because there would be no new post-closure activities that may jeopardize the integrity of the previously closed disposal site or pose a potential threat to public health and safety or the environment. The perimeter gas migration monitoring regularly performed by the LEA has noted no landfill gas migration exceedances and therefore, to date, no threats to public health and safety. Special Condition 1C requires placement of an impermeable cap which carries with it a large risk of landfill gas migration toward the adjacent residences as documented by the LEA and RWQCB letters mentioned above. The corrective action for this consists of construction and continual maintenance, monitoring and operation of a landfill gas collection and treatment system. This system does not guarantee that migration will not occur as it is based on periodically monitoring for exceedances and taking action to correct the exceedances. During the time between when an exeedance is detected and when it is corrected the residences would be at risk to landfill gas migration within their homes. This risk, as well as the impacts to the community from the construction, maintenance and operation of the landfill cover and gas collection systems described above, must be compared to the perceived benefit derived from the creation of ponds on top of the landfill.



RCE: GOOGLE EARTH (2009)

EXHIBIT 1

(909) 860-7777
AN A. STIRRAT & ASSOCIATES
AND ENVIRONMENTAL ENGINEERS
VALLEY VISTA DRIVE DIAMOND BAR, CA 91765

CITY DUMP & SALVAGE NO. 1 AND NO. 3 (SWIS # 19-AK-5003)

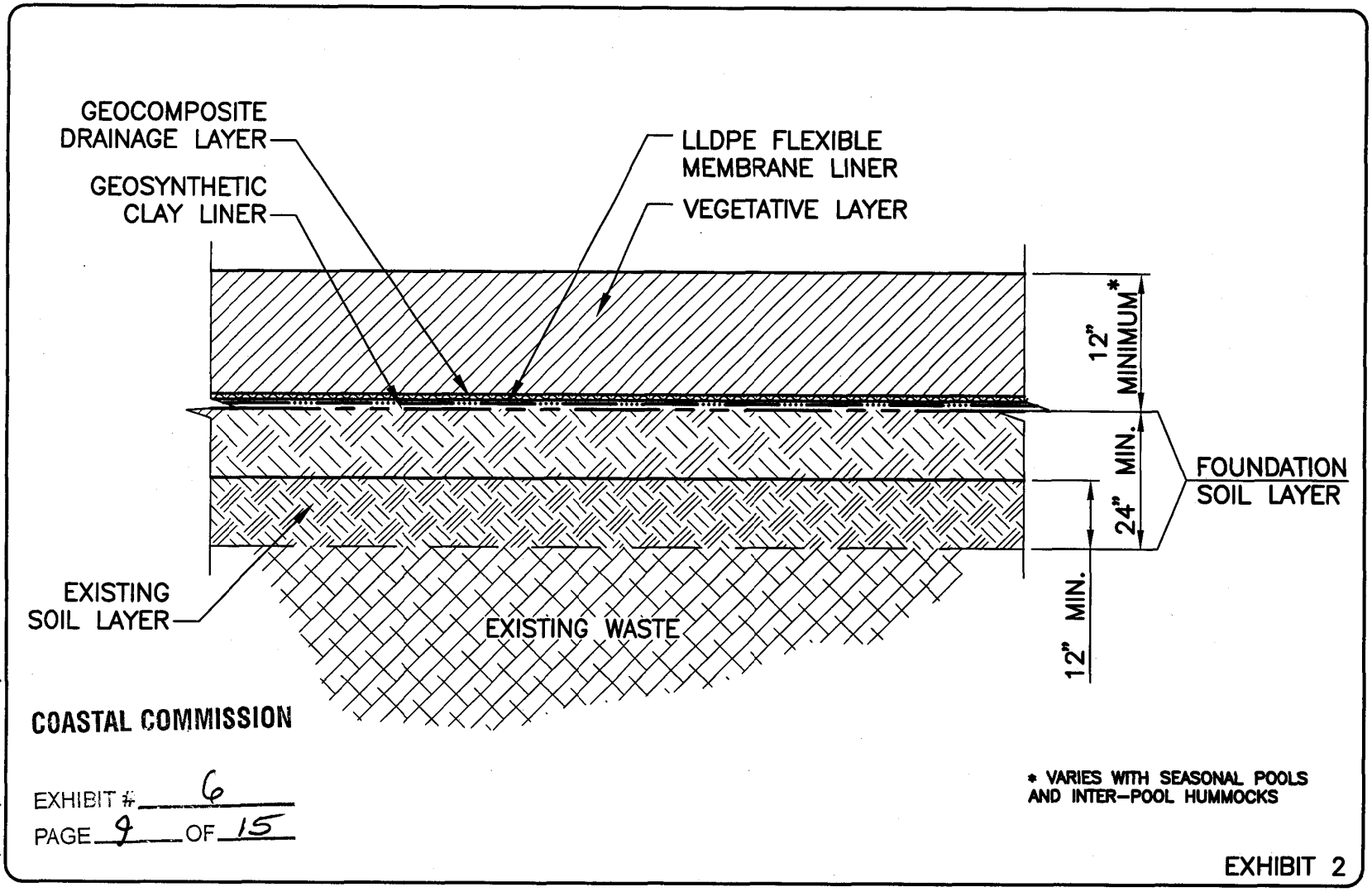
CONCEPTUAL SITE PLAN WITH SEASONAL POOLS

JOB NO. 2011.0021
DATE 01-2012
DRAWN BY J.M.L.
FILE NAME: 30-040FIG

COASTAL COMMISSION

EXHIBIT # 6
PAGE 8 OF 15

Comment Letter LCWLT



COASTAL COMMISSION

EXHIBIT # 6

PAGE 9 OF 15

* VARIES WITH SEASONAL POOLS AND INTER-POOL HUMMOCKS

EXHIBIT 2

G:\DWG\HITCHCOCK PROPERTY\FIGURES\PROJECT DESCRIPTION\30-0408FIG

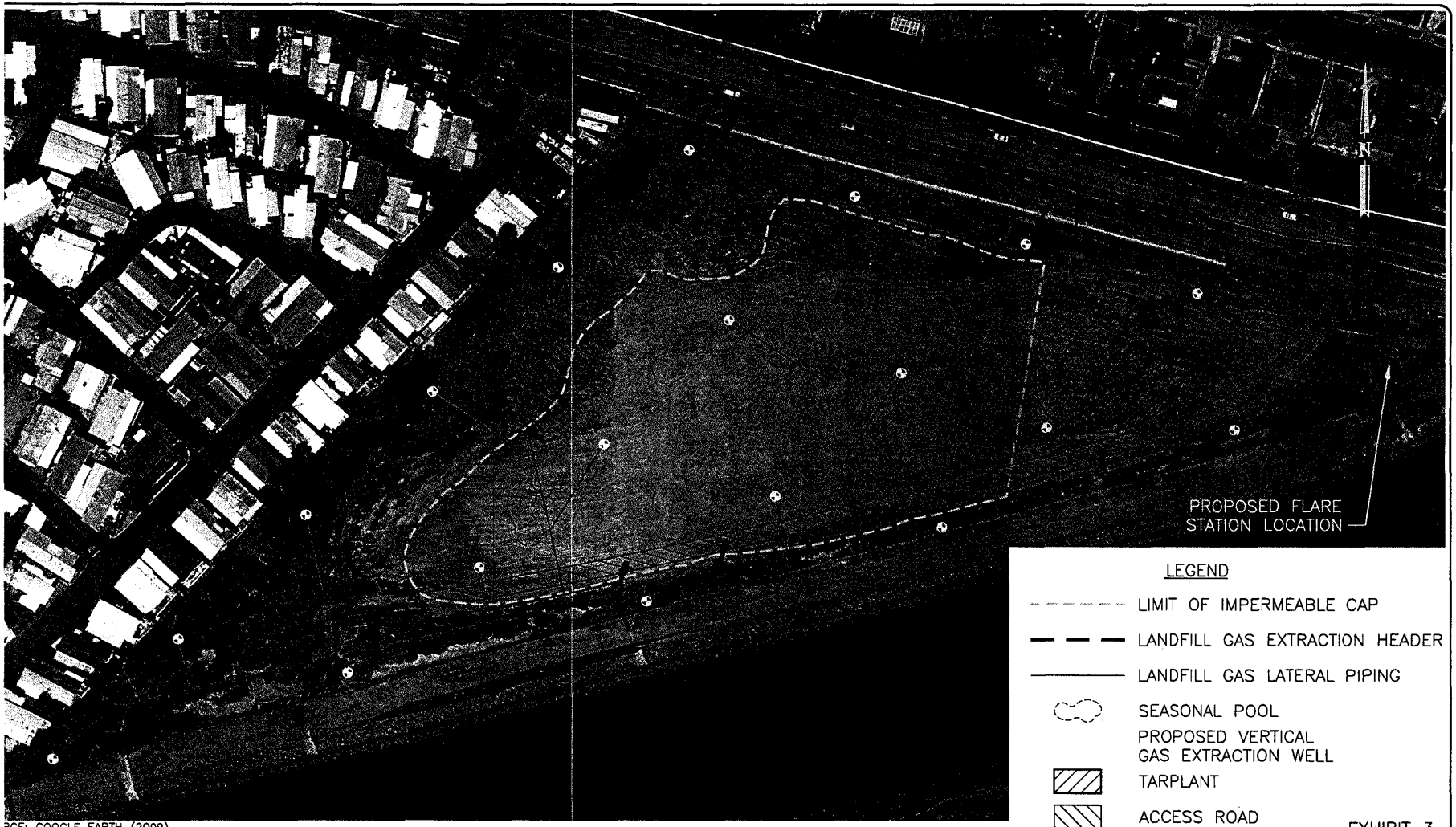
BAS
(909) 860-7777
BRYAN A. STIRRAT & ASSOCIATES
CIVIL AND ENVIRONMENTAL ENGINEERS
1360 VALLEY VISTA DRIVE DIAMOND BAR, CA 91765

CITY DUMP & SALVAGE NO. 1 AND NO. 3 (SWIS # 19-AK-5003)

PROPOSED FINAL COVER SECTION WITH SYNTHETIC IMPERMEABLE LINER

JOB NO.	2011.0021
DATE	01-2012
DRAWN BY	J.M.L.
FILE NAME:	30-0408FIG

Comment Letter LCWLT



RCE: GOOGLE EARTH (2009)

EXHIBIT 3

(909) 860-7777
AN A. STIRRAT & ASSOCIATES
. AND ENVIRONMENTAL ENGINEERS
VALLEY VISTA DRIVE DIAMOND BAR, CA 91765

CITY DUMP & SALVAGE NO. 1 AND NO. 3 (SWIS # 19-AK-5003)

CONCEPTUAL LFG COLLECTION PLAN

JOB NO.	2011.0021
DATE	01-2012
DRAWN BY	J.M.L.
FILE NAME:	30-0405FIG

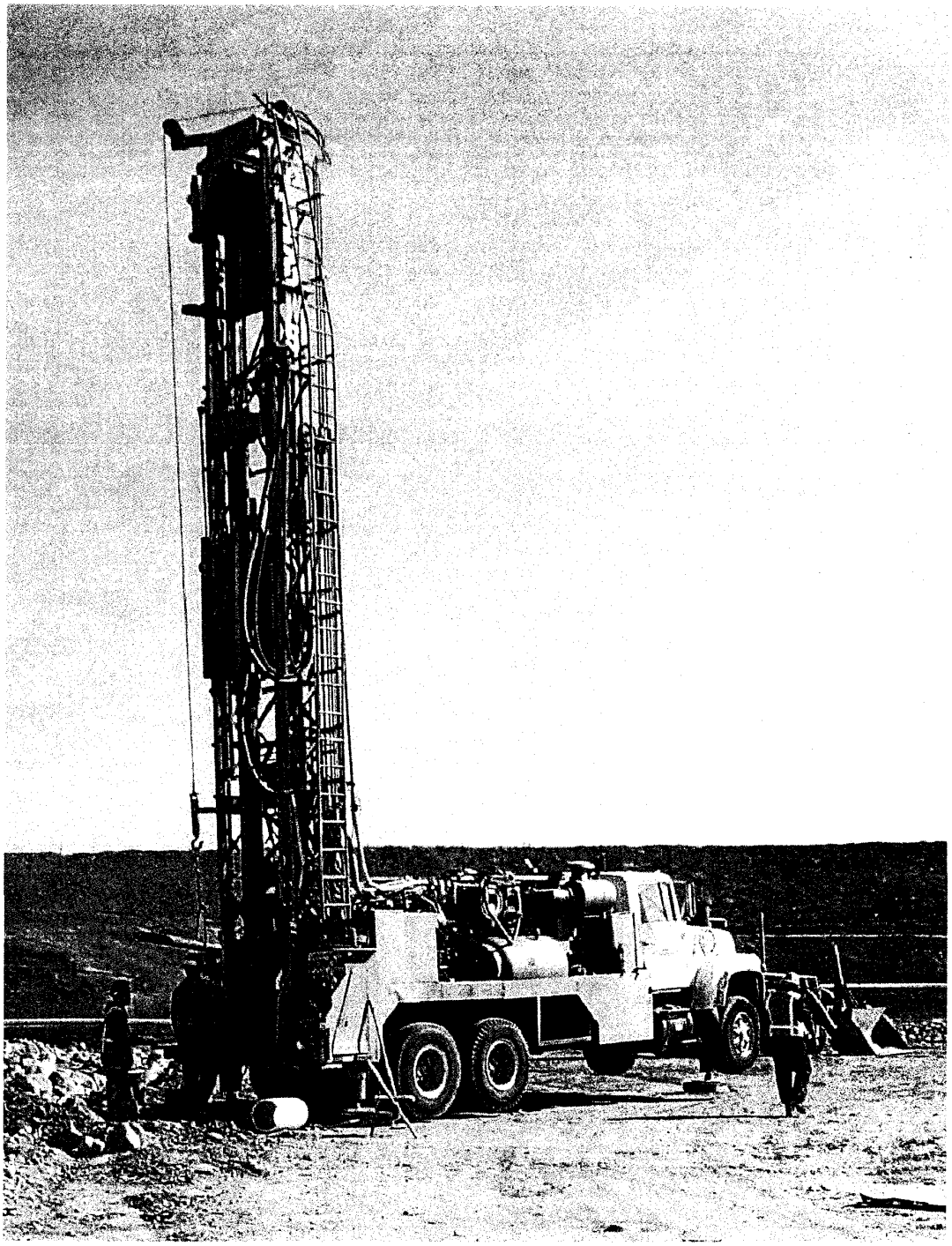


PHOTO 1

G:\DWG\HITCHCOCK PROPERTY\FIGURES\PROJECT DESCRIPTION\30-0409FIG

BAS
(909) 860-7777
BRYAN A. STIRRAT & ASSOCIATES
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1360 VALLEY VISTA DRIVE DIAMOND BAR, CA 91765

CITY DUMP & SALVAGE NO. 1 AND NO. 3
(SWIS # 19-AK-5003)

LFG EXTRACTION WELL DRILLING

JOB NO.	2011.0021
DATE	01-2012
DRAWN BY	J.M.L.
FILE NAME	30-0409FIG

EXHIBIT # 6
PAGE 11 OF 15

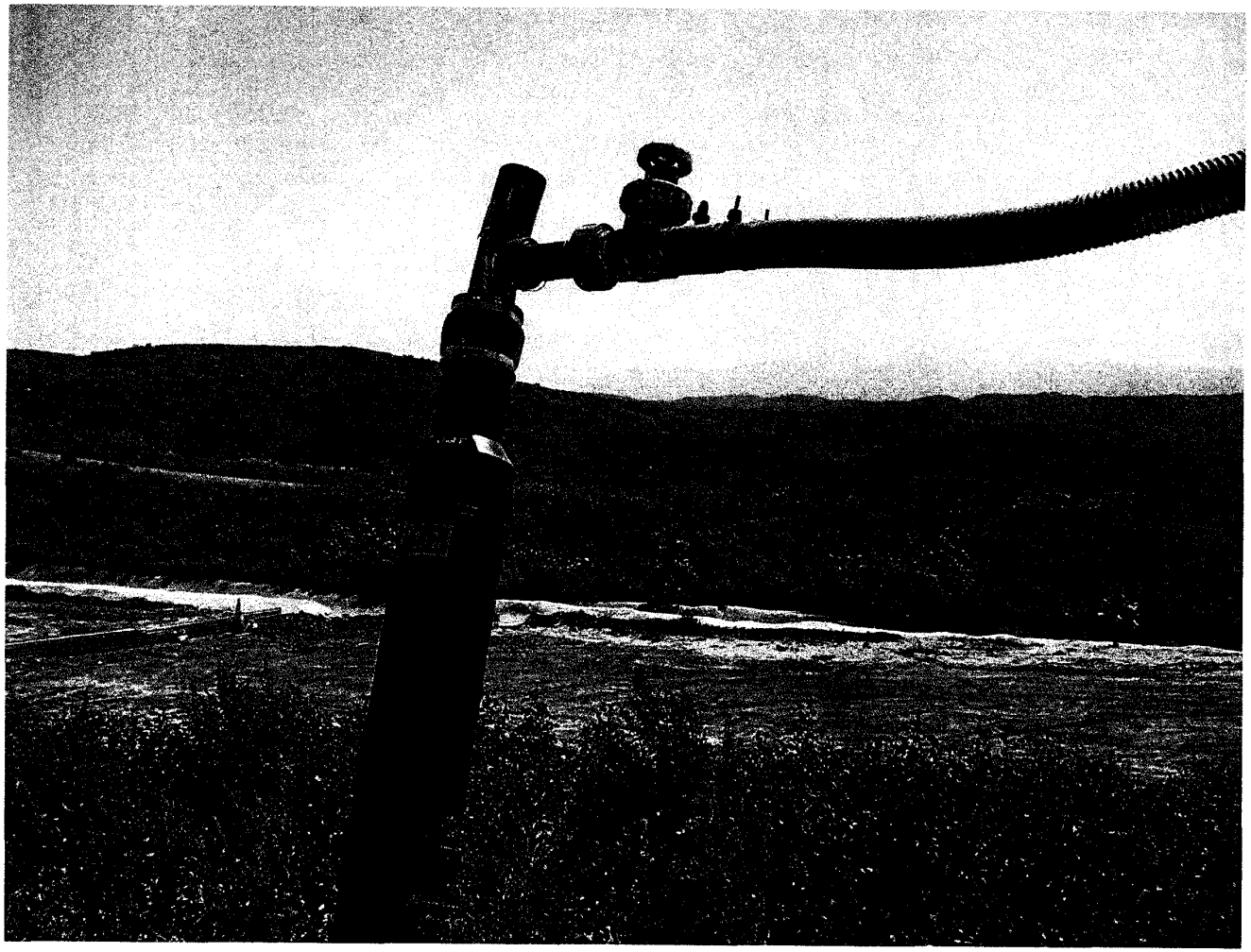

PHOTO 2

G:\DWG\HITCHCOCK PROPERTY\FIGURES\PROJECT DESCRIPTION\30-0410FIG

BAS
(909) 860-7777
BRYAN A. STIRRAT & ASSOCIATES
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1360 VALLEY VISTA DRIVE DIAMOND BAR, CA 91765

CITY DUMP & SALVAGE NO. 1 AND NO. 3 (SWIS # 19-AK-5003)

LFG COLLECTION WELL

JOB NO.	2011.0021
DATE	01-2012
DRAWN BY	J.M.L.
FILE NAME:	30-0410FIG

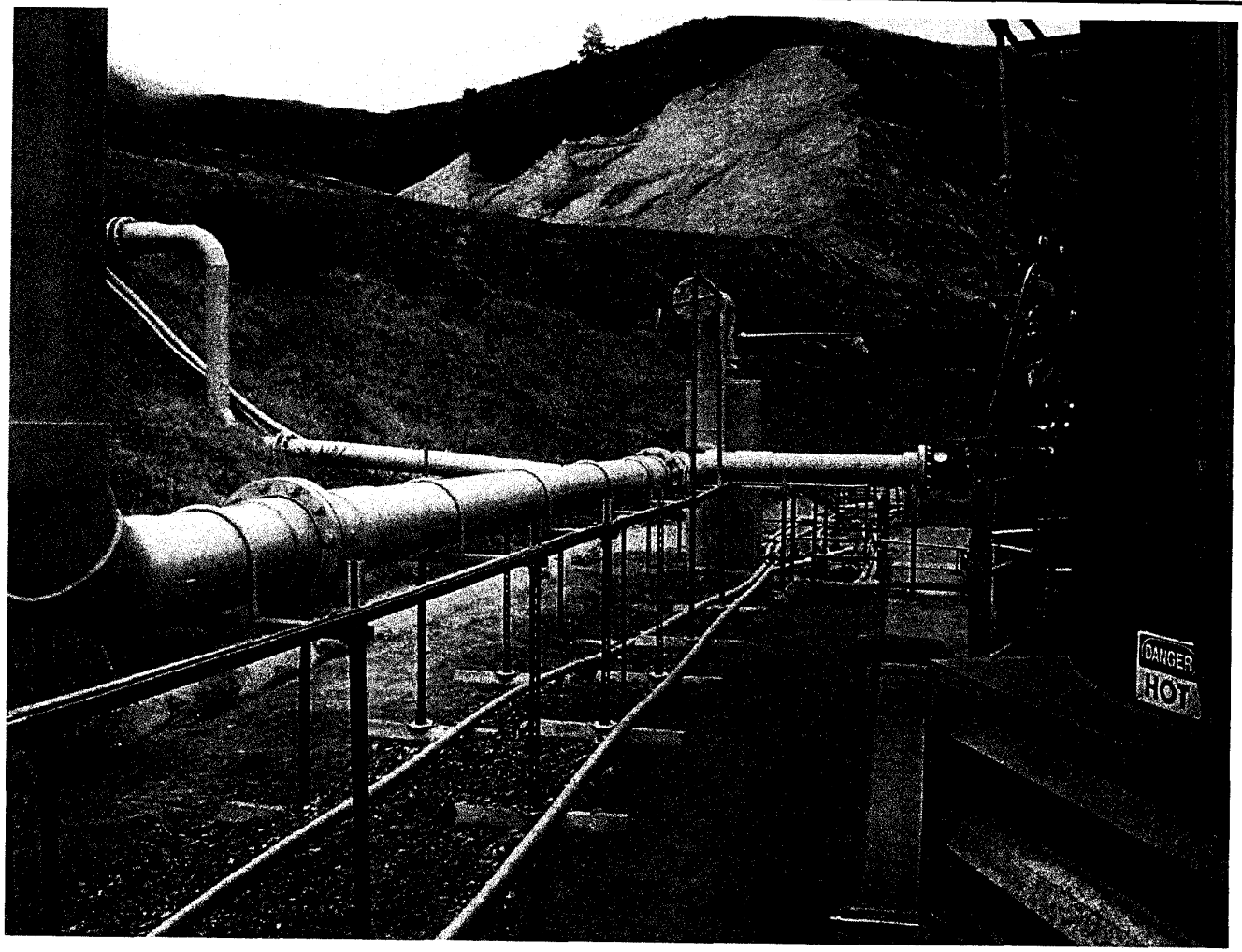

PHOTO 3

G:\DWG\HITCHCOCK PROPERTY\FIGURES\PROJECT DESCRIPTION\30-0411FIG

BAS
(909) 860-7777
BRYAN A. STIRRAT & ASSOCIATES
CIVIL AND ENVIRONMENTAL ENGINEERS
1360 VALLEY VISTA DRIVE DIAMOND BAR, CA 91765

CITY DUMP & SALVAGE NO. 1 AND NO. 3 (SWIS # 19-AK-5003)

LFG COLLECTION PIPING

JOB NO.	2011.0021
DATE	01-2012
DRAWN BY	J.M.L.
FILE NAME:	30-0411FIG

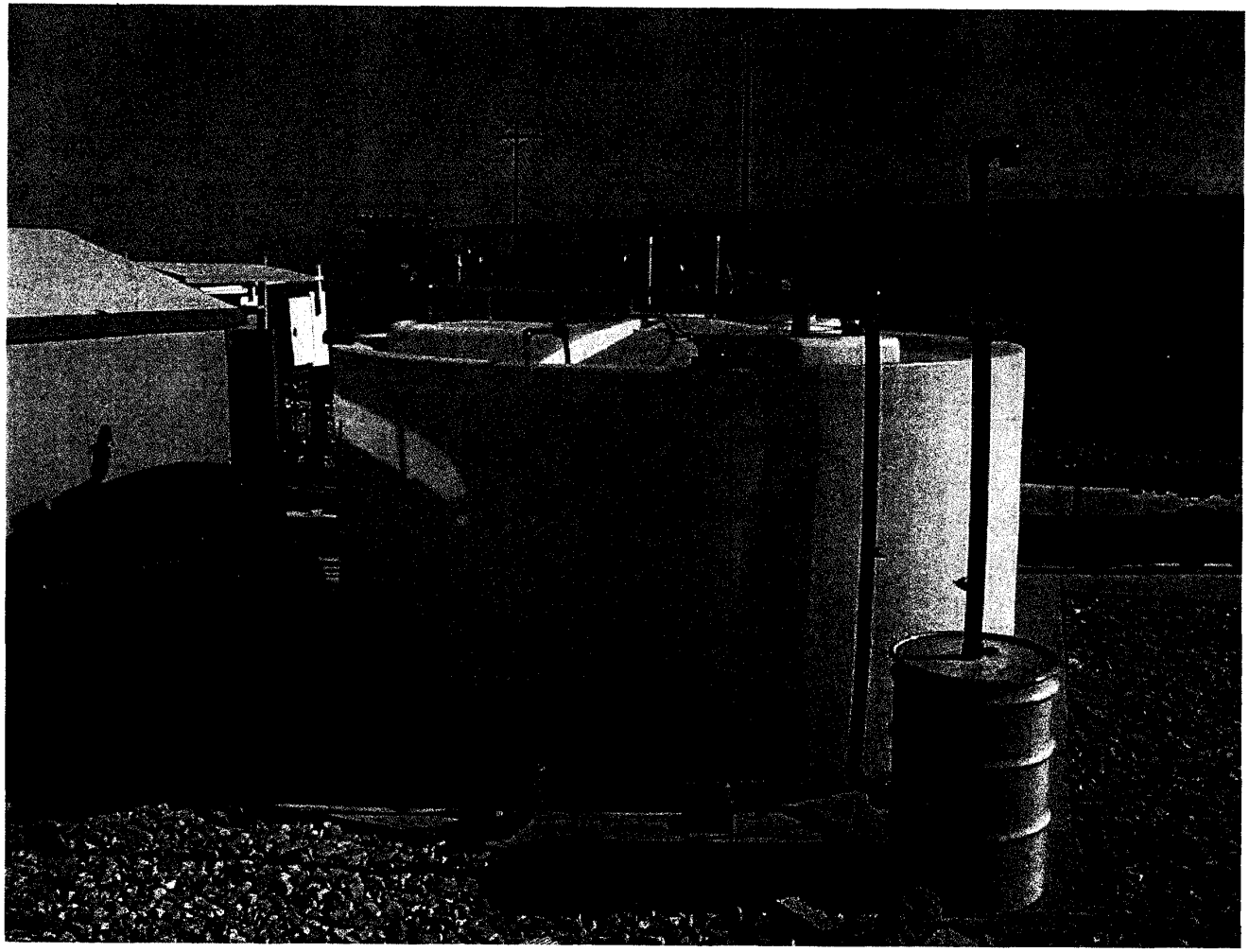

PHOTO 4

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BAS
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BRYAN A. STIRRAT & ASSOCIATES
CIVIL AND ENVIRONMENTAL ENGINEERS
1360 VALLEY VISTA DRIVE DIAMOND BAR, CA 91765

CITY DUMP & SALVAGE NO. 1 AND NO. 3 (SWIS # 19-AK-5003)

LFG CONDENSATE TANK

JOB NO.	2011.0021
DATE	8-7-2012
DRAWN BY	J.M.L.
FILE NAME:	30-0412FIG

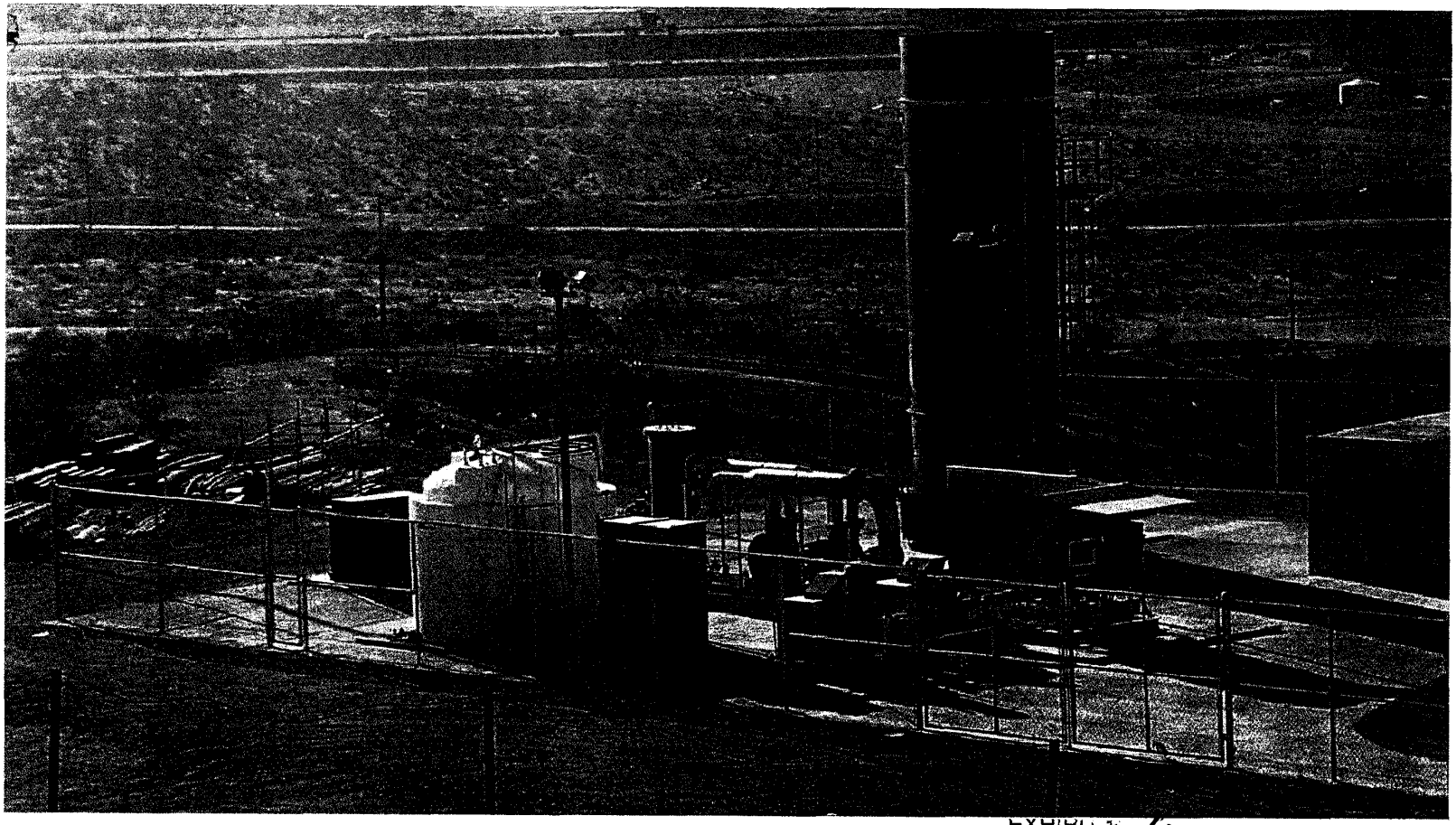

EXHIBIT # 6

PAGE 15 OF 15

PHOTO 5

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BAS

(909) 860-7777

BRYAN A. STIRRAT & ASSOCIATES
CIVIL AND ENVIRONMENTAL ENGINEERS
1360 VALLEY VISTA DRIVE DIAMOND BAR, CA 91765

CITY DUMP & SALVAGE NO. 1 AND NO. 3 (SWIS # 19-AK-5003)

LFG FLARE CONTROL SYSTEM

JOB NO.	2011.0021
DATE	01-2012
DRAWN BY	J.M.L.
FILE NAME:	30-0413FIG

Comment Letter LCWLT

Comment Letter LCWLT

LSA

LSA ASSOCIATES, INC.
20 EXECUTIVE PARK, SUITE 200
IRVINE, CALIFORNIA 92614
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949.553.8076 FAX

BERKELEY
CARLSBAD
FORT COLLINS
FRESNO
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROCKLIN
SAN LUIS OBISPO
SOUTH SAN FRANCISC

February 6, 2012

Ms. Tamar C. Stein
Cox Castle and Nicholson, LLP
2049 Century Park East, Suite 2800
Los Angeles, CA 90067

Subject: Review of Potential Effects of Seasonal Pond/Cover System on Biological Resources, 6400 E. Loynes Drive, Long Beach, CA

Dear Ms. Stein:

Per your request, LSA Associates, Inc. (LSA) is providing this assessment of the potential effects of the conceptual plan for seasonal pools and the associated cover system that has been developed by Bryan A. Stirrat Associates (BAS) for the subject parcel.

LSA worked with Paul Willman of BAS to develop the parameters for the pools themselves (e.g., size, quantity, depth, watershed area). With the conceptual design developed by BAS, the pools could likely be successfully established, and have the general appearance of natural vernal pools. However, based on the landfill cover and closure requirements as described in the conceptual plan, the underlying substrate would be completely artificial; thus, the pools would not provide all of the functions of natural vernal pools. In particular, biogeochemical function, which is highly dependent on soil structure, hydrology, and vegetation would be considerably less than in a natural system. Similarly, maintenance of a plant community that is characteristic of natural vernal pools is also highly dependent on soil structure. When this is considered along with the highly disturbed nature of the surrounding area, the chances of maintaining a characteristic vernal pool community are very low. Of course, faunal communities are in turn dependent on vegetation to some extent, and this too would likely be depauperate.

Beyond the pools themselves, it appears that implementation of the conceptual plan would require removal of all of the existing vegetation within the area of the membranes and other liners, approximately 3.5 acres, whereas the restoration plans prepared by LSA called for the retention and protection of existing native vegetation during the restoration process. While much of the vegetation on the site is nonnative, there is native vegetation present, including scattered occurrences of dozens of southern tarplant (*Centromadia parryi* ssp. *australis*), which is considered endangered by the California Native Plant Society.

In addition to the immediate removal of all vegetation within the limits of the impermeable cap, implementation of the conceptual plan would apparently require an extensive array of gas extraction wells, headers, piping, and a flare/treatment facility. Installation of this system would also require extensive disturbance of the existing vegetation. Moreover, it would permanently preclude the development of native vegetation where the aboveground facilities occur (estimated 18,000 square feet), and the ongoing inspection and maintenance of the equipment would continually disturb both the native vegetation and any wildlife that may use it. LSA has first-hand experience with similar

circumstances and has worked on several large closed landfills where native habitat has been restored for the benefit of special-status species. On several occasions, LSA has encountered situations where emergency maintenance requirements conflicted with nesting birds. In these instances, LSA has been able to judiciously avoid impacts to nesting birds or implement stop-gap measures until birds have completed nesting. However, as noted, these were large landfill areas that were not adjacent to existing residences. In the case of the smaller Loynes Drive parcel, given the proximity of existing residences and the relative density of gas control equipment, the potential for irreconcilable conflict between public safety and resource protection would appear to be much higher.

In conclusion, LSA believes that the most recent Habitat Restoration and Enhancement Plan (prepared by LSA) would be more effective and valuable from a resource management perspective than anything that could be accomplished in conjunction with the conceptual final cover design.

Sincerely,

LSA ASSOCIATES, INC.

Art Homrighausen
Principal

HABITAT REVEGETATION AND MONITORING PLAN

LOYNES DRIVE PROJECT

LONG BEACH, CALIFORNIA

Submitted to:

Cox, Castle, & Nicholson, LLP
2049 Century Park East, 28th Floor
Los Angeles, California 90067

Prepared by:

LSA Associates, Inc.
20 Executive Park, Suite 200
Irvine, California 92614
(949) 553-0666

LSA Project No. CCN1001

LSA

September 2011

TABLE OF CONTENTS

FIGURES

TABLES

INTRODUCTION

This Habitat Revegetation and Monitoring Plan (HRMP) for the Loynes Drive Project has been prepared to support the project's California Coastal Commission (CCC) Coastal Development Permit (CDP) amendment application package.

The project site is located at 6400 E. Loynes Drive, fronting the Los Cerritos Channel in the City of Long Beach (City), California, as shown on the United States Geological Survey (USGS) *Los Alamitos, California* 7.5-minute quadrangle (Figure 1). The site is within the Coastal Zone.

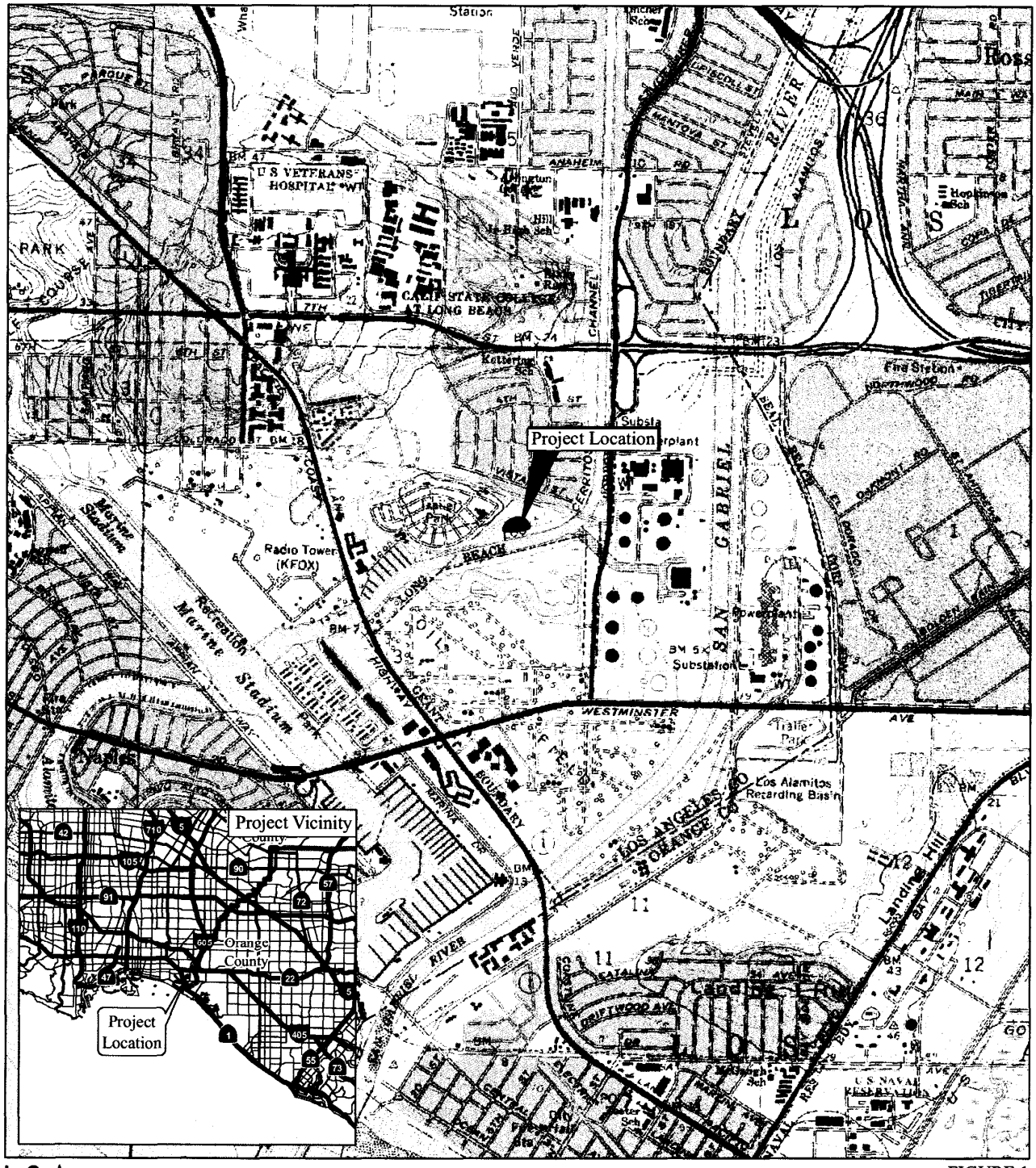
The property is part of an old landfill that was closed prior to 1961 and covered with soil. In March 2009, the landowner cleared a portion of the property without CCC authorization. In April 2009, the CCC issued an emergency permit so the landowner could mitigate for elevated methane levels resulting from the unauthorized clearing. Per the emergency permit, the landowner placed a 6-inch-thick soil cap over approximately 50,000 square feet (sf) (1.15 acres [ac]) of the property. The City subsequently issued an after-the-fact CDP. The CDP was appealed to the CCC, which resulted in a substantial issue finding. The CCC staff issued a report on May 26, 2010, for a de novo CDP action. This HRMP also complies with the Special Conditions set forth within the CCC Staff Report: Revised Findings; however, it has been modified to reflect the results of consultation with the landfill closure agencies. The staff report recommended the preparation of an HRMP to be included as a condition of the CCC CDP. This HRMP has been prepared to provide direction for the remediation of the portion of the property (5.93 ac) impacted by the unauthorized clearing activities and subsequent soil placement. The 5.93 ac revegetation area is shown on Figure 2.

The current vegetation community within the proposed 5.93 ac project site is ruderal grassland. The term "ruderal" refers to weedy and/or early successional species, often nonnative grasses, that readily colonize disturbed ground. Dominant species on site include small-flowered iceplant (*Mesembryanthemum nodiflorum*), five-hook bassia (*Bassia hyssopifolia*), shortpod mustard (*Hirschfeldia incana*), garland chrysanthemum (*Chrysanthemum coronarium*), ripgut brome (*Bromus diandrus*), red brome (*Bromus madritensis*), wild oats (*Avena* sp.), and rabbitfoot grass (*Polypogon monspeliensis*).

SUPERVISION/RESPONSIBILITIES

Restoration Ecologist

The Restoration Ecologist is the landowner's representative in the field and will be responsible for monitoring the revegetation area according to the guidelines set forth in these specifications. The qualified Restoration Ecologist shall be familiar with all aspects of native revegetation. The Restoration Ecologist must be approved by the CCC Executive Director. These duties will include overseeing all aspects of the work performed by the Restoration Contractor. In addition, the Restoration Ecologist will have the responsibility of documenting and reporting the progress of the native plant community to the landowner and the CCC, as well as making recommendations to achieve the goals stated above. If necessary, the Restoration Ecologist may also prescribe remedial measures.



LSA

LEGEND

Project Location

FIGURE 1

EXHIBIT # 8

PAGE 4 OF 21

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FEET

SOURCE: USGS 7.5' QUAD - LOS ALAMITOS (81)

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Loynes Drive Revegetation

Project Location Map

LSA

LEGEND

- Revegetation Area (5.93 ac)
- Southern Tarplant Individuals
- Aggregation of High Density Southern Tarplant (0.44 ac)

0 75 150
FEET

SOURCE: Bing Maps (2009)

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FIGURE 2

Loynes Drive Revegetation
Site Plan

Restoration Contractor

Qualifications and Responsibilities of the Restoration Contractor. The Restoration Contractor responsible for the native revegetation shall have successfully completed (with agency acceptance) a minimum of three revegetation projects (installation and maintenance) involving establishment of native vegetation that are comparable to this project in terms of size and species composition. The Restoration Contractor shall provide at least one English-speaking person who is experienced with all aspects of native revegetation and is thoroughly familiar with all aspects of the project, including the equipment and materials being utilized or installed and the best methods for their installation and application. This person (job foreman) shall be present at all times during the execution of this work and shall direct and supervise all work performed as specified herein. The job foreman shall be on site no less than 90 percent of the time that crews are working. All prospective Restoration Contractors shall provide the resumes of the foreman and crew leader, who must meet the experience criteria listed above and whose replacements are subject to approval. Contractors who do not meet these qualifications will be disqualified from the bidding process. The Restoration Contractor will ensure that sufficient firefighting equipment (e.g., extinguishers, shovels) is available on site to help minimize the chance of human-caused wildfires.

SCOPE OF WORK

The Restoration Contractor shall furnish all labor and materials (including water) to execute this work as indicated below and as necessary to complete the contract. This includes, but is not limited to, the following:

- Performing a grow/kill regimen of the revegetated area and associated buffer prior to installation of plants and seed
- Installation and maintenance throughout the duration of the revegetation contract of any erosion control measures that may be installed within the revegetation area
- Installation, maintenance throughout the duration of the revegetation contract, and removal of the temporary irrigation system
- Hydroseeding of 326.69 pounds (lbs) of seed and 60 lbs/ac of mycorrhizal inoculum (329.40 lbs) within 5.49 ac of the revegetation area (seed and plants will not be installed within the high-density southern tarplant areas)
- Installation and guarantee of 75 percent survival of 4,116 container plants for 120 days following installation
- Maintenance of the revegetation site for 5 years following installation of the hydroseed or until the performance standards are achieved

INSPECTIONS

Preinstallation and postinstallation inspections by the Restoration Ecologist shall be requested by the Restoration Contractor to ensure that all work is completed in compliance with these specifications. Inspections shall be requested at least 48 hours prior to the time inspection is required. Inspection by the Restoration Ecologist shall be required for each phase of work listed below. In addition, the

Restoration Ecologist shall inspect the site more frequently, if necessary, to ensure that it is continuously in compliance with these specifications throughout the maintenance period.

Inspection shall be required for the following phases of work:

- During the grow/kill regimen
- During the rinsing of the hydroseed tank, prior to the preparation of seed slurry to be applied
- During the application of hydroseed
- During marking of container plant locations
- Upon delivery of the container plants
- Following container plant installation
- At the end of the 120-day establishment period
- Monthly following installation and through the 120-day establishment period and at least quarterly thereafter
- Following removal of the temporary irrigation system

PROJECT SCHEDULE

Work shall commence following notice to proceed and shall adhere to the following schedule.

- All erosion control measures and the temporary irrigation system shall be installed prior to initiation of the grow/kill regimen.
- The grow/kill regimen will begin before October of the year in which these actions take place and cease one month prior to the installation of the hydroseed.
- Hydroseeding will be performed in the fall following the completion of the grow/kill regimen and will be completed no later than December 31.
- The Restoration Contractor must guarantee 75 percent survival of the container plants during the 120-day establishment period following installation.
- Container plants will be installed in the spring following installation of the hydroseed.
- The Restoration Contractor shall maintain the revegetation area for 5 years or until the performance standards are met.
- The Restoration Ecologist shall prepare progress reports in the form of field memorandums for each inspection, and an annual report will be submitted by June 30 of each year until the performance standards are achieved.
- The irrigation system shall be removed once the performance standards have been achieved or at the discretion of the Restoration Ecologist.

SITE PREPARATION

Soil Import

If necessary, soil will be imported onto the site in order to create a topsoil layer or cap that is at least 6 inches thick across the site. The storage or stockpiling of soil, silt, and other organic or earthen materials shall not occur where such materials could pass into coastal waters. No grading or scraping of existing soil is permitted. No heavy machinery may be used. Smaller mechanized vehicles (e.g. Bobcats) may be used to transport heavy loads between paved roads and the work areas.

Grow/Kill Regimen

Grow/kill cycles shall be undertaken by the Restoration Contractor within the proposed revegetation area and within a 10-foot (ft) buffer zone surrounding the proposed revegetation area (Figure 2). Grow/kill cycles will not be performed within areas where southern tarplant (*Centromadia parryi* ssp. *australis*) or other native vegetation occurs. Prior to the commencement of the grow/kill regimen, the Restoration Ecologist will demarcate all areas of existing native vegetation. The Restoration Ecologist will determine the commencement and completion deadlines for grow/kill cycles throughout the year.

"Grow/kill" is a process of depleting the seed bank in the soil by promoting the growth of plants (through irrigation if rainfall is not sufficient) and then killing the seedlings with herbicide before they set seed. Unless there is adequate natural rainfall (as determined by the Restoration Ecologist), the Restoration Contractor shall begin a grow/kill cycle by irrigating the entire revegetation site, either by using a water truck or by using the temporary irrigation system. Excess irrigation runoff shall not be allowed, and the Restoration Contractor shall be responsible for the source and expense of the water needed for this task. The site shall be irrigated with sufficient water to initiate and promote vegetative growth. Once the vegetative growth reaches a height of approximately 3 inches, all vegetation on the revegetation site shall be herbicide treated in accordance with the "Herbicide Treatment Guidelines" below. Any plants that germinate within the revegetation areas during this phase shall be removed before they produce flowers, set seed, or reach a height of 6 inches, whichever occurs first. Following each grow/kill cycle, all of the thatch will be removed and legally disposed of off site. Grow/kill cycles will be conducted continuously throughout the summer and fall prior to installation of the hydroseed.

The Restoration Ecologist will visit the areas periodically to determine when grow/kill events should occur and will notify the Restoration Contractor when irrigation or herbicide treatment are necessary. Timing is crucial in the implementation of grow/kill cycles; thus, upon receiving notification, the Restoration Contractor will have 5 working days to complete the specified task. Though the Restoration Ecologist will be making recommendations regarding timing of herbicide application and irrigation, throughout this period it will be the responsibility of the Restoration Contractor to monitor the progress of the weeds on site and to remove or spray weeds before they set seed.

Erosion Control

In the case of heavy rainfall conditions, nonvegetative erosion control measures (e.g., sandbags, rice straw wattles) may need to be installed within the revegetation area. Only sandbags and straw

wattles are to be used within the revegetation area. Erosion control measures shall be installed prior to the initiation of the grow/kill regimen.

The Restoration Contractor shall be responsible for all erosion control for the entire term of the contract. Erosion control shall include, but is not limited to: (1) continuation of nonvegetative erosion control, as necessary; and (2) repair of damaged plants, rutting, and washouts. The Restoration Contractor is responsible for the success of the restored plant community; therefore, it is to the Restoration Contractor's advantage to use as many erosion control measures as necessary to prevent erosion damage. All rice straw wattles will be installed along slope contours in accordance with the manufacturer's specifications. All rice straw wattles shall be manufactured from straw that is wrapped in biodegradable, natural fiber netting a minimum of 8 inches in diameter and can be purchased from California Straw Works ([916] 453-1456) or an approved equivalent.

Irrigation

To facilitate the grow/kill regimen, prevent loss of the plantings during periods of dry conditions, and help establish the newly installed native vegetation, a temporary irrigation system subject to approval by the Restoration Ecologist shall be installed by the Restoration Contractor. Established native vegetation does not require irrigation under normal conditions, so supplemental irrigation will be applied sparingly and used primarily to establish the native plant community. The Restoration Contractor shall be responsible for the inspection, maintenance, and removal of the irrigation system. All water used for irrigation shall be free of impurities, excess chlorine, and salts. Irrigation shall be applied in a manner that does not allow runoff to leave the project site.

REVEGETATION INSTALLATION

The Restoration Contractor shall supply all materials necessary to complete the following work in accordance with these specifications. All materials are subject to approval by the Restoration Ecologist. Revegetation shall take place as soon as possible following the site preparation activities described above. Revegetation shall commence within 90 days from the CCC's approval of the CDP, or within such additional time as the Executive Director may grant for good cause. It is likely that a delay in installation will be requested in order to perform the aforementioned grow/kill regimen and assure that all native species are installed at the optimal time (i.e., fall/winter). All planting and seeding shall be completed no later than 6 weeks from the commencement of planting.

Endo (Arbuscular) Mycorrhizal Inoculum

In order to promote the establishment and growth of the installed native vegetation, mycorrhizal inoculation of the soil will be conducted concomitantly with hydroseeding. Endo (arbuscular) mycorrhizal inoculum shall be provided by the Restoration Contractor at a rate of 60 lbs/ac. The inoculum shall contain a minimum of 60,000 propagules per pound and shall consist of spores, mycelium, and mycorrhizal root fragments in a solid carrier suitable for hydroseeding. The carrier shall be the material in which the inoculum was originally produced and may include organic materials, vermiculite, perlite, calcined clay, and other approved materials consistent with mechanical application and good plant growth. This inoculum shall carry a supplier's guarantee of the number of

propagules per unit of weight or volume of bulk material. If the supplier claims more than one species, the label shall include a guarantee for each species of mycorrhizal fungus claimed. Using mycorrhizae inoculum that contains high concentrations of humus and humic acids reduces the potency of the inoculum (SERCAL, Mycorrhizae Workshop 2002). The Restoration Contractor shall supply a product that contains only mycorrhizae, roots, and growing medium such as is found in products sold by S&S Seeds ([805] 684-0436), Reforestation Technologies International ([800] 784-4769), or Bionet, LLC ([877] 777-8327). All alternative sources shall be approved by the Restoration Ecologist.

Seed

A total of 5.49 ac of the revegetation area will be hydroseeded. Seed will not be installed within the 10 ft buffer zone or within the high-density southern tarplant areas. The species to be included for the revegetation area (Table A) were selected based on the native species found within the coastal region of southern Los Angeles and northern Orange Counties. With the exception of species that are only obtainable through commercial sources, all seed shall be collected from areas within a 20-mile (mi) radius of the project site and from a similar microclimatic regime, if available. All seed substitution decisions or alternative genetic sources shall be approved by the Restoration Ecologist. Prior to sowing, a list of all species to be installed (including quantities and genetic sources) will be provided to the CCC Executive Director. Upon receipt, the seed must be stored in a manner that ensures its viability until it is sown. All seed must be sown within 48 hours of being delivered.

Table A: Revegetation Seed List

Scientific Name	Common Name	Lbs/Acre	Lbs Required (5.49 acre)
Ambrosia acanthicarpa	Sand bur	1.50	8.24
Amsinckia menziesii	Common fiddleneck	1.25	6.86
Bromus carinatus	California brome grass	5.75	31.57
Camissonia bistorta	California suncup	0.25	1.37
Camissonia cheiranthifolia	Beach evening primrose	0.25	1.37
Croton californicus	California croton	4.50	24.71
Croton setigerus	Doveweed	3.00	16.47
Deinandra fasciculata	Fascicled tarplant	1.50	8.24
Distichlis spicata	Salt grass	1.00	5.49
Eriophyllum confertiflorum	Long-stemmed golden yarrow	0.25	1.37
Eschscholzia californica	California poppy	0.50	2.75
Gnaphalium bicolor	Bicolored cudweed	0.25	1.37
Gnaphalium californicum	California everlasting	0.25	1.37
Heliotropium curassavicum	Alkali heliotrope	2.25	12.35
Hordeum brachyantherum	Meadow barley	6.00	32.94
Lasthenia californica	Coastal goldfields	0.25	1.37
Lepidium nitidum	Shining peppergrass	0.25	1.37
Leymus condensatus	Giant wild-rye	0.75	4.12
Leymus triticoides	Beardless wild-rye	0.75	4.12

Table A: Revegetation Seed List

Scientific Name	Common Name	Lbs/Acre	Lbs Required (5.49 acre)
Lotus purshianus	Spanish lotus	3.00	16.47
Lotus salsuginosus	Alkali lotus	1.50	8.24
Lupinus bicolor	Miniature lupine	1.50	8.24
Lupinus succulentus	Arroyo lupine	4.00	21.96
Malacothrix saxatilis	Cliff malacothrix	1.00	5.49
Melica imperfecta	Small-flowered melic grass	1.75	9.61
Nassella lepida	Foothill needlegrass	2.00	10.98
Nassella pulchra	Purple needlegrass	5.00	27.45
Phacelia distans	Common phacelia	0.75	4.12
Plantago erecta	California plantain	2.00	10.98
Poa secunda	Perennial bluegrass	0.75	4.12
Sisyrinchium bellum	California blue-eyed grass	1.50	8.24
Solanum douglasii	Douglas' nightshade	2.25	12.35
Trifolium willdenovii	Valley clover	1.50	8.24
Verbena lasiostachys	Western verbena	0.50	2.75
Total		**59.50**	**326.69**

lbs/acre = pounds per acre

Color-Coded Wire Pin Flags

Color-coded wire pin flags shall be provided by the Restoration Contractor for marking container plant locations. Each species shall have a different color (or combination of colors). All pin flags must be new. The locations of areas where container plants will be installed must be marked with wire pin flags prior to planting. Special attention must be paid when placing the flags, taking into consideration the microclimatic requirements of each species. The layout must be approved by the Restoration Ecologist. All of the pin flags shall be separated by species prior to coordination with the Restoration Ecologist in the field.

Container Plants

Container plants in the form of plugs shall be installed within 5.49 ac of the revegetation area in the spring following installation of the hydroseed. Container plants will be installed after the seed has germinated and established itself. Container plants will be installed within areas that are devoid of native perennial species. Container plants will not be installed within the 10 ft buffer zone. All container plants that have mycorrhizal associations shall be inoculated with mycorrhizal fungi at the nursery. The genetic source of all container plants will be within 20 mi of the project site, if possible, and of similar microclimatic regime. All plant substitution decisions or alternative genetic sources shall be approved by the Restoration Ecologist. Prior to planting, a list of all species to be installed (including quantities and genetic sources) will be provided to the CCC Executive Director. A representative sample of all container plants must be inspected and approved by the Restoration Ecologist at the time of delivery. All plants shall be healthy, be in good condition, and have a good

root-to-shoot ratio (approximately 2:1). The roots shall be young roots that fill the container and must not be wrapped around the sides of the container. Any plants that, in the opinion of the Restoration Ecologist, are incapable of surviving for 120 days following proper installation techniques will be returned to the nursery to either be replaced or regrown for installation during the following growing season. Upon receipt, the container plants shall be stored in such a way that the natural elements (e.g., dryness, heat, excessive wind) will not hinder their growth or kill the plants prior to installation. Delivery of the container plants for the revegetation area may be requested at least 2 weeks prior to the scheduled planting time. All container plants shall be installed within 3 days following acceptable delivery. All container plants shall be maintained at a 75 percent survival rate throughout the first 120 days following installation. The list of container plants and densities to be installed within the revegetation area is presented in Table B. In order to maintain the integrity of the landfill's soil cap, deep-rooted species (e.g., native perennial shrubs and trees) will not be installed within the project area.

Other Materials

All other materials not specifically described herein, but required to complete this project, shall be furnished by the Restoration Contractor and are subject to the approval of the Restoration Ecologist.

Table B: Container Plant List

Scientific Name	Common Name	Container Size	Spacing (ft on center)	Plants/ac	Plants Required (5.49 ac)
Bromus carinatus	California brome grass	Plugs	2	125	686
Distichlis spicata	Salt grass	Plugs	2	125	686
Leymus condensatus	Giant wild-rye	Plugs	5	125	686
Melica imperfecta	Small-flowered melic grass	Plugs	2	125	686
Nassella lepida	Foothill needlegrass	Plugs	2	125	686
Nassella pulchra	Purple needlegrass	Plugs	2	125	686
Total				**750**	**4,116**

ac = acre
ft = feet

INSTALLATION METHODS

Hydroseeding Technique

The revegetation area shall be seeded using a two-stage hydroseed application method. The application procedure is as follows.

First Application

- 150 lbs/ac of 100 percent long-strand wood fiber (no tackifier)
- Specified seed

- 60 lbs/ac of vesicular-arbuscular mycorrhizal inoculum
- Specified fertilizer

Second Application

- 2,000 lbs/ac of 100 percent long-strand wood fiber (no tackifier)
- 150 lbs/ac Ecology Control "M" binder

All hydroseed mixing shall be performed in a clean tank. The tank must be rinsed a minimum of three times in the presence of the Restoration Ecologist. It is the Restoration Contractor's responsibility to locate a source of clean water and a washout area where rinsing can legally be carried out. The hydroseeder must be equipped with a built-in continuous agitation and recirculation system of sufficient operating capacity to produce homogeneous slurry and a discharge system that will apply slurry to the designated areas at a continuous and uniform rate.

The slurry preparation shall take place at the project site and shall be started by adding water to the tank while the engine is running at half-throttle. Good recirculation shall be established when the water level has reached the height of the agitator shaft; at this time, the seed and fertilizer shall be added. The long-strand wood fiber shall be added when the tank is at least 30 percent filled with water. The Restoration Contractor shall commence spraying once the tank is full and homogeneous slurry has been created.

The Restoration Contractor shall spray designated areas with the slurry in a sweeping motion and in an arched stream until a uniform coat is achieved with no slumping or shadowing as the material is spread at the required rate. The hydroseed slurry should float down from the arched stream as opposed to being shot directly at the ground.

The tanks must be emptied completely during each stage of hydroseeding. Any slurry mixture that has not been applied by the Restoration Contractor within 1 hour after mixing shall be rejected and replaced at the Restoration Contractor's expense. In addition, all cost incurred for repair or replacement of bare, sparse, or damaged areas shall be the sole responsibility of the Restoration Contractor. Following application, all activity on the mulch layer must be kept to a minimum until the seed has germinated and established itself.

Planting Technique

Planting locations for container plants within the revegetation area shall be marked under the direction and supervision of the Restoration Ecologist. Plantings shall be spaced in natural-looking patterns to replicate the character of the nearby native plant communities with consideration of the microclimate requirements of each species.

In the spring following installation of the hydroseed, the Restoration Ecologist shall use pin flags provided by the Restoration Contractor to mark the planting locations of the container plants. The plantings shall be spaced in natural-looking patterns to replicate the character of adjacent natural communities, with consideration of the microclimate requirements for each species.

All container plants shall be installed in accordance with the following specifications:

- Plants will be placed into a hole that is capable of accepting the diameter and height of the container.
- Any roots wrapped around the sides of the containers shall be pulled loose from the root balls. The sides of the root balls shall be scarified to promote new root development.
- Plants shall be planted with the roots untangled and laid out in the planting holes to promote good root growth and prevent the plants from becoming rootbound.
- Roots shall be adequately protected at all times from sun and/or drying winds.
- The top of the rootball will be set slightly above finish grade, and the planting hole will be backfilled with native soil.
- The revegetation area shall be irrigated at the time of planting, with sufficient water to reach the lower roots of the installed container plants. Special care must be taken to prevent the soil from washing away from the roots and the root crown from being buried with soil.
- All empty plant containers shall be removed from the revegetation site and not left on site overnight.

REVEGETATION MAINTENANCE

Maintenance of the revegetation area must be undertaken in accordance with the following specifications until the performance standards are achieved. Normal maintenance will include weeding, herbivore control, and watering as necessary within the revegetation area and weeding within the 10 ft buffer zone.

Following installation of the hydroseed and through the first 120 days after installation of the container plants, the revegetation area and buffer zone must be maintained regularly to ensure successful establishment. At the end of the 120-day establishment period, a thorough inspection of the revegetation area shall be conducted by the Restoration Ecologist, and a list of those container plants that are dead within the revegetation area shall be submitted to the Restoration Contractor. Dead or missing container plants in excess of 10 percent will be replaced. The species and planting locations shall be determined by the Restoration Ecologist.

Nonnative Weed Control

In order to help establish the developing community, nonnative weeds shall be removed from the revegetation area and buffer zone to reduce the amount of competition for natural resources, including water, nutrients, and sunlight. The amount of weeding required will be determined by the amount of weed seed in the soil, weather conditions, and the diligence and persistence in removing the weeds

before they produce more seed, thereby reducing the weed seed bank. The following weeding guidelines shall be adhered to continuously:

- The percentage of cover by nonnative weeds within the revegetation area and buffer zone must be kept below 5 percent at all times.
- No more than 10 percent of the buffer zone may be covered at any time by weeds that have reached the seed dispersal stage.

Methods of Removal. During the 5-year maintenance period, with the exception of those weed species that cannot be eradicated through manual removal (e.g., garland chrysanthemum and small-flowered iceplant), weeds present shall be removed manually. Herbicide is only permitted with the written authorization of the Restoration Ecologist (see "Herbicide Treatment Guidelines"). No weed whipping or string-line trimmers shall be permitted without the written authorization of the Restoration Ecologist. Special care must be taken to prevent damage to native plants. Native plants intentionally or unintentionally damaged shall be replaced as needed in the form of container plants during the next growing season in order to attain the performance standards. All nonnative vegetative debris accumulated as a result of weed removal activities shall be legally disposed of off site within 10 days of cutting.

Herbicide Treatment Guidelines. Herbicide will be used during the grow/kill regimen and may be used with written authorization from the Restoration Ecologist during the 5-year maintenance period. In order to apply an unrestricted herbicide (Rodeo), the Restoration Contractor must have a Pest Control Business License, which requires that at least one individual employed by the Restoration Contractor be in possession of a Qualified Applicator's License (QAL). If a qualified applicator is not present during treatment, all applicators must have undergone documented herbicide application training. All licenses must be issued by the State of California, registered in Los Angeles County, and of current status.

Only Rodeo, a United States Environmental Protection Agency-approved, glyphosate-based systemic herbicide, may be used. No preemergent herbicides may be used. No persistent herbicides may be used. The following herbicide concentrations shall be used according to the type of application required:

- Foliar spray application: minimum of 3 percent solution
- Foliar wick application: 33 percent solution
- Stump treatment: 100 percent solution

A brightly colored dye shall be used in all applications. The material shall be a nontoxic, water-soluble, liquid material such as "Blazon" by Milliken Chemicals or its equivalent. "Turfmark" is not an acceptable alternative. The dye shall be mixed with the herbicide at no more than one-half the rate specified on the label (one-quarter the rate will usually suffice).

Spraying shall be conducted only when weather conditions are conducive to effective uptake of the herbicide by the targeted species (i.e., sunny, dry, and when plants are actively growing) and when

wind conditions are such that herbicide drift is nonexistent (5 miles per hour or less). During herbicide application, protection or avoidance of nontargeted species (i.e., native vegetation) is required. Any nontargeted species lost within the revegetation area due to intentional or unintentional application of herbicide shall be replaced by the Restoration Contractor during the following planting season at the direction of the Restoration Ecologist.

Weed species known to occur on site include, but are not limited to, the following:

- Soft chess (*Bromus hordeaceus*)
- Garden beet (*Beta vulgaris*)
- Five-hook bassia
- Foxtail barley (*Hordeum murinum*)
- Wild oat
- Common ripgut grass
- Red brome
- Bittercress (*Cardamine* sp.)
- Garland chrysanthemum
- Small-flowered iceplant
- Lesser wart-cress (*Coronopus didymus*)
- Bermuda grass (*Cynodon dactylon*)
- Weedy cudweed (*Gnaphalium luteo-album*)
- Prickly lettuce (*Lactuca serriola*)
- Rye grass (*Lolium* sp.)
- High mallow (*Malva sylvestris*)
- Bur-clover (*Medicago polymorpha*)
- White sweet-clover (*Melilotus albus*)
- European sickle-grass (*Parapholis incurva*)
- Littleseed canary grass (*Phalaris minor*)
- Bristly ox-tongue (*Picris echioides*)
- Smilo grass (*Piptatherum miliaceum*)
- Common knotweed (*Polygonum aviculare*)
- Rabbitfoot grass
- Wild radish (*Raphanus sativus*)
- Curly dock (*Rumex crispus*)
- Milk thistle (*Silybum marianum*)

- Sand-spurry (*Spergularia* sp.)
- Tocalote (*Centaurea melitensis*)
- Shortpod mustard
- Yellow sweet clover (*Melilotus indicus*)
- Sow-thistle (*Sonchus* sp.)

Erosion Control

The Restoration Contractor shall be responsible for all erosion control maintenance required for the revegetation area for the entire term of the contract. Erosion control shall include, but not be limited to: (1) continuation of nonvegetative erosion control, as necessary; and (2) repair of damaged plants, rutting, and washouts.

Pest Control

Insect and herbivore damage control shall be the responsibility of the Restoration Contractor, using only those methods approved by the Restoration Ecologist. The Restoration Contractor shall implement control measures, which may require fencing or caging all container plants at the earliest sign of damage. In addition, the Restoration Contractor shall treat any insect infestation as necessary to protect the health and establishment of the plant community, per the recommendation of the Restoration Ecologist.

Irrigation

The Restoration Contractor shall be responsible for inspection and maintenance of the irrigation system throughout the revegetation area. The Restoration Contractor shall be responsible for removal of the irrigation system prior to the completion of the project.

Litter Removal/Site Maintenance

All trash and other debris shall be removed from the revegetation area prior to and during revegetation activities. All planted and seeded areas shall be kept neat, clean, and free of all nonvegetative debris and trash (including vegetative debris accumulated during weeding activities, which shall be removed as specified).

Pruning and Leaf Litter Removal

No pruning or leaf litter removal shall take place within the revegetation area. Therefore, all leaf litter and native thatch shall be left in place and not cleared away from the plantings.

Fertilizer

The Restoration Contractor shall not use a chemical fertilizer within the revegetation area during the maintenance period unless directed to do so by the Restoration Ecologist.

REMEDIAL MEASURES

The purpose of the remedial measures is to remedy unsuccessful revegetation efforts, as indicated by excessive nonnative species or erosion or the excessive mortality of installed plants and/or seed. Remedial measures, as identified in the monitoring reports or field memorandums, include weed eradication, replacement of dead or diseased container plantings, and/or reseeding in areas as necessary to meet the performance standards. Such actions will be taken immediately upon the identification of problems and will be implemented as often as necessary to meet the performance standards. The removal of dead and/or diseased container plants will be left to the discretion of the Restoration Ecologist. The genetic source of all remedial seed and plants shall be the same as that described in the Restoration Installation section above.

PERFORMANCE STANDARDS

The goal of this project is to establish healthy and functional native habitat of the identified revegetation area. The revegetation will be considered successful when all of the following criteria are met:

- There is at least 80 percent relative cover by native plant species in the 5.93 ac revegetation area.
- Evidence that the site is sustainable, which includes signs of regeneration (progeny and new growth), healthy plants, a low mortality rate, and resistance to weeds (less than 5 percent cover by nonnative species and minimal weed maintenance during the previous spring season).

The site will not be eligible for CCC approval until it has gone without irrigation for a period of 3 years. It is the goal of the project to meet the performance standards within 5 years following installation of the hydroseed.

MONITORING

In order to ensure that the site is in compliance with these specifications, the site will be evaluated regularly.

The postinstallation monitoring program will be as follows:

- Monitoring for survival, appearance, function, wildlife usage, and general compliance will be completed monthly for the first year following installation of the hydroseed and at least quarterly thereafter until the performance standards are met.
- A survey will be conducted in the spring of each year. Qualitative data will be collected on native and nonnative vegetation cover, species composition, survival, appearance, and function of the plant community. In addition to qualitative data, quantitative data on native and nonnative

vegetation cover and species composition will be collected by performing at least 10, 1-square-meter quadrats. All wildlife species present on site shall be recorded.

- As part of the site inspections and annual surveys, the Restoration Ecologist will prepare field memorandums. The field memorandums will record general ecological observations and make maintenance recommendations, and copies will be sent to the landowner and the Restoration Contractor.
- If any special-status species are observed on or in proximity to the project site during project surveys, the Restoration Ecologist will submit California Natural Diversity Database (CNDDB) forms and maps to the CNDDB of the sightings and will provide the regional California Department of Fish and Game (CDFG) office with copies of the CNDDB forms and survey maps.

The individual who monitors the site shall be an experienced Restoration Ecologist qualified to assess the performance of the revegetation effort and to recommend corrective measures as needed.

DOCUMENTATION

Approximately 120 days following installation of the container plants, the Restoration Ecologist will prepare an as-built report that describes the installation and how the project was consistent with this HRMP. The as-built report will also document the situations where it was necessary to diverge from this HRMP. By June 30 of each following year until the performance standards are achieved, a formal report will be prepared and submitted by the Restoration Ecologist to the landowner and the CCC.

The report will include the following:

- A summary of the establishment period monthly site inspections and quarterly site inspections for the first year and a summary of the quarterly site inspections for each year thereafter
- A description of the existing condition of the revegetation area, including descriptions of vegetation composition, weed species, and any erosion problems
- A description of the maintenance activities (including revegetation and weed removal) and when they were conducted
- A summary of the qualitative and quantitative data collected
- Any observations of wildlife at the site, including sensitive and/or listed species or their sign within the revegetation area
- A discussion of any problems encountered during revegetation
- Photo documentation at specified locations
- Remedial measures (e.g., weed control, trash removal) that were implemented to correct problems or deficiencies, if any

LONG-TERM MAINTENANCE

The purpose of the revegetation effort is to replace the ruderal grassland vegetation that was impacted/removed as a result of the unauthorized clearing with native vegetation in order to provide

foraging habitat for wildlife and reduce the likelihood of erosion of the newly replaced soil cap on the old landfill. The removal of nonnative vegetation pursuant to future weed abatement notices is an allowable activity; however, the weed removal activities should be monitored to ensure that only nonnative species are removed. The land is subject to alternative future uses with an appropriate CDP.

Weed abatement, tree trimming, nonnative tree removal, and ongoing maintenance of the property consistent with the CDP is allowed. All work carried out pursuant to any City- or County-issued abatement order shall comply with the terms of the CDP in order to ensure the protection of wildlife habitat and the long-term protection of breeding, roosting, and nesting habitat of State and federally listed bird species, California bird Species of Special Concern, and bird species that play an especially valuable role in the ecosystem.

No bird nests shall be disturbed. Prior to tree trimming and weed abatement, a qualified biologist or ornithologist shall survey the project site to detect bird nests and submit a survey report to the CDP permittee (Permittee) and the CCC Executive Director. The survey report shall include identification of all known nests. The Permittee shall maintain a file of survey reports that includes a record of nests that is to be used for future vegetation removal decisions.

All weed abatement, tree trimming, nonnative tree removal, and ongoing maintenance of open space areas shall be supervised by a qualified biologist and shall be undertaken in compliance with all applicable codes or regulations administered by the CDFG and, the United States Fish and Wildlife Service (USFWS), including the United States Migratory Bird Treaty Act, and shall be conducted in conformance with the following terms.

- Tree Trimming and Nonnative Tree Removal
    - Tree trimming and nonnative tree removal shall take place only outside of the bird breeding and nesting season, which is January 1 through September 30.
    - The trimming or removal of any tree that has been used for breeding and nesting within the past 5 years is prohibited, unless the Permittee obtains a CDP or emergency permit authorizing such trimming and removal. Prior to tree trimming or removal of any tree, a qualified biologist or ornithologist shall survey the trees to be trimmed or removed to detect nests and submit a survey report to the Permittee and the CCC Executive Director. The survey report shall include identification of all trees with nests. The Permittee shall maintain a file of survey reports that includes a record of nesting trees to be used for future tree trimming and removal decisions.
    - No bird nests shall be disturbed. Trimming may not proceed if a nest is found and evidence of courtship or nesting behavior is observed at the site. In the event that any birds continue to occupy trees during the nonnesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 ft of any occupied tree (500 ft for raptors).
    - No California native trees shall be removed. All existing native vegetation shall be protected.
    - Tree trimming and nonnative tree removal shall be undertaken using only hand-operated equipment (e.g., machetes, weed whackers, and chain saws). No herbicides shall be used.
- Weed Abatement

- Weed abatement activities shall take place outside of the marsh bird nesting season (February 1 through August 31). Specifically required restoration work approved by the CCC Executive Director is not subject to this limitation.
- Prior to weed abatement and removal of any plant material, a qualified biologist or ornithologist shall survey the project site to detect nests and submit a survey report to the Permittee and the CCC Executive Director. The survey report shall include identification of all known nests. The Permittee shall maintain a file of survey reports that includes a record of nests that is to be used for future vegetation removal decisions.
- No bird nests shall be disturbed. Weed abatement and removal of any plant material may not proceed within 300 ft (500 ft for raptors) of a nest where evidence of courtship or nesting behavior is observed. In the event that any birds continue to occupy nests during the nonnesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 ft (500 ft for raptors) of any nest.
- All existing native vegetation shall be protected.
- Weed abatement and removal of plant materials shall be undertaken using hand-operated equipment only (e.g., machetes, weed whackers, and chain saws). No herbicides shall be used unless they are specifically authorized by the CCC Executive Director.

- Disposal of plant matter
  - All cut plant materials shall be disposed of at an appropriate off-site location within 10 days of cutting. A separate CDP will be required prior to the placement of any cut plant material in the Coastal Zone unless the CCC Executive Director determines that no permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations.

All weed abatement, tree trimming and nonnative tree removal shall be conducted in strict compliance with these conditions. Any proposed change or deviation from these conditions shall be submitted for review by the CCC Executive Director to determine whether an amendment to the CDP is required pursuant to the requirements of the Coastal Act and the California Code of Regulations.

California Coastal Commission
CDP Application No. A-5-LOB-10-015-A1

Applicant: Loynes, LLC

Agent: Schmitz & Associates, Inc.

Project Site/Property Address: 6400 Loynes Dr., Long Beach, CA

Project Description: CDP-Amendment for proposed restoration to comply with CDP A-5-LOB-10-015 Special Conditions, excluding the wetlands feature and impermeable cap as conditioned per Special Condition One of the underlying CDP.

I, Commissioner Brian Brennan, had ex parte communication with Don Schmitz, agent for the above-referenced project on December 8, 2011. Mr. Schmitz reviewed with me the history of activities on and the conceptual plan for restoration and re-vegetation of the subject site. We specifically reviewed Special Condition One of the underlying CDP which called for an impermeable cap and wetlands features despite CCC Staff's original recommendation to the Commission; Mr. Schmitz advised me of the unfavorable disposition of Los Angeles County Department of Health and RWQCB with respect to these two requirements, particularly with respect to lateral gas migration concerns resulting from the cap. Mr. Schmitz also advised me of the large scope, scale and costs of attempting to mitigate such lateral migration, and to maintain such mitigation infrastructure. Accordingly, the applicant proceeded with this amendment application to go back to the initially proposed upland vegetation restoration as originally recommended by CCC Staff.

12/13/11

Commissioner Brennan Date

LCWLT-16

From:	Cynthia Kellman
To:	Sally Gee
Cc:	Michelle N. Black
Subject:	Draft Programmatic Environmental Impact Report and Selection of Alternatives for the Los Cerritos Wetlands Restoration Plan
Date:	Monday, July 6, 2020 1:14:05 PM
Attachments:	DEIR comment letter fnl.pdf

Dear Ms. Gee,

Attached please find a comment letter from Michelle Black regarding the above-captioned matter.

Please feel free to contact me with any questions or concerns.

Cynthia Kellman
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Hermosa Beach, CA 90254
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Los Cerritos Wetlands Land Trust, July 6, 2020

Comment Letter LCWLT

Response LCWLT-1

The commenter acknowledges receipt of the Draft PEIR and submitting comments on behalf of the Los Cerritos Wetlands Land Trust. This commenter provides a summary of their high-level project-related comments. The commenter suggests that the Draft PEIR contains many deficiencies that render it inadequate under CEQA. The commenter suggests discussion of an alternative that would restore tidal flow to the Central Area of the Project from areas located above 2nd Street. Specific comments regarding the Draft PEIR are provided and responded to below.

Response LCWLT-2

The commenter states that the Draft PEIR does not clarify which specific actions would be authorized by the LCWA's approval of the Project and certification of the EIR and requests that the Draft PEIR be revised to make any tiering clear and to clarify which Project activities may go forward without additional, detailed, project descriptions and future, adequate CEQA review. Additional discussion has been added to Chapter 2 Project Description, Section 2.1.2 to more clearly describe the CEQA process for individual restoration projects.

Response LCWLT-3

The commenter suggests expanding the discussion of the alternatives to include a tidal connection to Steamshovel Slough or Los Cerritos Channel below 2nd Street to the Long Beach Property site. This alternative would maintain the breach of the San Gabriel River levee to the Central LCWA and Central Bryant sites. The Central Area would be tidally influenced from both the San Gabriel River (east of the Interim Levee) and the Los Cerritos Channel (west of the Interim Levee). Under the proposed program, the Interim Levee splitting the Long Beach property site and the Central LCWA and Bryant sites would remain permanent. The commenter notes several advantages of this alternative. In Chapter 5 Alternatives, edits have been made to Section 5.2.2.3 and a new Section 5.4.2.5, has been added to incorporate additional discussion relating to the alternative to connect to Steamshovel Slough for the Long Beach City property site.

The commenter suggests that connecting the Long Beach City property site to Steamshovel Slough has several advantages. We have provided responses below under each numbered item:

1. Commenter suggests alternative would not disrupt the restoration plans for the other areas and the near-term Central Area restoration could proceed as planned.
    a. As noted by the comment, this alternative would not disrupt the restoration plans for the other areas. However, in the Central Area, the Interim Levee would need to become permanent and be raised to provide long-term flood protection like the Perimeter Levee, so it would be higher and have a larger footprint. This would result in a greater impact to existing wetlands and the aesthetic views of the area. Text has been added to Chapter 5 Alternatives, Section 5.2.2.3 to further expand on this alternative and the consequently higher Interim Levee.

2. Commenter suggests alternative would eliminate the need to breach the San Gabriel River levee to restore tidal flow to the Long Beach City property.

    a. This alternative would still breach the San Gabriel River levee to restore tidal flow to the Central LCWA and Central Bryant properties, so this alternative would not prevent the risk for increased flooding as suggested in the comment. However, we have provided an additional alternative in Chapter 5 Project Alternatives, Section 5.2.2.3 that does eliminate the need for the Interim Levee by having the connection under 2nd street provide the hydrology for the entire Central Area. LCWA has determined that this new alternative would not constitute significant new information that requires recirculation of the Draft PEIR for further public comment under CEQA Guidelines Section 15088.5. The additional alternative was not carried forward because it was deemed infeasible.

3. Commenter suggests alternative eliminates the need for 120-foot-wide, 15-foot-tall berms and allows for shorter and smaller berms.

    a. As noted under response 1a. above, the Interim Levee would need to be raised under this alternative and the Perimeter Levee along the Central Bryant property would remain, so this alternative would not eliminate the levees. Alternatively, we have provided an additional alternative in Chapter 5 Project Alternatives, Section 5.2.2.3, that does eliminate the need for the Interim Levee by have the connection under 2nd street provide the hydrology for the entire Central Area. In both alternatives, there would still be a need for a flood protection berm around at least the Long Beach City property, so the impact of this feature would not be eliminated, although it would be smaller than the Perimeter Levee in the proposed program.

4. Commenter suggests alternative would improve wetland connectivity by joining wetlands on both sides of 2nd Street.

    a. As noted by the comment, this alternative would increase wetland connectivity between the Long Beach City property and the Synergy sites; however, the alternative would decrease the habitat connectivity between the Long Beach City property and the Central Bryant property, Central LCWA property, and San Gabriel River. The alternative would also reduce, if not eliminate, the freshwater pulses of stormwater the Long Beach City property would receive from the San Gabriel River under the proposed program, which is considered a benefit to the system. Text has been added to Chapter 5 Alternatives, Sections 5.4.2.4 and 5.4.2.5 to clarify the potential benefit of increased wetland connectivity to Steamshovel Slough. This alternative would also reduce the creation of new habitat for special status species like the Pacific green sea turtle that live in the San Gabriel River.

5. Commenter suggests alternative would reduce the aesthetic impact by reducing the height of the berms.

    a. As noted by the comment, the alternative would reduce the height of the berms and, therefore, reduce the aesthetic impact of the proposed program. However, the Interim Levee would be raised, which would have similar or increase the aesthetic impact in that area. Text has been added to Chapter 5 Alternatives, Sections 5.4.2.4 and 5.4.2.5 to clarify the potential benefit of lowered levees to the views of the site.

6. Commenter suggests alternative would reduce the impacts associated with construction, air quality, and ground disturbance by reducing the fill volume needed in the flood control levees.

a. While the impacts associated with moving fill for the levees would be reduced, the alternative would increase impacts associated with the construction to connect the sites under 2nd Street, as discussed in Section 5.4.2.4 and 5.4.2.5. Installing culverts or a bridge would create traffic impacts and would likely result in similar noise and air quality impacts as would be caused by construction of the higher levees under the proposed program.

7. Commenter suggests alternative would reduce the berm heights, therefore, maximizing the area available for restoration.

   a. As noted by the comment, the alternative would reduce the height of the berms and, therefore, likely increase the area available for restoration compared to the proposed program. Chapter 5 Alternatives, Section 5.4.2.5 has been revised to acknowledge this. However, as noted under response 1a. above, the Interim Levee would need to be raised under this alternative, which would decrease some of the area available for restoration.

8. Commenter suggests alternative would enhance seeding and the spread of native species from Steamshovel Slough and reduces the likelihood that the river's contamination and trash could impact the Central Area.

   a. As noted by the comment, the alternative would enhance seeding and the spread of native species from Steamshovel Slough. In terms of water quality, the Los Cerritos Channel has multiple TMDLs (see Appendix J) including one for trash. The alternative would eliminate the flow from the River, but it would still bring potential contaminants to the site through the Los Cerritos Channel. Text has been added to Chapter 5 Alternatives, Section 5.4.2.4 to clarify the potential benefit of connecting to Steamshovel Slough and the change in impacts of connecting to the Los Cerritos Channel rather than the San Gabriel River.

The comment suggests avoiding immediate action on the Long Beach City property in order to ultimately restore tidal flows to the area via conduits running below 2nd Street. The proposed program is designed in phases to provide LCWA with flexibility as more information becomes available in the future. The design of the Central Area in the near-term in the proposed program would allow for a future connection under 2nd Street if LCWA determines that to be the preferred approach at a future date. If chosen as the preferred approach, LCWA would evaluate the environmental impacts of that alternative at that time when more information is available. Text has been added to Chapter 5 Alternatives, Section 5.4 Alternatives Considered and Withdrawn from Consideration, to clarify the potential for LCWA to move forward with alternatives considered and withdrawn from the PEIR.

The commenter also notes the alternative would provide more flexibility in the placement of the Beach Oil Mineral Partners' pipeline. Since the alternative would still require flood control berms around the Long Beach City property, it is not clear that this alternative would provide more flexibility for the pipeline compared to the proposed program, however, this could be explored as project design is advanced further. Any tidal connection created between the North Area and Central Area would likely need to be designed to go under the pipeline system being proposed by Beach Oil Mineral Partners.

The commenter notes that the PEIR rejects this alternative, but also points out that the PEIR explicitly states: "If the timing of that project [the Los Cerritos Wetlands Oil Consolidation and

Restoration Project] were to change, this alternative could be considered feasible." This alternative was not rejected by the LCWA. As discussed in Section 5.4, this alternative was considered and withdrawn from consideration as part of the PEIR. Text has been added to clarify that several steps would need to occur before this alternative is viable. For this reason, it was not chosen as the proposed program which was analyzed in this PEIR. However, as stated in Chapter 5 Alternatives, Section 5.4.2.4, Section 5.4.2.5; and added to Section 5.4, the design is flexible enough to incorporate this option if it is chosen as the preferred approach in the future.

The comment requests that the interplay between the City of Long Beach's Climate Action and Adaptation Plan and LCWA's Restoration Plan be explored relating to sea-level rise. The City of Long Beach is a member of the LCWA joint powers authority and is therefore engaged in both planning efforts to make sure there will be no inconsistencies.

The comment also notes that there is no analysis of the impacts that would result from constructing a connection under 2nd Street. The *CEQA Guidelines* directs that the range of alternatives be guided by a "rule of reason," such that only those alternatives necessary to permit a reasoned choice are addressed. In selecting project alternatives for analysis, potential alternatives must be feasible. Additional language has been added to Section 5.4 acknowledging that alternatives withdrawn from consideration in the Program EIR, particularly the tidal connection from the Central Area to Steamshovel Slough alternative, could become feasible in the future as all of the program uncertainties are resolved. As uncertainties are resolved, LCWA may choose to move forward with alternatives described in Section 5.4. At that time, LCWA would determine whether additional environmental documentation must be prepared. See Chapter 2, Project Description, Section 2.2 for a revised description of the CEQA process associated with restoration projects.

The commenter suggests considering raising 2nd Street as the flood control levee to also reduce the risk of flooding with sea-level rise. Text has been added to include this idea in the description of the alternative under Chapter 5 Alternatives, Section 5.2.2.3.

Response LCWLT-4

The commenter states that circulation of a Draft PEIR prior to completion of a wetlands delineation is premature. Please see Chapter 3 Biological Resources, Section 3.3.2.1 for a description of the jurisdictional delineations that have been prepared and **Table 3.3-10**, *Potential Jurisdictional Waters within the Program Area*, of the Draft PEIR which provides a summary of potential federal jurisdictional waters which include those regulated by the USACE and RWQCB as well as potential state jurisdictional waters which include those regulated by CDFW and CCC. It should also be noted that access to all the properties within the program area is not currently available for surveys because of existing land ownership. Additionally, because the restoration plan will be implemented over a 20-30-year period, perhaps even longer, delineations conducted in 2019 or 2020 would be clearly out-of-date by the time certain phases of the restoration plan are designed, let alone be implemented. As required in accordance with Mitigation Measure BIO10 in Chapter 3.4 Biological Resources, Section 3.4.5 Project Impacts and Mitigation Measures of the Draft PEIR, a jurisdictional delineation report shall be prepared that describes the jurisdictional resources and the extent of jurisdiction under the USACE, RWQCB, CDFW, and

CCC for each project-level restoration design prior to the approval of plans (i.e., North, South, Central and Isthmus).

Response LCWLT-5

The comment states that potential impacts of the San Gabriel River water quality must be explored in much greater detail moving forward. Chapter 3.8 Hydrology and Water Quality, Section 3.8.5, Impact HYD-1 discusses the potential for contaminated water and sediment from the San Gabriel River to impact the restored Central Area. Work is being done in the watershed, outside the proposed program to improve water quality in the San Gabriel River. The San Gabriel River has a Watershed Management Program, which identifies watershed control measures to help meet MS4 permit requirements and improve the water and sediment quality in the river.

Additionally, per Mitigation Measure HYD1, a Monitoring and Adaptive Management Plan (MAMP) will be developed prior to construction. The MAMP will provide a framework for monitoring site conditions and the actions that would be taken in response to the results of the monitoring. A Draft Monitoring and Adaptive Management Plan (MAMP) Framework has been added as Appendix B of the Final EIR.

Response LCWLT-6

The commenter is further concerned about the treatment of oil wells in the restoration area including wells operated by Signal Hill Oil in the Central Area and wells operated on the Hellman Ranch property and requests information the LCWA has about the number of wells located on the property, number sealed off in the last ten years, and the number that are idle. **Figure 3.5-3**, *Geology, Soils, and Paleontological Resources*, of the Draft PEIR, identifies the location of oil wells and their status (active, idle, plugged) within the program area and Section 3.7.2.2 *Hazards and Hazardous Materials* describes the presence of oil wells for all applicable areas within the program.

Response LCWLT-7

The commenter seeks LCWA's rationale for excluding the Hitchcock property from the Project and requests consideration of its inclusion in the Plan. See response to Comment No. SCWTF-7

Response LCWLT-8

The commenter requests that the Draft PEIR be revised to 1) clarify which activities LCWA believes are covered by this EIR and which activities will require further environmental review.

a. Please see response to Comment No. LCWLT-2.

The commenter encourages LCWA to limit use of the Draft PEIR to support refinement of the Los Cerritos Wetland Optimized Restoration Plan.

a. LCWA has determined the best course of action for the Los Cerritos Wetlands Complex is to prepare a Program EIR that evaluates the environmental impacts associated with the proposed program described in Chapter 2 Project Description of the Draft PEIR. As detailed in Section 2.2 of the Draft PEIR, subsequent activities in furtherance of the proposed program will be

examined in the light of the Program EIR to determine whether additional environmental documentation must be prepared.

The commenter states that an alternative that brings tidal flow to the Central Area below 2nd Street must be explored in Draft PEIR or when LCWA finalizes the Los Cerritos Wetlands Optimized Restoration Plan.

a. Please see Response to Comment No. LCWLT-3.

The commenter states that LCWA must perform studies and analysis needed to adequately disclose, analyze, and mitigate the Project's likely impacts on wildlife and sensitive species.

a. Please see Response to Comment No. CDFW-2.

The commenter requests the following steps:

1. LCWA responds to comments and revises the text of the Draft PEIR to clarify that the PEIR is intended to inform the Los Cerritos Wetlands Optimized Restoration Plan and not to provide environmental review for activities listed in the PEIR, to reclassify the alternative for the Central Area as an alternative for incorporation in the Los Cerritos Wetlands Optimized Restoration Plan, and to proceed only with restoration projects or activities that have been fully addressed by a certified EIR or are exempt from CEQA.
    a. LCWA has prepared a PEIR that evaluates the environmental impacts associated with the proposed program described in Chapter 2 of the Draft PEIR. Several steps would need to occur before the alternative to connect the Central Area to Steamshovel Slough is viable. However, as stated in Chapter 5 Alternatives, Section 5.4.2.4 and Section 5.4.2.5 and added to Section 5.4, the design is flexible enough to incorporate this option if it is chosen as the preferred approach in the future. Section 2.2 of the Draft PEIR has been modified to clarify the steps LCWA will take regarding environmental documentation for restoration projects and activities that occur after the certification of this PEIR.
2. If LCWA certifies the PEIR, it will be for the purpose of informing the drafting of the Los Cerritos Wetlands Optimized Restoration Plan.
    a. As described in Chapter 2 Project Description, Section 2.1.2, the restoration design presented in the Los Cerritos Wetlands Optimized Restoration Plan will be informed by this PEIR and public input while maintaining consistency with the framework provided by the Conceptual Restoration Plan.
3. The commenter requests that the Optimized Restoration Plan will be subject to review.
    a. Additional discussion has been added to Chapter 2 Project Description, Section 2.1.2 stating that following certification of the PEIR by the LCWA, the Los Cerritos Wetlands Optimized Restoration Plan will be finalized with input from public agencies, tribal representatives, stakeholders, landowners, and the community, and adopted by the LCWA.

Response LCWLT-9

The commenter provides a map of the Maximum Alternative from the LCWA Conceptual Restoration Plan but does not otherwise raise any specific issues regarding the content and

adequacy of the Draft PEIR. As such, no further response is warranted. Please also see the response to comment no. LCWLT-3.

Response LCWLT-10

The commenter is concerned that the Draft PEIR fails to adequately disclose, analyze, and mitigate the Project's impacts on biological resources of Los Cerritos Wetlands as required by the California Environmentally Quality Act, that the Draft PEIR lacks specificity in the project description and is missing necessary, baseline information. The commenter notes that the Project's significant and adverse environmental impacts would be reduced under an alternative that connects the Central Area to the North Area.

See Response to Comment No. CDFW-2 which states that access to all the properties within the program area is not currently available for surveys because of existing land ownership, that numerous studies have been conducted regarding the biological resources of the program areas, that surveys conducted now would be out-of-date by the time certain phases of the restoration is designed, and that mitigation measures for this PEIR are designed to augment the baseline understanding of the resources for each phase of the restoration plan and to focus avoidance in the restoration design where special-status species are documented. Because the restoration program will be developed over a multi-year schedule, impacts for each restoration phase will be subsequently evaluated and mitigation implemented according to the program mitigation measures, as modified in this PEIR and in additional CEQA analysis. Response to Comment No. CDFW-2 goes on to state that mitigation measures in Section 3.3.5 have been modified to clarify that areas that are in future phases for restoration efforts will have surveys completed prior to design of the restoration plans. It must also be stated that as each phase of the restoration plan is designed, current field surveys will be conducted to define the baseline conditions at the time of the restoration plan. Chapter 2 Project Description, Section 2.2 Program Area, of the Draft PEIR has been modified to identify the steps LCWA will take to determine the necessary environmental documentation associated with individual restoration projects. This determination will be based on whether an individual restoration project would have a new significant effect and/or a substantially more severe environmental effect that was not examined in the Program EIR. Please also see the response to Comment No. LCWLT-3 regarding the alternative to connect the Central Area to the North Area.

Response LCWLT-11

The commenter claims that the biological resources analysis is inadequate because of insufficient or incomplete baseline data resulting from inadequate surveys conducted on portions of the program area. The comment continues that the entire program area was not surveyed, e.g., Hellman Retained site, Los Alamitos Retarding Basin site, South LCWA site, and Northern and Southern Synergy Oil sites had no recent surveys. The commenter claims that the 2019 Coastal Restoration Consultants surveys were limited and insufficient. As a consequence of the inadequate surveys, the information disclosure, analysis, impact assessment and mitigation are not acceptable. As such, the PDEIR analysis must be expanded and recirculated.

The nature of this program EIR contemplates that future surveys are inherent in the phased aspect of the restoration program and additional surveys will be conducted. This especially applies to certain areas of the restoration program area that are private property and/or not currently accessible to LCWA. LCWA concurs that an adequate baseline is necessary and this is part of the restoration program, as future surveys are a necessary part of each project-level design phase, especially in designing to avoid impacts to special-status species.

When plant species blooming periods overlap, there is no need to survey separately for each species. For example, *Camissoniopsis lewisii*, which flowers between March – May, and *Lasthenia glabrata* ssp. *coulteri*, which flowers between Feb – June, have blooming periods that overlap from March to May. Consequently, both species can be surveyed during the month of April or May, with a latter May survey also capturing the potential for *Centromadia parryi* ssp. *australis* (May - Nov) to occur, as well.

The surveys conducted for the PEIR provided ample results in order for the program EIR to establish an information basis for future program development. Seven special-status species, including all three species mentioned above, were observed within the program area. These seven species are *Lycium californicum* (California boxthorn), *Lasthenia glabrata* ssp. *coulteri* (Coulter's goldfields), *Suaeda esteroa* (estuary seablite), *Suaeda taxifolia* (woolly seablite), *Camissoniopsis lewisii* Lewis' (evening primrose), *Centromadia parryi* ssp. *australis* (southern tarplant), and *Juncus acutus* ssp. *leopoldii* (southwestern spiny rush). Although special-status species listed in **Table 3.3-2**, *Special-Status Plants with Potential to Occur*, of the Draft PEIR, are included because suitable habitat is present for these species, only three special-status species beyond the seven species observed, *Abronia maritima* (red sand-verbena), *Chloropyron maritimum* ssp. *maritimum* (salt marsh bird's beak), and *Astragalus pycnostachyus* var. *lanosissimus* (Ventura marsh milk-vetch), have a moderate potential to occur, and the latter has not previously been recorded south of the Ballona Wetlands area.

Table 1 below lists all special-status plant species with some potential to occur within the restoration program area with the flower periods recorded for each species. It indicates that surveys conducted in the months of May and June, the months during which the majority of surveys for this EIR were conducted, occurred during the flower periods for all but one special status species. *Helianthus nuttallii* ssp. *parishii* (Los Angeles sunflower) does not flower during those two months and this species is presumed to be extinct.

As discussed above, the plant surveys cited in the preparation of this PEIR were conducted in appropriate times and in appropriate manners to inform the public and decision makers on the potential impacts the restoration program may have on special-status species and re-circulation is not required. New, appropriately-timed plant surveys will be conducted as required under the revised Mitigation Measure BIO1, which incorporates the recommendations of this comment for surveys in areas not covered during the earlier survey, and during the appropriate blooming periods for those species with the highest potential to occur. The timing of these surveys will occur prior to the designing of each restoration project that tiers off, which will certainly occur well prior to any planned construction. With the new surveys and the restoration design details, additional environmental analysis will occur in compliance with CEQA.

TABLE 1
FLOWERING PERIODS FOR POTENTIAL SPECIAL-STATUS PLANT SPECIES

Common Name	Species Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
red sand-verbena	*Abronia maritima*		X	X	X	X	X	X	X	X	X	X	X
chaparral sand verbena	*Abronia villosa* var. *aurita*	X	X	X	X	X	X	X	X	X			
aphanisma	*Aphanisma blitoides*			X	X	X	X						
Ventura marsh milk-vetch	*Astragalus pycnostachyus* var. *lanosissimus*						X	X	X	X	X		
Coulter's saltbush	*Atriplex coulteri*					X	X	X	X	X	X		
south coast saltscale	*Atriplex pacifica*			X	X	X	X	X	X	X	X		
Davidson's saltscale	*Atriplex serenana* var. *davidsonii*					X	X	X	X	X	X		
Catalina mariposa-lily	*Calochortus catalinae*			X	X	X	X						
Plummer's mariposa-lily	*Calochortus plummerae*					X	X	X					
intermediate mariposa-lily	*Calochortus weedii* var. *intermedius*					X	X	X					
*Lewis' evening primrose	*Camissonionsis lewisii*					X	X						
*southern tarplant	*Centromadia parryi* ssp. *australis*					X	X	X	X	X	X	X	
salt marsh bird's-beak	*Chloropyron maritimum* ssp. *maritimum*					X	X	X	X	X	X		
small-flowered morning-glory	*Convolvulus simulans*			X	X	X	X						
Many-stemmed dudleya	*Dudleya multicaulis*				X	X	X	X					
Los Angeles sunflower	*Helianthus nuttallii* ssp. *parishii*								X	X	X		
vernal barley	*Hordeum intercedens*			X	X	X	X						
decumbent goldenbush	*Isocoma menziesii* var. *decumbens*				X	X	X	X	X	X	X	X	
*southwestern spiny rush	*Juncus acutus* ssp. *leopoldii*					X	X						
*Coulter's goldfields	*Lasthenia glabrata* ssp. *coulteri*		X	X	X	X	X						
*California box-thorn	*Lycium californicum*					X	X	X	X				
mud nama	*Nama stenocarpum*			X	X	X	X	X	X	X	X		
prostrate navarretia	*Navarretia prostrata*				X	X	X						
coast woolly-heads	*Nemacaulis denudata* var. *denudata*				X	X	X	X	X	X			
Lyon's pentachaeta	*Pentachaeta lyonii*			X	X	X	X	X	X				
south coast branching phacelia	*Phacelia ramosissima* var. *austrolitoralis*			X	X	X	X	X	X				
Brand's star phacelia	*Phacelia stellaris*			X	X	X	X						
salt spring checkerbloom	*Sidalcea neomexicana*			X	X	X	X						
*estuary seablite	*Suaeda esteroa*					X	X	X	X	X	X		
*woolly seablite	*Suaeda taxifolia*	X	X	X	X	X	X	X	X	X	X	X	X

All but three of the special-status plant species claimed by the commenter that they were not surveyed, were analyzed in **Table 3.3-2**, *Special-Status Plants with Potential to Occur*, of the Draft PEIR, as having low potential to occur or are unlikely to occur. It is not clear why the other three species are included in the comment; *Euphorbia misera* has not been recorded as far north as Los Cerritos; *Centromadia pungens* ssp. *laevis* has a single historical record along the coast, all other records are at interior locations; and *Astragalus hornii* var. *hornii* has never been recorded along the coast.

Response LCWLT-12

The commenter asks whether the Glenn Lukos Associates (GLA) surveys covered the entire restoration program area and if all rare plant species with the potential to occur were surveyed. In addition, the commenter states that vegetation communities may change over time and the vegetation community mapping in the PEIR may not be accurate because the vegetation mapping surveys are too old.

It is agreed that vegetation communities have the ability to change over time. Accurate vegetation mapping is an important aspect of the restoration design because the restoration program area will incorporate those healthy natural communities into the future restoration phases as areas to be preserved. Because the restoration plan will be implemented over a 20-30-year period, perhaps even longer, new surveys will be required as surveys conducted in 2019 or 2020 would be clearly out-of-date by the time certain project-level restoration plans are designed. In that regard, the GLA surveys did not cover the entire restoration program area but focused on the North Area. The surveys conducted by Tidal Influence and Coastal Restoration Consultants provided additional information for Section 3. The GLA surveys covered all potential impact areas location within the North Area.

Another comment correctly states that surveys conducted after below average rainfall years are discouraged by both CDFW and USFWS since such surveys may not reflect a normal depiction of a plant species population. This comment is acknowledged. Surveys in support of the restoration program that will be designed over several years will have ample opportunity to conduct such surveys in years having average or above rainfall seasons. This same comment suggests that point counts be conducted for bird species in order to accurately understand how each species is utilizing the site resources. Point counts to document bird usage is not required and usually not undertaken for inventory surveys used for the preparation of environmental documents. Point count surveys are more appropriately used when ascertaining the extent to which an area or habitat is used by one or more species. Such technique is not required in analyzing the potential impacts of the restoration program, which itself is designed to improve the habitat for use by all coastal wildlife species in the region.

The Coastal Restoration Consultants (CRC) reports were conducted in 2018 but the CNPS and the CNDDB records searches were conducted by ESA in 2019. During the CRC surveys conducted in 2018, the biologists surveyed the accessible areas on foot and documented all biological resources related to their tasks of vegetation mapping, jurisdictional delineation, mapping of ESHA, and secondarily observation on special-status species. A full list of species observed was not included because the objective of the survey was not to inventory all plant and

wildlife species encountered during their site survey. However, the Habitat Assessment performed for the LCWA' Conceptual Restoration Plan does include an inventory of all plant and wildlife species.

The GLA focused botanical surveys are valid surveys but are not current. As explained in Response LCWLT-11, new rare plants surveys will be conducted to inform project-level restoration plans when they tier off from the Program. This approach will ensure that project-level restoration designs are developed with the most current information. It is routine practice that focused botanical surveys be floristic in nature to identify all species encountered, which implies that any rare plants and species with a potential to occur within the survey area would be captured. No species were specifically omitted during focused rare plant surveys.

It is acknowledged that the GLA burrowing owl surveys are outdated. Mitigation Measure BIO5 requires new surveys to be completed and the timing on the surveys will be prior to project-level restoration plan design.

Similarly, it is acknowledged that the jurisdictional delineation surveys will need to be updated and to include all portions of the restoration program area and these surveys will be timed to be completed prior to each project-level restoration design phase.

IPaC is a valuable database resource for records of species listed under the Federal Endangered Species Act. A quick search of IPaC yields the same species as recorded in the CNDDB with the addition of light-footed Ridgway's rail (*Rallus obsoletus levipes*). This species was not observed during surveys but has a high potential to occur. Section 3.3 Biological Resources in Table 3.3-5 and Section 3.3.2.5 mistakenly stated that this species was observed.

ESHA designation under the California Coastal Act considers the presence of special-status species but also acknowledges the habitat as being easily disturbed by human activities. It is acknowledged that areas within the restoration program area would qualify as ESHA wherever habitat supports special-status species or where sensitive natural communities exist. If additional special-status species are found during subsequent surveys, e.g., burrowing owl or light-footed Ridgway rail, these areas would also qualify as being potential ESHA. With the successful implementation of the restoration program, most, if not all, of the program area may qualify for designation as ESHA.

Response LCWLT-13

The commenter asserts that the PEIR noise analysis is focused on impacts to humans and does not address potential noise impacts on wildlife, for which small changes in ambient noise levels may alter animal behavior.

This comment is correct; PEIR Section 3.11 focuses entirely on the proposed Program's noise impacts on humans and proximate sensitive noise receptors. However, the indirect effects of noise on wildlife is discussed in Chapter 3.3 Biological Resources. In particular, noise impacts on Belding's savannah sparrow are discussed in Section 3.3.5, Program Impacts and Mitigation Measures. Indirect noise impacts are also addressed for California back rail, Ridgway's rail, and

yellow rail. All noise impacts would be temporary and associated with construction. The construction would be phased over the multiple years of the restoration program and would not concentrate temporary construction noise in any one location of the program area. With the incorporation of Mitigation Measure BIO4, potential disruption of bird nesting will be less-than-significant, as construction noise will either be avoided by working during the non-breeding season, or will require the placement of a buffer around an active nest that will attenuate noise levels at the nest to the 60 dBA level. Noise attenuation (i.e., reduction) is about 6 dBA for each doubling of distance from the source. Thus, buffers of 200 and 400 ft. will reduce the source noise by 12 dBA and 18 dBA, respectively. Specifying noise limits for each species is speculative as each species and individuals of each species have different tolerances and so the 'industry standard' of 60 dBA is the target level. Ambient noise level for the wetlands are found in Chapter 3.11 Noise. Additionally, program construction noise would not be of a magnitude to potentially combine with other cumulative projects potentially located in immediate proximity to the program area, where the noise could, but do not, combine together to cumulatively substantially temporarily increase the ambient noise environment in the program area. Therefore, program construction would not be a cumulatively considerable noise impact.

Response LCWLT-14

The commenter states that the Draft PEIR must be recirculated due to the inadequacies in the biological resources analysis, based on the commenter assumption that significant new information will be needed to address the inadequacies of the biological resources analysis.

The PEIR biological resources analysis is not deficient based on the understanding that the analysis is at the program-level. State CEQA Guidelines Section 15168 provides for a program-level analysis when a series of actions are related geographically, such as for this restoration program. The program presents the phased design of restoration of the Los Cerritos Wetlands Complex, some properties of which are privately owned and/or inaccessible to the LCWA. As required by Section 15168, later activity, i.e., development of the individual project-level restoration plans, may require additional environmental review if the new activity may have significant effects not previously examined.

As detailed in Responses to Comments Nos. CDFW-2 and CDFW-3, numerous biological studies, including botanical surveys and focused special-status species surveys, were conducted within the program area. However, access to all properties within the program area is not currently possible for surveys because of existing ongoing private operations. In addition, each project-level restoration plan design will be preceded by new biological surveys and will require further CEQA analysis at the project-level.

Please also see Responses to Comments Nos. LCWLT-11 and LCWLT-12 above regarding the adequacy of the biological resources analysis.

Response LCWLT-15

The commenter provides the California Coastal Commission staff report for Item A-5-LOB-10-015-A1 (6400 E. Loynes Dr., SEADIP Subarea 23) but does not otherwise raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted. Please also see the Response to Comment LCWLT-7.

Response LCWLT-16

Responses to the referenced letter are provided above in Responses to Comments Nos. LCWLT-1 to LCWLT-15.

Comment Letter SCWTF

July, 6, 2020

To: Los Cerritos Wetlands Authority

From: Sierra Club Los Cerritos Wetlands Task Force, Sierra Club Long Beach Area Group, Citizens About Responsible Planning, Protect the Long Beach/Los Cerritos Wetlands Coalition, Puvugna Wetlands Protectors

Comments on the Los Cerritos Wetlands Restoration Plan PEIR

SCWTF-1 The proposed program is enormous in scope. This is a high level document and the analyses are conceptual and theoretical rather than addressing a solid plan. Each project within the larger scope of this PEIR needs to be individually planned in detail and submitted separately for governmental approval after being approved by a panel including local residents, Native American representatives, and representatives from environmental groups such as Sierra Club as well as your current technical advisory committee. A process for planning and approving individual projects should be included. Additionally, there has been insufficient public outreach to truly inform the public about all that this project entails. The PEIR is so different from the concepts briefed at meetings we attended in 2018 as to be almost unrecognizable. The 2020 virtual meeting which we recently reviewed was also not sufficient to inform the public. Each individual program area deserves a briefing!

SCWTF-2 In the Northern Area, the idea of dredging Steam-shovel Slough is alarming, considering it will destroy existing fauna and flora. Removal of non-native species and replacement with native species is a worthy goal, but must be done slowly and carefully to avoid impacting local wildlife and ensure survival of the native species.The notion of flooding the South Synergy oilfield is alarming because unless there is a great deal of mitigation, the soil polluted with hydrocarbons and other toxic chemicals will poison the whole slough! It appears that the current salt flats, a

SCWTF-3 traditional tribal resource, will also be completely destroyed. The impacts to nearby residential areas of the

SCWTF-4 proposed berms and expanded salt marsh has not been dealt with at all. The berms are huge and obtrusive. Construction alone would impact the area for years. Who will pay to construct berms to protect oil wells? What about allowing the polluted floodwater from the San Gabriel river to inundate the man-made marsh? That water is deemed unsafe for swimmers in the ocean. Will we have three eyed frogs, infertile fish,sick birds in the marsh?

SCWTF-5 In all areas, a lot of grading has been proposed. It is stated that much of the area is covered with imported soil and debris. Unless grading is confined to removing the imported dirt from those areas as defined by careful testing for depth and spread, it could also disturb paleontological and cultural remains. Also, consideration and care needs to be given to avoiding the destruction of current ecological communities.

In short, this is a huge plan which does not address many issues some of which we document in detail below.

S.5.4 Los Cerritos Wetlands Oil Consolidation and Restoration Project

A project-level EIR was prepared for the City of Long Beach to evaluate the environmental effects associated with the Los Cerritos Wetlands Oil Consolidation and Restoration Project (State Clearinghouse Number 2016041083).

SCWTF-6 The project applicant, Beach Oil Minerals Partners (BOMP), proposes to consolidate existing oil operations and implement a wetlands habitat restoration project in portions of the North and Central Areas within the program area and on property that fall completely outside the program area. The EIR was certified by the City of Long Beach City Council on January 16, 2018. The Local Coastal Program Amendment associated with the Los Cerritos Wetlands Oil Consolidation and Restoration Project was approved by the California Coastal Commission (CCC) on August 8, 2018, with modifications to the amendment approved on October 2, 2018. The Coastal Development Permit was conditionally approved by the CCC on December 13, 2018. This PEIR relies on the technical analysis, impact discussion, and mitigation measures documented in the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR (State Clearinghouse Number 2016041083) for a portion of the program area. No new information of substantial importance or change in circumstance with the Los Cerritos Wetlands Oil Consolidation and Restoration Project requires re-evaluation of the analysis in that EIR.

No mention is made of the current lawsuit by the Puvunga Wetlands vs the CA Coastal Commission concerning the Coastal Development Permit approved on 12/13/18. It would appear that the court's decision could require re-evaluation of the analysis in that EIR.

CHANGES FROM THE CONCEPTUAL PLAN

SCWTF-7 This Program EIR does not follow the Final Conceptual Plan for this restoration, which includes the LCWA's OCD property, the Loynes Triangle on the north and the triangle on Loynes Drive and Studebaker adjacent to Steamshovel Slough. (See attached maps). This is the property that SEADIP designates as a visitor center, not the Synergy or States Lands property. Please explain why these three properties were removed from the Los Cerritos Wetlands Complex.

OTHER CHANGES FROM THE CONCEPTUAL PLAN

Synergy portion: Preserve brackish marsh habitats, upland habitats and restore stormwater treatment wetlands. Instead, Table 2-12 in the PEIR shows all non-tidal salt marsh and all uplands will become tidal salt marsh. In addition, the existing 9.8 acres of salt flats will be eliminated. SCWTF-8 In the 2018, Wetlands Recovery Project, Erin Beller writes:

Due to their dynamic nature, salt flats can provide a broad array of wildlife support functions varying by landscape position (e.g., supratidal or intertidal) and degree of inundation (Table 1). Some of these functions are coincident with those provided by estuarine lagoons and ponds (when flooded) or sand dunes (when dry); others are more unique to salt flats (e.g., habitat for tiger beetles and rove beetles) (Zedler et al 1992). When flooded, for example, salt flats can support foraging for resident and migratory birds: dabbling ducks and shorebirds can feed on invertebrates, invertebrate larvae, and the occasional small fish (Schaffner 1986, Williams, Desmond & Zedler 1998), while diving birds such as grebes, cormorants, and ruddy ducks can feed in deeper water (Beller et al. 2014). Drying salt flats can provide breeding habitat for the state- and federally endangered California least tern and federally threatened western snowy plover, in addition to resident birds such as black-necked stilts and

American avocets. When dry, salt flats can support roosting and refuge for birds able to congregate safely in the large open space, as well as corridors for traveling mammals and habitat for invertebrates such as tiger and rove beetles and micro-crustacean and aquatic insects such as water boatman and brine flies. See attachment for more on Salt Flats.

SCWTF-8 End

SCWTF-9 According to Tables 2-6, 2-8 and 2-10, all 18.5 acres of existing salt flats in the Los Cerritos Wetlands are to be eliminated, along with 67.9 acres of existing Upland Habitat. Both salt flats and upland are necessary habitat for all wetlands wildlife.

Chapter 3. Environmental Setting, Impacts, and Mitigation Measures

SCWTF-10 This chapter acknowledges that the Los Cerritos Wetlands, although degraded and full of oil operations, currently contains a large number of native plants, birds, mammals, reptiles, invertebrates and insects. (we find no mention of amphibians, although we have been told there are frogs in the seasonal wetlands). The PEIR also acknowledges that construction and recreational activities are likely to destroy habitat for these species, but that the mitigations will bring back all displaced plants and animals in years to come.

Section 3.3. Biological Resources

SCWTF-11 If special-status plants cannot be avoided, they shall be incorporated into the proposed program's restoration design at a minimum ratio of 1:1 (one plant planted for every one plant removed, . . .

We believe the CA Coastal Commission requires a replacement ratio of 4:1 replacement for Special-status wetlands plants. 1:1 replacement is definitely inadequate.

SCWTF-12 Mitigation Measure BIO-2: Environmental Awareness Training and Biological Monitoring. Prior to commencement of activities within the program area, a qualified biologist shall prepare a Worker Environmental Awareness Program (WEAP) that provides a description of potentially occurring special-status species and methods for avoiding inadvertent impacts. The WEAP training shall be provided to all construction personnel. Attendees shall be documented on a WEAP training sign-in sheet.

Training is a good idea for workers. In addition, a qualified biologist should be onsite at all times to prevent workers from creating "inadvertent impacts".

SCWTF-13 Mitigation Measure BIO-3: Belding's Savannah Sparrow Breeding Habitat. Prior to the commencement of activities within the program area, a qualified biologist shall map suitable Belding's savannah sparrow habitat as the location and amount of suitable habitat is anticipated to change over time. Project activities shall be limited to July 16 through February 14 within suitable coastal marsh habitat to avoid impacts to breeding Belding's savannah sparrow. Suitable Belding's savannah sparrow breeding habitat that will be impacted by the proposed program shall be created within the program area at a minimum ratio of 1:1 (area created:area impacted). . .

Again, 1:1 created habitat is inadequate. And where are the Savannah Sparrows and other birds supposed to go during non-nesting season? Savannah Sparrows, along with many other wetlands birds do not migrate, but live

and forage in the wetlands all year. Where are the mitigations for construction in their foraging areas from July 16 through Feb. 14?

Mitigation Measure BIO-4: Nesting Bird and Raptor Avoidance. A qualified biologist shall identify areas where nesting habitat for birds and raptors is present prior to the commencement of activities within the program area. To ensure the avoidance of impacts to nesting avian species, the following measures shall be implemented:

- Construction and maintenance activities shall be limited to the non-breeding season (September 1 through December 31) to the extent feasible. If construction or maintenance activities will occur during the avian nesting season (January 1 through August 31), a qualified biologist shall conduct pre-construction nesting avian surveys within no more than 5 days prior to the initiation of construction activities to identify any active nests. If a lapse in work of 5 days or longer occurs, another survey shall be conducted to verify if any new nests have been constructed prior to work being reinitiated.

SCWTF-14

These construction dates are more likely to protect nesting birds than those dates quoted to protect Savannah Sparrows. Why are they not the same? Again, how will the foraging and roosting areas be protected?

- If active nests are observed, an avoidance buffer shall be demarcated by a qualified biologist with exclusion fencing and shall be maintained until the biologist determines that the young have fledged and the nest is no longer active.

SCWTF-15

Many juvenile birds return to the nest to be fed even after fledging. Fencing does not protect birds from the noise of construction, which can cause parents to abandon the nests. There should be no construction during nesting season, period.

Mitigation Measure BIO-5: Habitat Assessment and Pre-Construction Surveys for Burrowing Owl. A qualified biologist shall conduct a pre-construction burrowing owl survey of the program area within suitable habitat prior to construction activities. If burrowing owls are detected, a Burrowing Owl Management Plan shall be prepared and approved by CDFW, and implemented, prior to commencement of construction. The Burrowing Owl Management Plan shall be prepared in accordance with the CDFW 2012 Staff Report on Burrowing Owl Mitigation and shall address specific minimization and avoidance measures for burrowing owls, such as avoidance of occupied habitat, translocation of individuals, and on site revegetation.

SCWTF-16

We would hope that moving Burrowing Owls would be prevented by CDFW. We ask that this alternative be removed. These birds are so rare now, there should be no disturbance of any kind of their habitat.

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

SCWTF-17

We see no reason to have nighttime lighting anywhere within the wetlands. The visitor center, parking lot and trails should be open during the daytime only. Emergency lighting must be shielded and non-glare.

Mitigation Measure BIO-7: Pre-Construction Bat Surveys. A qualified biologist shall conduct a pre-construction bat survey of the program area prior to construction activities. Prior to commencement of construction activities, a qualified biologist shall conduct a pre-construction clearance survey of suitable bat roosting habitat, such as mature palm trees. If bats are determined to be roosting, the biologist will determine whether it is a day roost (non-breeding) or maternity roost (lactating females and dependent young). If a day roost is determined, the biologist shall ensure that direct mortality to roosting individuals will not occur by requiring that trees with
SCWTF-18 roosts are not directly impacted (e.g., removed) until after the roosting period.
No trees should be removed from the wetlands until replacement trees are large enough to provide roosting for bats and birds.
The PEIR refers many times to the removal of non-native plants and 'weeds' which are currently being used by many animals for forage and shelter. What methods will be used for removal? What will the animals use until the replaced natives are large enough to provide food, nesting and roosting habitat?

Chapter 3. Environmental Setting, Impacts, and Mitigation Measures Section 3.3. Biological Resources
Mitigation Measure BIO-8: Focused Surveys for Special-Status Wildlife Species.
Should suitable habitat occur, a qualified biologist shall conduct focused habitat assessments and focused surveys for special-status wildlife species listed in Table 3.3-4. Both habitat assessments and focused surveys shall occur prior to LCWA's approval of the project plans or the publication of subsequent CEQA documents for any project site that potentially contains special-status species. Agency-approved protocols shall be used for specific species where appropriate during the required or recommended time of year. For all other target (special-status) species, prior to initiating surveys, survey methods shall be verified and approved in writing by CDFW and USFWS for all state- and/or federally-protected species, respectively. If special-status species are detected, a Wildlife Avoidance
SCWTF-19 Plan shall be prepared and approved by CDFW and USFWS prior to commencement of construction. The Wildlife Avoidance Plan shall include specific species minimization and avoidance measures, measures to minimize impacts to occupied habitat, such as avoidance and revegetation, as well as relocation/translocation protocols.
If special-status species cannot be avoided, Incidental Take Permits from the United States Fish and Wildlife Service and California Department of Fish and Wildlife will be required. If an incidental take permit is being obtained, compensatory mitigation for the loss of occupied habitat shall be provided through purchase of credit from an existing mitigation bank, private purchase of mitigation lands, or on-site preservation, as approved by the resource agencies. Compensatory mitigation shall be provided at a 1:1 ratio to reduce potential effects to less-than-significant levels.
Again, 1:1 replacement is inadequate. Where will the "Purchase of credit from an existing mitigation bank" occur? Removing habitat from the Los Cerritos Wetlands and purchasing mitigation from the Upper Los Cerritos Wetlands Mitigation Bank is fraudulent.

Significance after Mitigation
Less than Significant with Mitigation

Impact BIO-2: The proposed program would result in a significant impact if the proposed program would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or United States Fish and Wildlife Service.

SCWTF-20

Agree

Construction

Direct impacts would be limited to grading necessary to reintroduce tidal flows, restore native plant communities, construction of the trails and berms, as well as temporary impacts associated with enhancement and development of berms and trails, and infrastructure and utility modifications. The following CDFW Sensitive Natural Communities and riparian habitats are present within the program area: Anemopsis californica – Helianthus nuttallii – Solidago spectabilis Herbaceous Alliance, Arthrocnemum subterminale Herbaceous Alliance, Baccharis salicina Provisional Shrubland Alliance, Cressa truxillensis – Distichlis spicata Herbaceous Alliance, Frankenia salina Herbaceous Alliance, Isocoma menziesii Shrubland Alliance, Leymus cinereus – Leymus triticoides Herbaceous Alliance, Salicornia pacifica Herbaceous Alliance, Salix gooddingii Woodland Alliance, Schoenoplectus californicus – Typha (angustifolia, domingensis, latifolia) Herbaceous Alliance and Spartina foliosa Herbaceous Alliance. Impacts associated with implementation of the proposed program will consist of grading, berm installation, fill for the overlook terrace, berm/road removal, sidewalk grading, and relocation of infrastructure and utilities. These direct impacts would be temporary given that these areas would be restored to coastal salt marsh, transitional wetland, or other native habitat as part of the proposed program. As such, there would be no net loss of habitat following implementation of the proposed program.

SCWTF-21

Signs would be installed along restored trails to inform the public of the sensitive habitats and to prohibit access into the restoration areas. Trails would be separated from the wetland areas by native upland buffer. A visitor center would be constructed on an existing raised building pad.

Disagree. Berms, sidewalks, trails and parking lots all remove habitat. These additions are not wetlands restoration. The proposed visitor center on the State Lands property is on restorable wetlands which already contain special status plants and animals. Better to tear up the building foundation and restore uplands at this location.

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

Construction

SCWTF-22

Direct impacts to jurisdictional waters and wetlands would occur on all four areas. However, the impacts that would occur are associated with the implementation of the proposed program, which would result in long-term preservation, restoration and enhancement of waters of the United States/state. As such, no compensatory mitigation for temporary loss of waters of the United States/state is required; however, permits and/or approvals from the USACE, RWQCB, CDFW, and the CCC would be required for impacts to resources under their jurisdiction.

Plan and Mitigation Measure BIO-9. This includes temporary direct impacts to jurisdictional resources during the creation of tidal channels. The habitat types proposed for restoration will include coastal salt marsh and transitional wetland habitats, as well as establishment of upland scrub buffers. The primary goal of the proposed program is the restoration and expansion of coastal salt marsh throughout much of the program area including on existing oil production facilities, much of which includes jurisdictional waters. There will be a net increase in jurisdictional wetlands and waters following implementation of the proposed program.

Operation

SCWTF-22 cont.

The proposed program includes consolidation and abandonment of oil wells and associated racks and pipelines. Based on the guidelines set forth for removal by the California Geologic Energy Management Division (CalGEM) and the already disturbed areas that surround the wells that would be used to facilitate the removals, impacts to jurisdictional wetlands or waters are not anticipated. By restoring tidal connection, the proposed program could impact but is not anticipated to significantly affect wetland habitats by allowing rising sea levels to enter and flood the marsh. In some locations, such as in the South Area, the new tidal connection to the Haynes Cooling Channel would improve the hydrology in the wetlands with sea-level rise as compared to existing conditions, where drainage would be limited under sea-level rise. In the Central Area, the existing tidal connection provides only minor inundation of the site, and the proposed program would expand this and create much more tidal salt marsh. With sea-level rise, there would still be more tidal marsh for a longer period of time and with more natural hydrology in the Central Area under the program than under Existing Conditions. However, it is also anticipated that portions of the restored habitat would eventually convert from tidal marsh to mudflat and eventually subtidal habitat. As part of the Hydrodynamics Modeling Technical Report (ESA 2020), State projections (OPC 2018) were used to develop sea-level rise scenarios for the program. The scenarios identify 1.7 feet of sea-level rise between 2040 and 2070 and 3.3 feet of sea-level rise between 2070 and 2110. The Hydrodynamic Modeling Technical Report also provides habitat elevation bands and how the elevations are expected to change over time with sea-level rise. Grading plans developed during the design phase of projects within the proposed program will evaluate the balance of marsh habitat today and into the future based on the habitat elevation bands. An in-depth analysis and discussion of sea-level rise can be found in Section 3.8, Hydrology and Water Quality, of this PEIR.

The primary goal of the proposed program is the restoration and expansion of coastal salt marsh throughout much of the program area including on existing oil production facilities, much of which includes jurisdictional waters. As indicated above, there will be a net increase in jurisdictional wetlands and waters following implementation of the proposed program. Any inadvertent impacts that may occur to jurisdictional wetlands during the oil operation abandonment period would be restored in accordance with a Restoration Plan and Mitigation Measure BIO-9. Impacts to jurisdictional waters and wetlands would be less than significant with the implementation of a Monitoring and Adaptive Management Plan and Mitigation Measure BIO-9, Mitigation Measure BIO-10 that requires a jurisdictional delineation and issuance of jurisdictional resources permits as well as Mitigation Measure BIO-11 that requires a functional assessment of the wetland areas that will be restored in the program area.

Again, this is not a restoration plan, but a plan to turn a functioning, but degraded seasonal wetlands into a saltwater marsh. Yes, more salt water marshes are needed, but so are brackish, seasonal ones. The ends do not

justify the means. It is agreed that sea level rise will eventually turn the Los Cerritos Wetlands into a salt marsh since it has been cut off from the San Gabriel River for 70 years, but why hasten the process? The goal of this plan appears to be not restoration, but replacement, and the construction of levees to protect oil operations remaining in the wetlands, as well as commercial properties, from sea level rise.

SCWTF-22 End

Mitigation Measure

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

1. If avoidance is not feasible, prior to ground disturbance activities that could impact these aquatic features, the project applicant shall file the required documentation and receive the following.

a. Nationwide Permit or equivalent permit issued from USACE;

b. Water Quality Certification issued from the Los Angeles RWQCB;

c. Streambed Alteration Agreement issued from CDFW; and

d. Coastal Development Permit issued from CCC.

2. Compensatory mitigation for impacts to jurisdictional resources is not anticipated as the proposed program's goal is the restoration and expansion of coastal salt marsh within the proposed program.

3. The project proponent shall comply with the mitigation measures detailed in permits issued from the USACE, RWQCB, CDFW, and CCC.

SCWTF-23

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

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

Significance after Mitigation

SCWTF-23 End

Less than Significant with Mitigation

These mitigation measures assume many facts not in evidence.

There is no guarantee that monitoring efforts will result in no net loss of aquatic resource functions and an increase in wetlands functions. As Dr. Joy Zedler discovered, restoring wetlands is easier said than done. https://news.osu.edu/do-mitigated-wetlands-really-work-only-time-will-tell/

Impact BIO-4: The proposed program would result in a significant impact if the proposed program would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Construction

The San Gabriel River levees act as a terrestrial wildlife corridor and are the only terrestrial wildlife corridor within or adjacent to the program area. Terrestrial wildlife movement within the program area is primarily localized due to the surrounding urban landscape that includes Pacific Coast Highway, Studebaker Road, and Westminster Boulevard. The San Gabriel River levees will continue to be operated and maintained by the LACFCD and segments are anticipated to be directly impacted by construction activities to facilitate improvement of

SCWTF-24

wildlife movement and nursery sites. Direct impacts to the San Gabriel River levees, which include breaching segments, are not considered significant as project impacts will restore habitats adjacent to the levees providing additional opportunities for terrestrial wildlife movement adjacent to the levees. Temporary increases in noise and dust may have a temporary indirect impact to terrestrial wildlife movement. However, such indirect impacts are not considered significant as an existing bike bath, Pacific Coast Highway and Westminster Boulevard provide a high level of disturbance to terrestrial wildlife movement in the program area. Furthermore, future project impacts will restore habitats adjacent to the levees providing additional opportunities for terrestrial wildlife movement in the program area. The Alamitos Bay, Los Cerritos Channel, Steamshovel Slough, Haynes Cooling Channel and San Gabriel River could provide limited movement into and out of the program area for marine fish, mammals, or reptile species (i.e., green sea turtle). However, the San Gabriel River and Alamitos Bay are the only waterways that have an outlet and have connectivity to other water bodies allowing a corridor for marine animals to move through the program area. Further, Alamitos Bay, Los Cerritos Channel, and Steamshovel Slough would be avoided during construction activities and no in-water work would occur within these waterways. Such potentially significant impacts would be reduced to a less-than-significant level with implementation of Mitigation Measure BIO-8.

What is the definition of temporary? This construction plan can take years to complete. Adding further impacts to those already causing a high level of disturbance to terrestrial wildlife movement in the area will be a death blow for many of them.

Impact BIO-5: The proposed program would result in a significant impact if the proposed program would have a substantial adverse effect and conflict with biological resources protected by local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Construction

Protected Trees

SCWTF-25 Potential impacts to street trees protected by the City of Seal Beach's Protective Tree Ordinance and the City of Long Beach's Tree Maintenance Policy could include tree removal or trimming. Tree removal would result in a permanent impact, while trimming would be considered a temporary encroachment. A permit from the City of Seal Beach Department of Public Works or City of Long Beach Department of Public Works would be required prior to the removal or trimming of any street trees. In accordance with the City of Seal Beach's Protective Tree Ordinance and the City of Long Beach's Tree Maintenance Policy, trees that are removed must be replaced either within an approved 15-gallon tree or within an approved, minimum 24-inch box tree, respectively.

Replacement trees shall be planted at a minimum 1:1 ratio (tree planted:tree impacted) and shall be located in an area appropriate for their prolonged growth.

Again, urge a larger ratio than 1:1 for replacement trees. We would also insist that no tree be removed until a replacement tree is large enough to provide replacement habitat.

Pursuant to CCA Section 30240 of the CCA, impacts to ESHA are generally limited to activities such as habitat restoration as noted by the Coastal Commission Staff Report (GLA 2017d). Moreover, the CCA establishes a high standard for protection of areas that are identified as environmentally sensitive. Only resource-dependent uses, such as habitat restoration, are allowed within an ESHA. Implementation of Mitigation Measures BIO-1 through BIO-10 would ensure that impacts to existing EHSA are temporary and minimized, as well as less than significant. Potential ESHA occur throughout the South, Isthmus, Central and North Areas based on the suitability to provide habitat for special-status species and/or the presence of a CDFW Sensitive Natural Community. Ground disturbing activities associated with ecosystem restoration activities, flood risk and stormwater management, development of public access and visitor facilities, and infrastructure and utility modifications would temporarily impact ESHA. These impacts, needed to implement the habitat restoration, can be allowed pursuant to Section

SCWTF-26 30240 and

Section 30233(a)(b) of the CCA. Following completion of grading and restoration efforts, the overall ESHA would be expanded primarily due to the conversion of non-ESHA to ESHA. This would include the conversion of abandoned oil facilities to natural communities.

Operation

Tree Protection

No impacts to city-protected trees are anticipated to occur during the operation phase of the proposed program (i.e., post-restoration). Should street tree removal or trimming be required, it will be conducted in accordance with the City of Seal Beach's Protective Tree Ordinance and the City of Long Beach's Tree Maintenance Policy. Therefore, impacts to protected trees would be less than significant.

ESHA

Potential ESHA occur throughout the South, Isthmus, Central, and North Areas. Impacts during the operation of the proposed program (i.e., post-restoration) may occur during vegetation maintenance, irrigation, non-native plant removal, trash removal and maintenance of levees, berms, flood walls and water-control structures. However, these impacts would be negligible, and as described in the construction analysis above, the nature of the proposed program would expand the amount of ESHA within the program area over time. Any negligible impacts that occur by foot traffic from maintenance personnel, are permitted in accordance with Section 30240 and Section 30233(a)(b) of the CCA. Therefore, impacts to ESHA during the operational phase of the program area would be less than significant.

SCWTF-26 End

Mitigation Measure

No mitigation is required.

Significance after Mitigation

Less than Significant

ESHA must be protected at all times. There should be no grading, bulldozing or herbicides allowed in ESHA. Mitigation is essential.

3.3.6 Cumulative Impacts

3.3.6.1 Construction

The project that may contribute to a cumulative impact in the study area is the Los Cerritos Wetlands Oil Consolidation and Restoration Project (Cumulative Project No. 24), which occurs in portions of the Central and North Areas and contains sensitive biological resources. Other future projects in the cumulative study area are primarily located within urban, developed areas that are generally disturbed and do not support sensitive biological resources, although some of these projects may occur adjacent to open space areas that support sensitive biological resources, including the Seal Beach Residential Project (Cumulative Project No. 3), which occurs approximately 0.25 miles from the southwestern most portion of the program area in an undeveloped area surrounded by residential development. In addition, the Haynes Generating Station Intake Channel Infill Project (Cumulative Project No. 22) is located adjacent to the program area and may result in impacts to aquatic resources, including essential fish habitat.

SCWTF-27

The Los Cerritos Wetlands Oil Consolidation and Restoration Project is proposed in portions of the Central and North Areas and could result in significant impacts to special-status wildlife and plant species, riparian areas and sensitive natural communities, federally protected wetlands, and wildlife movement and nursery sites. However, construction-related impacts to sensitive biological resources associated with the Los Cerritos Wetlands Oil Consolidation and Restoration Project would primarily be temporary, such as 0.462 acres of permanent impacts and 1.12 acres of temporary impacts to waters of the U.S/state within the North and Central Areas. Impacts associated with the Los Cerritos Wetlands Oil Consolidation and Restoration Project would be mitigated to a less-than-significant level through the implementation of Mitigation Measures BIO-1 through BIO-11 described in its EIR which avoid, minimize or mitigate for impacts to sensitive biological resources such as special-status plants and wildlife and waters of the U.S. to name a few. Similar to the proposed program, the Los Cerritos Wetlands Oil Consolidation and Restoration Project would restore, enhance, and create estuarine and associated

habitats as well as provide long-term benefits for Belding's savannah sparrow and other special-status species which occur in the overlapping portions of the Central and North Areas. The Los Cerritos Wetlands Oil Consolidation and Restoration Project is the only known restoration project within the assessment area of cumulative impacts and as such will have an overall benefit to biological resources and impacts during construction would not be cumulatively considerable (Table 3-1). The majority of the proposed program's impacts to sensitive biological resources would be temporary, and permanent impacts have largely been avoided by design or are very limited in extent. Therefore, the proposed program's contribution to cumulative impacts during construction would not be cumulatively considerable.

SCWTF-27 End

The Seal Beach Residential Project is proposed on a large, vacant lot that could result in significant impacts to special-status wildlife species such as burrowing owl; therefore, development of this parcel could result in significant impacts to protected biological resources. The Haynes Generating Station Intake Channel Infill Project is proposed on primarily aquatic habitat partially within the South Area that could result in significant impacts to special-status aquatic species such as the Pacific green sea turtle and California least tern; therefore, the development of the project could result in significant impacts to biological resources. The construction-related impacts associated with restoration activities within the program area would be short-term, as the majority of area would be temporary impacts and will be largely avoided or enhanced by design and are very limited in extent. Therefore, cumulative impacts to biological resources during construction would not be cumulatively considerable.

Mitigation Measure

No mitigation is required.

Significance after Mitigation

Less than Significant

The Los Cerritos Wetlands Restoration and Oil Consolidation Project is eliminated from this PEIR in the introduction. Now it appears that the project "could result in significant impacts to special-status wildlife and plant species, riparian areas and sensitive natural communities, federally protected wetlands, and wildlife movement and nursery sites." Even temporary impacts can have devastating effects on ESHA and special-status wildlife. Mitigation is certainly required for both the Oil Consolidation and the Seal Beach Residential Project.

3.3.6.2 Operation

Upon completion of the proposed program and any nearby cumulative projects, including the Los Cerritos Wetlands Oil Consolidation and Restoration Project, the Seal Beach Residential Project, and the Haynes Generating Station Intake Channel Infill Project, the project would be required to comply with federal and state regulations, as well as applicable municipal codes, pertaining to the protection of biological resources. The Seal Beach Residential Project is not anticipated to have additional impacts to sensitive biological resources during its operation as undeveloped lands where sensitive biological resources could potentially occur would be developed during construction and replaced with residential uses. The Haynes Generating Station Intake Channel Infill Project is not anticipated to have additional impacts to sensitive biological resources during its operation as aquatic resources where sensitive biological resources could potentially occur would be filled in during

SCWTF-28

construction. Therefore, the cumulative impacts to biological resources during operations of both the Seal Beach Residential Project and the Haynes Generating Station Intake Channel Infill Project would not be cumulatively considerable. Further, in conjunction with the Los Cerritos Wetlands Oil Consolidation and Restoration Project the proposed program would have an overall net beneficial effect upon coastal wetlands and other sensitive biological resources as efforts to restore, enhance, and create estuarine and associated habitats will continue during operation. Mitigation Measures BIO-1, BIO-6, and BIO-8 through BIO-11 will continue to be implemented during operation to avoid, minimize and mitigate for impacts to sensitive biological resources. Therefore, the cumulative impacts to biological resources during operations would not be cumulatively considerable.

SCWTF-28 End

Mitigation Measure

No mitigation is required.

The conclusions that the proposed projects will not be cumulatively considerable and need no mitigation is unsubstantiated.

Comments relating to California Native American peoples, history, culture, and lands

Chapter 2, Project Description

Gabrielino people (named after the Spanish Mission where many of them were baptized).

SCWTF-29

Comment: Throughout the PEIR, the term Gabrielino is used exclusively to reference the tribe indigenous to the Los Angeles area, although it was not, and is not a term created by the people themselves, but by those that robbed them of their lands and enslaved them. In the LCWA's Los Cerritos Wetlands Final Conceptual Restoration Plan, the term Tongva was liberally used which makes it even more offensive that Gabrielino is the only way the tribe is referred to by those authoring the PEIR.

The Gabrielino used the local wetlands, rivers, and streams to hunt and fish, to gather reeds and willows to build homes, and as a reliable water source

Comment: There is no mention of the tribal salt works in the wetlands. Salt was harvested and traded. Nor is the obvious use of the wetlands, rivers, and streams as transportation corridors and trade routes. The PEIR fails to document specific tribal references to the land, water, or wetlands, past or present, nor does it describe cultural practices past or present, that would allow for an understanding of the relevance of the project area to tribal peoples. There is no mention of other tribal groups, including the Acjachemen, although the area is a central feature of their cultural practices. Since major aspects of tribal culture and history are lacking in the PEIR, the Los Cerritos Wetlands Restoration Plan cannot be fully evaluated with respect to its impact on tribal peoples and culture.

SCWTF-30

Tribal members consulted believe the Tribal Cultural Landscape is eligible for listing in the National Register of Historic Places as a Tribal (or Traditional) Cultural Property

Comment: Repeatedly throughout the PEIR the word "believe" appears to question tribal knowledge, and in this case tribal understanding of what makes the program area eligible for listing as a Tribal Traditional

SCWTF-31

Cultural Landscape. Also, a Traditional Tribal Cultural Landscape is not less eligible for listing simply because an application has not been submitted to the State Office of Historic Preservation.

The wetlands are within walking distance to both Puvungna and Motuucheyngna village sites and served as an important resource to native peoples and was used both historically and in current times by native peoples

SCWTF-32

Comment: The Los Cerritos Wetlands are within the 500 acre Puvungna complex, not "within walking distance to both Puvungna and Motuucheyngna village sites." To alter the Los Cerritos Wetlands is to alter Puvungna.

Chapter 3, Environmental Setting, Impacts and Mitigation Measures, Section 2 3.4 Cultural Resources

The Gabrielino Indians were.....The Juaneno lived

Comment: The use of the past tense along with the omission of post-contact tribal connections to the area, including contemporary tribal connections to Puvungna and tribal cultural activities in the wetlands, erases history. The exclusive reliance on the language and perspectives of anthropology texts to describe tribal history is outdated and offensive. It reveals a Eurocentric bias and a failure to be inclusive of contemporary tribal scholars and sources. While abuses towards California Native Amercians are briefly noted during the Spanish and Mexican Periods, the genocide practiced by the state and by individuals, including the enslavement of tribal people, is not mentioned during the American Period. After 1542 there is no mention of tribal cultural practices or lifestyles, although they continued and have survived to this day.

SCWTF-33

The closest village to the program area was the village of Puvungna. Pictorial and Historical Map of Los Angeles County (Los Angeles Public Library, 1938) depicts two unnamed villages located approximately 2 miles northwest and 5 miles southeast of the program area.

SCWTF-34

Comment: The program area is not near, but within the Puvungna/Motuuchengna community. Citing a 1938 map that does name sites and appears not to even identify Motuuchengna as a site is questionable.

Puvungna is reported to be the birthplace of Chingichngish, the primary deity of a protohistoric and early historic belief system and ceremonial complex that spread throughout the Los Angeles basin, Orange County, western Riverside County, and northern San Diego County.

Comment: Both oral tradition and historic documents reference Puvungna as the birthplace of Chinigchinich and to use "reported to be" shows a bias against tribal cultural information. One does not say that Bethlehem is reported to be the birthplace of Jesus, that Eve was reported to have eaten an apple, or that Moses was reported to have seen a burning bush. The outdated and Eurocentric terms "protohistoric" and "early historic" assume that history began for tribal peoples only after contact with Europeans was recorded. The belief system based on the teachings of Chinigchinich continues to be part of modern tribal spiritual and cultural practices. So, in addition to being an "early historic" belief system, it is also a middle, late, and contemporary belief system. It is inappropriate to refer to California counties rather than tribes to describe a shared belief system. No tribe is named here, including the Acjachemen, the Payómkawichum, the Yuhaaviatam. Also, it was not the

SCWTF-35

"ceremonial complex" that spread. The ceremonial complex was and is Puvungna, which includes the program area.

The Juaneño people were so called because of their association with Mission San Juan Capistrano, although some contemporary Juaneño identify themselves by the indigenous term Acjachemen.

SCWTF-36 Comment: "some contemporary Juaneno identify themselves by the integenous term Acjachemen," but the authors of the PEIR prefer the Missionary position. Why is there no description of the Acjachemen's connection to Puvungna or the Los Cerritos Wetlands? It was the Acjachemen who provided the Spanish Missionary Geronimo Boscano the information for his writings on the beliefs and practices taught by Chinigchinich. Lillian Robles, Acjachemen Tribal Elder, was a leader in both the struggle to protect the Puvungna National Register site at CSULB and in efforts to prevent development projects on the Los Cerritos Wetlands. She began the Annual Ancestor Walk which includes the Los Cerritos Wetlands as a point of prayer. Neither, she or any other tribal leaders are mentioned by name, nor are their contributions to the protection and preservation of this Tribal Cultural Landscape noted in the PEIR.

The program area's historic-period use has largely focused on oil production and followed the overall trajectory of the Los Angeles Basin's oil industry.

SCWTF-37 Comment: Considering the "historic-period" began in 1542 this is wildly incorrect. Mission San Gabriel was not founded until 1771, over two hundred years later. Although many were forced into the mission system, tribal people continued to live and work throughout their original tribal areas during the Spanish, Mexican, and American periods. Both tribal peoples and settlers would have used the program area in multiple ways. Contemporary use of the Los Cerritos wetlands includes public recreation and as a wildlife refuge. As stated above, tribal members have been involved in efforts to protect the Los Cerritos Wetlands, have reintroduced traditional watercraft, tiat and tule boats, to the waterways, including Steamshovel Slough, and have continued to hold ceremony in the program area. Additionally, the detailed focus on the history of oil drilling in this "Cultural Resources" section is an insult, oil is not a cultural resource.

A review of historic topographic maps indicates that the entire program area was part of Alamitos Bay in 1896 (the date of the earliest available topographic map).....Historically, the program area was naturally a vegetated tidal wetland in Alamitos Bay.

SCWTF-38 Comment: U.S. Coast Survey Topographic map from 1859 of the coastline from Point Fermin to the San Gabriel River https://www.sfei.org/sites/default/files/So_Cal_T-sheet_Atlas_AppendixB_highres.pdf. The program area appears to be a wetlands situated between the bay and the San Gabriel River which did not empty into the bay but into the Ocean. The bay and the project area wetlands were part of the river estuary. Then, as now, the program area received fresh water from rainfall, not just from runoff, which means that while some of the area was/is tidal wetlands, other parts were/are seasonal, fresh-water, brackish wetlands.

Archaeological Sensitivity

Fill layers have the potential to contain prehistoric archaeological resources, although such resources have a

SCWTF-39

low likelihood of retaining sufficient archaeological context due to disturbances ….The low-lying, saturated environment is unlikely to have attracted occupation, so dense, rich cultural accumulations would not be expected. However, inadvertent loss of tools, as well as processing of subsistence resources, may have left traces of past activities in the uppermost portions of the soil stratum.

Comment: In other "disturbed areas," including oil fields, and in other "low-lying saturated environments, "dense, rich cultural accumulations," including thousands of burials at Ballona Wetlands and Newport Back Bay, have been unearthed."Unlikely to have attracted occupation" attempts to decontextualize the program area from human habitation over a period of 10,000 years and makes no sense. Tribal people did not just "inhabit" the tops of hills and bluffs, but also wetlands, rivers, beaches and the ocean itself. The definition of "sufficient archaeological context" like that of s "significant archaeological resources" presumes the value of cultural materials to be their contribution to western, not the intrinsic value they had to those who created them nor to their descendants.

SCWTF-40

"temporary resource procurement sites"

Comment: Identifiers like "temporary resource procurement sites" and "fish and hunting camps" do not reflect the realities of tribal lifeways. The program area was not a temporary site, nor were the resources themselves temporary. The wetlands provided the basic staples of life on a daily basis for centuries.

SCWTF-41

The CEQA Guidelines note that if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. Comment: This CEQA Guideline is a perfect example of Eurocentric racism towards tribal peoples and cultures as it disallows "the significant effect on the environment" that the destruction of or damage to what is valued by tribal people themselves would have.

SCWTF-42

The MLD has 48 hours from the time of being granted access to the site by the landowner to inspect the discovery and provide recommendations to the landowner for the treatment of the human remains and any associated grave goods (i.e., artifacts associated with human remains).

Comment: Why should a 48 hour timeline be imposed, other than to allow the rapid destruction of a burial site? Many MLDs are elderly, do not live on their original tribal lands, and may have other obligations. This pro-development bias does not belong in a state law.

SCWTF-43

Potential impacts to archaeological resources within the program area are considered significant and unavoidable….the proposed program's impact on archaeological resources qualifying as historical resources is considered significant and unavoidable.

Comment: And yet you persist. This so-called "wetlands restoration" means the destruction of what evidence remains of 10,000+ years of tribal occupation of the Los Cerritos Wetlands. As has been acknowledged, 2000 acres of the original Los Cerritos Wetlands are now under highways or buildings, to bulldoze and flood these last 500 acres is a choice to further erase any connection of the original people to their homeland.

Tribal Cultural Landscape

Potential impacts from the proposed program on the tribal cultural landscape could occur if the proposed program resulted in the demolition or material alteration to the essential physical characteristics that convey the historical significance of the tribal cultural landscape, such as the village sites of Puvungna and Motuucheyngna…With regards to potential impacts to Puvungna and Motuucheyngna, the archaeological manifestations of these two village sites that contribute to the landscape's historical significance would not be impacted.

SCWTF-44

Comment: "the essential physical characteristics that convey the historical significance of the tribal cultural landscape, such as the village sites of Puvungna and Motuucheyngna" presumes to define what constitutes "significance" to tribal people and apparently identifies it as what has been dug up intentionally or by accident and determined to be a "village site." In stating that the Los Cerritos Wetlands were a Traditional Tribal Landscape as well as a Sacred Site within the Puvungna complex, tribal representatives did not state that any specific area had more "essential physical characteristics" or "historic significance" than another. In making this determination that the project would not impact the landscape's historic significance, the LCWA violates the right of Indigenous Peoples to self-determination and their constitutional right to religious freedom as both are intrinsically tied to preservation of the project area.

Mitigation Measures

These measures would ensure the protection, identification, and appropriate handling and treatment of archaeological resources that contribute to the landscape's significance.

SCWTF-45

Comment: This is a false statement. The disturbance and removal of "archaeological resources" is acknowledged by archaeologists to mean the destruction of the site, and the possibility of its further study. As for what is considered

"appropriate handling and treatment"of "archaeological resources," this continues to mean the storage and study of tribal human remains and sacred and utilitarian objects in spite of appeals by the descendants for their return.

Since avoidance and preservation in place of such resources cannot be guaranteed, impacts to Native American or prehistoric archaeological resources that convey the significance of the tribal cultural landscape are considered significant and unavoidable at the program level.

SCWTF-46

Comment: Agree

The LCWA (will) consult with Native American representatives during the preparation of all cultural resources-related documents and that Native American groups are included in monitoring of ground disturbance. These measures would ensure that tribal values are considered in identification, evaluation, and treatment of archaeological resources that contribute to the landscape's significance.

SCWTF-47

Comment: "tribal values" are not ensured by requiring that tribal people monitor the destruction of tribal lands

and the removal of tribal human remains and cultural objects from their resting places. This is salt in the wound of genocide.

With regards to potential impacts to the waterways, plants, and animals, the purpose of the proposed program is to restore the natural waterways and habitat of the Los Cerritos Wetlands. These actions would have a beneficial effect on the waterways, plants, and animals. Breach(ing) the San Gabriel River levee...would result in a more natural tidal influence between the saltwater/freshwater sources and the wetlands.

SCWTF-48 Comment: Given that the existing landscape will be for the most part highly altered and unrecognizable after this so-called "restoration will not benefit the existing ecosystem but replace it with a new one. Years of dredging, flooding, scraping, or burying the wetlands under 18 foot berms and other flood control structures, or under new buildings and parking lots will reduce the existing acreage of the wetlands and eliminate most of the existing wildlife habitat. To allow the San Gabriel River to flood the entire Central Section of the wetlands and remain there during storm events will introduce pollutants that put the ecosystem and possibly the public at risk. Given that this restoration plan presumes that Beach Oil Minerals will up oil production from 300 to 24,000 barrels of oil daily by expanding drilling beneath and transporting oil across the wetlands the conclusion that "natural waterways and habitat" will improve is a gamble.

Restoration of native habitat would attract wildlife back to the area and would allow for a variety of species to again flourish within the wetlands, creating an ecosystem more closely resembling the one that existed historically and in pre-contact times.

SCWTF-49 Comment: At this time, as noted in the Draft PEIR, every part of the Los Cerritos Wetlands is inhabited by wildlife, including special-status species. All are dependent on a variety of habitat areas including salt flats, seasonal freshwater wetlands and uplands, and on non-native as well as native species of plant and animal life for their survival. To propose creating a new salt marsh segmented and surrounded by huge earthen flood control berms with elevated oil pump jacks serviced by vehicles driving on raised roads and including two visitors centers where people can look at pictures of how tribal people used to live on the land "more closely resembles pre-contact times" is delusional. As the proposed wetlands excludes people, including tribal people from the landscape, it resembles neither the historic nor pre-contact wetlands.

The proposed program also includes several mitigation measures that would lessen potential construction-related impacts to plants and animals that are considered part of the tribal cultural landscape....Implementation of these measures would ensure that any potential construction-related impacts to plants and animals are less than significant.....Potential impacts to the tribal cultural landscape would be

SCWTF-50 further reduced by considering Native American tribal values ascribed to the Los Cerritos Wetlands throughout the course of development and construction of the proposed program" ... (The LCWA will) ensure that tribal values ascribed to the Los Cerritos Wetlands as part of the tribal cultural landscape are considered as part of the design, restoration, and educational elements of the proposed program."

Comment: Disagree. Environmental awareness training, transplanting special status species, surveying bats and burrowing owls to "minimize impacts" to their habitat, avoiding nesting birds, and restoring habitat for the

SCWTF-50 End

Belding's Savannah Sparrow may "lesson construction-related impacts," but not by much. There is no real consideration given to the "plants and animals that are now part of the tribal cultural landscape" who, considering the scope and the length of this project,are not likely to survive. Calculating potential impacts is based on an end result that projects an overall increase in plants and animals within the project area if the project is successful. This kind of cruel math ignores the responsibility to protect the existing ecosystem, including the ancient salt marsh which will be exposed to pollution from old oil fields, and the non-native nesting and foraging sites of special status species and coastal birds. This approach violates basic Native American tribal values which understand all life to be related and deserving of respect. Consulting with tribal people as regards new plants, buildings, and signage as entire ecosystems are sacrificed will not "ensure that tribal values ascribed to the Los Cerritos Wetlands as part of the tribal cultural landscape are considered as part of the design, restoration, and educational elements of the proposed program."

SCWTF-51

The proposed program could materially impair the landscape's ability to convey its historical significance, resulting in a substantial adverse change in the significance of the tribal cultural landscape even with the implementation of mitigation. Therefore, impacts to the tribal cultural landscape would be significant and unavoidable at the program level.

Comment: Agree

SCWTF-52

Impacts to historic architectural resources and archaeological resources from operation of the proposed program would be less than significant....impacts to the tribal cultural landscape from operation of the proposed program would be less than significant.

Comment: Disagree. Operation of the proposed program will include accommodating existing and proposed oil extraction operations including servicing wells and maintaining roadways for four oil companies, allowing massive amounts stormwater from the San Gabriel River to pollute the wetlands and expose subsurface cultural materials, eliminating non-native species with the use of heavy equipment and herbicides, and increasing human.wildlife interaction. Any one of these constitutes a significant negative impact, taken together the negative impacts will be both highly significant and ongoing.

SCWTF-53

Mitigation Measures 4,5,7,8,9,15 Archaeological Resources Assessment, Archaeological Investigation, Avoidance and Preservation in Place of Archaeological Resources, Archaeological Resources Data Recovery and Treatment Plan, Curation and Disposition of Cultural Materials

A Qualified Archaeologist shall conduct an Extended Phase I investigation to identify the presence/absence of subsurface archaeological resources.....In the event historical resources or unique archaeological resources or resources that contribute to the significance of the tribal cultural landscape are identified, avoidance and preservation in place shall be the preferred manner of mitigating impacts to such resources....If avoidance is determined by the LCWA to be infeasible in light of factors such as the nature of the find, proposed project design, costs, and other considerations, then that resource shall be subject to Mitigation Measure CUL-8: Phase III Archaeological Resources Data Recovery and Treatment Plan. .....The plan shall state avoidance or

SCWTF-53 End

preservation in place is the preferred manner of mitigating impacts to historical resources, unique archaeological resources, and contributors to the significance of the tribal cultural landscape, but shall provide procedures to follow should avoidance be infeasible in light of factors such as the nature of the find, project design, costs, and other considerations….LCWA shall consult with appropriate Native American representatives in determining treatment of resources that are Native American in origin to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered, including those related to the tribal cultural landscape. … LCWA shall curate all Native American archaeological materials at a repository accredited by the American Association of Museums…..If neither an accredited nor a non-accredited repository accepts the collection, then LCWA shall offer the collection to a public, non-profit institution with a research interest in the materials, or donate it to a local California Native American Tribe(s) (Gabrielino or Juañeno). Comment: This section presumes that the remaining Los Cerritos Wetlands as a tribal cultural landscape and Sacred Site are undeserving of preservation. The extent to which any spot or cultural item will be considered significant will be determined, not by the tribes themselves but by a Qualified Archaeologist. Should items be determined to be "unique archaeological resources" or be related to the tribal cultural landscape they will be salvaged. The LCWA, presuming ownership, will offer them to museums or other repositories. Should they reject the items, only them will tribal people be allowed to compete with educational institutions for possession of the remains of their own culture. This is how genocide and racism are institutionalized and legalized by both academic and state actors and institutions. This is how tribal people continue to be denied tribal sovereignty over and are excluded from what remains of tribal cultural and natural spaces, including the Los Cerritos Wetlands, and over what remains after the digging is done.

SCWTF-54

The cumulative projects proposed throughout the geographic scope of this analysis have the potential to impact archaeological resources as some of the projects would include ground disturbance. When taken together, the incremental contribution of construction of the proposed program when combined with other projects in the geographic scope is cumulatively considerable. There is no feasible mitigation for cumulative impacts to archaeological resources other than not undertaking the proposed program….Potential impacts from the proposed program on the tribal cultural landscape are considered significant and unavoidable… and there is no feasible mitigation to lessen this impact to a level of less than significant… The proposed program's residual impact on the tribal cultural landscape, which has been discretionarily determined by LCWA to be a historical resource for the purposes of this PEIR, is significant and unavoidable….Past, present, and foreseeable projects have resulted in or could result in the demolition or material alteration to some aspects of the tribal cultural landscape that convey its significance… When taken together, past, present, and foreseeable projects result in a significant cumulative impact to the tribal cultural landscape

Comment: Agree

Other projects have in the past resulted in greater impacts to the landscape than the proposed program, including impacts to archaeological sites associated with the villages of Puvungna and Motuucheyngna, as well

as other Native American or prehistoric archaeological resources that may have contributed to the significance of the landscape, and impacts to waterways (including wetlands), plant habitat, and animal habitat. The incremental effects of the proposed program are not considered significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Therefore, the incremental contribution of the proposed program on impacts to the tribal cultural landscape as a tribal cultural resource would not be cumulatively considerable.

SCWTF-55

Comment: Disagree The project area and the Los Cerritos Wetlands are essentially one and the same. Past projects that have impacted this area include ranching, farming, oil drilling, and waste disposal. The only future projects are the Beach Oil Minerals Restoration and Oil Consolidation Project and the LCWA's Restoration Plan. To state that the former or future destruction of "prehistoric archaeological resources" outside the program area was or will be more destructive of the traditional tribal landscape that the program itself may be true. However, to conclude that the program's contribution is "incremental' and/or that an "incremental contribution" is not "cumulatively considerable" demands a twisted and tortured logic. In fact, precisely because most of the once extensive wetlands and natural areas with relatively undisturbed tribal cultural materials, including burials, have been destroyed, the cumulative impact of the progra, on the Traditional Tribal Landscape is actually greater. Since there is precious little left, the cumulative effect to consider is the risk of extinguishing all that remains.

Chapter 3, Section 3.15 Tribal Cultural Resources

Tribal Cultural Resources Definition: Tribal cultural resources..... that are either included or determined to be eligible for inclusion in the California Register of Historical Resources ...or included in a local register of historical resources, or a resource determined by the lead agency....to be significant.

SCWTF-56

Comment: This definition reveals that it is ultimately state actors, not tribal people themselves, who are empowered to define tribal cultural resources and determine their fate. In choosing to follow this model, rather than recognize the right of tribal peoples themselves to have agency over their own culture, the LCWA contributes to a legacy of dispossession and racism

AB 52 Consultation

Comment: The Notice of Preparation of a Draft Environmental Impact Report and Initial Study was issued on March 8, 2019. Tribal representatives were contacted to engage in tribal consultation in August of 2019. The Notice of Availability of a Draft Program Environmental Impact Report was issued on June 12, 2020. It would appear that no tribal representatives were contacted "early in the project planning process" as is required by AB 52, "to ensure that local and Tribal governments, public agencies, and project proponents have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources." The Initial Study was prepared by ESA (Environmental Science Associates), one and a half pages of the seventy-five page document reference Tribal Cultural Resources and state that, "Additional background research on the program area, including California Native American Heritage Commission Sacred Lands File Search and consultation with Native Americans who are traditionally and cultural affiliated with the

SCWTF-57

geographic area of the program area, will be conducted." Clearly tribal groups were not part of the planning process at this stage. Nor were tribal organizations or representatives are included in the PEIR "Report Preparers" (LCWA Steering Committee, EIR Consultants, Technical Report Firms). The intent of AB 52, to alter existing CEQA policy in order that tribal peoples have an equitable role in projects that alter and in many cases damage and destroy tribal lands and culture, demands that those involved, lead agencies, program planners and those they consult with include tribal representatives and provide financial compensation for their time and expenses as they do for their own staff. Given that the majority of California tribes have neither lands nor a source of income, it should not be assumed that they will be able to contribute their time and expertise to multiple projects taking place within their tribal lands and cultural areas. However, it should be noted that in some areas tribal groups do engage in regular and ongoing consultation with local and state actors over both the management of lands and projects that could impact them. In spite of years of involvement by local tribal peoples in protecting the Los Cerritos Wetlands and the continuing role of the Los Cerritos Wetlands in tribal cultural activities, the LCWA has failed to pursue this model. Given the lack of detail in the NOP regarding the extent to which both biological and cultural resources will be impacted, we do not find that the information made available to tribal groups in August 2019, allowed them to evaluate the scope of the project as regards deciding to engage in tribal consultation and/or to comment on the program. To include comments made in response to the NOP, before the release of the Draft PEIR, and infer from these comments that tribal representatives support the program ("tribes..expressed support for the restoration of the wetlands"), is presumptive and misleading, as tribal representatives have neither been involved in planning the program nor have they received the necessary information to judge it.

SCWTF-57 End

"No tribal cultural resources identified"

Comment: This statement, supposedly agreed to by the five tribal respondents, contradicts the fact that the Los Cerritos Wetlands are themselves a cultural resource within the Puvungna complex. Not only have these same tribal leaders and the California Native American Heritage Commission stated that the project area is highly significant to tribal peoples, it is part of a Traditional Tribal Landscape and Sacred Site.

SCWTF-58

"The following discussion of the tribal cultural landscape is summarized from the Coastal Development Permit (CCC, 2018),"

Comment: Although the Draft PEIR references tribal comments in the Los Cerritos Wetlands Restoration and Oil Consolidation Project EIR when discussing the Los Cerritos Wetlands, it excludes tribal leaders comments as regards their opposition to this project, which is a defacto part of the overall Los Cerritos Wetlands Restoration Plan. We include the statement that was delivered to the California Coastal Commission on December, 13, 2018, as it identifies "tribal cultural resources" in the Los Cerritos Wetlands and also because the comments and objections are relevant to this program and the PEIR.

SCWTF-59

Chief Anthony Morales, Tribal Chair of the Gabrielino/Tongva Band of Mission Indians

The Coastal Commission's Tribal Consultation Policy was based on past experiences at Hellman Ranch/

SCWTF-59 cont.

Puvungna East, CSULB/Puvungna, and Bolsa Chica where tribal cultural, burial, and sacred sites were desecrated and destroyed.The language of the Tribal Consultation Policy is so strong, it should prevail. The opening section of the Policy refers to our history, so the Commissioners know what we have gone through. You robbed us of our culture. It is no different today, what we are going through is the same. There has been a lack of proper tribal consultation. Our concerns have not been fully understood or addressed, in part because staff has not yet received the training required by the Tribal Consultation Policy. The LCP Amendment allowing new oil drilling permits should not have been issued on August 8th. How could the Amendment to the LCP be granted immediately after establishing the Coastal Commission's Tribal Consultation Policy? We had no opportunity to have tribal consultation, per the new policy, before the Amendment was passed over the objections of myself and other tribal leaders and members. The Coastal Commission's vote was out of compliance with the Tribal Consultation Policy. In response to the Modification required by the first LCP, the developer has submitted a Cultural and Archaeological Resources Report, just trying to comply and pacify. It is just a formula and does not even try to touch on the tribal cultural issues, including sacred sites. It is a farce of a report. It is inadequate. As regards the project, we have been given vague and misleading information. Updated information (in the staff report) shows changes that are significant, such as the mitigation bank no longer being included in the restoration plan. We need more time to consult and have asked that the project hearing be postponed. We now request that a vote on the project be delayed. If a vote cannot be delayed, we request that the project be denied. We are the natural people of the land and we consider this our duty, historically. It is very challenging but we will do what we have to do. There's got to be some kind of authority. People know what is happening to the land. We fought them at Hellman Ranch, at Bolsa Chica, at Banning Ranch. There are burials in oil tank farms, human remains have been found on active oil drilling sites, when new pipelines were being laid (in 1999 at the Arco Refinery in Carson, and at Hellman Ranch in 2004). I keep repeating myself, the evidence is there. We're saying that the Los Cerritos Wetlands constitutes a Tribal Cultural Property. Puvungna was a community, a spiritual gathering place for many tribes, birthplace of Chingishnish, lawgiver and god. This was documented by Boscana in his study of the Acjachemen at Mission San Juan Capistrano which was translated by J.P. Harrington. Oral tradition is very important. The Coastal Commission deals with water and should be concerned about the possible destruction of water by this future oil operation. We're always trying to defend ourselves. People know all this, what is happening to the land, already. This project is like the others where we told you what was there and you didn't listen. The Tribal Cultural Property is the same and we are revisiting the same issues as at Hellman Ranch/Puvungna East and Bolsa Chica. The project area is within the same general footprint, tied in geographically to areas that are very sensitive to us. Presenting one site at a time is a problem. Anything and everything within this area must be treated with due diligence.

Julia Bogany, Cultural Resources Director of the Gabrielino/Tongva Band of Mission Indians states, We have our own tribal archaeologists who need to be consulted, instead of just having information from the developer's tribal consultant and their archaeologist. The salt marsh needs to be protected. How ironic. We sell oil to other countries and buy it from other countries. We won't have "America the Beautiful" if we

SCWTF-59 cont.

continue to tear it apart at the people's expense. We, the people, pay for other peoples' oil. They are just about tearing, tearing, tearing. Constantly tearing up the land, constantly coming to us to take more and more minerals out of the earth.

Gloria Arellanes, member of the Tiat Society and Gabrielino/Tongva Band of Mission Indians, asks the question, when you honor a sacred site, I don't know how you do that but we have ceremonies. We use sacred sites to have a connection to the ancestors. Now we've been squeezed by buildings, and roads, and oil, stripped of these places we depend on. We always hear that "there are not enough cultural resources" (to prevent or or alter a development). Burials (six burials constitute a cemetery), cog stones, salt marshes, make this area sacred. I expect realistic things. I would like to see realistic projections about what this project will do to the land. What is the purpose of the Coastal Commission if not to protect the coast? Long Beach now smells like oil. Oil extraction does nothing good for Mother Earth and for the citizens that live in the area. I believe it causes more earthquakes. As blood runs through our veins, oil runs through the earth.. At Bolsa Chica mesa, the developer unearthed human remains, put them in trash bags, and stored them in trailers on the site. As an elder it hurts to know that my Ancestors are treated like trash. All these sites are connected, I don't see them as separate. The Los Cerritos Wetlands is our church, this is where we pray, this is where we go to remind people of who we are. You do not know that there are no burials in the wetlands, in the project area. It is very frustrating. We constantly struggle to keep these parcels of land in a natural state. We get very few wins when it comes to land, look at them. Allow people to have these sacred sites. The Coastal Commission should not be afraid of developers and their money. I am opposed to the project. I would not support any development on any area that we pray on or consider sacred. Allow people to have these sacred sites.

Rebecca Robles, Acjachemen Tribal Elder
In consultation with Coastal Commission staff, tribal elders were asked for for proof that tribal cultural resources exist and are at risk from this project. Rebecca Robles, Acjachemen, co-founder of the United Coalition to Preserve Panhe, responded by saying: We are proving it right now. You have four tribal elders here….your job is to listen. This is a continuation of the genocide that is happening everywhere. This land is sacred, it should not be built on. Many of us are saying it, not just one or two, and we keep saying it. It is our creation spot. We say it but the needs of others get priority. We are the canary in the coal mine. Since the first contact with Europeans in 1779, almost 250 years ago, everything has changed. Somehow, someone has to acknowledge that this is sacred land, including the only ancient salt marsh left. We're saying NO! This will harm people, we will not continue to exist. We continue to go to these sites, they are the last natural sites in Puvungna and Motuucheyngna. The project is so convoluted that I don't trust that the restoration would be beneficial to the land. I am concerned about sea level rise, some of the land that will be exchanged (for oil drilling sites) will be underwater (within 40 years). The restoration is being presented in a disingenuous way. The Cultural and Archaeological Resources report submitted by the project proponent is incorrect and incomplete. There is a conflict of interest when the people who want to do the project are providing the info

SCWTF-59 End

for the Cultural Resource Analysis. It is mainly about the history of oil drilling. In the 1970's there was a cultural revitalization and Native American students at CSULB were able to rebury an Ancestor who had been disturbed when a water pipe was being dug on the National Register site of Puvungna. In the 1990's the University wanted to build on the National Register site. The ACLU represented twenty- eight Native American litigants and the NAHC also got involved in the lawsuit. Puvungna is the entire campus. We do ceremony to heal and to preserve our part of community. This is one reason the Ancestor Walk goes through the Los Cerritos Wetlands. These wetlands are within walking distance of Puvungna sites at CSULB, the Hellman site where twenty-two Ancestors were unearthed in 1996, and Bolsa Chica. The site is in the last natural area, the last intact wetlands that links Puvungna and Motuucheynga. This is the area we traveled through to reach Bolsa Chica. It is where we fished, gathered tule, and had our salt pannes. This is the last remaining ceremonial space, leave it natural. Avoid it all together. This is our birthright, to be able to walk on the land, to put our tule boats in the water, to see the stars. Our ancestors are native to this place and have lived here for tens of thousands of years. It is our responsibility to care for this land, and we don't take it lightly. This is our Standing Rock.

In conclusion, the staff report acknowledges that the project violates the Coastal Act, stating that, "Special Conditions do not adequately mitigate the potential damage to archeological resources or tribal cultural resources and the introduction of new development remains inconsistent with the tribal cultural landscape as described by tribal members with a cultural connection to the Los Cerritos wetlands." We ask that you deny the project on this basis.

SCWTF-60

If a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an EIR or adopt an MND .
Comment: the 30 day deadline to request Tribal Consultation has been suspended due to Covid- 19

This tribal cultural landscape has not been formally documented, geographically defined, nor has it been evaluated for listing in the California Register or for listing in a local register of historical resources. As such, no impacts would occur. No mitigation is required.
a resource determined by the lead agency, in its discretion ... to be significant
the lead agency shall consider the significance of the resource to a California Native American tribe

SCWTF-61

Comment: Disagree. Significant and unavoidable impacts that cannot be mitigated will occur during the construction and operation of the program. To state that the tribal cultural landscape has not been formally documented or evaluated is to devalue the testimony of tribal leaders to the California Coastal Commission as well as statements made to the LCWA during tribal consultation. It is both Eurocentric and racist to demand that tribal culture, including tribal cultural landscapes, be documented and evaluated by Qualified Archaeologists and listed in state registries other than the California Native American Heritage Commission's Sacred Sites Registry, before they can be considered to be impacted by development. Discrimination on the

basis of race and/or religion applies to the manner in which tribal consultation is both held and evaluated as part of the CEQA process. .

SCWTF-62 LCWA has determined, in its discretion and as supported by substantial evidence presented in the CCC Staff Report, that the tribal cultural landscape is significant .... the tribal cultural landscape includes the village sites of Puvungna and Motuucheyngna (represented by prehistoric archaeological sites in the California State University – Long Beach and the Hellman Ranch areas, respectively), Native American or prehistoric archaeological sites within or near the Los Cerritos Wetlands, as well as the waterways, plants, and animals that are present in the area. Comment: Agree

SCWTF-63 3.15.5 Program Impacts and Mitigation Measures, 3.15.6 Cumulative Impacts
Comment: These sections repeat those same sections under Cultural Resources, see comments above.

SCWTF-64 Conclusion: What is lacking in the Tribal Cultural Resources section, and the PEIR as a document, is both historic context and deference to tribal perspectives as regards tribal culture and land. California Native American Tribes did not freely cede the right or the responsibility for their territories, peoples, cultural identities, histories, spiritual practices, or their human remains and cultural artifacts to Spain, Mexico, the California Republic, or the United States. When state actors deny tribal entities the agency to act as sovereign nations, they continue a legacy of conquest and state-sponsored genocide. The LCWA needs to transfer jurisdiction over the public lands within the Los Cerritos Wetlands Complex to those tribal peoples with a physical and cultural connection to them.

Questions regarding the Los Cerritos Wetlands Plan PEIR

1. SCWTF-65 The Eurocentric concept of "restoration" that argues for more "native plants" and "native species" while excluding Native American people is a continuation of the removal of tribal peoples from their lands and the public consciousness. Along with other forms of racism, it is embedded in public policies over national and state lands and waters, including national and state parks, and the Los Cerritos Wetlands. How can the Los Cerritos Wetlands Plan PEIR be revised to address this historic and systemic racism?
2. SCWTF-66 Given that the LCWA acknowledges that the Los Cerritos Wetlands are a Traditional Tribal Landscape, how is it that none of the Los Cerritos Wetlands Restoration Plan Goals and Objectives reference tribal peoples or concerns? "Surrounding community" and "other interested parties" are the only groups mentioned in this section.
3. SCWTF-67 The PEIR acknowledges that the Los Cerritos Wetlands are a Traditional Tribal Landscape. Why is there no mention of land use, land management, or restoration from a tribal perspective, including restoring ownership and/or co-management of the wetlands to tribal groups who are culturally affiliated with them?
4. SCWTF-68 Why, after being asked to consult with traditional tribal ethnobotanists and tribal cultural consultants, did the LCWA not include any tribal experts, organizations, or state actors on the Technical Advisory Committee designing the PEIR? Why didn't the LCWA commission a technical report to provide baseline

SCWTF-69 information as to Traditional Tribal Landscape management and restoration requirements?

SCWTF-70 5. Why is Gabrielino, a name imposed by the Spanish Missionaries, used exclusively when describing the indigenous people of the area? Why is Tongva not used? Why is there no other tribal group with historic and cultural connections to the Los Cerritos Wetlands named at all? What about the Acjachemen, the Payómkawichum? What about the Acjachemen, the Payómkawichum, the Yuhaaviatam?

SCWTF-71 6. We understand from a number of tribal representatives who are on the required contact list that they have not been contacted by the LCWA regarding the PEIR. How can the LCWA address this problem?

SCWTF-72 7. We also see that, although several tribes and numerous tribal councils are culturally connected to the Los Cerritos Wetlands, only one tribal group, the Kizh, is referenced as providing tribal cultural consultants and monitors on the project. Given that the Los Cerritos Wetlands, as part of the Sacred Site of Puvungna, have intertribal significance, the PEIR should identify additional tribal groups as well.

SCWTF-73 8. Why is the meeting that the LCWA held on the Los Cerritos Wetlands Restoration Plan at the Seal Beach Library not mentioned in the PEIR? If it wasn't a scoping meeting, what was it? Are the presentations and public comments from this meeting part of the public record or not? It was attended by @ 70 people, more than the other 3 meetings put together and comments and questions made by those in attendance deserve to be part of the public record.

SCWTF-74 9. "Today, nearly all of the program area has been converted from its historic wetland habitat, though a few remnant and degraded historic habitats remain." Converted to what? Why do refer to historic "wetland habitat" singular, when both historically and seasonally multiple wetlands habitats did and do exist?

SCWTF-75 10. "No new information of substantial importance or change in circumstance with the Los Cerritos Wetlands Oil Consolidation and Restoration Project requires re-evaluation of the analysis in that EIR." What about the new perimeter berms, are you saying that the berms are not of substantial importance or will not make a change in circumstance?

SCWTF-76 11. "Potential environmental impacts to this activity (new oil drilling operations) are not analyzed under this PEIR, except to the extent these activities are reasonably anticipated future activities that may have a cumulative effect on activities within the program area.

SCWTF-77 12. So why is the cumulative effect of BOM's proposed oil operations not discussed in the PEIR? Especially considering that the risks to the environment and public health and safety posed by the project could not be mitigated, therefore the project did not comply with the Coastal Act (an override procedure was used to permit the project).

SCWTF-78 13. "Potential disturbances to sensitive habitats and species during operation of the proposed program would be minimized through effective design of public access areas to keep people on trails and out of habitat areas. Are people really the problem? Why is there no mention of how flooding, bulldozing, trenching, grading, soil storage and treatment, removing plants (possibly with machinery and herbicides), installing irrigation systems, building and paving new roadways, constructing new buildings, fences, and giant berms could potentially disturb sensitive habitats and species?

14. "The success of restoration efforts would be measured based on established performance criteria focusing on the abundance and diversity of native vegetation and the wildlife that use the Los Cerritos Wetlands

SCWTF-79 Complex." What about the successful preservation of existing habitat and wildlife? How is this not a goal? Why is "success measured only in terms of creating additional new habitat and producing more wildlife in the long run?

SCWTF-80 15. Why is the loss of existing habitat and wildlife discounted?

SCWTF-81 16. Regarding public access, the PEIR commits to "develop and enhance public access, recreation, and educational opportunities within the program area, while balancing the need for protection of sensitive habitats." What about wildlife which tend to avoid areas where humans are present?

SCWTF-82 17. When you total the number of acres of "managed vegetation" on berms/levees, does this acreage include the trails and roads, which would obviously not be vegetated? If not, is the acreage covered by trails and roads on the berms/levees calculated into the Developed acreage? What about the paved roads on the berms/levees, are they considered Developed?

SCWTF-83 18. What is the total acreage of land covered by new berms/levees, (including interim berms), oil drilling pads and new roadways (including the raised 1st St)?

SCWTF-84 19. In the South Area berms are listed as covering 3.6 acres. What about the raised road (1st St), how many acres will be covered by this road?

SCWTF-85 20. No acreage for a berm on Isthmus is listed on the chart. But a berm is mentioned as being on the Isthmus, "Acreages presented here assume the construction of an earthen berm which has a slightly larger footprint than a flood wall." What is the acreage of this berm?

SCWTF-86 21. Do the 11.1 acres of berms on the North Area include the sheetrock berm? If not how many acres does the sheetrock berm include?

SCWTF-87 22. Regarding water control structures: "A temporary access route, 35-feet wide, would be created using mats to provide equipment access." Where is the access road?

SCWTF-88 23. "The levees would also require periodic repaving of the access road and trail, replacement or repair of installed fencing." Where is the fencing?

SCWTF-89 24. "The levees would also require periodic repaving of the access road and trail, replacement or repair of installed fencing." Where is the fencing?

SCWTF-90 25. Will the road on the Perimeter Levees be paved? Will well pads and access roads be paved? How big will the pads and the access roads be at their base. How many well pads and access roads will there be? Signal Hill has 7 active oil wells on site, are there also inactive oil wells? Does each well need a separate well pad?

SCWTF-91 26. What is the final 1 acre of impervious surface on the North Area? Is this the proposed Visitor's Center and parking lot? Does this calculation presume that all oil operations, including Termo's, are gone and that there are no remaining oil pads, storage tanks, or paved roads (including on the berms/levees)?

SCWTF-92 27. "These storage basins or bioswales would be sized to accommodate the local area drainage." What measures are in place to prevent street runoff from polluting the wetlands?

SCWTF-93 28. What will happen in the Central Area during a major storm event once the SG River wall is gone? Will a "net" keep tons of trash (including large objects) being washed down the channel from entering the wetlands? What about microplastics?

29. "The Central Area is expected to primarily be a backwater area during flood events." What is a backwater

SCWTF-94 area? Is the water coming in only from the river or also from storm drains and roadways? What, if any, pollution controls are in place to filter out contaminants that could harm wetlands plants, fish, and wildlife?

SCWTF-95 30. What is meant by defining a particular area as "non-native"? Does this mean no native plants, or animal life of any kind inhabit or use this area?

SCWTF-96 31. What is a "transitional zone?" What kind of habitat and wildlife are in this zone?

SCWTF-97 32. "Disturbed habitat" is not a biological term, what kind of habitat/s is/are disturbed?

SCWTF-98 33. What is a "high-functioning wetland" vs. a "low-functioning wetland?"

SCWTF-99 34. 8.8 acres of existing salt flats will be reduced to 0 acres. Salt flats are considered to be the most endangered and least studied environments of coastal wetlands. Why are they not being preserved?

SCWTF-100 35. Why is there no reference to existing seasonal brackish or freshwater wetlands? Why is there no reference to rainfall as a source of fresh water? After a heavy rain most of the wetlands are flooded and pools of fresh/brackish water remain for an extended period of time.

SCWTF-101 36. Every section of the 503 acres is described as supporting special status species of plants and wildlife, but most areas will be dredged, flooded, graded, have berms constructed on them, and replanted, so as to be totally reconfigured. Why does this PEIR not reference (in detail) the loss sof special status species and all the other elements of the ecosystem that they depend on?

SCWTF-102 37. Why are certain areas within the Los Cerritos Wetlands Complex alternately excluded and included in the PEIR? For example, the calculations of existing and "restored" habitat, exclude Steamshovel Slough and other properties in the Northern Area. However, although the PEIR states that the program conforms to the Los Cerritos Wetlands Restoration and Oil Consolidation Project, the LCWA's property, outside the complex, slated to be an oil drilling site, is to be considered in the PEIR as a possible location for a Visitor Center.

SCWTF-103 38. Why do you think salt marsh habitat should be expanded and created at the expense of salt flats, freshwater /brackish seasonal wetlands? Especially as it will involve reducing the amount of land that is currently or potentially wetlands due to the need for berms to protect oil and commercial infrastructure?

SCWTF-104 39. Why should our remaining wetlands be used to provide flood control measures for roadways and private commercial and industrial operations in response to sea level rise?

SCWTF-105 40. Every section of the 503 acres is described as supporting special status species of plants and wildlife, but most areas will be dredged, flooded, graded, have berms constructed on them, and replanted in a project, so as to be totally reconfigured. "Since ecological restoration involves many variables, especially in systems as large and complex as the Los Cerritos Wetlands, there is uncertainty in how the project would perform," how can this loss be justified?

To: Sally Gee, Los Cerritos Wetlands Authority
Re: LCWA Los Cerritos Wetlands Restoration Plan DEIR, NOP
From: Sierra Club, Angeles Chapter, Long Beach Area Group
Contact Person: Conservation Committee Representative, Anna Christensen
achris259@yahoo.com

Comments and concerns as follows:

1. The Site Map (Fig 2) - unclear, incorrect - most properties are designated by owner, one by its nickname, one, not at all. Since the LCWA is listing properties/owners at the present time, it should include its own 5 acre property at 2nd and Studebaker which has been included in the LCWA's previous maps of the Los Cerritos Wetlands (as the site of the proposed visitors center and land bridge over 2nd St connecting wetlands areas). As the "Pumpkin Patch" is included, it's owner should be listed, and plans for the entire site (including new oil operations and an office building) should be described in the EIR.

SCWTF-106

2. Misleading statement in this document and by representatives of the LCWA at the Public Scoping Meeting lead the public to conclude that conditions imposed on the Los Cerritos Wetlands and LCWA properties under the FEIR of the Los Cerritos Wetlands Restoration and Oil Consolidation Project are legal, final, and cannot be challenged or even discussed in comments to the LCWA's Los Cerritos Wetlands Restoration DEIR. "The EIR (for the Los Cerritos Wetlands Restoration and Oil Consolidation Project) was certified by the City of Long Beach City Council in July 2018. - No mention CCC approval - is this because of the lawsuit filed against the CCC for violating the Coastal Act in approving the Los Cerritos Wetlands Restoration and Oil Consolidation Project?

SCWTF-107

3. The restoration project is described as "habitat enhancement." However, many of the proposed alterations to the project area will damage or destroy existing wetlands, seasonal and salt marshes, and wildlife habitat. They will endanger wildlife, including protected species and migratory birds. The assumption that bulldozing and trenching to create additional tidal influence will improve a seasonal wetlands subject to sea rise must be questioned. The assumption that all non-native species are "invasive," have no value, and must be eradicated must be questioned. The need to destroy existing plant communities to remove toxic soil must be questioned. The NOP is out of date in all these respects.

SCWTF-108

4. "Public Access" is a plus when seeking approval at the city and state levels as it gains the support of those who want to reassure constituents that the public will get to enjoy their natural resources up close and personal. It fails to take into account that for wildlife areas, public access is problematic to the extreme. No public access is warranted to ensure that the Los Cerritos Wetlands survive and thrive as a living ecosystem. No visitors center with access road, parking lot, and security lighting, no and walking trails within the wetlands. These are not "restoration" elements as they were not there in the first place. They may satisfy human wants and needs but they expand the human footprint and risk the present health and future well being of wildlife.

SCWTF-109

5. We submit that the Cultural Resources section is disrespectful to tribal peoples who have been excluded from participating in the NOP, distorts and omits tribal history,

SCWTF-110

denies the proven existence of tribal cultural resources in the project area, fails to describe the Los Cerritos Wetlands as a Tribal Traditional Cultural Property and Sacred Site.

SCWTF-111

6. We concur with others that this is not the time to create/submit an EIR for the “restoration” of the Los Cerritos Wetlands and that a “Program EIR” is not appropriate.

SCWTF-112

7. We attach documents with which we concur and reserve the right to expand our comments at a later date.

To: Sally Gee, Los Cerritos Wetlands Authority
Re: Comments on the Los Cerritos Wetlands Restoration DEIR, Notice of Preparation

Tribal concerns about the LCWA's NOP for the Los Cerritos Wetlands Restoration DEIR include:

1. Lack of inclusion of tribal perspectives in the preparation of the NOP (the basic design of the project).

SCWTF-113
- No evidence of consultation with any tribal entity, tribal member with expertise in tribal culture or tribal ethnobotany, or tribal individual with a previous history of involvement in protecting the Los Cerritos Wetlands. *"LCWA **will be** conducting consultation," LCWA **will consult** with tribes"*

SCWTF-114
- The NOP fails to include tribal cultural information from the 2015 Final Los Cerritos Wetlands Restoration Plan

2. The Cultural Resources Section asks if the project would "*Cause a substantial adverse change in the significance of an archaeological resource"* and further states, "*The program area is in the vicinity of known archaeological resources and may have the potential to contain undocumented prehistoric and historic-period archaeological resources."* Written from an outdated Eurocentric perspective, the section ignores the current understanding and acknowledgement of **tribal cultural resources**, current laws (SB18), and current policies (CCC and State Lands Tribal Consultation Policies) which recognize California Indian peoples as sovereign living nations capable of planning and engaging in cultural resource management over public lands within their tribal territories and/or with which they maintain a cultural connection.

SCWTF-115

SCWTF-116
- The Cultural Resource section omits or misidentifies tribes having historic and cultural connection to the Los Cerritos Wetlands. The tribal history of the area identifies only one tribe by name, the Gabrielino, a name given by Spanish Missionaries, not that in current use. *From 1,000 years before present to approximately 1542 A.D., Los Angeles County and Northern Orange County were occupied by the Gabrielino people (named after the Spanish Mission where many of them were baptized)."* The Tongva, Acjachemen and other Southern California tribes maintain their connection to the Los Cerritos Wetlands through ceremonial and social activities and by monitoring and opposing developments which threaten the health of the wetlands, the waterways, and the surrounding communities.

SCWTF-117
- The Cultural Resources section omits highly significant tribal history and place names, including Puvungna, a major ceremonial center and the birthplace of Chinigchinich,

the founder of a spiritual tradition practiced by multiple Southern California tribes today.

SCWTF-118
- The Cultural Resources section improperly questions whether tribal cultural resources exist within the project area. It describes known village, burial and cultural sites as being "nearby" the wetlands rather than including the wetlands **within** the tribal communities of Puvungna and Motuuchenya. "*Nearby Native American sites are known to be located at California State University Long Beach, Rancho Los Alamitos Historic Ranch, and Heron Point." "Native American burials have been encountered at sites in the vicinity of the program area (California Coastal Commission, 2018)." "If necessary, mitigation measures will be recommended to reduce potential significant impacts to historical resources."*

SCWTF-119
- Tribal interests are assumed to be limited to their connection to archaeological sites and cultural resources including burial sites that could be disturbed/destroyed during excavation. Tribes are not acknowledged as living communities and governing bodies with a legal right to maintain a physical and spiritual connection to the Los Cerritos Wetlands. Nor are past and present tribal efforts to protect and use the wetlands for spiritual, cultural, and recreational purposes acknowledged.

SCWTF-120
- The NOP fails to acknowledge that the Tongva and Acjachemen recognize the Los Cerritos Wetlands as both a Tribal Cultural Landscape and Sacred Site, eligible to be listed as such by the NAHC and SHPO.

SCWTF-121
- In ignoring tribal cultural perspectives, tribal historic and current connections to the Los Cerritos Wetlands, the NOP fails to identify potentially significant impacts to the Los Cerritos Wetlands and to the tribal peoples having physical and cultural connections to the project area. The proposed mitigation measures fail to acknowledge the continued and consistent comments by numerous tribal leaders that any and all disruption of natural areas do harm and should be avoided. *If necessary, mitigation measures will be recommended to reduce potential significant impacts to cultural resources.* It describes "potentially significant impacts" and "cultural resources" as follows: *Since the proposed program would require excavation and grading in some portions of the program area, ground-disturbing activities could unearth subsurface human remains"* and *"historic-period archaeological resources"*

SCWTF-122
- Restoration plans that include increased public access at the expense of wildlife, that involve the destruction of existing plant communities supporting wildlife, that employ pesticides and involve excavation and bulldozing, are in and of themselves destructive and disrespectful measures. Realistically, restoring the Los Cerritos Wetlands to the once magnificent river estuary beloved by its tribal occupants is not possible. To include tribal peoples in protecting what remains is essential. Failing to do so, the NOP reveals a continued mindset of dominion over rather than true appreciation for the natural world and the original peoples of the land.

Appendix 7: Salt Flats in Southern California Coastal Wetlands

of the *Wetlands on the Edge: The Future of Southern California's Wetlands Regional Strategy 2018*

Written by Erin Beller, San Francisco Estuary Institute

Introduction

Salt flats are a type of seasonal wetland that is characteristic of arid, semi-arid, and mediterranean-climate coastal environments such as Southern California. They are subject to intermittent flooding due to tidal or freshwater influence and remain unvegetated due to salt concentration, with soil salinities often exceeding 100-200 ppt (Pennings and Bertness 2001). They are extremely dynamic features, experiencing large fluctuations in salinity and inundation. They were widespread historically and are present in many Southern California estuaries today, providing an array of ecosystem functions for resident and migratory wildlife. However, little is known about the formative processes, historical and contemporary distribution, and ecosystem functions and services of salt flats in the region relative to other estuarine habitat types. As a result, we currently lack sufficient information to identify appropriate regional objectives for salt flat management.

While specific regional objectives for estuarine salt flat management are outside the scope of this document, we recognize salt flats as an important component of overall estuarine and transition zone habitat diversity in Southern California. We suggest these features have the potential to provide important ecological functions and services, appear to be under-represented in current systems compared to historical conditions, and merit consideration as part of regional habitat mosaics. Here, we provide background context on salt flat characteristics; a preliminary assessment of their historical distribution, ecosystem functions and services; and typologies in Southern California.

What is a Salt Flat?

Salt flats – also known as salt pans (or pannes), *salinas*, alkali flats, playas, and sabkhas, among other terms – are unvegetated seasonal wetlands that fluctuate between dry, hypersaline conditions and shallow freshwater and/or tidal inundation (Briere 2000, Yechieli and Wood 2002). In estuaries, they often occur where evaporation seasonally exceeds inflow, as well as in systems with low rainfall, strong seasonal variation in precipitation, and/or irregular tidal inundation (Pennings and Callaway 1992, Largier et al. 1997, Pennings and Bertness 1999). We distinguish salt flats (which can be quite extensive,

covering hundreds of acres) from the small salt pannes that occur in areas with limited drainage within many salt marshes (Boston 1983, Pennings and Bertness 2001).

The presence of estuarine salt flats indicates some degree of disconnectivity from regular tidal inundation that would allow for desiccation, either due to elevation (e.g., above Mean Higher High Water where inundation is infrequent) or a physical barrier such as sand dunes or inlet closure. As a result, salt flat conditions and dynamics (including shape and landscape position, inundation regime, soil and water salinity, sediment dynamics) are variable from year to year and feature to feature.

Methods

We performed three initial tasks to enhance our understanding of historical spatial distribution, change over time, and ecosystem functions and services of Southern California salt flats. First, we synthesized information on the key ecosystem functions based on expert opinion from the Science Advisory Panel, reports, and papers and performed an initial review of historical ecosystem services based on existing research (Beller et al. 2014). This was not intended to be comprehensive, but instead provide an overview of some of the core functions and services provided by salt flats. Second, we used existing historical habitat type mapping derived from U.S. Coast Survey T-sheets (Stein et al. 2014) to document the historical distribution of salt flats in Southern California prior to major Euro-American modifications (circa mid-19th century). Finally, we developed a preliminary historical typology of Southern California salt flats based on visual assessment of their landscape position and ecological context.

Ecosystem Functions and Services

Due to their dynamic nature, salt flats can provide a broad array of wildlife support functions varying by landscape position (e.g., supratidal or intertidal) and degree of inundation (Table 1). Some of these functions are coincident with those provided by estuarine lagoons and ponds (when flooded) or sand dunes (when dry); others are more unique to salt flats (e.g., habitat for tiger beetles and rove beetles) (Zedler et al 1992). When flooded, for example, salt flats can support foraging for resident and migratory birds: dabbling ducks and shorebirds can feed on invertebrates, invertebrate larvae, and the occasional small fish (Schaffner 1986, Williams, Desmond & Zedler 1998), while diving birds such as grebes, cormorants, and ruddy ducks can feed in deeper water (Beller et al. 2014). Drying salt flats can provide breeding habitat for the state- and federally endangered California least tern and federally threatened western snowy plover, in addition to resident birds such as black-necked stilts and American avocets. When dry, salt flats can support roosting and refuge for birds able to congregate safely in the large open space, as well as corridors for traveling mammals and habitat for invertebrates such as tiger and rove beetles and micro-crustacean and aquatic insects such as water boatman and brine flies.

Ecosystem services have not been robustly documented for salt flats in the contemporary landscape, but historically included salt production by indigenous and Euro-American residents, transit (since the dry margins of salt flats provided convenient travel routes), and recreational activities (including use as racetracks when dry, and boating and swimming while flooded).

Table 1. Salt flat ecosystem functions.

Ecological function	Supratidal salt flats	Intertidal salt flats
Dry season (or dry margins)		
Roosting and refuge for shore birds, terns, and gulls	✓	✓
Breeding habitat for resident and migratory birds	✓	✓
Habitat for invertebrates (e.g., tiger and rove beetles, micro-crustacean and aquatic insects)	✓	✓
Corridors for travelling mammals	✓	✓
Wet season/flooded		
Foraging for resident and migratory birds (e.g., for dabbling ducks and shorebirds)	✓	✓
Tidewater goby habitat?		✓
Southern California steelhead?	✓	✓

Historical Salt Flat Distribution and Typology

Salt flats were historically present in approximately one-quarter of Southern California 104 estuarine systems (cf. Stein et al. 2014; Figures 1 & 2). They were found across the Bight, from Goleta Slough to the Tijuana River estuary, and covered more than 3,000 acres in total (~10% of total estuarine habitat area excluding subtidal open water; Stein et al. 2014). Salt flat size, shape, landscape position, and ecological context varied across systems, with salt flats ranging in size from less than one acre to well over 1,000 acres (flanking either side of the San Gabriel River as it entered what is now Los Angeles Harbor). Other than the Los Angeles Harbor area, the largest salt flats (between 150 and 1,000 acres) were found in northern San Diego County (Batiquitos, San Elijo, Buena Vista, and Agua Hedionda lagoons, ranging from 160 to 475 acres), at Goleta (~200 acres), and Mugu Lagoon (largest salt flat ~180 acres; 250 acres total). Other notable salt flat complexes were found at Ballona (135 ac) and Seal Beach (135 ac). Preliminary analysis based on Stein et al. (2014) suggests that approximately 95% of estuarine salt flats in the Bight were found in these nine systems. (Note, however, that this does not account for salt flats documented by local historical analyses in other systems such as Los Peñasquitos Lagoon; cf. Beller et al. 2014).

Based on an initial visual assessment, we suggest two broad categories for Southern California salt flats historically distinguished by position in the wetland complex and presumed degree of tidal and freshwater influence: **supratidal salt flats** and **intertidal salt flats** (Figures 1 & 2). Supratidal salt flats occurred at elevations above Mean Higher High Water, and as a result were subject to only infrequent tidal overflow (e.g., during storm surges or spring tides, or during inlet closure with net inflow of water from watershed and by wave overwash). These salt flats were located above the marsh plain, as part of the transition zone between tidal and terrestrial habitats. Examples include the salt flats formerly found at Goleta and the Los Angeles River (Figure 1). In contrast, intertidal salt flats occurred at elevations between Mean High Water and Mean Higher High Water, and desiccated due to disconnection from

tidal waters due to inlet closure with net loss of water through evaporation (and perhaps owing to other physical barriers). Examples include the extensive, seasonally flooded lagoons formerly found in northern San Diego County (Beller et al. 2014; Figure 2).

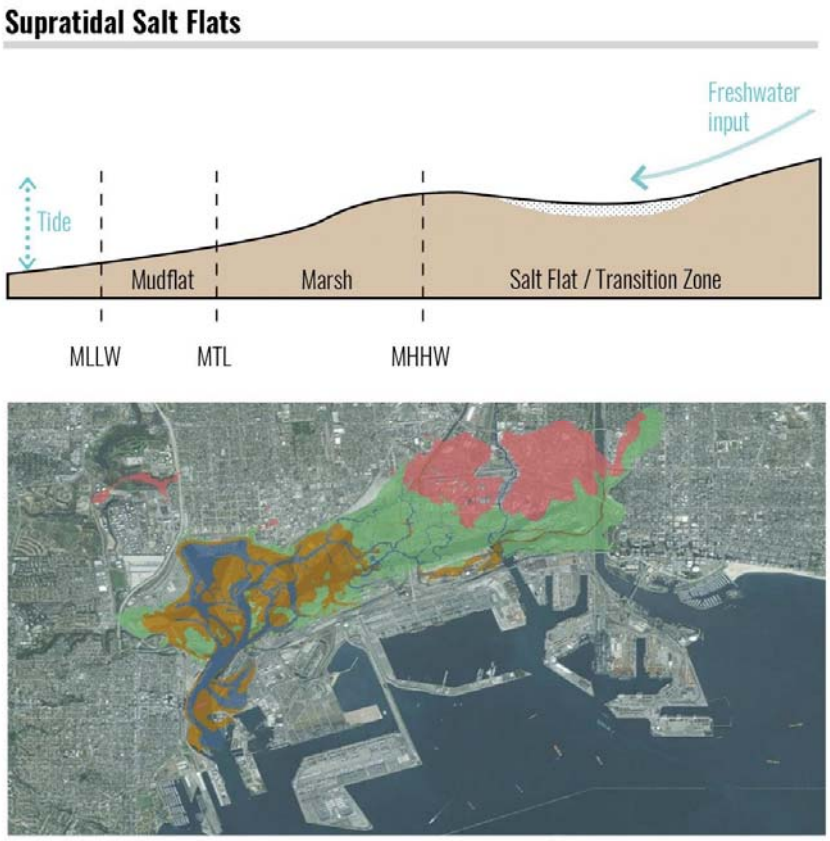

Figure 1. The top panel shows a cross section for historical supratidal salt flats. Historical salt flats (pink) in the Los Angeles area were generally supratidal in nature (historical habitat types, modern aerial).

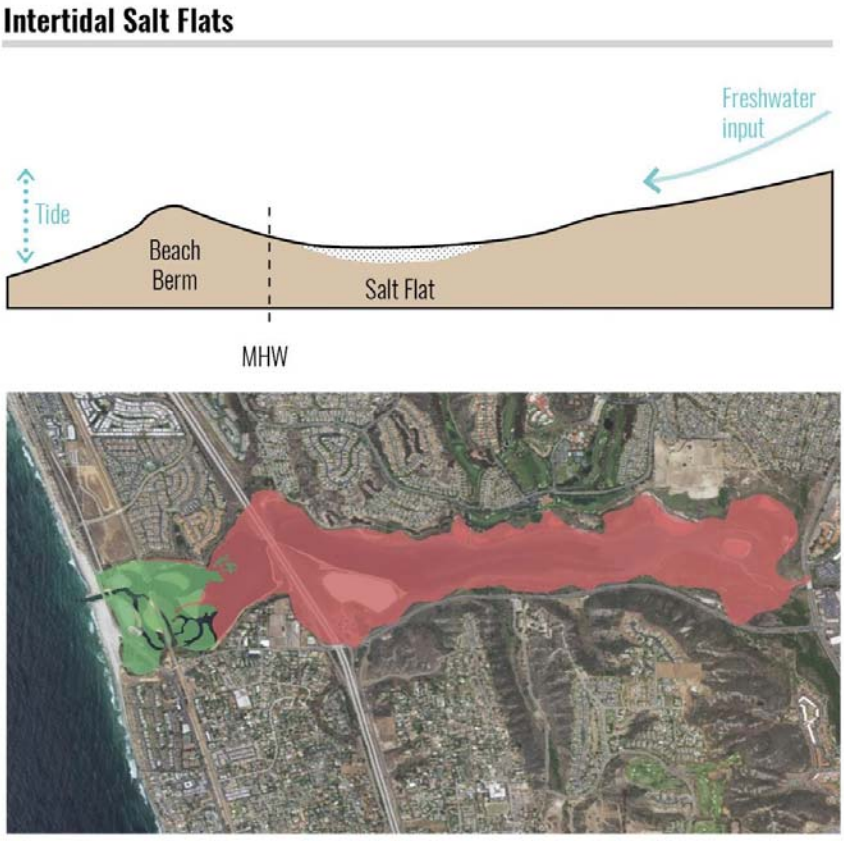

Figure 2. The top panel shows a cross section for historical intertidal salt flats. Historical salt flats (pink) in estuaries such as Batiquitos Lagoon in northern San Diego County were generally intertidal in nature (historical habitat types, modern aerial).

While some salt flats clearly fall into one of these typologies, distinguishing many others without ancillary information on elevation, inundation regime, and formative processes is challenging to impossible, illustrating the wide variety of context in which salt flats were found. More research is needed to differentiate between features and refine the typology.

Contemporary Salt Flat Distribution and Characteristics

Like other intertidal habitat types, salt flats have experienced dramatic changes since the 19th century, with losses of approximately 80% of total area (Stein et al. 2014). However, there are still a few salt flats in the California Bight region, for example in Devereux Slough, San Elijo and Tijuana estuaries. Remaining salt flats include a mixture of salt flats that likely function similar to historical analogs (e.g., salt flats at San Elijo Lagoon; Figure 3) and unvegetated features resulting from legacies of human use or anthropogenic disturbance such as soil compaction, grading, fill, or sediment deposition (e.g., salt flats at the Tijuana River estuary in places with a history of military activity; Figure 3).

Somewhat surprisingly, however, historical salt flat extent is more robustly documented than the current extent of salt flats. While contemporary coastal wetland mapping for the Southern California

Bight is available both from the National Wetlands Inventory (NWI) and Center for Geographical Studies (CGS) at California State University, Northridge, they employ standardized classification schemes that do not distinguish between different types of unvegetated intertidal habitats (e.g., salt flats and mud flats; Cowardin et al. 1979). Salt flats and mud flats are therefore indistinguishable in these products; as a result, the regional distribution of salt flats in the contemporary landscape remains poorly documented and regional assessments of estuarine habitat change (e.g., Stein et al. 2014) have not been able to differentiate change over time between these two unvegetated wetland types.

Local assessments of change over time in salt flat extent and distribution (e.g., Beller et al. 2014, Safran et al. 2016) have used coarse differentiations between salt flats and mudflats based on the presence or absence of a connection to subtidal open water, paired with input from local experts. However, these maps represent only an approximation of salt flat habitat, and have not been validated in the field or systematically evaluated by regional advisors. As a result, detailed mapping of current salt flat distribution, vetted through local knowledge and field validation, remains a regional need (see Goal 4).

Figure 3. Images of contemporary natural salt flats in San Elijo Lagoon (top) and Tijuana estuary (bottom).

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Bermzerk!

The Lost Cerritos Wetlands

Comment Letter SCWTF

The Los Cerritos Wetlands Restoration Plan PEIR includes huge earthen berms across and around the wetlands to protect oil operations and industrial and commercial properties from flooding and eventual sea level rise. Existing wetlands and wildlife habitat will be bulldozed and buried as flood control infrastructure and the creation of salt marshes are prioritized over the preservation of this fragile and complex ecosystem.

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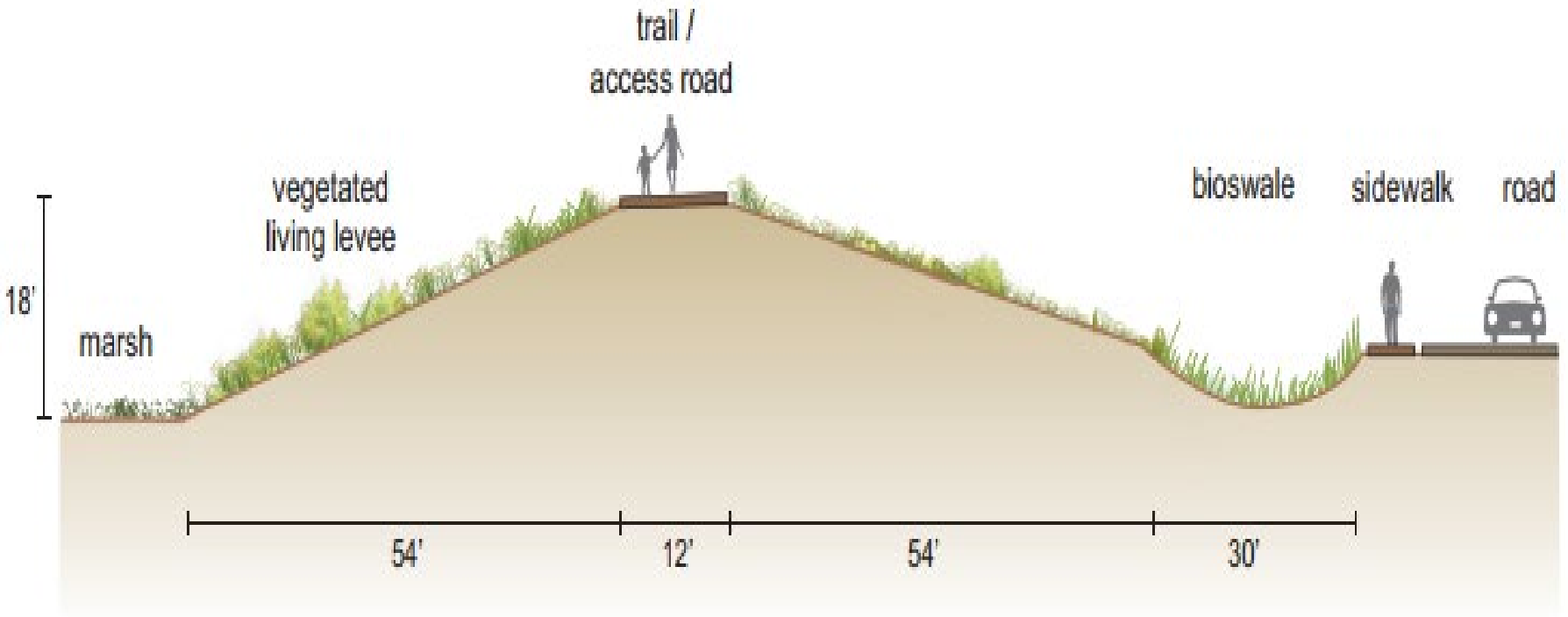


Some berms will be 18 feet tall.

Some will be 120 feet wide.

Some will be paved for vehicles servicing oil and gas operations.

Some will have pump jacks sitting on top of them.

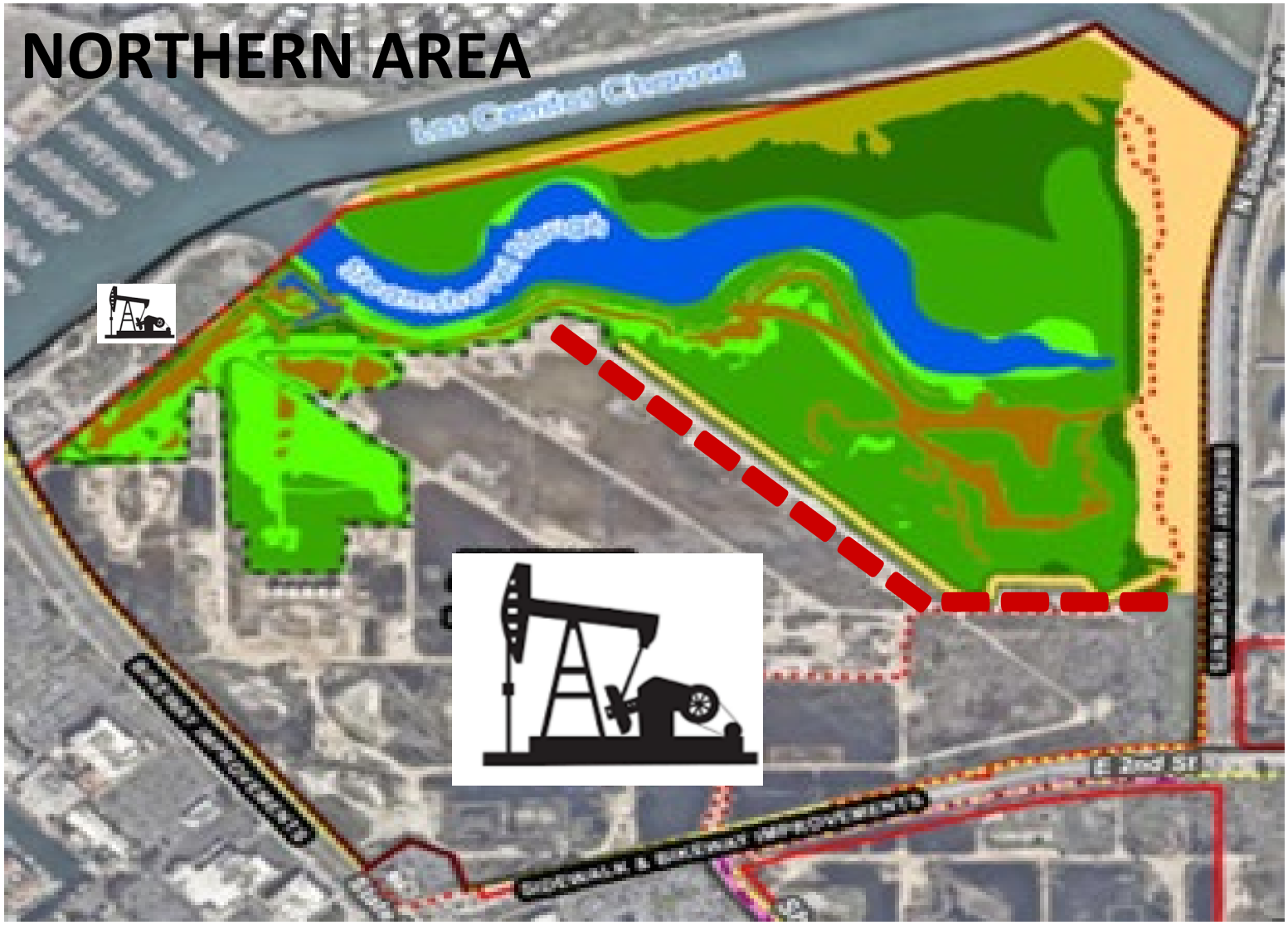
Some will be set back to allow room for oil pipelines and runoff from streets.

ALL WILL BE BUILT ON, AND ELIMINATE, EXISTING WETLANDS!!!

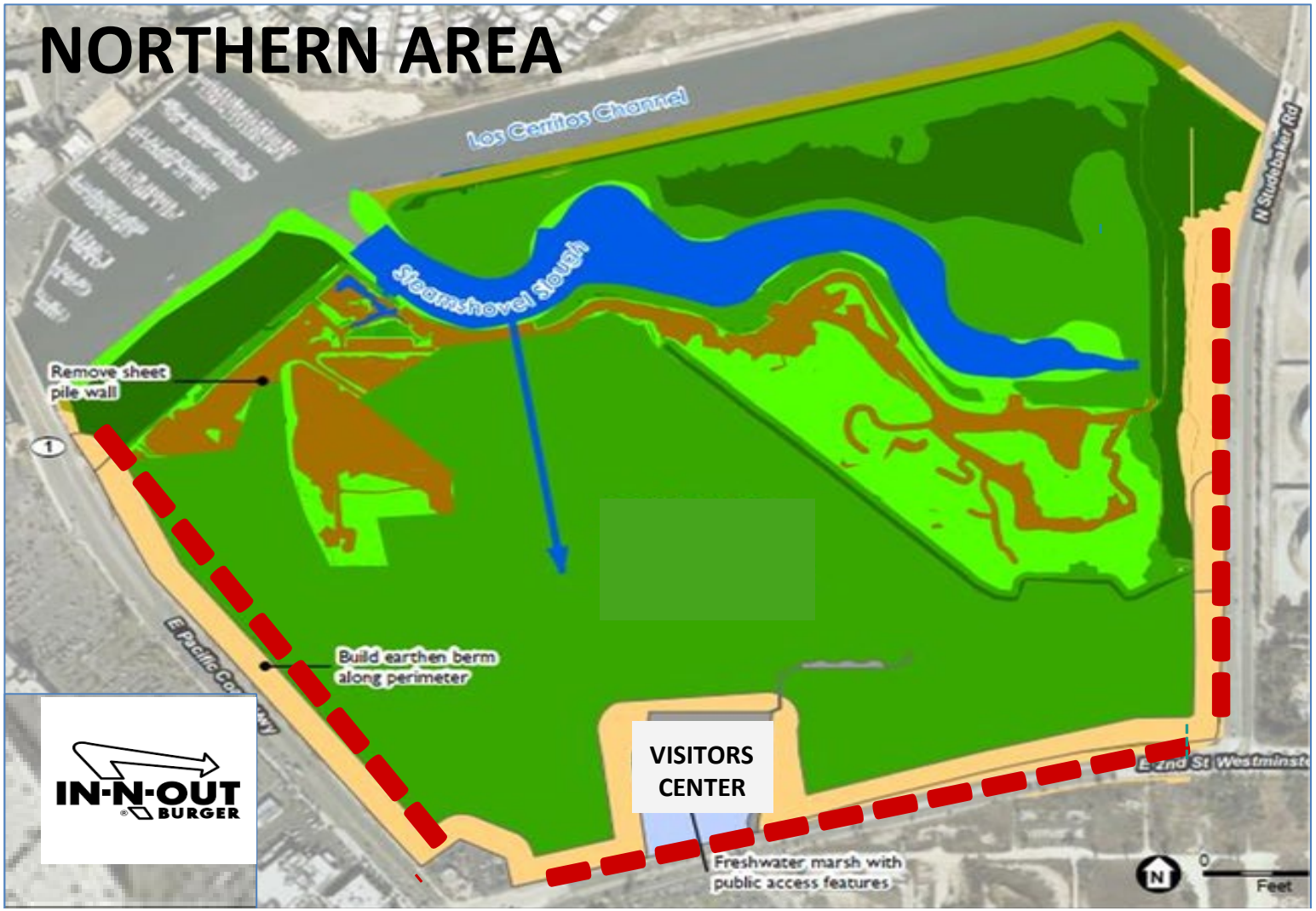
Berms will be constructed on the Northern, Central, and Southern Areas of the Los Cerritos Wetland Complex, all of which will eventually become salt marshes.

Comment Letter SCWTF

In the Northern Area, Beach OIl Minerals oil field will be protected by a new berm when Steamshovel Slough is extended over seasonal wetlands habitat, including rare salt flats. These wells will continue in operation for twenty years after BOM expands onto new sites.



When oil operations cease and the salt marsh is further expanded, high berms will be built along PCH, 2nd St, and Studebaker Rd. to protect the In and Out Burger, malls, the proposed Vistors Center, and multiple new 5 and 7 story buildings.



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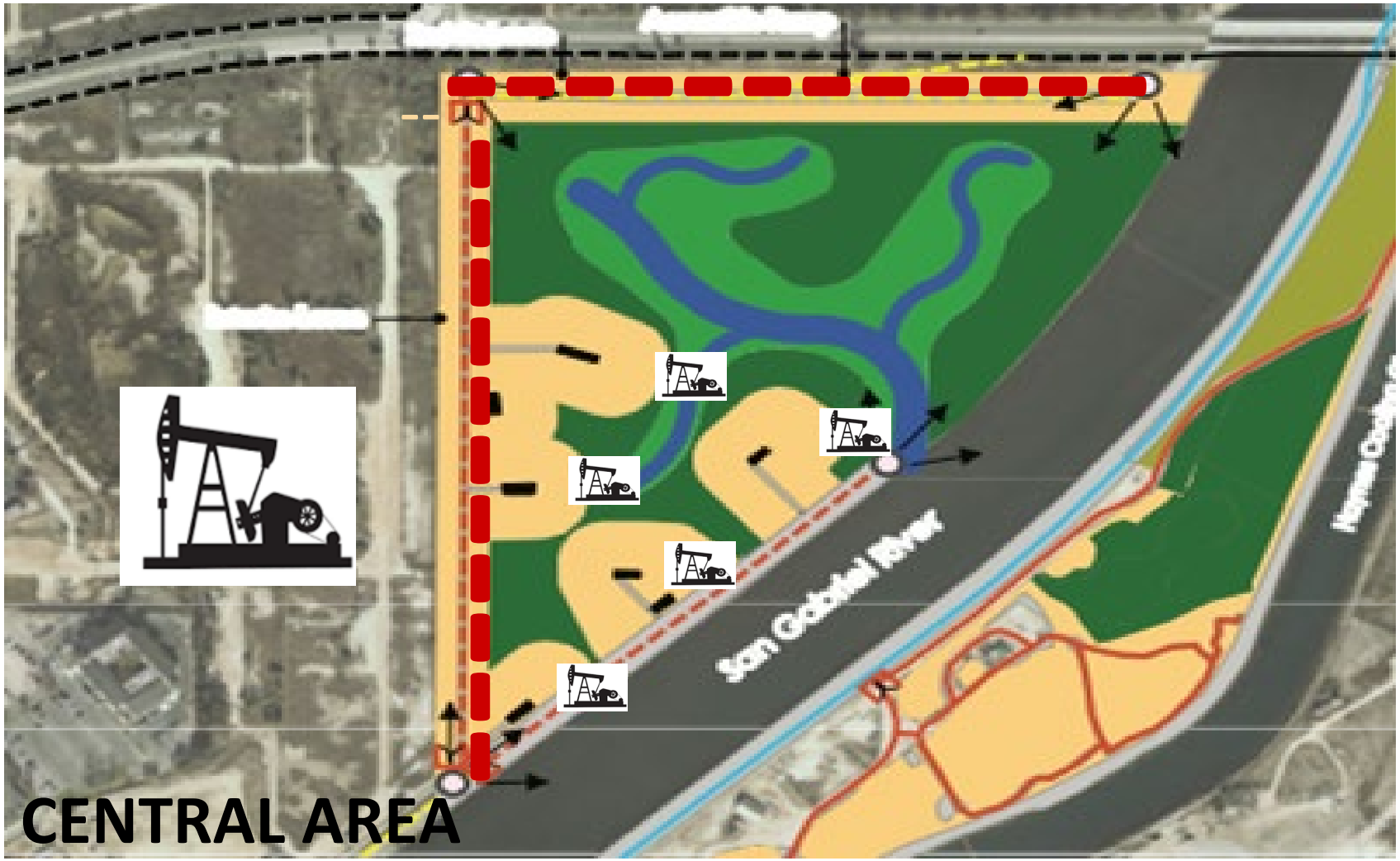
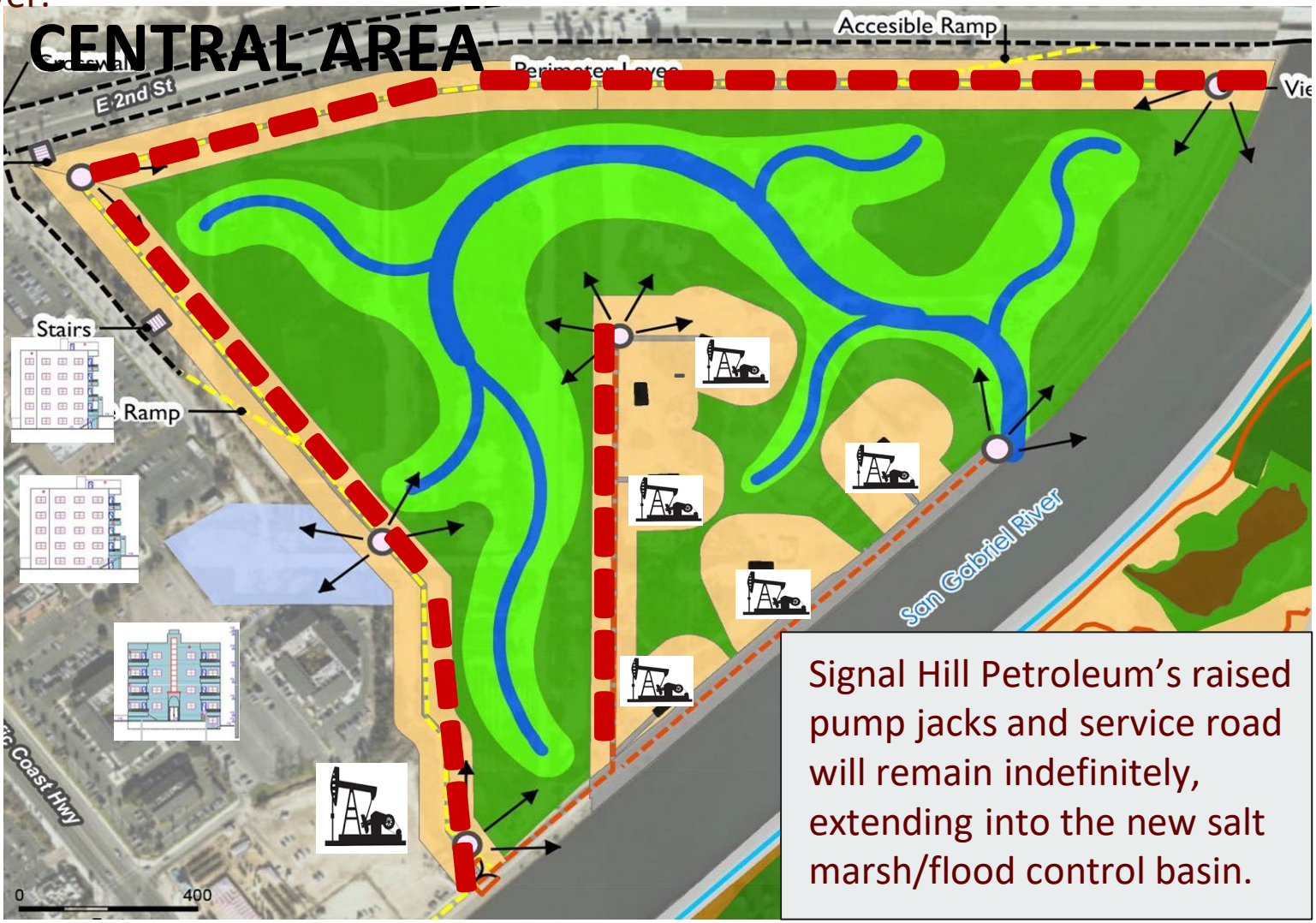
In the Central Area, when the San Gabriel River Channel wall is removed to create a new salt marsh and flood control basin, a berm across the wetlands will protect BOM's wells on the City of Long Beach property and also serve as a road for service vehicles maintaining Signal Hill Petroleum's pump jacks which will be lifted onto raised pads. A berm along 2nd St will protect BOM's new oil operations and the industrial zone.



When BOM's wells on the Long Beach Property are shut down, it will also be flooded. To protect malls, Bom's new oil operations, and proposed mixed-use development, 18' high berms will extend along 2nd St. to PCH and along PCH to the San Gabriel River.



Signal Hill Petroleum's raised pump jacks and service road will remain indefinitely, extending into the new salt marsh/flood control basin.

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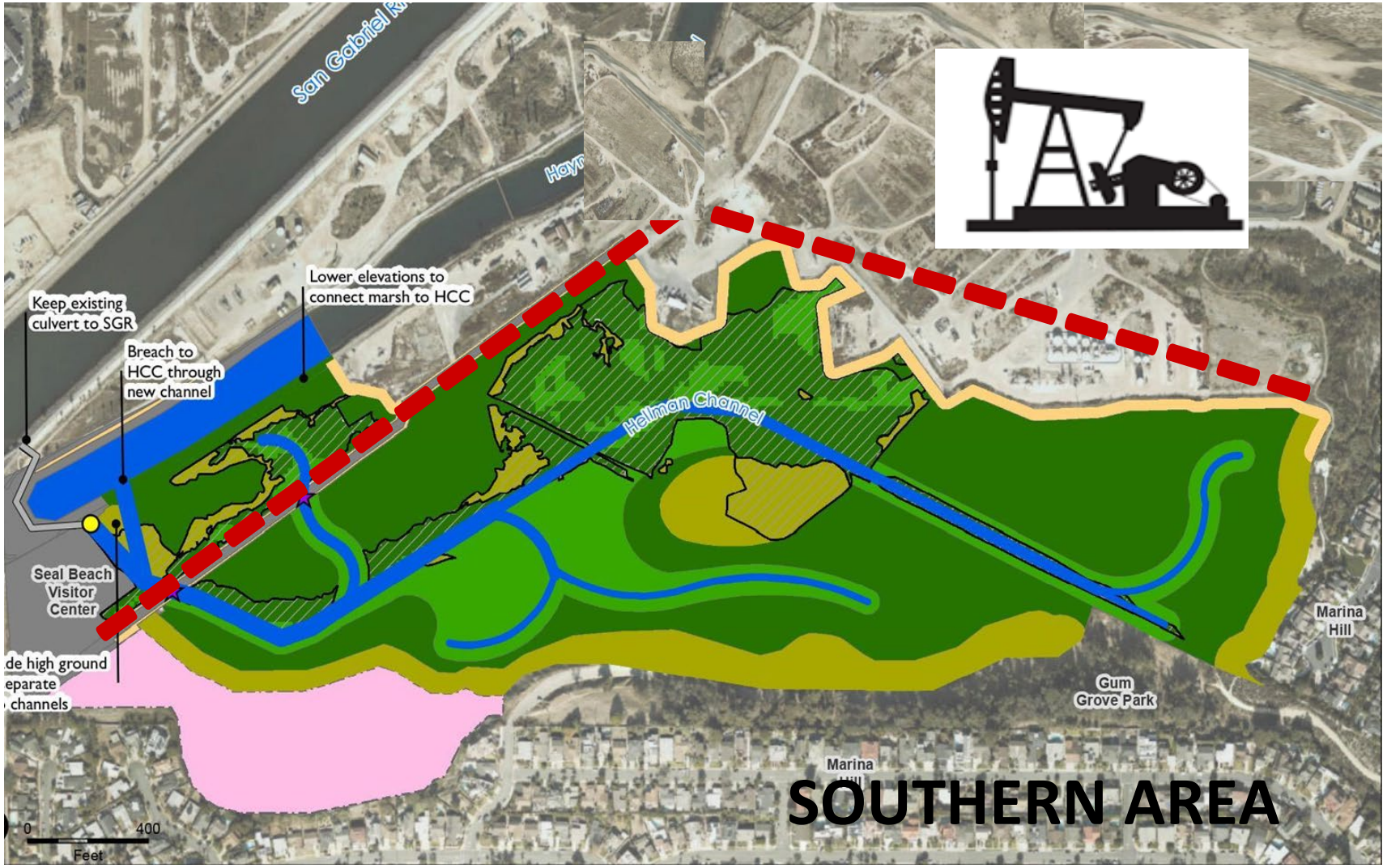
In the Southern Area, the wetlands will be divided and destroyed when the service road to Hellman's oil and gas operation is elevated and a berm is built to protect well sites from flooding as existing habitat is transformed into a new salt marsh.



As new berms come and go the wetlands will also become storage sites for excavated and dredged soils until these are either used in flood control or hauled away. Existing wildlife areas will become construction zones for the next half century or even longer.

Comment Letter SCWTF

The LCWA must **X** out these Giant Berms! Adapting to sea level rise must not come at the expense of our remaining wetlands and wildlife areas. Nor should flood control measures designed to protect oil drilling operations and commercial properties be disguised as restoration projects. Wetlands, not Walls!

Figure 1-3. Map of Entire LCW Complex

Comment Letter SCWTF

SOURCE: Mapbox, LCWA

Los Cerritos Wetlands Restoration Plan Draft Program EIR

Figure 2-2

Project Site and Local Vicinity

ESA

4/18 2020

To: Kate Hucklebridge, California Coastal Commission

From: The Los Cerritos Wetlands Task Force, Sierra Club

Concerns regarding the proposed Upper Los Cerritos Wetlands Mitigation Bank

Note: We address our concerns regarding the Upper Los Cerritos Mitigation Bank as described in the following: Army Corps File No.: SPL-2016-007562016 Mitigation Bank Prospectus, Los Cerritos Wetlands Restoration and Oil Consolidation Project EIR (Upper Los Cerritos Wetlands Mitigation Bank/Restoration Plan), Coastal Development Permit 9-18-0395, Coastal Commission Staff Report Th14a, and the 8/22/2019 Memorandum from Sam Schuchat to the State Coastal Conservancy

Synergy site, showing boundary of Upper Los Cerritos Wetlands Mitigation Bank

I. Concerns regarding the benefit of a Mitigation Bank to Los Cerritos Wetlands and to the preservation/restoration of wetlands overall.

1. Research into mitigation banking reveals this mechanism to be problematic. Rather than reducing the destruction of existing wetlands, Mitigation Banks may actually be increasing it. It has become highly profitable to purchase credits in exchange for the right to build on existing wetlands. Selling these credits further profits Mitigation Bankers. Finally, those engaged in designing, promoting, and conducting invasive and expensive restoration projects for Mitigation Banks profit from damaging and destroying existing wetlands ecosystems. Additionally there has been a failure to implement and monitor Wetlands Mitigation Banks that actually restore and/or create sustainable wetlands ecosystems,*"Current restoration practice and wetlands mitigation policies will maintain and likely accelerate the global loss of wetlands ecosystem functions…If restoration as currently practiced is used to justify further degradation, global loss of wetland ecosystem function and*

structure will spread…In addition, developers often promise to create or restore wetlands in one location in exchange for getting permission to bulldoze wetlands in another location… The research is saying these new sites just don't do as well" (*Structural and Functional Loss in Restored Wetland Ecosystems*, *David Moreno-Mateos)*

2. The Upper Los Cerritos Wetlands Mitigation Bank is presumptive and premature. In order to establish the bank, Beach Oil Minerals proposes a major reconfiguration of the Los Cerritos Wetlands ecosystem. To ensure the survival of the Los Cerritos Wetlands, input from diverse entities with a commitment to the preservation and restoration of coastal wetlands is essential. Failure to take into consideration multiple options, discounts the expertise required and available to make the best possible decision for the wetlands, waters, and the community. A measured approach, which includes and verifies the results of alternative scenarios, holds more promise and far less risk than BOM's plan. For public agencies to limit consideration and analysis to a single proposal by a private party who happens to own acreage and mineral rights in the Los Cerritos Wetlands complex shows a lack of judgment.

II. Concerns regarding the Upper Los Cerritos Wetlands Mitigation Bank and the Los Cerritos Wetlands Restoration and Oil Consolidation Project

1. The 2016 Prospectus for the Upper Los Cerritos Wetlands Mitigation Bank states that*, "the design, goals, and objectives described herein are in alignment with goals and objectives previously outlined and approved in LCWFCRP." (2015 Los Cerritos Wetlands Final Conceptual Restoration Plan).* We disagree. The LCWFCRP has been significantly altered to accommodate the Los Cerritos Wetlands Restoration and Oil Consolidation Project. The Prospectus does not mention or consider the risks to the wetlands, waters, and community posed by these changes. Allowing oil infrastructure and other construction on ESHA and other wetlands habitat areas, expanding oil operations onto wetlands adjacent property (including that designated for a Visitors Center in the 2015 plan), and expanding drilling operations beneath the Mitigation Bank property (involving the injection of chemicals and large amounts of produced water), must be included in the Prospectus and evaluated by the IRT. The proponent has not met the following requirement to "*discuss potential conflicts and compatibility with any conservation plans, CDFG conceptual area plans, or other land use plans, policies, or regulations.*" (*Prospectus 2016*)
2. To imply that the Mitigation Bank can be reviewed without considering its connection to the Los Cerritos Wetlands Restoration and Oil Consolidation Project is misleading, "*The establishment of the Mitigation Bank is not dependent on the Project nor is it compensatory mitigation for the*

Project." (*Prospectus 2016*). While the Upper Los Cerritos Wetlands Mitigation Bank may contribute to the restoration of the Los Cerritos Wetlands, it also enables Beach Oil Minerals new oil operations to pollute and put at risk the entire wetlands ecosystem and the public's health and safety, while also contributing to sea rise and climate change-"*Establishment of the proposed Mitigation Bank discussed herein is associated with the larger Los Cerritos Wetlands Restoration and Oil Consolidation Project (Project) that will occur on four properties including the Synergy Oil Field, Pumpkin Patch site, Los Cerritos Wetlands Authority (LCWA) site, and a City-owned Property. " (Prospectus 2016)*

3. The environmental and financial risks to the proposed Mitigation Bank property posed by the Los Cerritos Wetlands Restoration and Oil Consolidation Project must be factored in as regards the feasibility of the Mitigation Bank. This should include the footprint of the expanded oil operations under and around the Los Cerritos Wetlands, which will increase oil extraction from 300 to 24,000 barrels of oil daily and add 70,000 tons of GHG emissions annually, requiring BOM to purchase Cap and Trade credits. The oil operations, including a pipeline over the Newport-Inglewood Fault, and "enhanced" injection drilling beneath the Mitigation Bank area, pose threats that cannot not be mitigated, *"BOMP will benefit from the ability to drill new oil wells and construct associated infrastructure, including storage tanks, pipelines, and an office building, increasing oil production to approximately 80 times current levels, from about 300 barrels per day (bpd) to up to 24,000 bpd. 70 new wells and four storage tanks would be constructed on the OTD parcel, and 50 new wells, an office building, and a warehouse would be constructed on the Pumpkin Patch. A 2,200 ft. pipeline would be constructed to connect the Pumpkin Patch and the OTD parcel. As a result of the project, oil production will increase significantly, as noted above." (California Coastal Conservancy memo, 8/22/2019)*
4. The Upper Los Cerritos Wetlands Mitigation Bank is inappropriate for a Traditional Tribal Landscape, *"Special Conditions do not adequately mitigate the potential damage to archeological resources or tribal cultural resources and the introduction of new development remains inconsistent with the tribal cultural landscape as described by tribal members with a cultural connection to the Los Cerritos Wetlands." (CCC Staff Report)*

III. Concerns regarding the Upper Los Cerritos Wetlands Mitigation Bank Restoration Plan

1. The current plan for breaching the existing berm separating Steamshovel Slough from Synergy's oil fields will compromise one of the few remaining salt marshes in Southern California, and the only remaining ancient one. The impact of a single extreme alteration on the existing waters and area of the slough (enlarging it by 1/3), could destroy this fragile and rare ecosystem. *"Steamshovel*

Slough is approximately 1,950 feet long and is considered a historic or "ancient" marsh in that it has not been modified through dredging or filling." (BOM EIR). "Reestablish 22.38 acres of tidal salt marsh habitats through strategic grading and removal of segments of a constructed berm that restricts historic tidal connections between the Steamshovel Slough and the oil field (south of bank area)." (Prospectus, 2016)

2. Residues from oil drilling operations and soils from proposed dredging and grading will negatively impact the marsh ecosystem. A healthy salt marsh (that doesn't currently qualify for Mitigation Bank credits) will be degraded in order to include it in the Upper Los Cerritos Mitigation Bank, *"This full tidal salt marsh appears to have changed little over the decades and is a model climax coastal salt marsh plant community. It is likely that this stability is due to its full tidal conditions and lack of major landform alteration." (Los Cerritos Wetlands Habitat Assessment Report).*
3. Increasing tidal influence and expanding tidal connections will destroy rare, historic coastal salt flats/salt pans serving as seasonal wetlands. *"Descriptions of alkali meadows in this area are found in both the narrative accounts and in the locality information from herbarium records: 'In the earlier years, part of the land lying east of Los Alamitos ranch was white in spots, when the alkali lay in cakes on the ground. After the flood these places were covered from a few inches to four feet deep with silt. The land would then grow anything.' (Thornburg: Reagan 1915)." Historic Ecology and Landscape Change, San Gabriel River Floodplain. "Salt flats are a type of seasonal wetland that is characteristic of arid, semi-arid, and Mediterranean climate coastal environments such as Southern California….They were widespread historically and are present in many Southern California estuaries today, providing an array of ecosystem functions for resident and migratory wildlife ….When flooded, for example, salt flats can support foraging for resident and migratory birds: dabbling ducks and shorebirds can feed on invertebrates, invertebrate larvae, and the occasional small fish, while diving birds such as grebes, cormorants, and ruddy ducks can feed in deeper water. Drying salt flats can provide breeding habitat for the state and federally endangered California least tern and federally threatened western snowy plover, in addition to resident birds such as black-necked stilts and American avocets. When dry, salt flats can support roosting and refuge for birds able to congregate safely in the large open space, as well as corridors for traveling mammals and habitat for invertebrates such as tiger and rove beetles and micro-crustacean and aquatic insects such as water boatman and brine flies. …Ecosystem services have not been robustly documented for salt flats in the contemporary landscape, but historically included salt production by indigenous and Euro-American residents…. Salt flats were historically present in approximately one-quarter of Southern California 104 estuarine systems…. (Appendix 7: Salt Flats in Southern California Coastal Wetlands, Wetlands on the Edge: The Future of Southern California's Wetlands, Regional Strategy 2018)*

4. Expanding a saltwater marsh at the expense of seasonal wetlands by breaching the berm to allow full tidal influence will result in a loss of wetlands ESHA and other wildlife habitat. The existing salt flat ecosystem on the Synergy site is historic, relatively healthy, and capable of thriving. *"Most wetlands on the California Coast, with the exception of San Francisco and San Diego, were not open to the sea. They did not have full tidal influence…. The fact that there is full tidal influence in Steamshovel Slough is because of man-made changes with a Marina that's dredged constantly. To do more of that (expand full tidal influence) is wrong. It is not what the habitat is supposed to be, it's not what the flora and the fauna need. (Marcia Hanscom, Protect Ballona Wetlands and Wildlife. re BOM EIR/CDP 9-18-0395). "We are now at a 99% loss of salt flat/salt pan habitat. Pickleweed/Parish's Glasswort (Arthrocnemum subterminale) is a native plant that is abundant on BOM's property. It is a powerful wetland indicator. Being covered by saltwater, even one or two times, will kill the plant. The dominance of that plant tells us that this area has not been tidal for a long time because the plant grows as a clone and can live for centuries growing outward. Then it looks like a donut with the inside bare and growth at the outside. This is how long this plant has been on this property. The property is very valuable in serving as wetlands AS IS and doesn't need any restoration." (Roy Van de Hoek, Ballona Institiute, wetlands scientist, re BOM EIR/CDP 9-18-0395).* Pickleweed is critical to the endangered Belding's Savannah Sparrow as a foraging and nesting site, and as a food source. Converting salt flats or and other areas to salt marsh may also reduce the amount of habitat available to least terns, snowy plovers, other shorebirds. *"Pickleweed habitats have been degraded by changes in tidal flow and freshwater inputs, invasion of nonindigenous plants, and fragmentation by trails and roads. Restoration of this habitat type is difficult and may not result in suitable nesting habitat for sparrows." (Keer and Zedler 2002)*

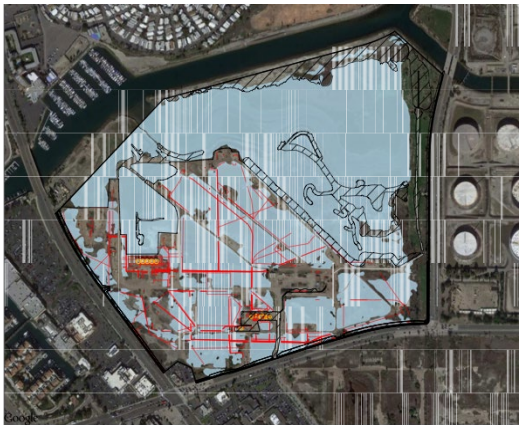
seasonal wetlands on Synergy property

salt flat ecosystem on Synergy property

5. Earthmoving, grading, trenching, and construction activities will permanently impact existing habitat/displace wildlife/destroy tribal cultural areas: *"Grading would occur in the northern portion of the Synergy Oil Field site, in the transitional wetland areas, tidal channel, seawall berm*

area, on the southern portion of the site, around the perimeter of the Synergy Oil Field site and would last approximately 9 months. Earthwork would be accomplished through standard earthmoving equipment including excavators, bulldozers, front-end loaders and trucks for hauling material." (BOM EIR/CDP 9-18-0395)

6. 6. Although the use of Glyphosate has proven to be toxic to the environment and to human health, Mitigation Bank area "weed" management strategies include the use of herbicides: *"If grading precedes planting by more than a few months in these areas, it would be necessary to eradicate all undesirable exotic plants that have become established prior to planting and seeding of the mitigation site…. a "grow and kill" cycle would be established to eradicate these plants… the use of herbicides (the aquatic formulation of glyphosate would be used)." (BOM EIR/CDP 9-18-0395) "Glyphosate has direct eco-toxicological effects…and indirect effects. The latter result from the unprecedented elimination of flora termed weeds. Direct and indirect effects have cascading impacts on the food chain and on biodiversity." (Glyphosate Monograph, Pesticide Action Network)*
7. New trails, roads, parking lot, and visitors center will increase human footprint at the expense of wetlands ESHA, wildlife habitat, and Traditional Tribal Landscape.



CCC Wetlands on Synergy Site

proposed visitor center and parking lot

8. Sea rise will submerge salt marsh habitat, reducing foraging and breeding grounds for the Savannah Belding's Sparrow. As habitat shrinks due to increasing inundation, it may also decline in quality, which might lead to breeding failure before all habitats are lost. In the Mitigation Bank area, BOM's Updated Sea Level Rise Analysis (2017) stated that salt marsh habitat will decrease, *"due to much of the area becoming subtidal habitat with further SLR. …The vegetated marsh area would generally decrease as some marsh habitats would convert to mudflat or subtidal due to the increased inundation frequency. Overall, salt marsh will evolve from a diverse range of habitats to be more subtidal and mudflat after sea level rises."* Additionally, sea rise projections in the restoration

proposal did not address full impact at the time and current projections show that sea-rise will be more rapid, and storm surges more severe, than predicted in 2018.

2018 NOAA Sea Level Rise modeling APP shows Synergy Site inundated with 1 foot of sea rise

2019 CAAP Sea level rise projection shows Synergy Site inundated by King Tide

IV. Tribal Concerns

1. Flooding, earthmoving, and construction will permanently alter and damage this Traditional Tribal Landscape. It will destroy evidence of tribal occupation, including salt flats used for salt production by indigenous peoples. This will negatively impact tribal spiritual and cultural practices necessary to the wellbeing and survival of tribal groups with a connection to Puvungna and the Los Cerritos Wetlands, *"We use sacred sites to have a connection to the ancestors. Now we've been squeezed by buildings, and roads, and oil, stripped of these places we depend on." (Gloria Arellanes re CDP 9-18-0395)*
2. The IRT must include the California Native American Heritage Commission. The Los Cerritos Wetlands are of great historic and contemporary value to California Native American tribal peoples who have the right to be represented by the CNAHC, the state agency most able to voice their concerns as regards the planning, authorization, and implementation of the Upper Los Cerritos Wetlands Mitigation Bank, *"The California Native American Heritage Commission (NAHC or Commission), created in statute in 1976 (Chapter 1332, Statutes of 1976), is a nine-member body whose members are appointed by the Governor. The NAHC identifies, catalogs, and protects Native American cultural resources -- ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes' accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act (CalNAGPRA),*

among many other powers and duties."

3. The right of tribal peoples to protect and access the Los Cerritos Wetlands/Puvungna have been violated by project proponents, including city and state agencies, *"We had no opportunity to have tribal consultation, per the new policy (Coastal Commission Tribal Consultation Policy), before the Amendment (to LCP allowing new drilling sites) was passed over the objections of myself and other tribal leaders and members. The Coastal Commission's vote was out of compliance with the Tribal Consultation Policy." (Chief Anthony Morales, Gabrieleno/Tongva re CDP 9-18-0395)*
4. The project area lies within the Sacred Site of Puvungna, recorded by the California Native American Heritage Commission, *"We're saying that the Los Cerritos Wetlands constitutes a Tribal Cultural Property. Puvungna was a community, a spiritual gathering place for many tribes, birthplace of Chingishnish, lawgiver and god." (Chief Anthony Morales, Gabrieleno/Tongva re CDP 9-18-0395). "The site is in the last natural area, the last intact wetlands that links Puvungna and Motuucheynga. This is the area we traveled through to reach Bolsa Chica. It is where we fished, gathered tule, and had our salt pans. This is the last remaining ceremonial space. Leave it natural. Avoid it all together." (Rebecca Robles, Acjachemen re CDP 9-18-0395)*
5. References to the tribal history of the area and contemporary tribal peoples' relationship to the wetlands and surrounding area are inadequate. Essential information is lacking, erroneous, or written from a Eurocentric perspective in documents pertaining to the Mitigation Bank Restoration Plan. This includes the Los Cerritos Wetlands Restoration and Oil Consolidation Project EIR and other information and testimony presented to the California Coastal Commission. *"In response to the Modification required by the first LCP, the developer has submitted a Cultural and Archaeological Resources Report, just trying to comply and pacify. It is just a formula and does not even try to touch on the tribal cultural issues, including sacred sites. It is a farce of a report. It is inadequate." (Chief Anthony Morales, Gabrieleno/Tongva re BOM EIR/CDP 9-18-0395*)

Richard Bugbee, Luiseno, making tule boat

Michele Castillo, Acjachenmen, LC Wetlands

V. Financial and Legal Concerns

1. The Upper Los Cerritos Wetlands Mitigation Bank lacks proper oversight, *"The LCWA is not a signatory to the BEI. When LCWA becomes the owner of the Northern Synergy Oil Field, the BEI will already be final and will impose obligations on LCWA….(The) LCWA is not a party to the BEI and is not a member of the Interagency Review Team. If the BEI includes future landowner obligations that are unacceptable to LCWA, LCWA will have to either agree to comply with those obligations or refuse to take ownership of the Synergy Oil Field. LCWA has requested that it be made a party to the BEI so that LCWA's concerns regarding its property ownership of the bank can be adequately addressed." (CCC memo, 8/22/19)*
2. The Upper Los Cerritos Wetlands Mitigation Bank is not financially viable. The LCWA and the Coastal Conservancy have issues regarding the Upper Los Cerritos Mitigation Bank documents, *"**Adequacy of Endowment Fund:** It is critical that the endowment fund be adequate to provide for long-term management of the bank property. If adequate funding is not available, restored and enhanced habitats may become degraded, and LCWA may be unable to meet its obligations under the BEI… Conservancy and LCWA staff and contractors have reviewed the assumptions underlying the endowment fund calculations and found that long term management costs were not included or were underestimated, resulting in an endowment fund size that will likely prove inadequate." (CCC memo)*
3. The Upper Los Cerritos Wetlands Mitigation Bank exposes state agencies to unfunded liabilities, *"**LCWA's Liability:** While LCWA will take responsibility for the long-term management of the bank property upon acquiring the property, LCWA should not take on liability associated with establishing the mitigation bank and BOMP's operation of the mitigation bank, or with BOMP's on-going oil operations that are part of the Consolidation Project. LCWA seeks to be adequately protected, and to have adequate funding available and processes in place to insure against liabilities associated with the Synergy Oil Field property. As one potential measure, LCWA is requesting that adequate insurance coverage and indemnity be provided to cover such liability." (CCC memo)*
4. The Land Exchange Agreement should be finalized before the IRT approves the Upper Los Cerritos Wetlands Mitigation Bank and before the Mitigation Bank comes before the Coastal Commission for approval, *"Upper Los Cerritos Wetlands Mitigation Bank is anticipated to be finalized Fall of 2019. The Land Exchange Agreement is anticipated to be finalized Fall of 2019 or Spring of 2020. Prior to LCWA entering into the Land Exchange Agreement with BOMP, at one of its upcoming public meetings, the Conservancy will consider whether to approve the transfer of the OTD Parcel for purposes of the Consolidation Project." (CCC memo)*

5. Tidelands, including Steamshovel Slough, should be preserved in their natural state, *"There is a growing public recognition that one of the most important public uses of the tidelands - a use encompassed within the tidelands trust - is the preservation of those lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area." Marks v. Whitney, California Supreme Court*
6. Steamshovel Slough is Land in the Public Trust. It has historically been, and is today, a public waterway that lies below the high tide marker. In 1924 the public tidelands in the area were conveyed to the city as a part of the state tidelands trust grant. Steamshovel Channel was included in that grant. In 1965 the California State Legislature enacted chapter 1688. Section 5 provided that any tidelands conveyed under the terms of the act should pass free of the tidelands trust; **that no lands below the mean high tide line should be conveyed.** Additionally, *"the public trust might be invoked to protect the water resources upon which the wetlands are dependent, to protect the wildlife which are dependent on the wetlands for their continued vitality, or in some circumstances, to protect the wetlands for their own sake." Applications of the Public Trust Doctrine to the Protection and Preservation of Wetlands: Can It Fill the Statutory Gaps*
7. The Los Cerritos Wetlands Oil Consolidation and Restoration Project Final EIR states that Public Trust status as regards Steamshovel Slough is not settled law. ESA / 150712.01 CHAPTER 9, Responses to Comments SECTION 9.2 Comments and Responses 9-314, *"The comment states that using the Steamshovel Slough as the basis for a mitigation land bank violates the public trust doctrine and that as such title to Steamshovel Slough is not settled and therefore should not be described as the property of Synergy LLC in Mitigation Bank documents nor should Synergy LLC control any Mitigation Bank operations. Response to comment****: It is not settled that the public trust doctrine applies to the Steamshovel Slough, nor is this response intended to serve as the legal opinion of the City of Long Beach regarding the application of the public trust doctrine to the Steamshovel Slough."***
8. Lack of clear title to Steamshovel Slough violates CA FISH AND GAME CODE, CHAPTER 7.9. Conservation Bank and Mitigation Bank Applications and Fees 1798 (L) which requires a current preliminary report covering the site of the proposed bank that identifies the owner of the fee simple title and shows all liens, easements, and other encumbrances and depicts all relevant property lines, easements, dedications, and other features.
9. According to the City of Long Beach's Local Coastal Plan, *"The official maps (engineering, zoning, land use, plot, parcel, legal boundaries) of Alamitos Bay and its immediate periphery will be*

brought up to date so as to indicate proper current boundaries of public property, to erase antiquated but abandoned rights, to show public access easements and rights of passage, to show tideland rights and responsibilities according to the Constitution, to designate proper zoning categories consistent with the new Land Use Element and any revisions thereof resulting from adoption of the LCP so that designations of public and private interests and rights are correct, unambiguous and so that this information is available as public knowledge." This does not appear to have been done.

10. The City of Long Beach Local Coastal Plan calls into question the legality of the proposed Mitigation Bank: *"The Los Cerritos Wetlands is a tidelands mudflat and marsh lying in a Los Angeles County "island" which is enclosed within the Long Beach City boundaries, and is included in the SEADIP Specific Plan of Long Beach. This Wetlands is an environmentally sensitive area by this RMP; a significant ecological area in the Los Angeles County General Plan; a lagoon to be protected in the Coastal Plan of 1975; a viable wetland according to the Department of Fish and Game; an essential bird feeding area as designated by the National Wildlife Service; the habitat of species listed in the Endangered Species Act; and an environment subject to the Basic Wetland Protection Policy of the State Resources Agency. In view of the delicate ecological sensitivity of Los Cerritos Wetlands to any human disturbance, this RMP calls for a strong set of implementing actions which protect and preserve this area as it is, postponing any enlargements and restorations (such as are permitted in the SEADIP plan) until certain scientific, economic and other studies have been completed. These studies are aimed to answer critical questions concerning the irreversibility of the ecosystem to earth cutting and filling; concerning the ecological feasibility of reconfiguration and restoration projects; and concerning the boundaries of the ecologically sensitive area with attendant rights and responsibilities of private, public and governmental parties."* To the best of our knowledge the required studies have not yet been done.

11. Subjecting waterways, surface and groundwater to interference is prohibited by the Local Coastal Plan, *"30231. Biological productivity; waste water: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and likes appropriate to maintain optimum population of marine organisms and for protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entertainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas…"*

VI Additional Legal Questions regarding the Mitigation Bank

(Bold type: government policies, Regular type: Upper Los Cerritos Wetlands Mitigation Bank Restoration Plan, Red ink: Questions)

1. **"A mitigation bank is a site developed for such a purpose, whereas the person or entity undertaking such restoration work is referred to as a mitigation banker. Just as a commercial bank has cash as an asset that it can loan to customers, a mitigation bank has mitigation credits that it can eventually sell to those who are trying to offset debts. The bank site is the physical acreage that is restored, established, enhanced, or preserved."**
   Q - It appears that BOM can sell mitigation credits as soon as the IRT approves the BET. Will credits be for sale prior to Coastal Commission review of the Bank? How does this not violate the requirement that mitigation credits are sold for sites "developed (past tense) for such a purpose"?
   "The mitigation bank establishment process includes approval of a prospectus by the IRT, followed by the review and approval of a bank-enabling instrument by the IRT, the final approval of which allows the bank developer to initiate a phased release of mitigation credits from the bank."
2. **"The mitigation banker is responsible for not just the development, but also the future upkeep and maintenance of the mitigation bank. Provision should be made for ensuring implementation of the resource management plan in the event of non-performance by the bank owner and/or operator."**
   Q – What are BOM's obligations as the mitigation banker? It appears that both land ownership and mitigation banking responsibilities are in flux?
   "Los Cerritos Wetlands Restoration and Oil Consolidation Project EIR:
   Name: The Upper Los Cerritos Wetlands Mitigation Bank
   Owner: Beach Oil Minerals Partners, Operator: Synergy Oil & Gas, LLC
   Conservation Area Manager: (Proposed): LCWA
   Responsible Party for Long-Term Management of the Mitigation Bank: The long-term management of the Conservation Area is expected to be performed by the LCWA as the Conservation Area Manager. If it becomes necessary to identify an alternate Conservation Area Manager, one will be proposed to the IRT members for approval.
   According to the LCWA: BOMP will retain the option to establish a mitigation bank on the Southern Synergy Oil Field after the property is transferred to LCWA…..BOMP will establish and operate a mitigation bank, the Upper Los Cerritos Wetlands Mitigation Bank, on the Northern

Synergy Oil Field, which includes Steamshovel Slough. Operating the mitigation bank will involve restoring tidal wetlands and native uplands on the property, and BOMP will receive the right to sell mitigation credits. LCWA, as the new property owner of the mitigation bank property, will be obligated to maintain the property for perpetuity….LCWA may accept the offer and acquire title to the Southern Synergy Oil Field. BOMP will retain the option to establish a mitigation bank on the Southern Synergy Oil Field after the property is transferred to LCWA."

3. **"Before the FWS can approve a conservation bank, landowners are required to provide funding for monitoring and long-term management of the conservation bank through establishment of a non-wasting endowment.**"

   Q - The land exchange between the LCWA and BOM has not been completed. Will BOM, the current owner of the proposed mitigation bank property, be responsible for providing funding in both the short and long term? When the LCWA takes ownership of the property, will it become liable for monitoring and management of the bank? What liability does the LCWA have if mitigation causes environmental damage and/or if funding is not available to maintain the mitigation bank?

   "LONG-TERM MANAGEMENT PLAN: BOMP will provide the necessary funding to an agency-approved long-term management entity, herein referenced as Conservation Area Manager. The Long-Term Financing Mechanism: Financing for the ongoing management activities within the Conservation Area will be provided through a non-wasting endowment generated by a Property Analysis Record (PAR) or a PAR-equivalent. Synergy proposes to have the LCWA hold the endowment."

4. **"Mitigation credits may be bought by anyone who plans to undertake commercial development on or near a wetland or stream that will in the process negatively impact the ecosystem of that region."**

   Q. - Who will determine the price of mitigation credits? Will the Mitigation Banker make a profit? Will mitigation credits be available to those developing properties next to or near the Los Cerritos Wetlands? Should the CCC approve SEASP, will credits be available to those constructing five and seven story buildings along PCH between Loynes Drive and the San Gabriel River?

5. **"Generally, lands previously designated for conservation purposes through another program are not eligible unless designation as a bank provides an additional conservation benefit to the species."**

   Q. The Los Cerritos Wetlands have been previously designated for conservation purposes. The

LCWA was specifically formed in order to conserve the Los Cerritos Wetlands and implements numerous conservation programs. In 2015, the LCWA approved a Final Los Cerritos Wetlands Restoration Plan and it is now preparing an EIR for the restoration of the entire Los Cerritos Wetlands. The proposed design of the Upper Los Cerritos Wetlands Mitigation Bank risks and reduces existing wetlands and wildlife habitat and cannot guarantee an overall additional conservation benefit. Steamshovel Slough is possibly Public Trust Land in no need of restoration and should not be included in the mitigation bank plan. Are the Los Cerritos Wetlands even eligible to be included in a Mitigation Bank?

VI. Conclusions

Presumed Benefits/Actual Risks

Presumed Benefits

1. Funds a plan to restore part of the Los Cerritos Wetlands.
2. Though the IRT, federal and state agencies participate in the design and approval of the Mitigation Bank and restoration plan, providing expertise and financial oversight.
3. The restoration and maintenance of the Mitigation Bank property will be fully financed and liability and risk will be assumed and fully funded by the Mitigation Bank/Banker.

Actual Risks

1. Will allow environmental destruction in exchange for the purchase of Mitigation Credits.
2. Will partially fund the Restoration Plan of the Los Cerritos Wetlands Restoration and Oil Consolidation Project, which expands oil drilling beneath and around the Los Cerritos Wetlands, contributes to air, ground and water pollution, and destroys existing ESHA in the Los Cerritos Wetlands.
3. Includes Steamshovel Slough in the Mitigation Bank as Synergy's (private) property, although 1) the slough qualifies as Public Trust Land, 2) the deed to the slough is not settled as required by law, and 3) the slough does not need restoration.
4. The restoration plan being considered by the IRT will destroy existing ESHA and wildlife habitat on the Synergy property, pollute Steamshovel Slough, and destroy tribal cultural materials and cultural practices.
5. Financial oversight/funding for restoration and/or assumption of risk for materials/situations that could prove hazardous in the future is not assured.

6. The IRT does not include the California Native American Heritage Commission, the State Agency representing California Native Americans with regard to Tribal Cultural sites, materials, and practices.

Assumptions/Counterarguments

Assumptions

1. The Upper Los Cerritos Wetlands Mitigation Bank Restoration Plan will restore historic salt marsh wetlands habitat, which will improve/benefit existing wetlands habitat/wildlife.
2. The restoration plan is based on solid scientific research and current evidence and is safe and sustainable both environmentally and financially.
3. The IRT does not require input from the CNAHC. The CNAHC lacks the authority/ability to serve on the IRT for the proposed mitigation bank in the Los Cerritos Wetlands.

Counterarguments

1. The Mitigation Bank Restoration plan includes reshaping existing landforms to expand the Steamshovel Slough salt marsh at the expense of salt flats and other wetlands habitat. The salt flats on the Synergy property are also historic habitat, and, being far more at risk than coastal salt marshes, are more deserving of protection and restoration. Expanding coastal salt marshes is not necessarily beneficial to coastal wetlands ecosystems nor is it a sustainable practice, especially in light of projected sea rise.
2. The Los Cerritos Wetlands were not a salt marsh. Although Steamshovel Slough is today a salt marsh, in both ancient and historic times, it was fed by fresh water as was the entire Los Cerritos Wetlands ecosystem until the San Gabriel River was channelized in the 1930s. Additionally tidal waters did not consistently enter the Los Cerritos Wetlands as the opening from Alamitos Bay to the ocean was not permanent before the river was channelized and the bay was dredged.
3. Research into the history, biology, and benefits of coastal salt flats is limited and ongoing and must be revisited by the IRT before concluding that the flats should be submerged in order to expand salt marsh habitat.
4. Sea rise projections (due to climate change) have increased dramatically since the LCWA's restoration plans for the Los Cerritos Wetlands were finalize in 2015, and even since the Los Cerritos Wetlands Restoration and Oil Consolidation Project was approved in 2018. Dredging and flooding existing wetlands habitat that will become sub-tidal within the life of the project destabilizes the ecosystem and makes no environmental or financial sense.

5. Evidence is mounting that "modern" methods of fossil fuel extraction, including fracking and steam and water injection drilling, harm the environment and human health. The Mitigation Bank furthers Beach Oil Minerals' plans to use water-injection drilling methods to expand oil operations, polluting the Los Cerritos Wetlands and surrounding areas and contributing to poor human health and climate change.
6. The Mitigation Bank Restoration Plan involves additional risks to the Los Cerritos Wetlands, to Tribal Peoples, and to the community and does not ensure that damage to any of the above will be compensated. Nor does the Bank acknowledge or attempt to mitigate the risks resulting from the Los Cerritos Wetlands Restoration and Oil Consolidation Project or from BOM's current and/or proposed oil extraction operations in the Los Cerritos Wetlands.
7. If BOM's operations are not profitable and/or result in significant environmental damage, it appears that the public will be liable.

Asks of IRT Team

1. Do not approve the Mitigation Bank or delay approval until certain Special Conditions of the Los Cerritos Wetlands Restoration and Oil Consolidation Project are met, including new biological and geological studies, sea rise projections, and Archeological/Tribal Cultural studies/recommendations and Tribal Consultations.
2. Research the history, value, and viability of salt flats/pans in the LC Wetlands, especially those on the Synergy property. What specific ecosystem are they integral to, what was/is their role in the Tribal Traditional Landscape?
3. Question whether the Los Cerritos Wetlands were historically a salt marsh and/or if salt marshes are more environmentally beneficial and should prevail at the expense of other wetlands habitats.
4. Consider alternative restoration plans for the Synergy property that do not involve breaching the berm, expanding Steamshovel Slough, or large-scale flooding of salt flats and other existing habitat.
5. Consider alternative restoration plans for the Synergy property that do allow trenching and scraping the existing landscape as this disturbs and destroys existing habitat and wildlife and possibly tribal cultural materials as well.
6. Rather than remove massive amounts of soil from the oil fields, explore the safer and less invasive alternative of allowing areas that support ESHA and other wildlife habitat to remain undisturbed.

7. Do not allow a Visitor Center and parking lot on the Synergy property, all of which is a wetlands and wildlife habitat area. Remove the Bixby Office building from the site and do not agree to use it as a Visitor Center as it is contaminated with asbestos and other toxins.
8. Do not allow herbicides to be used on the Synergy Property either for restoration or maintenance purposes.
9. Appoint a representative from the California Native American Heritage Commission to the IRT. As part of the Sacred Site of Puvungna, the Los Cerritos Wetlands are of great historic and contemporary value to California Native American tribal peoples who have an equal right to representation in the planning of the Upper Los Cerritos Wetlands Mitigation Bank.

Belding's Savannah Sparrow in Pickleweed

California Tree Frog on salt flat in LC Wetlands

Comment Letter SCWTF

From:	Anna Christensen
To:	Sally Gee
Subject:	Comments on LCWRP PEIR email 1
Date:	Monday, July 6, 2020 9:37:57 PM
Attachments:	LCWRP PEIR Consolidated Comments .pdf APPENDIX 7 Salt Flats v1.pdf tribal comment to LCWA NOP.doc Sierra Club LCWA Rest NOP comment .pdf Conceptial plan map LCW.pdf LC Wetlands Map 2020.mhtml

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Dear Sally, Thanks for being understanding. Due to file size we must send multiple emails.
The Comments are from the following organizations:
Los Cerritos Wetlands Task Force, Sierra Club
Long Beach Area Group, Sierra Club
Citizens About Responsible Planning
Protect the Long Beach/Los Cerritos Wetlands Coalition
Puvugna Wetlands Protectors

Email 1 includes the following attachments:
LCWRP PEIR, Consolidated Comments Appendix 7, Salt Flats
Tribal Comments to NOP/Initial StudyConceptual Plan Map
Sierra Club Comments to NOP/Initial SudyLC Wetlands Map 2020
Conceptual Plan map LCWA

LC Wetlands Map 2020Email 2 includes 1 Attachment
BERMZERK Powerpoint Presentation

Email 3 includes 1 Attachment:
Concerns regarding the Proposed Upper Los Cerritos Wetlands Mitigation Bank

Questions about this material can be sent to either Ann Cantrell (anngadfly@aol.com) or myself AnnaChristensen259@gmail.com

From: Anna Christensen (via Google Slides)
To: Sally Gee
Subject: Bermzerk! attachment to PEIR comments sent by Anna Christensen
Date: Thursday, July 9, 2020 12:58:32 PM
Attachments: Bermzerk! .pptx

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annachristensen259@gmail.com has attached the following presentation:

Bermzerk!

Dear Sally, I just realized that I sent you the wrong BERMZERK slideshow. Instead of sending you a draft of the slide show, I meant to send you the final version which I have attached here. I hope that it can replace the previous entry.

From: Anna Christensen
To: Sally Gee
Subject: Comments on LCWRP PEIR email 3
Date: Monday, July 6, 2020 9:51:46 PM
Attachments: Concerns regarding the proposed Upper Los Cerritos Wetlands Mitigation Bank.docx

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Dear Sally, Thanks for being understanding. Due to file size we must send multiple emails.
Email The Comments are from the following organizations:
Los Cerritos Wetlands Task Force, Sierra Club
Long Beach Area Group, Sierra Club
Citizens About Responsible Planning
Protect the Long Beach/Los Cerritos Wetlands Coalition
Puvugna Wetlands Protectors

Email 3 includes the following attachment:
Concerns regarding the Proposed Upper Los Cerritos Wetlands Mitigation Bank

This file is larger than 10MB, but I cannot edit it until tomorrow, will send shorter version then.
Questions about this material can be sent to either Ann Cantrell (anngadfly@aol.com) or myself AnnaChristensen259@gmail.com

Sierra Club Wetlands Task Force, July 6, 2020

Comment Letter SCWTF

Response SCWTF-1

The commenter expresses concern that the proposed program is large in scope, that environmental analysis of it is too high level and conceptual, and that each project in this program will need to be individually planned and approved. LCWA concurs that individual projects within the restoration program covered by the PEIR will require detailed project-level planning. As part of project-level planning, LCWA will conduct outreach to seek input from stakeholders and the general public. In addition, projects will need to obtain permits from federal, state and local regulatory agencies. Furthermore, project-specific planning will involve environmental analysis under CEQA to determine if additional significant environmental impacts not described in the PEIR have the potential to occur. Please see Response to Comment No. LCWLT-2; additional discussion has been added to Chapter 2 Project Description, Section 2.1.2 to more clearly describe the CEQA process for individual restoration projects.

The commenter also expresses concern that there has been insufficient public outreach associated with the PEIR. As noted above, LCWA does plan to conduct additional public outreach associated with project-specific planning. However, LCWA has held numerous public meetings and met with individual stakeholder groups and our Technical Advisory Committee to review the PEIR and solicit input. Specifically, LCWA held two in-person public workshops on the restoration design and two online workshops on the PEIR as well as an additional in-person public meeting associated with the PEIR Scoping Process. The LCWA has also provided updates on the project at all LCWA board meetings since the project inception in late 2017.

Response SCWTF-2

This comment expresses concerns regarding biological impacts from alteration of Steamshovel Slough and contamination of the South Synergy Oil Field site in the North Area. The North Area is currently privately owned. The environmental impacts associated with the project-level restoration plan for the near-term North Synergy Oil Field Site has already been evaluated as part of the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR (State Clearinghouse No. 2016041083). This PEIR relies on the technical analysis, impact discussion, and mitigation measures documented in the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR. The South Synergy Oil Field Site is phased for long-term and will get restored only once the oil operations on that site have been consolidated and the soil is remediated, which will take at least 20 years.

Response SCWTF-3

This comment expresses concerns for impacts to salt flats in the North Area, but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. Further response to salt flats is addressed in Responses to Comments Nos. SCWTF-8 and SCWTF-30.

Response SCWTF-4

The commenter raises several general questions about the construction of earthen levees and berms as part of the proposed program. All impacts of the proposed program are analyzed in this PEIR, including impacts from the construction of the earthen levees and berms. Construction costs and funds are to be determined and obtained during project-level designs.

Response SCWTF-5

The commenter provides a general statement about soil composition in the program area and that careful testing of soils, consideration, and care are needed to protect paleontological and cultural remains. The comment is noted, and no further response is warranted.

Response SCWTF-6

The commenter provides a statement about a pending lawsuit on the Coastal Development Permit associated with the Los Cerritos Wetlands Oil Consolidation and Restoration Project (SCH #2016041083). Since a decision on the lawsuit has not yet been reached, this PEIR relies on the technical analysis, impact discussion, and mitigation measures documented in the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR (State Clearinghouse No. 2016041083) for portions of the program area. No new information of substantial importance or change in circumstance with the Los Cerritos Wetlands Oil Consolidation and Restoration Project requires re-evaluation of the analysis in that EIR. Appendix L of the Draft PEIR provides a summary of the environmental effects and mitigation measures for the Los Cerritos Wetlands Oil Consolidation and Restoration Project.

Response SCWTF-7

This comment states that the PEIR differs from the Conceptual Restoration Plan by not including restoration or public access components on three properties and asks for an explanation., (See attached maps). LCWA has removed these parcels from the PEIR for the following reasons:

1. LCWA's 5.1-acre parcel at the northeast corner of 2nd St and Studebaker Ave: A feasibility study was carried out to explore potential uses of this property. Restoration and a visitor center were both considered, as well as a staging area. LCWA determined that it would be preferable to site a visitor center adjacent to the wetlands rather than across a busy street, allowing visitors to directly access trails and viewing areas in the wetlands and adjacent uplands from the visitor center. LCWA is currently negotiating an agreement with Los Cerritos Wetlands LLC which would result in the exchange of the 5.1-acre parcel for the ~150-acre Synergy Oil Field, where a visitor center is proposed. The land exchange will allow for the restoration of wetlands and siting of a visitor center (in an already existing building) and trail on the 150-acre site, and the removal of oil infrastructure on that site. Oil infrastructure will be consolidated on the 5.1-acre parcel and on the Pumpkin Patch parcel nearby. LCWA has determined that this exchange is the use of the parcel which will do the most to further the goals of public access and wetlands restoration for the LCW.
2. Loynes Triangle south of Loynes Drive and north of the Los Cerritos Channel: The private landowner for this parcel has not expressed interest in selling when approached by LCWA, and is currently pursuing development of this parcel. While the LCWA would pursue protection and restoration of this property if the landowner were a willing partner, we do not

anticipate that occurring at present. Lastly, this property is subject to a restoration order conditioned by the California Coastal Commission.

3. Triangular parcel (~1.8 acres) on southeast corner of Loynes Drive and Studebaker adjacent to Steamshovel Slough: This site was removed from the PEIR because it is small and separated from the remaining wetlands by the Los Cerritos Channel. While it may be feasible to restore this site to wetlands, it would be challenging to do so because of the need to remove fill and drainage infrastructure, as well as protect Studebaker and Loynes from flooding and scour. LCWA will continue to pursue the protection and restoration of public access and natural resources on this site, but did not include it in the PEIR because it is peripheral to the overall program. Any restoration or public access development on this site will undergo planning that will include public outreach and opportunities for comment. At present, the parcel is proposed as mitigation for impacts of an industrial development on the adjacent parcel. The Initial Study-Mitigated Negative Declaration for this project is available on the City of Long Beach's website, here: www.longbeach.gov/lbds/planning/environmental/reports/

Response SCWTF-8

The commenter expresses concern for the restoration plan's proposed habitat distributions on the "Synergy Portion" (identified as the North Area in the PEIR) and provides insight into the importance of salt flats. The LCWA is a long-time contributing member of the Wetlands Recovery Project's wetlands managers group and is well aware of the importance of salt marsh sub-communities like salt flats and salt pannes. See Response to Comment No. SCWTF-2. The details of the habitat distributions in the South Synergy Oil Field site will be decided once a project for that location is identified and project-level environmental review is performed. The LCWA will be sure to represent all of the specialized habitats in future planning on this site.

Response SCWTF-9

The commenter expresses concern that salt flats and upland habitats are proposed to be eliminated by the PEIR. Goal #1 of the proposed program is to "restore tidal wetland processes and functions to the maximum extent possible." In order to achieve this goal, the program proposes converting non-tidal salt flats to tidal salt marsh. It is expected that these flats will not become fully vegetated and instead become thriving salt pannes that will attract the unique invertebrate and avian communities detailed in Response to Comment No. SCWTF-8. Currently these non-tidal salt flats do not possess these unique ecological communities. Furthermore, disturbed uplands are also proposed to be converted to tidal wetlands wherever possible, however, supratidal transition zones are proposed in order to provide high tide refugia and resilience to future sea level rise.

Response SCWTF-10

The commenter expresses concerns that existing amphibian populations are being overlooked by the proposed program. The language in Chapter 3, Section 3.3.2.5 of the PEIR has been amended so as to recognize the presence of amphibians within the program area. The phasing of this program is designed to allow for wildlife populations to be maintained while other areas are under restoration or recovering from restoration activities. As stated in Section 3.4.5 of the Draft PEIR, the MAMP described in Mitigation Measure BIO11 will "include provisions for conducting a pre-construction survey to collect baseline data for existing wetland function".

These wetlands functions include "biotic structure" which includes use of habitat areas by amphibians. Therefore, the presence of amphibians will be documented and provisions will be made to ensure that there is no net loss to this important aquatic resource function.

Response SCWTF-11

See Response to Comment No. CDFW-4.

Response SCWTF-12

The commenter expresses support for the proposed WEAP, but requests that a qualified biologist be present at all time to prevent inadvertent impacts during construction. Mitigation Measure BIO2 (see Section 3.4.5 of the Draft PEIR) has been modified to include language requiring that the qualified monitoring biologist is present on site during all construction activities.

Response SCWTF-13

The commenter expresses concern that the 1:1 mitigation ratio for impacts to Belding's Savannah Sparrow breeding habitat is inadequate. Mitigation Measure BIO3 (see Section 3.4.5 of the Draft PEIR) has been modified to include language requiring that existing Belding's Savannah Sparrow breeding and foraging habitat be demarcated in the field in advance of any construction activities and that this habitat will be avoided to the maximum extent feasible. Finally, the mitigation ratio has been increased to 2:1.

Response SCWTF-14

The commenter asks why the time frames allowing for construction activities provided in Mitigation Measure BIO4 differ from those provided in Mitigation Measure BIO3 and expresses concerns for impacts to foraging and roosting areas. Belding's savannah sparrow has a distinct breeding season that is widely accepted by managers and has been documented in the scientific literature, whereas general nesting birds and raptor species have much broader ranges for nesting and breeding seasons. Impacts to foraging and roosting areas will be mitigated by implementation of Mitigation Measure BIO11 as discussed in Chapter 3.4 Biological Resources, Section 3.4.5 Project Impacts and Mitigation Measures, of the Draft PEIR.

Response SCWTF-15

The commenter asserts that no construction should occur during bird nesting season. BIO4 indicates that "Construction and maintenance activities shall be limited to the non-breeding season (September 1 through December 31) to the extent feasible." Therefore, the mitigation measure agrees with this comment. Furthermore, breeding activity has potential to happen any time during the year and therefore the process of creating an avoidance buffer and involvement of a qualified biologist is important to include in Mitigation Measure BIO4. Regulatory permits will further shape the timing requirements for construction activities.

Response SCWTF-16

The commenter states that burrowing owls are rare and expresses hope the CDFW would prevent translocation of burrowing owls. The LCWA agrees that this special status species is rare and

one individual has only been observed in the Los Cerritos Wetlands on a few occasions over a decade ago. Breeding activities have never been observed. However, avoidance will be given first priority and all attempts will be made to enhance the areas where burrowing owl have previously been observed.

Response SCWTF-17

The commenter states that there should be no nighttime lighting anywhere with the wetlands, apart from emergency lighting at the visitor center and associated facilities, and that the visitor center, parking lot and trail should be open during the daytime only. No unnecessary lighting will be installed by the project. Only nighttime lighting required for safety will be included. As stated in Mitigation Measure BIO6 (see Section 3.4.5 of the Draft PEIR), nighttime lighting installed as part of the project shall be designed to minimize light trespass and glare into adjacent habitat areas.

Response SCWTF-18

The commenter states that no trees should be removed from the wetlands until replacement trees are large enough to provide roosting for bats and birds. The comment asks what methods will be used for removal of non-native plants, and what animals using these plants will use for habitat while native plants planted by the project are still too small to provide food, nesting and roosting habitat. Methods for removal of non-native plants will vary depending on the size, structure, and location of the plants. Mechanical methods will generally be used for removal, and many upland areas dominated by non-native plants will be restored to wetlands after mechanical removal of non-native plants followed by grading of these areas to remove fill and restore elevations that will support wetlands communities. Project-level planning will detail the methods to be used for non-native plant removal. The program will be implemented in a phased manner, allowing for wildlife to utilize trees and plant communities in areas that are not undergoing restoration while native vegetation develops in restoration areas. In addition, vegetation in adjacent areas such as Gum Grove Park will provide habitat while native plantings become established. Impacts from loss of habitat due to non-native plant removal are expected to be temporary and less than significant.

Response SCWTF-19

The commenter indicates the a 1:1 mitigation ratio for special status species habitat impacts is inadequate and asks about the purchasing of mitigation bank credits. See Response to Comment No. CDFW-4 regarding mitigation ratios. Furthermore, the program is designed to be self-mitigating as it pertains to special status species habitat and the purchase of mitigation bank credits has not been proposed as a mitigation measure, especially since there currently are no species-specific mitigation banks with approved service areas that include the program area.

Response SCWTF-20

The commenter is quoting the text of Draft PEIR Impact BIO2 and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-21

The commenter expresses opposition to the proposed visitors center on the State Lands Parcel Site. While this comment is noted, as it does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-22

The commenter states that the proposed program is sacrificing degraded seasonal wetlands in exchange for tidal wetlands. Goal #1 of the proposed program is to "restore tidal wetland processes and functions to the maximum extent possible." This goal was developed through a consensus-based stakeholder process that began in 2011 and is supported by the LCWA's Technical Advisory Committee. This Technical Advisory Committee determined that tidal wetlands are the most appropriate habitat type to be restored within the program boundary based on historical ecology and the quality of existing habitats. However, tidal wetland restoration will not be feasible in all areas and it is expected that in some instances seasonal wetlands will be enhanced.

Response SCWTF-23

The commenter provides a general statement that asserts that there is no guarantee that monitoring efforts will result in no net loss of aquatic resource functions and increase in wetlands functions, but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-24

The commenter asks about the definition of the term "temporary" as stated in the definition of Impact BIO4 and asserts that further impacts to terrestrial wildlife could be fatal. This comment does not raise any specific issues regarding the content and adequacy of analysis in the Draft PEIR. As such, no further response is warranted.

Response SCWTF-25

The commenter suggests the need for a larger ratio than 1:1 for replacement trees and suggests that no trees should be removed until a replacement tree is large enough to provide replacement habitat. The 1:1 ratio proposed by the program for replacement trees is consistent the City of Long Beach and City of Seal Beach local regulations regarding trees in the coastal zone. Replacement trees are required to meet the size requirements for both Cities upon installation.

Response SCWTF-26

The commenter states that ESHA must be protected at all times from grading, bulldozing or herbicides and that mitigation is essential, but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-27

The commenter restates the entirety of PEIR Section 3.3.6.1; states that the Los Cerritos Wetlands Oil Consolidation and Restoration Project was eliminated in the PEIR introduction;

and, that given the potential for significant cumulative impact, mitigation measures should be applied for the Los Cerritos Wetlands Oil Consolidation and Restoration Project and the Seal Beach Residential Project.

As explained in PEIR Section 2.4.4, a project-level EIR was prepared for the City of Long Beach to evaluate the environmental effects associated with the Los Cerritos Wetlands Oil Consolidation and Restoration Project. The PEIR relies on the technical analysis, impact discussion, and mitigation measures documented in the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR.

Both the Los Cerritos Wetlands Oil Consolidation and Restoration Project and the Seal Beach Residential Project were identified as cumulative projects in the PEIR (see **Table 3-1**, *Cumulative Projects*), as each were within a 3-mile radius of the program area boundary. At the time each project was approved by its respective City, project specific mitigation measures were adopted. To conduct a cumulative analysis in this PEIR, potential impacts of the approved projects (including their mitigation) were analyzed in conjunction with the potential impacts associated with implantation of the proposed project. Where no cumulatively significant impacts were identified, no mitigation measures were required. No changes to the PEIR have been made in response to this comment.

Response SCWTF-28

The commenter states that the conclusion in Chapter 3.3 Biological Resources, Section 3.3.6.2 that cumulative impacts to biological resources from operation of the program and of nearby projects would not be cumulatively considerable is unsubstantiated. LCWA analyzed potential impacts from operation of the proposed program and the operation of nearby projects that could contribute to cumulative impacts. The PEIR provided reasoning to justify the conclusion that the operation of the program and nearby projects would not result in cumulatively considerable impacts to biological resources. The primary reason for this conclusion is that direct impacts to biological resources from the program, which itself will greatly enhance the value of the Los Cerritos Wetlands habitats, and nearby projects would occur primarily during the construction phase and not during the operation phase. Another important point contributing to this conclusion is that the proposed program is expected to have ongoing benefits for biological resources during its operation, as management of the wetlands will continue with the goal of enhancing habitat quality for special status and other wildlife species and the provision of ecosystem services. Cumulative impacts from the construction phase of the program and nearby projects are analyzed in the PEIR Section 3.3.6.1 and are found to not be cumulatively considerable as well.

Response SCWTF-29

The commenter states that the Spanish names used to refer to tribal entities is used exclusively in the PEIR, and it is not a term created by the people themselves. LCWA acknowledges that tribes prefer to use indigenous terms when referring to tribal groups. The PEIR has been revised to indicate that the terms Tongva, Kizh, and Acjachemen are preferred by many descendant groups over the Spanish words that have historically been used to describe them. Since there are two

indigenous terms that are used by different groups to refer to Gabrielino tribes (Tongva and Kizh) the term Gabrielino is used to encompass both groups. In response to this comment and others, Chapter 2 Project Description, Section 2.4.2 has been revised to include indigenous terms. Also, Section 3.4.2.2 - Ethnographic Setting and 3.15.2.2 Ethnographic Setting, of the Draft PEIR have been modified.

Response SCWTF-30

The commenter states that there is no mention of tribal salt works in the wetlands, and that the PEIR fails to document specific tribal references to the land, water, or wetlands, past or present, not does it describe cultural practices past or present. The commenter further states that there is no mention of other tribal groups, including the Acjachemen. The commenter also states that without these aspects, impacts to tribal peoples and culture cannot be fully evaluated.

In a follow-up tribal consultation meeting on August 17, 2020 between LCWA and the Gabrieleno/Tongva San Gabriel Band of Mission Indians and an Acjachemen Tribal Elder, information regarding the importance of salt marshes and salt flats to tribes was shared and requested to be included in the PEIR. In response to the consultation meeting and this comment, Section 3.15.2.3 has been revised.

Section 2.4.2 has also been revised to include a reference to mineral resources, such as salt, and to indicate that tribes used the wetlands and its resources in past and in current times. In addition, impacts to salt marshes has been added to the analysis of impacts to the tribal cultural landscape in Section 3.4.5 - Program Impacts and Mitigation and Section 3.15.5 - Program Impacts and Mitigation. Please note that some salt marsh will always be available throughout the construction phase of the program.

With respect to the comment that there is no mention of other tribal groups, including the Acjachemen, Section 2.4.2 has been revised to include a reference to the Acjachemen. The commenter is referred to Section 3.15.2.3 - Identification of Tribal Cultural Resources, which lists all the tribes who were contacted as part of the AB 52 process for the PEIR. A total of 26 tribes were contacted, including those from a multitude of different groups (including Payomkawichum, Yuhaaviatam, Tataviam, and Kumeyaay). The only tribal groups who requested consultation are Tongva, Kizh, and Acjachemen tribes, and these are the tribes who were included in the ethnographic Section. Section 3.4.2.2 - Ethnographic Setting and 3.15.2.2 - Ethnographic Setting, which also includes a discussion of the Juaneño, who identify themselves by the indigenous term Acjachemen.

Response SCWTF-31

The commenter states that the use of the word “believe” appears to question tribal knowledge and that a traditional tribal cultural landscape is not less eligible for listing simply because it has not been formally listed. LCWA acknowledges and fully supports the significance and importance of the tribal cultural landscape to tribal groups. Although the landscape has not been formally evaluated for listing in the National Register or California Register, LCWA determined, in its discretion and as supported by substantial evidence provided by tribal groups, that the landscape meets the definition of historical resource (CEQA Guidelines Section 15064.5(a)(4)) and tribal

cultural resource (Public Resources Code Section 21074(a)(2)), and is treating it as such for the purposes of the program regardless of whether it has been listed in a register or not. In response to this comment, Section 2.4.2 has been revised to refer to this determination, which is presented in Chapters 3.4 Cultural Resources and 3.15 Tribal Cultural Resources of the Draft PEIR.

The word "believe" is not meant to question tribal knowledge, but rather to acknowledge tribal knowledge about their own resources. However, in response to this comment the word has been replaced with "identified."

Response SCWTF-32

The commenter states that the wetlands are within the 500-acre, Puvungna complex, not within walking distance, and that to alter the Los Cerritos Wetlands is to alter Puvungna. In response to this comment and others, Section 2.4.2 - Cultural History of the Los Cerritos Wetlands Complex has been modified to indicate that the wetlands are within the Puvungna and Motuucheyngna village sites community. Chapter 3.4 Cultural Resources and Chapter 3.15 Tribal Cultural Resources have also been modified to indicate that the Los Cerritos Wetlands are located in between the archaeological manifestations of Puvungna and Motuucheyngna, and the wetlands were identified by tribes to be part of the larger cultural landscape of Puvungna and surrounding villages.

Response SCWTF-33

The commenter states that referring to tribes in the past tense and omission of post-contact tribal connections to the area erases history. The commenter further states that reliance on anthropology texts is outdated and offensive, and fails to include contemporary tribal scholars and sources. The commenter also states that there is no mention of tribal practices or lifestyles after 1542, or treatment of tribal peoples during the American Period. LCWA recognizes that California Indian Tribes are living communities with historical and contemporary connections to the Los Cerritos Wetlands. LCWA also understands that tribes have expertise and knowledge in their own history.

In response to the first part of the comment and others, Draft PEIR Section 3.4.2.2 Ethnographic Setting has been revised.

In response to the second part of the comment, additional information has been added to Chapter 3.4 Cultural Resources, Section 3.4.2.3 - Historic Setting regarding treatment of California Native Americans during the American Period.

Response SCWTF-34

Commenter states that the program area is not near, but within the Puvungna/Motuuchengna community and questions citing a 1938 map regarding village site locations. Regarding the first part of the comment, as noted above and in response to this and other comments, Section 2.4.2 - Cultural History of the Los Cerritos Wetlands Complex has been modified to indicate that the wetlands are within the Puvungna and Motuucheyngna village sites community. Chapter 3.4 Cultural Resources and Chapter 3.15 Tribal Cultural Resources have also been modified to indicate that the Los Cerritos Wetlands are located in between the archaeological manifestations

of Puvungna and Motuucheyngna, and the wetlands were identified by tribes to be part of the larger cultural landscape of Puvungna and surrounding villages. Regarding the second part of the comment, the 1938 map was one of a number of sources that was consulted to identify named and unnamed villages sites within or in the vicinity of the program area (Johnston 1962; King, 2004; McCawley, 1996). The named and unnamed village sites identified in or closest to the program area were noted in the PEIR, and the source cited. However, LCWA recognizes that Motuucheyngna was not included in Section 3.4.2.2 - Ethnographic Setting and 3.15.2.2 - Ethnographic Setting, and, in response to this comment, a reference to Motuucheyngna was added to the ethnographic setting.

Response SCWTF-35

The commenter states that both oral tradition and historic documents reference Puvungna as the birthplace of Chinigchinich and to use "reported to be" shows a bias against tribal cultural information. The commenter also indicates that the terms "protohistoric" and "early historic" assumes tribal history began after European contact. The commenter further indicates that it is inappropriate to refer to California counties rather than tribes. In response to this comment, the text has been revised in Chapter 3.4, Section 3.4.2.2 Ethnographic Setting, of the Draft PEIR.

Response SCWTF-36

The commenter states that there is no description of the Acjachemen's connection to Puvungna or the Los Cerritos Wetlands, and that Boscana was describing the Acjachemen in his writings on the beliefs and practices taught by Chinigchinich. The commenter also states no tribal leaders are mentioned by name, nor are their contributions to the protection and preservation of this Tribal Cultural Landscape noted in the PEIR. LCWA acknowledges the Acjachemen's connection to Puvungna or the Los Cerritos Wetlands. In response to this comment and other comments, Chapter 3.4 Cultural Resources, Section 3.4.2.2 Ethnographic Setting, of the Draft PEIR has been revised.

Response SCWTF-37

The commenter states that considering the date of 1542 as the start of the historic-period is inaccurate since Mission San Gabriel was not founded until 1771. The commenter also states that tribal peopled continued to live and work on their original tribal areas during the Spanish, Mexican, and American periods. The commenter further states that tribal members have been involved in protection of the Los Cerritos Wetlands and have reintroduced traditional practices to the area. The commenter also states that including the history of oil drilling in the Cultural Resources Section is an insult since oil is not a cultural resource.

With regards to the first part of the comment, while the historic setting acknowledges that Spanish explorers made brief visits to the region in 1542 and 1602, the historic setting begins with the year 1769, which is the date that the first mission was established in Southern California. With regards to the second part of the comment, LCWA understands the importance of the Los Cerritos Wetlands to tribal groups and acknowledges their efforts to protect the wetlands and reintroduce traditional tribal practices to the area. LCWA consulted with California Native American groups pursuant to AB 52, and has included their input in Chapter 3.15 Tribal Cultural

Resources. With regards to the last part of the comment, the Cultural Resources Section includes an analysis of impacts to all cultural resources, including those of a built nature (buildings, structures, objects). Built environment resources include those related to the oil industry that historically occupied most of the program area, and a discussion of the oil industry is included in the historic setting to provide a context for evaluating impacts to those associated resources.

Response SCWTF-38

The commenter provides a general statement that asserts that the program area historically did not empty into the ocean but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. In review of the reference graphic it appears that the historical map does indeed indicate that the program area was connected to the ocean tides.

Response SCWTF-39

The commenter states that the definition of sufficient archaeological context and significant archaeological resources presumes the value of cultural materials to be their contribution to western, not the intrinsic value they had to those who created them nor to their descendants. LCWA acknowledges the importance of Native American archaeological resources to descendant groups. Mitigation measures related to the evaluation and treatment of Native American archaeological resources requires LCWA to evaluate resources under all four California Register Criteria (1-4) and to consult with Native American Tribes to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered in the evaluation, including those related to the tribal cultural landscape.

Response SCWTF-40

The commenter states that identifiers describing types of archaeological sites do not reflect the realities of tribal lifeways, and the wetlands provided the basic staples of life on a daily basis for centuries. LCWA acknowledges that the wetlands provided Native Americans with natural resources. The analysis of impacts to the tribal cultural landscape identifies the waterways, plants, or animals as important aspects to the significance of the landscape in recognition that the wetlands provided and still provides a multitude of natural resources to Native American communities. The geoarchaeological review presented is a prediction of the types of archaeological sites that would be expected to be encountered in the various landforms underlying the program area based on knowledge of similar landforms. As described in Chapter 3.14 Tribal Cultural Resources, dense archaeological deposits related to continuous, long-term human occupation, such as those found to the north and south of the program area, are not anticipated to be within the estuary deposits given the wet environment, but may be below estuary deposits on the earlier coastal plains deposits.

Response SCWTF-41

The commenter states that the CEQA Guidelines are an example of Eurocentric racism towards tribal peoples as it excludes tribal values when assessing if a significant effect on the environment would occur. While the statement in question is related to historical resources and unique archaeological resources, a lead agency is also tasked with determining if there are tribal cultural resources present within a project area. LCWA consulted with California Native American Tribes

with regards to identification and impacts to tribal cultural resources, which are analyzed in Chapter 3.15 Tribal Cultural Resources. The commenter is referred to Section 3.15.3 for a discussion of the regulatory framework surrounding tribal cultural resources. Please note that under Public Resource Code Section 21074, tribal cultural resources can include those that are or are not also historical resources or unique archaeological resources. If a resource is not a historical resource or unique archaeological resource, but is a tribal cultural resource, a significant effect on the environment could occur.

Response SCWTF-42

The commenter states that the 48-hour timeline for an MLD to make recommendations regarding the treatment of human remains after is pro-development bias and does not belong in a state law. LCWA understands that there are concerns regarding this timeline. Per Mitigation Measure CUL17, until LCWA and the landowner have conferred with the MLD, no further action shall occur where the discovery occurred. LCWA's intent is to work with the MLD and landowner to develop a mutual agreement regarding the treatment of Native American human remains discoveries.

Response SCWTF-43

The commenter expresses opposition to the proposed program based on potential significant and unavoidable impacts to archaeological resources. While this comment is noted, as it does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-44

The commenter states that identification of the essential physical characteristics that convey the historical significance of the tribal cultural landscape presumes to define what constitutes significance to tribal peoples. The commenter further states that in making this determination that the project would not impact the landscape's historic significance, the LCWA violates the rights of indigenous peoples. With respect to the first part of the comment, the identified essential physical characteristics are the significant characteristics of the landscape and wetlands that were identified by California Native American Tribes during tribal consultation with the California Coastal Commission for the Coastal Development Permit for the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR and during tribal consultation with LCWA for this PEIR pursuant to AB 52. With respect to the second part of the comment, Chapter 3.14 Tribal Cultural Resources, Section 3.14.5 Project Impacts and Mitigation Measures, of the Draft PEIR does not conclude that the program would not impact the landscape's historic significance, but rather that "…the proposed program could materially impair the landscape's ability to convey its historical significance, resulting in a substantial adverse change in the significance of the tribal cultural landscape even with the implementation of mitigation. Therefore, impacts to the tribal cultural landscape would be significant and unavoidable at the program level."

Response SCWTF-45

The commenter states that the mitigation measures would not ensure the protection, identification, and appropriate handling and treatment of archaeological resources that contribute

to the landscape's significance, but would destroy them and place tribal human remains and sacred and utilitarian objects in storage for future study over the objections of descendants who want them returned. LCWA acknowledges tribal preferences regarding avoidance of archaeological resource and objection of curation of tribal human remains and associated items. It is also LCWA's preference to avoid archaeological resources. Mitigation Measure CUL7 in Chapter 3.4 Cultural Resources, Section 3.4.5 Project Impacts and Mitigation Measures of the Draft PEIR, requires that LCWA first consider avoidance and preservation in place of resources that contribute to the significance of tribal cultural landscape (significance would be determined in consultation with California Native American Tribes pursuant to Mitigation Measure CUL6). If avoidance is infeasible, then as required by Mitigation Measure CUL8, LCWA will determine the appropriate treatment in consultation with California Native American Tribes to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered in assessing treatment, including those related to the tribal cultural landscape. Tribal human remains and associated items will not be curated (i.e., stored) for future study. Disposition of Native American human remains and associated funerary objects or grave goods shall be determined by the landowner in consultation with LCWA and the Most Likely Descendant in accordance with Mitigation Measure CUL18: Human Remains Discoveries.

Response SCWTF-46

The commenter expresses agreement for the determination that impacts to resources that convey the significance of the tribal cultural landscape is significant and unavoidable at the program level. This is noted for the record; however, the comment does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-47

The commenter states that tribal values are not ensured by requiring that tribal people monitor the destruction of tribal lands and the removal of tribal human remains and cultural objects. As noted under Response to Comment No. SCWTF-45, it is also LCWA's preference to avoid archaeological resources. Also, tribal human remains and associated items will not be curated (i.e., stored) for future study. Please see Response to Comment No. SCWTF-45 for a further discussion of the mitigation regarding avoidance and treatment of archaeological resources and human remains.

Response SCWTF-48

The commenter provides a general statement that disagrees with the conclusion that the proposed program would have a beneficial effect on the waterways, plants, and animals, but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-49

The commenter states that as the program is proposed, it excludes tribal people from the landscape and will not resemble a historic or pre-contact wetlands. The goals of the proposed program are to restore and enhance the Los Cerritos Wetlands, taking into account tribal input (see Mitigation Measure CUL16: Native American Input in Chapter 3.4 - Cultural Resources).

LCWA does not intend to exclude tribal people from the wetlands as part of this process. In response to this comment, the Draft PEIR has been revised to include a new mitigation measure to develop a tribal access plan in Chapter 3.4 Cultural Resources, Section 3.4.5 Project Impacts and Mitigation Measures of the Draft PEIR.

Response SCWTF-50

The commenter provides a general statement that disagrees that the proposed program would have a beneficial effect on the waterways, plants, and animals, and states that this approach violates basic Native American tribal values. The commenter disagrees that future consultation with tribal people during the design of projects ensures that tribal values will be considered. As noted in other comments, LCWA conducted consultation with California Native American Tribes pursuant to AB52, who indicated that the program area is culturally sensitive and important, and generally expressed support for the restoration of the wetlands. Tribal members made specific requests to mitigate potential impacts to resources important to the Native American community and LCWA incorporated this input into mitigation measures outlined in Chapter 3.4 Cultural Resources. The commenter is referred to Section 3.15.2.3 – Identification of Tribal Cultural Resources for details regarding the consultation process and outcome.

Response SCWTF-51

The commenter expresses agreement for the determination that the proposed program could impair the landscape's ability to convey its historical significance, resulting in a substantial adverse change in the significance of the tribal cultural landscape even with mitigation, resulting in significant and unavoidable to the tribal cultural landscape at the program level. This is noted for the record; however, the comment does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-52

The commenter disagrees that operational impacts to historical and archaeological resources and the tribal cultural landscape will be less than significant since operation of the proposed program would include accommodating existing and proposed oil extraction operations, allowing stormwater from the San Gabriel River to pollute wetlands and expose subsurface cultural resources, removing non-native species with heavy equipment and herbicides, and increasing human and wildlife interaction. The Draft PEIR evaluates the water quality impacts and risk for erosion associated with connecting the San Gabriel River waters to wetlands during operation of the proposed program in Chapter 3.8 Hydrology and Water Quality, Section 3.8.5 Project Impacts and Mitigation Measures. The public access trails and visitor center are located on the periphery of the habitat restoration to reduce human and wildlife interaction. LCWA will remove non-native species after habitats have been restored in compliance with agency permits and approvals, such that impacts to biological resources are minimized. Oil operators within the program area have ownership and easement rights which LCWA must adhere to until those easement rights are re-negotiated or LCWA becomes the landowner of all properties within the program boundary.

Response SCWTF-53

The commenter states that significance of cultural resources will be determined by a Qualified Archaeologic and not by the tribes themselves. The commenter objects to curation of archaeological resources. With regards to the first part of this comment, Mitigation Measures CUL6 and CUL8 in Section 3.4.5 Project Impacts and Mitigation Measures of the Draft PEIR, requires LCWA to determine the significance of cultural resources and appropriate treatment of cultural resources in consultation with California Native American Tribes to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered. With regards to the second part of this comment, LCWA understands that tribes may prefer to retain ownership of artifacts. The State of California Resources Agency's *Guidelines for the Curation of Archaeological Collections* (State Historical Resources Commission and Department of Parks and Recreation, 1993) states that archaeological collections that are created by compliance with state environmental laws and regulations (such as CEQA) must be housed at qualified repositories. The guidelines also state that a collection from a Native American site may best be curated by a qualified repository maintained by a tribal museum. LCWA will consult with tribes on the final disposition of Native American archaeological materials and on the selection of the curation facility, with preference given to tribal museums for Native American collections. If a suitable repository cannot be identified, then LCWA will donate the collection to a local California Native American Tribe(s) (Gabrielino or Juañeno). In response to this comment and other comments, Mitigation Measure CUL15 has been revised in Chapter 3.4 Cultural Resources, Section 3.4.5 Project Impacts and Mitigation Measures of the Draft PEIR.

Please note that this does not pertain to Native American human remains and associated items, which will be treated in accordance with applicable state law, and the disposition of Native American human remains and associated funerary objects or grave goods shall be determined by the landowner in consultation with LCWA and the Most Likely Descendant in accordance with Mitigation Measure CUL18: Human Remains Discoveries.

Response SCWTF-54

The commenter expresses agreement for the determination that cumulative impacts to cultural resources and the tribal cultural landscape from the proposed program is significant. This is noted for the record; however, the comment does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-55

The commenter disagrees that other projects in the past have resulted in greater impacts to the landscape that the proposed program, and that the incremental contribution of the proposed program to the tribal cultural landscape is not cumulatively considerable. Since the program would restore and enhance the wetlands, LCWA considers past projects to have been more detrimental to the landscape than the proposed program.

Response SCWTF-56

The commenter states that the definition of tribal cultural resources according to state law contributes to a legacy of dispossession and racism. This is noted for the record; however, the

comment does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-57

The commenter states that tribal representatives were not contacted early in the planning process as required by AB52. LCWA adhered to all requirements of AB 52.

Response SCWTF-58

The commenter indicates that the statement that "no tribal cultural resources" were identified by the five tribal respondents contradicts the fact that the Los Cerritos Wetlands is a cultural resource significant to tribal peoples. LCWA understands there may be some confusion about this statement. None of the five tribal respondents referred to the area as a "tribal cultural resource" per se, but did refer to the importance and significance of the area to tribes. The tribal cultural landscape, which LCWA determined meets the criteria for "tribal cultural resource" as defined by Public Resources Code Section 21074, was identified during consultation with California Native American Tribes and the California Coastal Commission for the Coastal Development Permit for the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR. However, in response to this comment, the statement that no cultural resources were identified has been removed from Section 3.15.2.3 and **Table 3.15-2**, *Summary of Tribes Consulted*.

Response SCWTF-59

The commenter states that the Draft PEIR excludes tribal comments regarding opposition of this project and references a December 13, 2018 statement that was delivered to the California Coastal Commission. The statement then references an LCP Amendment. This comment appears to be reference the California Coastal Commission's Coastal Development Permit for the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR, which is separate from the proposed program. This is noted for the record; however, the comment does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-60

The comment notes that the 30-day deadline for California Native American tribe to provide comments to the lead agency on a CEQA document was suspended due to COVID-19. According to the Governor's Office of Planning and Research (see https://opr.ca.gov/ceqa/), Governor Newsom's Executive Order N-54-20, issued on April 22, 2020, suspended certain timeframes for tribal consultation required under AB 52 (Chapter 532, Statutes 2014) for 60 days. Specifically, the Executive Order suspended the timeframes governing when a tribe must request consultation and when lead agencies must begin the consultation process for an EIR, negative declaration, or mitigated negative declaration. Deadlines for public review and comment periods for CEQA documents, such as for draft EIRs and negative declarations, were not suspended and those deadlines remained unchanged. LCWA initiated its tribal consultation process on June 17, 2019, such that the consultation period was completed approximately nine months before Executive Order N-54-20 was issued. The LCWA did extend its comment deadline on the PEIR for all commenters until July 6, 2020 in recognition of the challenges posed by the pandemic. LCWA

received three comment letters from Native American tribes. These letters and our responses are included in the Final PEIR.

Response SCWTF-61

The commenter disagrees with the finding under Impact TRI1. In response to this and other comments, TRI1 in Chapter 3.15 Tribal Cultural Resources, Section 3.15.5 Project Impacts and Mitigation Measures of the Draft PEIR has been revised to refer the reader to TRI2 regarding impacts to tribal cultural resources and required mitigation measures.

Response SCWTF-62

The commenter agrees with the LCWA's determination stated in the PEIR that the tribal cultural landscape discussed in the PEIR is significant. This is noted for the record; however, the comment does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-63

The commenter states that Sections 3.15.5 – Program Impacts and 3.15.6 – Cumulative Impacts repeat the same Sections under Cultural Resources, and refers the reader to previous comments, but does not specify which ones. The commenter is referred to previous responses regarding impacts to cultural resources.

Response SCWTF-64

The commenter states that the PEIR lacks a discussion of the historic context and deference to tribal perspectives regarding tribal culture and land, and suggests that the LCWA needs to transfer jurisdiction over the public lands within the Los Cerritos Wetlands Complex to those tribal peoples with a physical and cultural connection to them. The PEIR provides a discussion of the project area's history in the cultural resources Section, including noting that Native American tribes were forcibly relocated and converted, and that hard labor was imposed on Native Americans, and that many Native Americans died from disease and hard labor. This comment also raises policy questions regarding the transfer of jurisdiction to lands in the program area that are outside the scope of CEQA. The comment regarding transfer of jurisdiction is noted for the record; however, the comment does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-65

The commenter states that the concept of restoration, including restoration of native plants and wildlife, while excluding Native American people, is part of structurally racist public policies governing national and state lands and waters and asks that the PEIR be revised to address historic and systemic racism. The LCWA seeks to involve Native American tribes in planning for restoration, education and public access at the Los Cerritos Wetlands, not to exclude them. The LCWA will strive to plan and implement the restoration and management of the Los Cerritos Wetlands in a manner that includes Native Americans and incorporates their perspectives. This comment raises questions about public policy that are outside the scope of CEQA. It is noted for

the record; however, the comment does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-66

The commenter asks how the LCWA can acknowledge the Los Cerritos Wetlands are a traditional tribal landscape, but not reference tribal peoples or concerns in the LCW Restoration Plan Goals and Objectives. The LCWA acknowledges that this is a shortcoming of the current goals and objectives, which were arrived at through discussion with stakeholders as part of the Conceptual Restoration Plan process. However, that discussion did not include tribal representatives. The LCWA has revised the goals and objectives in Chapter 2 Project Description, Section 2.5 Project Objectives, of the Draft PEIR to include a reference to Native American tribes. In addition, the LCWA will work with tribal representatives during the project-specific planning phases to consider other revisions to the Goals and Objectives.

Please see Response to Comment No. GABACJ-6 for revisions to the Goals and Objectives.

Response SCWTF-67

The commenter asks why there is no mention of land use, land management, or restoration from a tribal perspective, including restoring ownership and/or co-management of the wetlands to tribal groups. LCWA would welcome proposals for involvement of Native American tribes in the management and use of the wetlands. LCWA is committed to inviting and incorporating input from Native American tribes as project-specific planning occurs, and is pursuing the creation of a tribal advisory group for that purpose.

Response SCWTF-68

The commenter asks why the LCWA did not include any tribal experts, organizations, or state actors on the Technical Advisory Committee designing the PEIR. The LCWA did consult with representatives of six Native American tribal groups during preparation of the PEIR. The number of meetings, dates of meetings, and concerns expressed are described in the PEIR's Tribal Cultural Resources Section. The LCWA will invite Native American tribal participation in project-specific planning. The PEIR requires ongoing consultation with Native American representatives in the mitigation measures which is discussed in Chapter 2 Project Description, Section 2.5 Project Objectives, and Chapter 3.4 Cultural Resources Section 3.5.5 Project Impacts and Mitigation Measures.

Response SCWTF-69

The commenter asks why the LCWA did not commission a technical report to provide baseline information as to Traditional Tribal Landscape management and restoration requirements. The LCWA will commission additional studies of cultural resources beyond the studies reviewed in the PEIR. The LCWA determined that it would be more appropriate to commission technical studies at the project-level planning stage because these studies can be focused to address potential ground-disturbance areas when those areas are known with greater certainty than they are at the current time when planning is still conceptual. The PEIR includes mitigation measures

in Chapter 3.4 Cultural Resources, Section 3.4.5 Project Impacts and Mitigation Measures of the Draft PEIR, to this effect:

- Mitigation Measures CUL1, CUL4 through CUL6, and CUL8 require that qualified cultural resources personnel conduct future project-specific studies to identify archaeological resources and develop appropriate treatment for resources that contribute to the significance of the tribal cultural landscape.
- Mitigation Measure CUL7 requires consideration of avoidance and preservation in place of archaeological resources, including those that contribute to the landscape's significance, to ensure that destructive treatment measures are a last resort.
- Mitigation Measures CUL9 through CUL11, CUL14, and CUL15 require establishment of a plan and procedures for avoidance and discoveries measures during construction, training construction personnel on the significance of the area and procedures to follow in the event of discoveries, monitoring of ground disturbance by archaeologists, and proper curation/disposition of recovered archaeological materials. These measures would ensure the protection, identification, and appropriate handling and treatment of archaeological resources that contribute to the landscape's significance.
- Mitigation Measures CUL12 and CUL13 require that LCWA consult with Native American representatives during the preparation of all cultural resources-related documents and that Native American groups are included in monitoring of ground disturbance. These measures would ensure that tribal values are considered in identification, evaluation, and treatment of archaeological resources that contribute to the landscape's significance.

Response SCWTF-70

The commenter asks why the Spanish name for Gabrielino is used exclusively. The commenter also asks why the PEIR fails to identify other tribes with historic and cultural connections to the Los Cerritos Wetlands, such as the Acjachemen, Payomkawichum, and Yuhaaviatam. LCWA acknowledges that the tribe prefers to use indigenous terms when referring to tribal groups. The PEIR has been revised to indicate that the terms Tongva, Kizh, and Acjachemen are preferred by many descendant groups over the Spanish words that have historically been used to describe them. With regards to the failure to identify other tribes with a cultural connection to the program area, Chapter 3.15 Tribal Cultural Resources, Section 3.15.2.3 Identification of Tribal Cultural Resources, lists all the tribes who were contacted as part of the AB 52 process for the PEIR. A total of 26 tribes were contacted, including those who are Acjachemen, Payomkawichum, and Yuhaaviatam, in addition to Tongva and Kizh. The only tribal groups who requested consultation are Tongva, Kizh, and Acjachemen tribes, and these are the tribes who were included in the ethnographic section. However, the LCWA sees that LCW as a regional resource and will not limit future coordination and consultation to just those tribal groups that responded to AB52. The LCWA would welcome other regional tribal representatives to participate in the forthcoming tribal advisory group.

Response SCWTF-71

The commenter states that a number of tribal representatives who are on the required contact list may not have been contacted by the LCWA regarding the PEIR, and asks how the LCWA can address this problem. The LCWA attempted to contact all the tribal representatives on the

required contact list. The LCWA contacted 26 representatives via email on June 17, 2019. Six tribes requested consultation, six tribes declined consultation, and the remaining tribes did not respond to LCWA's inquiry. A record of the dates and responses for those contacts is included in the Tribal Cultural Resources Section of the PEIR in **Table 3.15-1**, *California Native American Tribes Notified Pursuant to AB52*. The LCWA will continue to reach out to Native American tribes during the project-specific planning stage. If additional tribes would like to participate in planning, LCWA welcomes that participation in the next phase of planning.

Response SCWTF-72

The commenter asks why only one tribal group, the Kizh, are referenced as providing tribal cultural consultants and monitors on the project. Native American monitoring is addressed in Mitigation Measure CUL13 in Chapter 3.4 Cultural Resources, Section 3.4.5 Project Impacts and Mitigation Measures of the Draft PEIR, which states "LCWA shall retain a Native American monitor(s) from a California Native American Tribe that is culturally and geographically affiliated with the program area (according to the California Native American Heritage Commission) to conduct the monitoring. If more than one Tribe is interested in monitoring, LCWA shall contract with each Tribe that expresses interest and prepare a monitoring rotation schedule. LCWA shall rotate monitors on an equal and regular basis to ensure that each Tribal group has the same opportunity to participate in the monitoring program." Mitigation Measure CUL13 does not name a specific Tribe.

Response SCWTF-73

The commenter is inquiring as to why the first meeting at the Seal Beach Library was not identified in the PEIR and is asking if public comments at that meeting are part of the record. The meeting at the Seal Beach Library was the LCWA's first public workshop and it was held on March 28, 2018, prior to the initiation of the CEQA process. Comments made at that meeting were used to inform the creation of the proposed program, and will be part of the record.

Response SCWTF-74

The commenter provides a general statement that asks what the historical wetlands habitat was converted to throughout Los Cerritos Wetlands but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-75

The commenter identifies the following sentence from Chapter 2 Project Description, Section 2.4.4: "No new information of substantial importance or change in circumstance with the Los Cerritos Wetlands Oil Consolidation and Restoration Project requires re-evaluation of the analysis in that EIR." The commenter suggests the new perimeter berms are of substantial importance and not analyzed in the Los Cerritos Wetlands Oil Consolidation and Restoration Project. This is correct, the berms were not analyzed previously. They are analyzed in the current PEIR and described in Chapter 2 Project Description, Section 2.7.5.3. Because construction of the berms is considered a long-term program feature, the berms are conceptual and are not analyzed in as much detail as some of the near- and mid-term program features, as is appropriate at the program-level. Further analysis of the berms will be conducted as the design for the North Area is

progressed, including additional CEQA analysis closer to implementation of that phase of the program.

Response SCWTF-76

The commenter provides language from the Draft PEIR regarding new oil drilling and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-77

The commenter asks why the cumulative effects of the BOMP proposed oil operations were not discussed in the PEIR. The potential for the Los Cerritos Wetlands Oil Consolidation and Restoration Project to contribute to cumulative impacts has been evaluated in the PEIR and is included in Chapter 3 Environmental Setting, **Table 3-1,** *List of Cumulative Projects*.

Response SCWTF-78

The commenter asks whether the PEIR mentioned potential impacts on sensitive habitats and species due to flooding, bulldozing, trenching, grading, soil storage and treatment, removing plants, installing irrigation systems, building and paving new roadways, constructing new buildings, fences, and berms. The PEIR analyzed potential impacts on sensitive habitats and species from all proposed construction and operation activities in the Biological Resources Chapter 3.3. Mitigation Measures BIO1 through BIO11 in Section 3.3.5 are included in the PEIR to avoid, minimize, and mitigate potential impacts to sensitive habitats and species.

Response SCWTF-79

The commenter asks why preservation of existing habitat and wildlife is not considered by the program's proposed success criteria. The performance criteria will capture not only the new or enhanced ecological structures and functions but will also capture those that were preserved or conserved by the restoration program.

Response SCWTF-80

The commenter asks why the loss of existing habitat and wildlife is discounted by the PEIR. The PEIR does not discount potential impacts to existing habitat and wildlife. The PEIR analyzed potential impacts on sensitive habitats and species from all proposed construction and operation activities in the Biological Resources Section. Mitigation Measures BIO1 through BIO11 in Chapter 3.3 Biological Resources, Section 3.3.5 Project Impacts and Mitigation Measures, of the Draft PEIR are included in the PEIR to avoid, minimize, and mitigate potential impacts to sensitive habitats and species. CEQA does not require an analysis of impacts to species and habitats that are not considered sensitive or otherwise protected. LCWA's restoration goals include the maintenance of habitat that supports important life history phases of species of special concern, essential fish habitat, and migratory birds.

Response SCWTF-81

The commenter asks whether the LCWA will consider the impacts of public access on wildlife which tend to avoid areas where humans are present. LCWA will take those impacts into account during project-level planning of public access. LCWA will attempt to minimize impacts from public access on wildlife through the siting of trails and other facilities, as well as the type and frequency of access (opening hours, docent-led vs. self-guided), while also providing appropriate access to the public in an area where access to natural open space and environmental educational opportunities are rare and valuable.

Response SCWTF-82

The commenter asks if the total number of acres of "managed vegetation" includes the trails and roads or if these are categorized as developed acreage. These are considered developed and included in the totals for that category.

Response SCWTF-83

The commenter asks for the total acreage of land that is covered by new berms/levees, oil drilling pads, and new roadways. In the near-term phase of the proposed program, the new levees and well pads would cover 15.1 acres. In the long-term phase of the program, an additional 9.2 acres would be covered by the new levees. The total area for flood protection (24.3 acres) is less than the total existing developed area (31.8 acres) and would provide habitat benefit through vegetation on the levees and well pad slopes, in addition to providing the flood protection needed in order to reconnect the San Gabriel River to the marshplain.

The proposed berm in the South Area would cover 3.9 acres. The raised 1st Street footprint would be 2.2 acres. The total area for flood protection (6.1 acres) is substantially less than the total existing developed area (29.1 acres) and would provide habitat benefit through vegetation on the berms and road slopes, in addition to providing the flood protection needed in order to improve the tidal connection to the marshplain.

Response SCWTF-84

The commenter asks how many acres will be covered by the raised 1st Street footprint. The raised 1st Street footprint would be 2.2 acres.

Response SCWTF-85

The commenter asks what the acreage of a berm that could be constructed on the Isthmus would be. No berm is planned for the Isthmus area. It appears that the commenter has misunderstood the statement "Acreages presented here assume the construction of an earthen berm which has a slightly larger footprint than a flood wall" as referring to the Isthmus. This statement is in **Table 2-6**, *Post-Restoration Habitats and Acreages in South Area*, and refers to the South Area, which is discussed in Response SCWTF-83 above.

Response SCWTF-86

The commenter asks whether the 11.1 acres of berms on the North Area include the sheetrock berm, and, if not, how many acres the sheetrock berm includes. LCWA understands this question to be regarding the sheet pile wall. The 11.1 acres of berms do not include the sheet pile wall. The sheet pile wall is projected to include 0.10 acres. In the long term (20 years), the sheet pile will be removed as required by the Coastal Development Permit to facilitate restoration of tidal marsh.

Response SCWTF-87

The commenter asks where the temporary access route described in Section 2.7.8.5 would be located. This Section has been revised as follows: "A temporary access route, 35-ft. wide, would be created to access any areas of sediment build up within the channels using mats to provide equipment access. Since the channels will be sized based on their proposed tidal conveyance, sediment build up in the channels is not expected."

Response SCWTF-88

The commenter asks about the location of the fence referred to in the description of operations for the Northern Area. The fencing that is referred to is located along the perimeter of the Northern Area. This fence is already present and will be maintained as part of the program.

Response SCWTF-89

The commenter repeated comment SCWTF-88 above. Please see above response.

Response SCWTF-90

The commenter asks questions regarding the proposed levees and oil operations in the Central Area but does not make a comment with respect to the content and adequacy of the Draft PEIR. See Response to Comment No. CCC-15 and Chapter 2 Project Description, Section 2.7.4.5 of the Draft PEIR.

Response SCWTF-91

The commenter asks questions regarding the final proposed habitat distribution of the North Area, but does not make a comment with respect to the content and adequacy of the Draft PEIR. The commenter's assumptions can be confirmed by reviewing the details provided in the project description, otherwise no further response is warranted.

Response SCWTF-92

The commenter asks what measures are planned to prevent street runoff from polluting the wetlands. See Response to Comment No. DOT12-02.

Response SCWTF-93

The commenter asks what measures will be taken to control trash during storm events in the Central Area. As described in Section 2.7.8.2, a trash boom/net could be installed upstream of the Central Area across the San Gabriel River. Alternatively, a trash net could be installed across the breach into the Central Area.

Response SCWTF-94

The commenter asks what a backwater area is. A backwater area is where there is little or no current compared to the river. Text has been added in Chapter 2 Project Description, Section 2.7.4.3 Levees to clarify this.

The commenter also asks if water is coming in only from the river or also from storm drains and roadways and what pollution controls are in place. As discussed in Section 2.7.4.3 Stormwater Management, construction of the proposed levees will reduce the storage volume of overflow drainage from the roads. The proposed program would replace that storage area by creating low areas (e.g., basins or swales) between the road the proposed levee. These basins would also function as water quality treatment measures to protect wetland plants, fish, and wildlife from the stormwater runoff coming from the roads.

Response SCWTF-95

The commenter asks what is meant by the term "non-native" when referring to an area, but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. This terminology is based on the definitions provided by the widely accepted vegetation alliances defined in the Second Edition of A Manual of California Vegetation which provides a standardized, systematic classification and description of vegetation in the State.

Response SCWTF-96

The commenter asks what is meant by the term "transitional zone" when referring to an area, but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. The PEIR uses this terminology to refer to a supratidal landscape that is composed of a mixture of high marsh vegetation and upland vegetation. This habitat area will provide high tide refugia for terrestrial wildlife that use the tidal marsh during low tides. It is also a location when specialized plant species exist that have some salt tolerance but cannot survive inundations from the tides. A diverse assemblage of wildlife and vegetation utilize this ecotone.

Response SCWTF-97

The commenter asserts that "disturbed habitat" is not a biological term and asks what kind of habitats are disturbed. The concept of habitat disturbance is a widely accept ecological phenomenon. Habitat disturbance can happen in any type of naturally occurring ecosystem and is especially prevalent where urban edge effects are present.

Response SCWTF-98

The commenter asks for definitions for a "high-functioning wetland" vs. a "low-functioning wetland but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-99

See Response to Comment No. SCWTF-9

Response SCWTF-100

The commenter asks why there is no reference to brackish or freshwater wetlands. **Table 2-10**, *Post-Restoration Habitats and Acreages in Central Area*, of the Draft PEIR indicates the presence of brackish wetlands and ponds.

Response SCWTF-101

The commenter asks how the PEIR addresses the potential impacts to special status species. The PEIR analyzed potential impacts on sensitive habitats and species from all proposed construction and operation activities in Chapter 3.3 Biological Resources and Mitigation Measures in Section 3.3.5 BIO1 through BIO11 are included in the PEIR to avoid, minimize, and mitigate potential impacts to sensitive habitats and species.

Response SCWTF-102

The commenter expresses concern as to what is included within the project boundary and the associated calculations of existing and restored habitats along with which aspect of the Los Cerritos Wetlands Oil Consolidation and Restoration Project are included. The two areas proposed for oil exploration by the Los Cerritos Wetlands Oil Consolidation and Restoration Project are not included within the program boundary and therefore they are not analyzed and no land uses are proposed for those locations. The proposed restoration of the North Synergy Site is included in all calculations for habitat types in the program's project description.

Response SCWTF-103

See Responses to Comments Nos. SCWTF-9 and SCWTF-22

Response SCWTF-104

The commenter expresses concern that wetland areas would be used to provide flood control measures for roadways and private commercial and industrial operations in response to sea-level rise. In order to restore a tidal connection from the San Gabriel River to the Central Area, the existing flood protection would need to be replaced. State guidance requires consideration of sea-level rise for projects in the coastal zone, so in order to get the permits needed to do the wetland restoration for this program, consideration of sea-level rise and flood protection would be required. In future phases of the design, the levee heights would be refined based on coordination with the US Army Corps of Engineers and the exact amount of sea-level rise needed for consideration would be determined.

Response SCWTF-105

The commenter expresses concern for the protection of special status plants and wildlife from impacts caused by the restoration program. Impact BIO1 is determined to be less than significant with the implementation of Mitigation Measures BIO1, BIO2, BIO3, BIO4, BIO5, BIO6, BIO7 and BIO8. See Chapter 3.3 Biological Resources, Section 3.3.5 Project Impacts and Mitigation Measures of the Draft PEIR.

Response SCWTF-106

The commenter suggests that **Figure 2-2**, *Program Area and Local Vicinity*, is unclear and incorrect, does not identify the property on 2nd Street and Studebaker and that the plans for the Pumpkin Patch site should be described in the EIR. Figure 2-2 in Section 2.2.3 of the Draft PEIR applies naming conventions to areas within the program boundary for purposes of organizing the environmental analysis and discussion. Section 2.2.3 of the Draft PEIR identifies the individual property owners and assessor parcel numbers for all parcels within the program area, including the owner for the Pumpkin Patch site. Section 2.4.4.1 *Outside the Program Boundary* of the Draft PEIR describes the activities proposed for the Pumpkin Patch site as part of the Los Cerritos Wetlands Oil Consolidation and Restoration Project. The property at the northeast corner of 2nd Street and Studebaker is not part of the program boundary.

Response SCWTF-107

The commenter suggests that LCWA has misled the public that the conditions of the Los Cerritos Wetlands Oil Consolidation and Restoration Project are final and legal irrespective of a lawsuit that has been filed against the California Coastal Commission for approving the project. See Response to Comment No. SCWTF6. A discussion of the relationship of the Los Cerritos Wetlands Oil Consolidation and Restoration Project EIR and this PEIR is described in Section 2.4.4 of the Draft PEIR.

Response SCWTF-108

The commenter asserts that the program will not enhance habitat and instead will damage and destroy existing biological resources. It also asserts that there is value in maintaining non-native species populations. Impact BIO1 is determined to be less than significant with the implementation of Mitigation Measures BIO1, BIO2, BIO3, BIO4, BIO5, BIO6, BIO7 and BIO8. See Section 3.5.5 of the Draft PEIR.

Response SCWTF-109

The commenter expresses opposition to the proposed program based on a desire for no public access through the wetlands. While this comment is noted, as it does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted

Response SCWTF-110

The commenter notes that the Cultural Resources Section is disrespectful to tribal peoples, excludes tribal peoples from participating in the NOP, distorts and omits tribal history, denies the proven existence of tribal cultural resources in the project area, and fails to describe the Los Cerritos Wetlands as a Tribal Traditional Cultural Property and Sacred Site. Please see Responses to Comments Nos. SCWTF-120 and SCWTF-121.

Response SCWTF-111

The commenter expresses opposition to the proposed program and believes that this is not the correct time for a program EIR. While this comment is noted, as it does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted

Response SCWTF-112

Responses to the referenced letter are provided in Responses to Comments Nos. SWCTF-1 to SCWTF-111, and SCWTF-113 to SCWTF-130.

Response SCWTF-113

The commenter expresses concern that the NOP was prepared without including tribal perspectives and that there is no evidence of consultation with any tribal entity or tribal representative. See response to Comment Nos. SCWTF-120 and SCWTF-121.

Response SCWTF-114

The commenter notes that the NOP fails to include tribal cultural information from the 2015 Final Los Cerritos Wetlands Restoration Plan. The Conceptual Restoration Plan was the guiding document for the development of the PEIR project description. The Conceptual Restoration Plan includes extensive detail on a variety of topics including information regarding preliminary conversations with tribal representatives. This information was used to inform the Draft PEIR.

Response SCWTF-115

The commenter states that the cultural resources section of the Initial Study ignores tribal cultural resources and current laws recognizing California Indian peoples as sovereign living nations capable of planning and engaging in cultural resources management. Tribal cultural resources are addressed in the "Tribal Cultural Resources" section of the Initial Study, which indicates that LCWA will conduct consultation with Native Americans who are traditionally and cultural affiliated with the geographic area of the program area.

Response SCWTF-116

The commenter states that the Cultural Resources section of the Initial Study only identifies one tribe by name, and there are others who are affiliated with the Los Cerritos Wetlands. The commenter also states that the term Gabrielino was used by the Spanish and is not in current use. With respect to the first part of the comment, LCWA acknowledges that only one tribe, the Gabrielino, were mentioned by name in the Initial Study. However, as part of the AB 52 consultation conducted for the Draft PEIR, LCWA contacted a total of 26 tribes from a multitude of different groups (including Tongva, Kizh, Acjachemen, Payomkawichum, Yuhaaviatam, Tataviam, Kumeyaay). The tribal groups who requested consultation include the Tongva, Kizh, and Acjachemen, and these tribes were described in the ethnographic setting in the PEIR. With respect to the second part of the comment, LCWA acknowledges that tribes prefer to use indigenous terms when referring to tribal groups. The PEIR has been revised to indicate that the terms Tongva, Kizh, and Acjachemen are preferred by many descendant groups over the Spanish words that have historically been used to describe them. Please refer to Response to Comment Nos. SCWTF-29 and SCWTF-30 for further changes.

Response SCWTF-117

The commenter states that the Cultural Resources section of the Initial Study omits tribal history and place names. The Initial Study provides a very brief overview of the history of the program

area. A more detailed history of the program area, including tribal history and place names, can be found in Draft PEIR Chapter 3.4 Cultural Resources and Chapter 3.15 Tribal Cultural Resources.

Response SCWTF-118

The commenter states that the Cultural Resources section of the Initial Study improperly questions whether tribal cultural resources exist within the project area and that cultural resources are described as being nearby and not within the program area. The Initial Study was prepared prior to the initiation of the cultural resources technical studies, and while it was known that there were archaeological sites in the vicinity, the specific locations of archaeological resources were not identified until archival research was completed. Draft PEIR Chapter 3.4 Cultural Resources discloses that there is one known Native American archaeological site within the program area and an additional four sites that appear to overlap or partially overlap the program area, as well as seven other sites within 150 feet of the program area. The sections further acknowledge that there could be as yet unidentified sites on the surface or subsurface in the program area. The Tribal Cultural Resources section of the Initial Study states that tribal consultation conducted as part of another project within the Los Cerritos Wetlands identified a potential Tribal Cultural Landscape that may be eligible for the National Register as a Tribal Cultural Property, and that the proposed program's potential to cause a substantial adverse change in the significance of a tribal cultural resource will be evaluated in the PEIR. As part of the CEQA analysis in the PEIR, LCWA determined that the landscape is a tribal cultural resource pursuant to Public Resources Code section 21074(a)(2).

Response SCWTF-119

The commenter states that tribal interests are assumed to be limited to their connection to archaeological sites and cultural resources, including burial sites. The commenter further states that tribes are not acknowledged as living communities and governing bodies, nor are their efforts to protect and use the wetlands for spiritual, cultural, and recreational purposes acknowledged. LCWA recognizes that California Indian Tribes are living communities with a connection to the Los Cerritos Wetlands and that this connection extends beyond archaeology and burial sites. The Draft PEIR acknowledges that tribes consider the wetlands and surrounding area to be culturally and biologically connected, that the natural resources are as important to the tribes as the archaeological sites. LCWA also acknowledges that the tribes are living communities who are interested in protecting and using the wetlands for spiritual, cultural, and recreational purposes. In response to this comment and other comments, Chapter 3.4 Cultural Resources, Section 3.4.2.2 Ethnographic Setting, of the Draft PEIR was revised.

Additionally, impacts associated with temporary loss of wetlands and associated natural resources to which tribes ascribe value and use for spiritual, cultural, and recreational purposes have been added to the analysis of impacts to the tribal cultural landscape in the Draft PEIR.

Response SCWTF-120

The commenter states that the NOP fails to acknowledge that the Tongva and the Acjachemen recognize the Los Cerritos Wetlands as both a Tribal Cultural Landscape and Sacred Site eligible

to be listed as such by the NAHC and SHPO. The Tribal Cultural Resources section of the Initial Study states that tribal consultation conducted as part of another project within the Los Cerritos Wetlands identified a potential Tribal Cultural Landscape that may be eligible for the National Register as a Tribal Cultural Property, that LCWA will conduct consultation with Native Americans who are traditionally and cultural affiliated with the geographic area of the program area (which includes the Tongva and Acjachemen), and that proposed program's potential to cause a substantial adverse change in the significance of a tribal cultural resource will be evaluated in the PEIR. As part of the PEIR, LCWA consulted with California Native American Tribes, including those who are Tongva and Acjachemen, and determined that the landscape is a tribal cultural resource pursuant to Public Resources Code section 21074(a)(2).

Response SCWTF-121

The commenter states that the NOP ignores tribal cultural perspectives and tribal connections to the Los Cerritos Wetlands, and that the NOP fails to identify potentially significant impacts to the Los Cerritos Wetlands and to the tribal peoples who have a physical and cultural connection to the area. The commenter further states that the proposed mitigation measures fail to acknowledge the continued and consistent comments by numerous tribal leaders that any and all disruption of natural areas does harm and should be avoided. The Tribal Cultural Resources section of the Initial Study states that tribal consultation conducted as part of another project within the Los Cerritos Wetlands identified a potential Tribal Cultural Landscape that may be eligible for the National Register as a Tribal Cultural Property, that LCWA will conduct consultation with Native Americans who are traditionally and cultural affiliated with the geographic area of the program area (which includes the Tongva and Acjachemen), that proposed program's potential to cause a substantial adverse change in the significance of a tribal cultural resource will be evaluated in the PEIR, and that mitigation measures will be recommended to reduce potential significant impacts to tribal resources. As part of the Draft PEIR, LCWA consulted with tribes, determined that the Los Cerritos Wetlands are part of a tribal cultural landscape that meets the definition of tribal cultural resource, determined that the program would have a significant effect on the landscape, developed mitigation with tribal input to reduce the impact to the degree feasible, and concluded that even with mitigation impacts to the landscape would be significant and unavoidable at the program level.

Response SCWTF-122

The commenter asserts that the proposed program does not appreciate the natural work and the original peoples of the land. This comment is noted and the LCWA looks forward to discussing these perspectives with the commenter, however, this comment does not raise any specific issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-123

The commenter provides an attachment entitled "Salt Flats in Southern California Coastal Wetlands" and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-124

The commenter provides an attachment entitled "Bermzerk" and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-125

The commenter provides an attachment of a map of the Los Cerritos Wetlands Complex from the Conceptual Restoration Plan and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-126

The commenter provides an attachment of Draft PEIR **Figure 2-2**, *Program Area and Local Vicinity*, of the Draft PEIR and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted

Response SCWTF-127

The commenter provides an attachment which includes comments submitted for the "Upper Los Cerritos Wetlands Mitigation Bank" and does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response SCWTF-128

Responses to the referenced letter are provided above in Responses to Comments Nos. SCWTF-1 to SCWTF-127.

Response SCWTF-129

Responses to the referenced letter are provided above in Responses to Comments Nos. SCWTF-1 to SCWTF-127.

Response SCWTF-130

Responses to the referenced letter are provided above in Responses to Comments Nos. SCWTF-1 to SCWTF-127.

Comment Letter Husting

From: K Husting
To: Sally Gee
Subject: Los Cerritos Wetland Authority Draft EIR
Date: Sunday, June 7, 2020 3:21:33 PM

Hello Ms. Gee,

Thank you for the opportunity to comment on the draft EIR. I am a supporter of the wetland restoration project and live adjacent to the southern portion of the project boundary in Heron Pointe, Seal Beach. I only have a few comments: Husting-1

1. With the future grading and brush clearance, please set aside funds for exterminators for the residents within a few hundred yards of the project boundaries. When a similar development happened in Cerritos for the Town Center, rodents and insects fled to the nearby households requiring exterminators for many of the residents up to a 1/4 mile away. Husting-2
2. Please have a noise mitigation fund created for neighbors that would be subject to excessive noise from the construction equipment. Husting-3
3. Once the EIR is passed, reach out to the Port of Los Angeles for funding. The Port is looking to earn environmental credits and would be willing to fund part or all of this project. Husting-4

Thank you and good luck with the project. Husting-5

Ken Husting
924 Blue Heron
Seal Beach, CA 90740

Ken Husting, June 7, 2020

Comment Letter Husting

Response Husting-1

The commenter expresses support for the proposed program and is noted for the record. However, the comment does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response Husting-2

The commenter requests funds to be set aside for exterminators for residents near the program area. However, the comment does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response Husting-3

The comment requests a noise mitigation fund for neighbors subject to excessive construction noise. As described in Chapter 3.11 Noise, of the Draft PEIR, a mix of construction equipment would be used depending on the construction stage and activity. The noise level from the equipment would depend on the distance to the receptor with a 6 dBA reduction in noise level per doubling of distance. Construction activities would comply with and be limited to daytime hours in accordance with the City of Long Beach and City of Seal Beach's noise ordinances. Furthermore, construction traffic noise resulting from on-road truck and worker vehicles was concluded to result in a negligible, non-perceptible traffic noise increase, as the increase would be less than 3 dBA. Because the program impacts from noise were determined to be less than significant, no mitigation measures are required by CEQA. However, in consideration of potential noise sensitivities at off-site residences, to reduce and minimize the construction noise generated on the program area and attenuated at the nearest off-site residences, the Draft PEIR included construction, noise reduction measures, NOISE1 and NOISE3. Noise reduction measures NOISE1 includes requirements for staging areas away from residences and the use of equipment mufflers; NOISE3 includes noise barrier requirements for construction occurring near off-site residences. These control measures would minimize noise to off-site residents.

Response Husting-4

The commenter expresses that the Port of Los Angeles could be a potential future funder for the project and that is noted for the record. The comment does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response Husting-5

The commenter provides a general conclusion statement but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Comment Letter Napier

DATE 6-18-20

From, William Napier phone 562-240 9345
NEW 538 Ranchwood Dr.
Los Banos Cal. 93635

OLD - 5465 E. 2nd. ST. APT. 10
Long Beach, CAL. 90803

TO Los Cerritos Salt Marsh wetlands. Authority.

Napier-1 THE wetlands are very, very, SMALL SMALL, SMALL, , THE punkin patch LAND is part of it. STOP CHEATING. give THE people of Long Beach THEir WETLANDS, WITH THE punkin PATCH LAND, give THE people of Long Beach SOMETHING. INSTEAD OF NOTHING. THIS LAND is your LANDS. THIS LAND is our LANDS.

Napier-2 ALSO, DONT Clean THE wetlands, Leave it alone.

THANK you,

William Napier

William Napier, June 20, 2020

Comment Letter Napier

Response Napier-1

The commenter expresses opposition to the proposed program. While this comment is noted, as it does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response Napier-2

The commenter provides a general statement that opposes any projects on the wetlands. While this comment is noted, it does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Comment Letter Sinclair

From: Melanie Sinclair
To: Sally Gee
Subject: No to Los Cerritos Wetlands Restoration Project
Date: Tuesday, June 30, 2020 5:39:06 PM

Dear Ms. Gee,

Sinclair-1 | I am writing to let you know that I oppose building flood control berms or digging trenches and flooding seasonal wetlands to create new salt water marshes.

Sinclair-2 | I oppose spraying herbicides on existing wildlife habitat.

Sinclair-3 | There are tribal cultural remains on Puvungna East and Motuucheyngna, and this Traditional Tribal Landscape should not be altered in any way by any civil restoration project. Any desecration of tribal cultural remains is a travesty that is rooted in White Supremacy and cannot stand.

Sinclair-4 | Where can I go to be informed of the result of the public comments that you are now gathering?

sincerely,

Melanie Sinclair
Long Beach, CA

Melanie Sinclair, June 30, 2020

Comment Letter Sinclair

Response Sinclair-1

The commenter expresses opposition to the building of flood control berms, development of tidal channels, and restoring salt marsh habitat in the proposed program. While this comment is noted, as it does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted. Please see Response to Comment No. SCWTF-22.

Response Sinclair-2

The commenter expresses opposition to the use of herbicides. This comment is noted, as it does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response Sinclair-3

The commenter expresses concern for impacts to Cultural and Tribal Cultural Resources, and opposes alteration of the landscape in any way. Impacts to Cultural Resources and Tribal Cultural Resources were analyzed in Chapters 3.4 and 3.15 respectively, and impacts were identified as significant and unavoidable even with implementation of the mitigation measures identified in those Sections. The LCWA recognizes the importance of the Los Cerritos Wetlands to Tribes and will continue to consult with Tribes as the project moves forward.

Response Sinclair-4

The commenter asks how to be informed of the results of submitted public comments. Responses to public comments received about this Draft PEIR and any changes to the Draft PEIR are noted in the Final PEIR. The LCWA has noticed the release of the Final PEIR through several mediums, and the document is posted on the LCWA website at intoloscerritoswetlands.org and on the State Clearinghouse website at https://ceqanet.opr.ca.gov/Project/2019039050. LCWA Project Manager, Sally Gee, can be contacted at sgee@rmc.ca.gov or at 626-815-1019 x 104 for any additional questions or for accommodations to view the Draft and Final EIR document.

Comment Letter Soundstrom

From:	Dianne Sundstrom
To:	Sally Gee
Subject:	PEIR for the Los Cerritos Wetlands Restoration in Long Beach and Seal Beach
Date:	Monday, July 6, 2020 2:36:09 PM

Dear Ms. Gee,

Sundstrom-1 I am writing to provide feedback on the PEIR for the Los Cerritos Wetlands Restoration Plan.

I am very supportive of restoring the wetlands and understand that there are many complex issues that need to be considered when developing restoration plans. With that said, I was truly surprised and a bit alarmed about the levees and berms proposed in the plan as a method of managing sea level rise and flooding. From my perspective, these levees and berms will essentially create a visual wall around the wetlands. This was not a component of the early plans presented to the community.

Sundstrom-2 Understanding that flood control is a major issue particularly as sea level rises, are there not other alternatives than those identified in the PEIR that would address this issue? Has the LCWA and its partners looked outside of the United States for potential solutions? Have all other alternatives been thoroughly investigated and considered?

As Henk Ovink, a Dutch expert on rising water and climate change, said in a NY Times article, “We can’t just keep building higher levees, because we will end up living behind 10-meter walls,”……..“We need to give the rivers more places to flow.”

Are we certain that levees and berms are the ONLY way to manage flood control in the Wetlands?

Regards,

Dianne Sundstrom
4507 E Barker Way
Long Beach, CA 90814

Dianne Sundstrom, July 6, 2020

Comment Letter Sundstrom

Response Sundstrom-1

The commenter is providing feedback on the Draft PEIR. Specific comments regarding the Draft PEIR are provided and responded to below.

Response Sundstrom-2

The commenter expresses concern about the aesthetics of the proposed flood control levees and berms, and asks if other flood control strategies have been explored. The commenter also provides a quote from Dutch expert Henk Ovink that argues for alternatives to higher levees. The LCWA has analyzed the maximum impacts of the implementation of levees, berms, and flood walls for flood protection as part of the proposed program. The LCWA will make every effort to minimize the impacts of the proposed flood control structures on the landscape and assess where other approaches may be taken. LCWA is supportive of exploring other forms of flood control strategies in the future for restoration of the LCW.

Comment Letter Zeiser

From: Mary Zeiser
To: Sally Gee
Subject: Oppose
Date: Monday, July 6, 2020 4:17:19 PM

Zeiser-1

NO Building flood control berms on the wetlands to protect oil wells, commercial and industrial properties from sea rise
NO digging trenches and flooding seasonal wetlands to create new salt water marshes
NO bulldozing, burying, spraying herbicides on existing wildlife habitat
NO destroying tribal cultural remains on Puvungna East and Motuucheyngna, a Traditional Tribal Landscape
NO new buildings, roads, visitor centers, oil wells and pipelines on wetlands
WETLANDS NOT WALLS! LEAVE OIL AND ANCESTORS IN THE GROUND!

This project is overt environmental racism, and the immediate need to start phasing California off of developing on the ancestral lands of the Tongva is dire. I urge you to stop permitting any new developments on these lands, starting with denying this permit. As long as California has been a state, industrial development has disproportionately damaged Indigenous communities and environmental justice communities.
--

Zeiser
Climate Campaigner
They/Them/Theirs
C: 510.778.5670
Occupied Miwok and Nisenan Territory

Mary Zeiser, July 6, 2020

Comment Letter Zeiser

Response Zeiser-1

The commenter expresses opposition to the proposed program based on flood control berms, herbicide use, destroying tribal cultural remains, oil drilling, and environmental racism. While this comment is noted, as it does not raise any issues with respect to the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Comment Letter Grisworld

Date: July 7, 2020

Subject: Comments on Draft Program EIR Los Cerritos Wetlands Program Long Beach

Ms. Sally Gee
Los Cerritos Wetlands Authority
100 North Old San Gabriel Canyon Road Azusa, CA 91702
Transmitted by email: sgee@rmc.ca.gov

Dear Ms. Gee,

Griswold-1

On behalf of myself and the remaining habitat at Los Cerritos Wetlands Complex, I am providing these comments on the Draft Program Environmental Impact Report Los Cerritos Wetlands (DPIER). I have been a practicing restoration ecologist for the past 27 years, mainly within southern California.

"Adopted by the LCWA Board of Directors in August 2015, the CRP [Conceptual Restoration Plan] identifies goals and objectives (see Section 2.5, Los Cerritos Wetlands Restoration Plan Goals and Objectives) and three restoration design alternatives (minimum alteration, moderate alteration, and maximum alteration) with varying degrees of alterations to existing site conditions under a range of sea-level rise scenarios." DPEIR 2020

I offer these definitions for clarification of your DPEIR and your CRP with respect to the term 'restoration':

Restoration is the process of intentionally altering a site to establish a defined, indigenous, historic ecosystem. The goal of restoration is to emulate the structure, function, diversity, and dynamics of the specified ecosystem. (from California Society for Ecological Restoration)

Griswold-2

According to the Army Corps of Engineers:
Restoration can be divided into two activities: re-establishment and rehabilitation. Re-establishment returns historic/natural functions to a site as previously existed. Rehabilitation improves the general suite of functions of a degraded site. Usually, rehabilitation results in less disturbance to a site than re-establishment.

Habitat creation establishes a historical ecosystem on lands that did not previously support that ecosystem. (from California Society for Ecological Restoration)

I have one general comment concerning the program described in the DPEIR and the supporting documents. The proposed program suffers from the same lack of historical basis for which to describe habitat 'restoration' of the wetlands as other regional coastal wetland 'restoration' projects that have ignored not only historical conditions based on published information, but also conditions that currently exist, in an effort to force presumptive improvements. With respect to to the Los Cerritos Wetlands Complex, there is the lack of reference to the *Historical Ecology and Landscape Change of the San Gabriel River and Floodplain* (Stein et al. 2007. This historical ecology report gives a basis for how the current conditions can be viewed and what habitats might be considered in a historical context in formulating goals and objectives for the program.

Griswold-2 Cont.

An historical ecological basis viewed within the current conditions might offer a range of alternatives from habitat re-establishment to enhancement/rehabilitation, otherwise defined as habitat restoration, that are more ecologically efficient to implement. As it is, most of the plan calls for revegetation and/or reclamation, and habitat creation. The later, habitat creation, is an effort by humans to force a particular assemblage of plants onto an area and soils that never supported the desired habitat. Habitat creation, in my experience, is the least desirable method to attempt the improvement of the Los Cerritos Wetlands Complex. The program should avoid habitat creation, and efforts should be made to utilize existing conditions of soil, hydrology, and vegetation in the most ecologically efficient way to achieve the goals of the program.

The three identified project alternatives, called out as minimum alteration, moderate alteration, and maximum alteration contain little to no restoration and/or revegetation of alkali meadow habitat, even though it is described that this habitat was once the most common type of habitat in the area (Stein et al. 2007). The DPEIR does not consider this plant community as a major habitat in any of the project alternatives, I assume, because no comprehensive historical review of habitats was performed for the area. This alkali meadow habitat likely could be efficiently restored across large parts of the program area as it is supported by seasonal rainfall. This meadow habitat is lacking on a regional scale and might be very important for coastal wetlands. This meadow habitat might more accurately be called restoration than some of the plans for the three alternatives. Therefore, the project description of the DPEIR has not adequately considered all feasible alternatives for the program, even conceptually.

Griswold-3

The idea of habitat creation brings me to a point that pops out at me in reading over some of the specific aspects of the program. The DPEIR identifies a 10-acre area that is required to be restored to grassland for raptor foraging, per another development project's mitigation. Based on reading the DPEIR and reviewing the map for this area, I have two comments; first, I am dismayed by the number of trails that are recommended for a raptor foraging area. The potential for disruption by human intrusion into the relatively small raptor foraging area might be great, and I do not see that impact sufficiently analyzed in the impact section. This point of impact analysis is complicated because the 10-acre raptor foraging area is for another project, and therefore, any significant impact on raptor foraging and the mitigation for those significant impacts becomes somewhat akin to an Escher print with a lack of clarity on perspective of the re-viewer/viewer or agency oversight. I would suggest a clearer analysis of impact for this aspect of the project or the DPEIR is likely considered inadequate.

Furthermore, the idea of 'restoring' a native perennial grassland in this 10-acre area is misguided, especially given the species described in the DPEIR. The most difficult habitat to restore, in the true sense of the word, are native perennial grasslands, based on my experience and based on observation of the failed efforts of others in southern California. What is described in the DPEIR might be better termed habitat revegetation, at best, or habitat creation, at worst. Regardless, the soils and existing vegetation indicate that trying to establish a native grassland dominated by alkali sacaton (*Sporobolus airoides*), purple needlegrass (*Stipa pulchra*), and alkali ryegrass (*Elymus triticoides*) may result in an alkali sacaton dominated area, as it is unlikely that purple needlegrass would establish successfully in the area if the soils are at all saline in nature. But even an alkali sacaton type of grassland maybe difficult to establish. The area appears to have been part of an old landfill. Based on my experience establishing

Griswold-3 Cont.

native habitat in the long-term (mainly coastal sage scrub) on landfills in southern California, I have not observed successful establishment of native perennial grasslands as their soils and water requirements are not compatible with most landfill soil covers. The County of Orange seeded purple needlegrass over part of Coyote Canyon Landfill some 24 years ago, and the area is now dominated by non-native ruderal species and non-native Acacia shrubs, whereas areas that were specifically seeded with coastal sage scrub species have established and continue to support breeding pairs of California gnatcatchers, the target avian species for the scrub habitat. Revegetation of landfills requires a knowledge of the soils used to cover the landfill, as well as the depth of the soil cover, and rainfall patterns in order to plan for a successful outcome. Therefore, rather than revegetation of this area, further analysis for the raptor foraging area might include simply management of the existing vegetation and leave trails for the public on the edge of one side of the area to the have least human disturbance possible.

Griswold-4

"In 2017, LCWA received funding to further the design of the alternatives identified in the CRP with the development of a program-level restoration design, to prepare a PEIR, and to prepare a Los Cerritos Wetlands Optimized Restoration Plan (expected to be completed in 2020). The purpose of the Los Cerritos Wetlands Optimized Restoration Plan is to provide a conceptual basis of design for the restoration of the Los Cerritos Wetlands Complex, and to provide guidance for future phases of the restoration process. Future phases of the restoration would involve identifying individual projects, and developing more detailed, project-level designs (i.e., engineering designs, grading plans) and analysis (i.e., wetland delineation reports)." DPEIR 2020

Overall, I would urge you to look for the most ecologically efficient alternatives to 'restore' habitat, that is, to rehabilitate and reestablish native habitat at the Los Cerritos Wetlands Complex based on historically ecology of the area.

Sincerely,

Margot Griswold, Ph.D.
Senior Restoration Ecologist

Literature Cited

Stein, E. D., S. Dark, T. Longcore, N. Hall, M. Beland, R. Grossinger, J. Casanova and M. Sutula. 2007. *Historical ecology and landscape change of the San Gabriel River and floodplain*. Tech. Rpt. 499. So. Calif. Coastal Water Rsrch. Proj. 101 pp. + append. www.rmc.ca.gov/grants/resources/499_historical_ecology.pdf

Comment Letter Grisworld

Griswold-5

From: Margot Griswold
To: Sally Gee
Subject: Comment Letter Los Cerritos DPEIR
Date: Tuesday, July 7, 2020 12:56:45 PM
Attachments: CommentLetter_DPEIR_Los Cerritos Wetlands.pdf

Dear Ms. Gee,

I realize I am half a day late in getting you this comment letter, but I also understand that it still is part of the official record.

Thank you,

Margot Griswold
Restoration Ecologist

Margot Griswold, July 7, 2020

Comment Letter Griswold

Response Griswold-1

The commenter provides a general introductory statement and offers personal credentials but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response Griswold-2

See Responses to Comments Nos. EDAUD-2 and EDAUD-6

Response Griswold-3

See Responses to Comments Nos. EDAUD-5, EDAUD-6, and EDAUD-7.

Response Griswold-4

The commenter provides a general statement that urges LCWA to rehabilitate and reestablish native habitat at the Los Cerritos Wetlands Complex based on historically ecology of the area but does not raise any specific issues regarding the content and adequacy of the Draft PEIR. As such, no further response is warranted.

Response Griswold-5

Responses to the referenced letter are provided above in Responses to Comments Nos. Griswold-1 to Griswold-4.