

**Los Cerritos Wetlands Authority**

**Date:** August 4, 2022

**To:** Governing Board Members

**From:** Sally Gee, Project Manager

**Through:** Mark Stanley, Executive Officer

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

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

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

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

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

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

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

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

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

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

**FISCAL:** The consultant, M&N, was originally contracted to perform a scope of services that includes conducting technical studies, preparation of 30% and 65% designs, completion of environmental compliance, preparation of permit applications, and associated stakeholder outreach for not to exceed amount of \$740,000. This action would increase their contract amount by \$32,000 for a new contract amount not to exceed \$772,000.

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

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

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RESOLUTION 2022-07

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

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

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

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

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

*Therefore be it resolved*, that the LCWA hereby:

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

~ End of Resolution ~

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

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Joe Kalmick, Vice Chair

ATTEST:

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Elizabeth St. John  
Deputy Attorney General