

MINUTES
LOS CERRITOS WETLANDS AUTHORITY (LCWA)
BOARD MEETING

May 5, 2022

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

1. Call to Order
2. Roll Call

MEMBERS PRESENT:

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

MEMBERS ABSENT:

STAFF PRESENT:

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

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

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

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

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

4. Public Comment

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

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

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

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

5. Chair's Report

There was no Chair's Report.

6. Approval of the Minutes, September 09, 2021

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

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

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

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

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

Regular Calendar

8. Status Report on Work Plan Implementation

a. Land Management Update

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

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

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

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

b. Los Cerritos Wetlands Stewardship Program Coordinator Update

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

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

c. Homeless Relocation Program Update

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

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

d. El Dorado Audubon Update

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

e. Expenditures Report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This item was received and filed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Closed Session

There was no closed session.

15. Oral Communications

- a. **Statements, responses, questions or directions to staff pursuant to Section 54954.2(a) of the Government Code.**
- b. **Future agenda items.**

16. Adjournment upon completion of business.

The meeting adjourned at approximately 2:03 pm.