

Los Cerritos Wetlands Authority

Date: May 9, 2024

To: Governing Board Members

From: Mark Stanley, Executive Officer

Subject: **Item 07: Consideration of a resolution authorizing the Executive Officer to a) Augment service levels for biological monitoring services; and, b) Negotiate and enter into a contract with Tidal Influence LLC for biological monitoring services for the Southern Los Cerritos Wetlands Restoration Project.**

Recommendation: That the Los Cerritos Wetlands Authority (LCWA) authorize the Executive Officer to a) augment service levels for biological monitoring services; and, b) Negotiate and enter into a contract with Tidal Influence LLC for biological monitoring services for the Southern Los Cerritos Wetlands Restoration Project for an amount not to exceed \$1,050,100.

Project Description:

Exhibit A – Project Location Map

Exhibit B – Consultant Scope of Work and Fee Estimate

On March 7, 2024, the Los Cerritos Wetlands Authority Governing Board authorized the Executive Officer to negotiate and enter into one or more contracts for Project Management, Tribal Engagement, Public Outreach and Engagement, Environmental Compliance, Pre-Construction, Construction, Post-Construction, Archeological/Paleontological Resources Monitoring for the Southern Los Cerritos Wetlands Restoration Project for amounts not to exceed \$770,000 for Project Management and \$500,000 for all other tasks. After negotiating with potential consultants for several of these services, it was deemed necessary to enter into a contract for biological monitoring services that would exceed the \$500,000 threshold to cover post-construction monitoring costs.

Biological monitoring consists of pre and post monitoring. The pre-construction monitoring services (CRAM & Ecological Monitoring) at a cumulative 1,950 hours of labor is estimated to cost \$233,000, post-construction ecological monitoring is estimated to require a cumulative 7,850 hours of labor, costing an estimated \$816,000 dollars, for a total of the biological monitoring tasks cost of \$1,050,000.

Tidal Influence will perform post-construction biological monitoring in accordance with a Monitoring and Adaptive Management Plan (MAMP) that will include all monitoring requirements from permit conditions and preparation for annual monitoring reports, currently estimated to take place between May 2027 and the end of the grant performance period, February 2029.

Additionally, staff identified the biological monitoring *during* construction and contractor environmental awareness training tasks as better suited to the Environmental Compliance category of services, as this would better align with the State Coastal Conservancy and Ocean Protection Council grant's tasks. Re-classifying those tasks to be under Environmental Compliance would streamline the invoicing and reimbursement processes for grant administration for the duration of the project. These had previously been presented to the board as biological monitoring tasks. Therefore, activities for Environmental Compliance Services related to biological resources will include:

1. Coordination with permitting agencies regarding potential impacts to biological resources
2. Develop a Monitoring and Adaptive Management Plan (MAMP) in accordance with the project's mitigation measures and permit requirements
3. Developing a budget and workplan for long-term management of the wetlands, which will incorporate the tasks in the MAMP
4. Provide construction biological monitoring, coordinate the monitoring schedule with the Construction Manager, compile daily monitoring logs, and enforce biological avoidance and minimization measures
5. Facilitate environmental awareness trainings for contractors and vendors

Biological Monitoring services will now include:

1. Pre-construction baseline biological surveys
2. Pre-construction monitoring in accordance with the MAMP
3. Post-construction monitoring in accordance with the MAMP

Exhibit B details the five (5) year approach for Environmental Compliance, Biological Monitoring Services, and Public Engagement Coordination Services. Each element is described followed by associated cost.

The recommendation is that the agreement includes an option for two, one-year extensions at the discretion of the Executive Officer in the event of project delays.

BACKGROUND: The Southern Los Cerritos Wetlands Restoration Project is the first large scale restoration effort to be implemented in the Los Cerritos Wetlands after more than a decade of planning and stakeholder engagement. The Project will restore degraded

uplands and tidal salt marsh, increasing coastal resilience to climate change by creating new areas for coastal salt marsh migration in the face of sea level rise. This will additionally offer opportunities for Tribal access and co-management and will result in open space public access for communities in Seal Beach, Long Beach, and inland along the San Gabriel River bike trail.

The Los Cerritos Wetlands Authority (LCWA) released a Request for Qualifications (RFQ) for Southern Los Cerritos Wetlands Restoration Project Support Services on December 8, 2023, seeking professional consultant services (consultants) to compliment the final design team for:

- 1) Project Management: Technical advising on restoration, grant management, oversight of project team contracts, management of budget/delivery schedule, etc.
- 2) Tribal Engagement: Engaging tribes in one-on-one meetings and through the Tribal Advisory Group, conveying restoration designs to tribes, facilitating tribal access, agreements, and/or grant applications, etc.
- 3) Public Engagement: Planning and facilitating public outreach events, outreach to traditionally underserved communities in the project area vicinity, focused stakeholder meetings, conveying restoration designs to the public, etc.
- 4) Environmental Compliance: Manage the Monitoring and Adaptive Management Plan (MAMP), coordinating physical monitoring tasks etc.
- 5) Pre-construction, and construction monitoring for biological, archeological, paleontological, and tribal cultural resources: Coordinating, managing, and providing monitors before during and after construction for above named sensitivities, etc.

Proposals were evaluated by a panel appointed by the LCWA, and scored (80 maximum points) based on the consultant(s) approach, recognition/understanding, qualifications for the Project's goals and support services, and costs. On March 7, 2024, the LCWA Governing Board authorized the Executive Officer to negotiate and enter into contracts with consultants, not to exceed 5 years in length or at a cost above \$770,000 for Project Management or \$500,000 for all other tasks.

The LCWA is currently negotiating a contract with Moffatt and Nichol for final design, permitting, and construction support (Design Team, LCWA Board Resolution 2023-07, selected through a separate Request for Proposals. Staff are currently in contract negotiations with Cogstone Resource Management (Cosgstone) for Tribal Engagement and Archeological/Paleontological monitoring services, and Hans Bauman Landscape Architecture (HBLA) for on call public engagement services.

Staff are negotiating with Tidal Influence LLC for a project management contract previously approved by the board. A separate contract would include environmental compliance, public engagement services, previously approved by the LCWA board, and the biological monitoring services that are being recommended for approval in this staff report.

FISCAL: Funding will be provided by grants from the State Coastal Conservancy, Ocean Protection Council, and AES Voluntary Grant Program for the Southern Los Cerritos Wetlands Restoration Project in an amount not to exceed \$1,050,100 through a professional services contract with Tidal Influence for the biological pre and post monitoring for the Southern Los Cerritos Wetlands Restoration Project .

Exhibit A

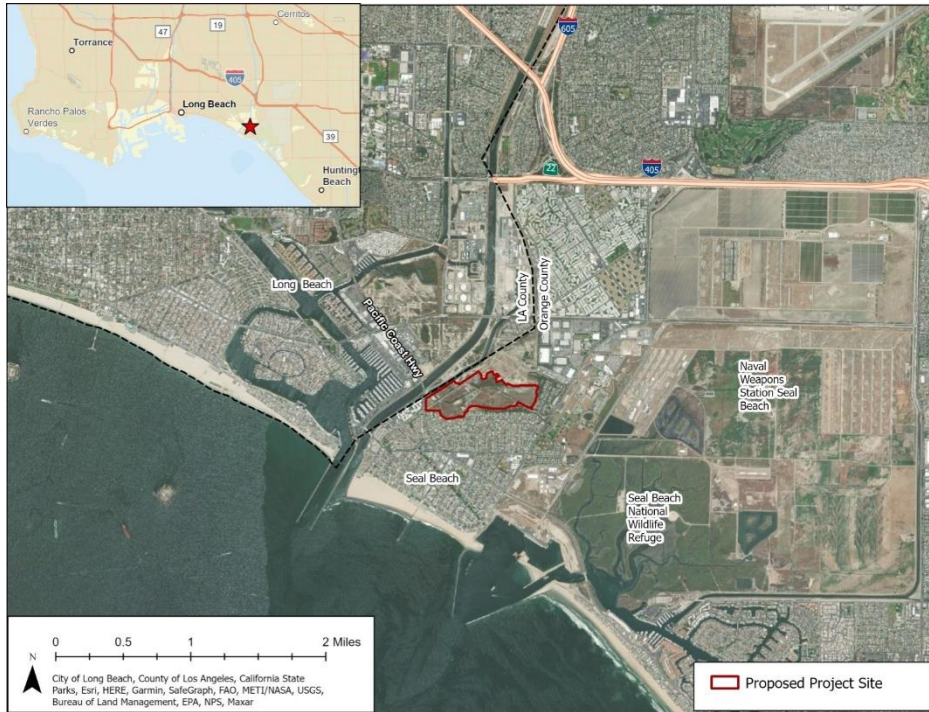


Figure 1. Vicinity map

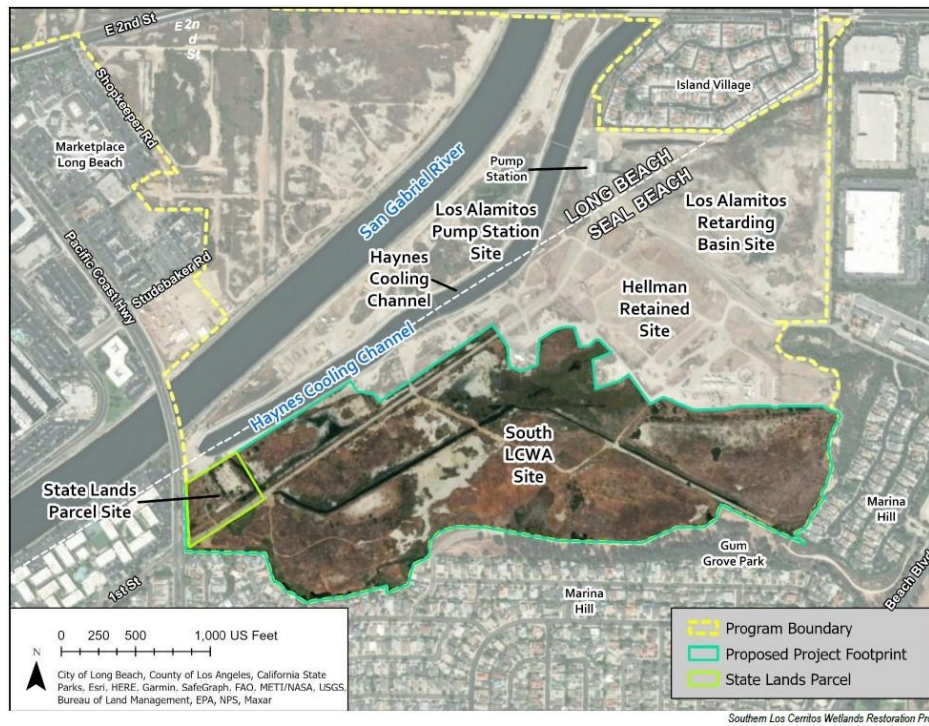


Figure 2. Site map

Exhibit B

Southern Los Cerritos Wetlands Restoration Project

Tidal Influence Scope of Work

April 2024

Task 1: Environmental Compliance Services

- a. Prepare SLCWRP biological monitoring plan for CDP application
- b. Coordinate with Coastal Commission and CDFW staff regarding ecological monitoring permit conditions
- c. Prepare draft Monitoring and Adaptive Management Plan (MAMP) per conditions of the project's MMRP
- d. Prepare final Monitoring and Adaptive Management Plan (MAMP) per conditions of the project's MMRP
- e. Develop budget and workplan for Long-term management Plan for SCC grant funding and incorporate as necessary into MAMP
 - i. Perform PAR analysis for LCWA Properties
 - ii. Analyze monitoring, maintenance, and management needs for all LCWA land holdings
 - iii. Analyze monitoring, maintenance, and management needs for all Southern LCW specifically
- f. Provide qualified and trained biological monitor during construction that may disrupt existing biological resources
 - i. Manage biological monitor schedule in coordination with Construction Contractor
 - ii. Record daily monitoring logs
 - iii. Compile monitoring logs on a weekly basis and submit to Project Management Team
 - iv. Compile project photographs
 - v. Coordinate with permitting agencies as necessary regarding potential impacts to biological resources
 - vi. Enforce avoidance and minimization measures
 - vii. Perform focused surveys as deemed necessary
- g. Plan and facilitate Environmental Awareness Trainings for Construction Contractors and vendors
 - i. Develop electronic training handbook
 - ii. Assumes trainings would occur as necessary with an attempt to have them on a quarterly basis during construction
- h. Prepare and review additional environmental technical reports requested by permitting agencies

Task 2: Biological Monitoring Services

- a. Perform pre-construction CRAM monitoring
 - i. Develop CRAM work plan and determine assessment areas
 - ii. Perform necessary fieldwork with certified CRAM practitioner
 - iii. Perform data analysis and Prepare CRAM report
- b. Perform pre-construction ecological monitoring in accordance with MAMP in advance of groundbreaking
 - i. Provide all necessary monitoring materials and equipment
 - ii. Provide trained staff to perform field data collection of all biological monitoring tasks
 - iii. Perform all data entry, analysis, and QA/QC
 - iv. Prepare pre-construction baseline monitoring report
- c. Perform post-construction ecological monitoring in accordance with MAMP starting immediately after construction is completed until the end of the SCC grant period (timeframe is dependent on the final requirements of the MAMP as it pertains to sampling frequencies and currently unknown permit conditions).
 - i. Perform post-construction CRAM and prepare report.
 - ii. Provide all basic monitoring materials and equipment excluding water quality monitoring equipment or other specialized field data collection instruments (e.g. drones, sondes, tidal gauges) that may be required.
 - iii. Provide trained staff to perform field data collection for all biological monitoring tasks in the MAMP. Excludes physical monitoring data collection.
 - iv. Perform all biological monitoring data entry, analysis, and QA/QC
 - v. Prepare all post-construction annual monitoring reports that pertain to data collected within the timeframe of the SCC grant.

Task 3: Public Engagement Coordination Services

- a. Plan and facilitate 10 community public outreach events during the planning and construction phases
 - i. Community events in East Long Beach or Seal Beach will include combination of zoom meetings, Mary Wilson Library meetings, mixers at rotating locations, tabling events/pop-ups
 - ii. Direct costs: not to exceed \$1,000
 - i. Labels, sign in material
 - ii. Meeting room rental/permit fees
- b. Provide public information sharing during and prior to construction
 - i. Develop and maintain social media footprint, including regular postings, etc.
 - ii. Create marketing material (FAQ, project info sheet, website card) and presentations using graphics received from designer,
 - iii. Prepare briefing material/talking points for PM/LCWA
 - iv. Prepare and deliver information to Long Beach/Seal Beach elected officials/staff

- v. Draft language for LCWA email blasts, website updates to existing site
- vi. Initiate and continue communication/coordination with individual members of public, landowners, businesses, as needed
- vii. Canvass neighborhood in immediate vicinity (door hangers) one time
- viii. Conduct at least 3 presentations to groups/orgs/HOAs outside of those captured in subtask “4d” below
- ix. Conduct at least 3 additional tabling opportunities beyond those captured in subtask “4a” above
- x. Direct costs: \$5,000
 - i. Door hangers printing and production
 - ii. Printing color: FAQ sheet, project info, website cards (for events, and general distribution), large posterboard drawings (4)
- c. Perform outreach to traditionally underserved communities in the vicinity of the Project area during the planning and construction phases
 - i. Coordination with Long Beach/Seal Beach elected officials to help identify underserved communities
 - ii. Coordination with at least 3 known groups (LCWLT, Aquatic Capital of America, Gray Panthers) and additional individuals to understand their programs/who/how they target
 - iii. Assumes the aforementioned identify at least 3 underserved communities to target, and outreach to those target groups is conducted
- d. Conduct focused stakeholder meetings/communications with non-profit partners and opposition during the planning and construction phases
 - i. At least once a month for the duration of the project, contact/coordinate with Land Trust, Seal Beach HOAs, and Audubon. Attend a board/HOA meeting if requested (or prep info and provide for board/HOA meeting); could include group-specific site tours
 - ii. Attempt to communicate directly with oppositional stakeholders on a quasi-regular basis
- e. Gather public support for permit hearings, and coordination at public hearings
 - i. Assumes targeting known supporters (i.e. no attempt to bring on new supporters/neutralize the opposition)
 - ii. Assumes ghost writing most support letters
 - iii. Assuming online ability to offer public comment, 2 speakers in support and talking points will be provided
 - iv. Assumes 1 Coastal Commission hearing. If in Orange or Los Angeles Counties, AEC staff will be physically present
 - v. No bus/stakeholder transportation included
 - vi. No outreach associated with litigation is included
- f. Work with engineering team and graphic designer to produce graphics that will be used to create marketing material to convey restoration designs to the public.
- g. Involve volunteers in Project (e.g. planting days)
 - i. Outreach team will coordinate up to 3 planting events (or other stewardship activity) at the Southern LCW

- ii. Outreach team will table at the event and share information about the project with the participants
 - iii. Ideally this event will be held concert with subtask “4c” above (underserved communities)
- h. Host groundbreaking and ribbon cutting ceremonies for the Project
 - i. Plan/arrange, set up, attend, tear down 2 events
 - ii. Hard costs for event including shade, seating, refreshments, etc. are excluded
- i. Produce Draft and Final Community Engagement Plan
 - i. Produce Draft Community Engagement Plan identifying roles/responsibilities; stakeholder ID; schedule/timing; approach to outreach; and outreach methods
 - ii. Produce Final Community Engagement Plan, which will include a summary of outreach activities/executive summary and meeting notes taken after each event/activity

TIDAL INFLUENCE

Southern LCW Restoration Project Fee Estimate

Staff	Principal Restoration Ecologist	Senior Restoration Ecologist	Personnel Labor Hours				Public Engagement Coordinator	Staff Ecologist	Outreach Specialist	Field Tech	Other Direct Costs				
			Senior Project Manager	Associate Restoration Ecologist								Total Hours	Total Fee Budgeted Per Task	Task No.	
Labor Rate (\$/hr)	\$180.00	\$150.00	\$150.00	\$120.00	\$160.00	\$100.00	\$80.00	\$80.00							
SCOPE OF WORK															
No.	Description														
1	Environmental Compliance	270	360	245	625	10	1685	110	500	\$1,700.00		3,805	\$434,950	1	
a	Draft biological monitoring plan for CDP application	15	30	5	20	0	0	0	0				\$10,350	a	
b	Coordinate with Coastal and CDFW staff regarding ecological monitoring permit conditions	25	25	0	15	0	0	0	0				\$10,050	b	
c	Draft Monitoring and Adaptive Management Plan	25	60	5	50	0	35	0	0				\$23,750	c	
d	Final Monitoring and Adaptive Management Plan	10	15	0	15	0	0	0	0				\$5,850	d	
e	Budget and Workplan for Long-term management Plan for SCC grant funding	25	50	25	50	0	0	0	0	\$800.00			\$22,550	e	
f	Biological Monitor During Construction	100	100	200	350	0	1600	100	500	\$800.00			\$313,800	f	
g	Develop and Host Quarterly Environmental Awareness Trainings for Construction Contractors	20	5	5	50	10	20	10	0	\$100.00			\$15,600	g	
h	Additional technical reports requested by Permitting agencies	50	75	5	75	0	30	0	0				\$33,000	h	
2	Biological Monitoring Services	395	925	300	1695	0	3590	100	2795	\$1,250.00		9,800	\$1,050,100	2	
a	Pre-construction CRAM	45	75	0	45	0	90	0	45	\$250.00			\$37,600	a	
b	Pre-construction Ecological Monitoring	100	350	50	400	0	500	0	250	\$500.00			\$196,500	b	
c	Post Construction Ecological Monitoring	250	500	250	1250	0	3000	100	2500	\$500.00			\$816,000	c	
3	Public Engagement Coordination Services	24	0	0	40	1038	10	810	36	\$6,000.00		1,958	\$249,880	3	
a	Plan and facilitate community public outreach events	8	0	0	8	80	0	240	0	\$1,000.00			\$35,400	a	
b	Public information sharing during and prior to construction	0	0	0	10	440	0	220	8	\$5,000.00			\$94,840	b	
c	Outreach to traditionally underserved communities in the vicinity of the Project area	0	0	0	5	150	0	150	8				\$37,240	c	
d	Conduct focused stakeholder meetings with non-profit partners and opposition.	4	0	0	5	130	0	50	0				\$26,120	d	
e	Gather public support for permit hearings and other public hearings, and coordination at public hearings.	0	0	0	0	50	0	10	0				\$8,800	e	
f	Work with engineering team to convey restoration designs to public.	0	0	0	0	80	0	10	0				\$13,600	f	
g	Involve volunteers in Project (e.g. planting days)	0	0	0	0	8	0	30	0				\$3,680	g	
h	Host groundbreaking and ribbon cutting ceremonies for the Project	8	0	0	8	60	10	80	20				\$21,000	h	
i	Produce Draft and Final Community Engagement Plan	4	0	0	4	40	0	20	0				\$9,200	j	
		689.00	1285.00	545.00	2360.00	1048.00	5285.00	1020.00	3331.00	\$8,950.00		15,563	\$1,734,930		
	Labor Total Cost	\$124,020.00	\$192,750.00	\$81,750.00	\$283,200.00	\$167,680.00	\$528,500.00	\$81,600.00	\$266,480.00	\$1,725,980		All Labor Costs		\$1,725,980	
	Other Direct Costs/Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,950		All ODC/Expenses		\$8,950	
	Subcontractor and ODC Markup (5%)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		All Markup		\$0.00	
	Contingency	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0		All Contingency		\$0	
	Total:	\$124,020.00	\$192,750.00	\$81,750.00	\$283,200.00	\$167,680.00	\$528,500.00	\$81,600.00	\$266,480.00			Estimated Total Fee		\$1,734,930.00	

May 9, 2024 – Item 07

RESOLUTION 24-02

RESOLUTION OF THE LOS CERRITOS WETLANDS
AUTHORITY TO AUTHORIZE THE EXECUTIVE OFFICER TO A)
AUGMENT SERVICE LEVELS FOR BIOLOGICAL MONITORING
SERVICES; AND, B) NEGOTIATE AND ENTER INTO A
CONTRACT WITH TIDAL INFLUENCE LLC FOR BIOLOGICAL
MONITORING SERVICES FOR THE SOUTHERN LOS
CERRITOS WETLANDS RESTORATION PROJECT FOR AN
AMOUNT NOT TO EXCEED \$1,050,100.

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

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

WHEREAS, the LCWA released a Request for Qualifications for Southern Los Cerritos Wetlands Restoration Project Support Services on December 8th, 2023, and found Tidal Influence LLC as the most qualified entity to provide biological monitoring services; and

WHEREAS, the biological monitoring services during construction has been augmented to such that the tasks will be performed under task one, Environmental Compliance; and

WHEREAS, LCWA and Tidal Influence have identified biological monitoring during construction and environmental awareness training as environmental compliance tasks; and

WHEREAS, LCWA and Tidal Influence desire to enter into a contract to complete pre and post biological monitoring services; and

Therefore be it resolved that the LCWA hereby:

1. FINDS that this action is consistent with the purposes and objectives of the LCWA.
2. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
3. ADOPTS staff report dated May 9, 2024.
4. AUTHORIZES the Executive Officer to augment service levels for biological

monitoring services; and negotiate and enter into a contract with Tidal Influence LLC for biological monitoring services for an amount not to exceed \$1,050,100 for the Southern Los Cerritos Wetlands Restoration Project for 5 years, with an option for 2, 1-year extensions.

5. APPOINTS the Executive Officer, or designee, to conduct all negotiations, execute, and submit all documents including, but not limited to agreements, payment requests and so on, which may be necessary for the completion of the contract.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY
On May 9, 2024

Kristina Duggan
LCWA Board Chair

ATTEST:

Elizabeth St. John.
Deputy Attorney
General