## Gerwein, Joel@SCC

**From:** Anna Christensen <annachristensen259@gmail.com>
**Sent:** Tuesday, September 1, 2020 3:34 PM
**To:** SCC Public Comment; taylorsamuelson@scc.ca.gov; Gerwein, Joel@SCC
**Subject:** Coastal Conservancy Meeting 9/3/2020 Agenda Item 3D
**Attachments:** LCWA Rest PEIR comments LCWTF.pdf; LCWA Rest PEIR comments R & A.pdf; Dr.Travis Longcore-Implications Ballona Wetlands Restoration-SHORT - YouTube.html.mhtml; Bermzerk! .pptx; CCBoard_Los_Cerritos_Wetlands_Update 2019 (1).pdf; CCC Mtg 9_3_2020 Item 3 C, LCWTF comments.pdf

**D.** Consideration and possible authorization to disburse up to $250,000 to the Los Cerritos Wetlands Authority to prepare plans, CEQA documentation, and permit applications for wetland restoration and public access facilities in the southern area of the Los Cerritos Wetlands in Seal Beach.

See comments (CCC Mtg 9_3_2020 Itim 3 C, LCWTF comments) and supportive documentation attached.

SIERRA CLUB

To: The California Coastal Conservancy
From: The Los Cerritos Wetlands Task Force
Re: Agenda Item 3 D, Coastal Conservancy Meeting, September 3, 2020, Project No. 98-015-89

The Sierra Club's Los Cerritos Wetlands Task Force requests that Item 3 D, Project No. 98-015-89, be removed from the Consent Calendar and that $250,000 of public monies not be disbursed to the Los Cerritos Wetlands Authority for a project that is opposed by multiple tribal leaders, community members, and environmental organizations. The staff report misleads the Board Members by not discussing or including the objections and concerns raised in response to the LCWA's Restoration Plan Draft Program EIR, which includes this project. Plans for the Southern Area are identical to Project No. 98-015-89 as described in this staff report. Specific objections to the project are raised in these comments as well as overall concerns about the entire PEIR. Both are relevant to Agenda Item 3 D which must be considered with reference to the LCWA's plan for Los Cerritos Wetlands as a whole. See our comments and those of tribal leaders to the Draft PEIR attached.

1. We oppose Project No. 98-015-89 being placed on the Consent Calendar as it is highly controversial, reduces existing wetlands habitat, and needs a full and robust public discussion.
2. We oppose the disbursement of public monies to the LCWA for plans and permits that will not "restore" the Los Cerritos Wetlands but will destroy existing wetlands and wildlife habitat and a Tribal Traditional Landscape including cultural deposits, tribal burial sites, salt flats, and plants for medicinal, ceremonial, and other cultural uses.
3. We object to the premature and piecemeal approach being used to both design and secure permits and funding for an extensive plan to erase and replace the entire Los Cerritos Wetlands. Will this investment of public monies be used to argue the case that denying the LCWA's PEIR would result in the cancellation of a shovel ready project?
4. We oppose the destruction of ancient and historic coastal wetlands including salt flats, brackish ponds, and uplands providing habitat for a large and diverse wildlife population. To justify new salt water marshes, visitor centers, parking lots and a massive network of flood control barriers to protect oil operations and commercial properties from sea level rise as wetlands restoration, is neither factual nor ethical.
5. We oppose staff's suggestion that a project of this scale may not require a full EIR: "If the assessment determines that a Focused EIR, Supplemental EIR, or other document is necessary to complete CEQA compliance for the project, these documents will also be deliverables." One of the main objections to the LCWA's Los Cerritos Wetland Plan PEIR was that it would allow multiple projects (like this one) to avoid the EIR process, including the requirement that the public be fully informed and allowed to comment.
6. We oppose additional funds being allocated to the LCWA for the planning and permitting of projects included in the Los Cerritos Wetlands Restoration Plan until the Final PEIR is approved. The LCWA has abused the public trust by failing to protect the Los Cerritos Wetlands ecosystem. The LCWA spent public monies to complete its Final Restoration Plan of 2015, which had to be revised to

include buildings, parking lots, and oil pipelines on the wetlands when the LCWA decided to partner with Beach Oil Minerals in the Los Cerritos Wetlands Restoration and Oil Consolidation Project. Now that plan is also being revised as sea level rise threatens oil operations. Additionally, the Coastal Conservancy Director has acknowledged the very real possibility that the LCWA's land swap with BOM could leave the public on the hook for costly remediation of oil spills and polluted drilling sites. Beach Oil Minerals has not met any of the 25 Special Conditions of Coastal Commission approval and is currently asking a judge for more time to find investors. When state agencies are facing an unprecedented budgetary and climate crisis, every dollar must be spent with caution, on verifiable benefits, not on fluctuating fantasies.

7. We question staff's comment that "The project includes planning for public trails, benefitting a nearby disadvantaged community." What community would this be? Seal Beach and Long Beach neighborhoods "nearby" the Los Cerritos Wetlands cannot be described as "disadvantaged" as both property values and incomes are on the high end of the scale.

8. We object to this staff report which fails to consider and discuss negative outcomes and consequences. Conservancy Board Members depend on staff to be their eyes and ears. A staff report on any project to be funded by the Coastal Conservancy must be realistic and include legitimate concerns about its impacts and outcomes. We understand that staff reached out to public partners of the LCWA to comment on this project but did not contact stakeholders who would be less inclined to give it uncritical support.

9. We object to the same Coastal Conservancy staff member reviewing this LCWA project seeking Conservancy funding, also being on the LCWA's team writing responses to the Draft PEIR which includes this very project. Staff has acknowledged that, having reviewed public comments to the LCWA's PEIR, he agrees with the LCWA and disagrees with those raising objections to the Plan and this project, further stating that members of the public are free to comment at Coastal Conservancy meetings. Our freedom of speech does not justify bias on the part of Coastal Conservancy staff.

10. We ask that the Conservancy spend its $250,000 to investigate the toxic emissions coming from oil operations in the Los Cerritos Wetlands, making this natural wildlife preserve as polluted as our Port and Long Beach neighborhoods near the 710 Freeway and local refineries. Although the SCAQMD has issued multiple citations for violations of air quality standards, it has refused nearby residents' requests that a stationary air quality monitor be installed to verify the source and content of ongoing emissions.

Respectfully,
The Los Cerritos Wetlands Task Force Board
Rebecca Robles
Ann Cantrell
Capt. Charles Moore
Virginia Bickford
Karen Harper
Anna Christensen

**Comments on the Los Cerritos Wetlands Restoration Plan PEIR from The 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**

The proposed project is enormous in scope. This is a high level document and the analyses are conceptual and theoretical rather than detailed plans. 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.There has been insufficient public outreach to truly inform the public about all that this project entails. We attended two 2018 briefings but didn't even recognize that they were related to this PEIR because it is so different from the concepts briefed at these meetings. The 2020 virtual meeting which we recently reviewed was also not sufficient to inform the public. Each individual project or project area deserves a briefing! In the North Synergy sector, the idea of dredging Steam-shovel Slough is alarming considering existing fauna. Removal of non-native species and replacement with nativespecies 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!

In the central section, impact on nearby residential areas of the proposal to construct berms and develop a much more extensive marsh has not been dealt with at all. Theberms are huge and obtrusive. Construction alone would impact the area for months. Who will pay to construct berms to protect oil wells? Will the current salt flats, a traditional resource, be completely destroyed? 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? What about mosquitoes?

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. Grading, if done at all, should be confined to removing the imported dirt from those areas as defined by careful testing for depth and spread inorder to leave original soils undisturbed. This will avoid disturbing paleontological and cultural remains. Also, consideration and care needs to be given to avoiding 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.

**Comments relating to California Native American peoples, history, culture, and lands as discussed in the Los Cerritos Wetlands Restoration Plan PEIR**

**Chapter 2, Project Description**

Gabrielino people (named after the Spanish Mission where many of them were baptized).
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.

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 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
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.

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.
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 "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.
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.
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.
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 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.

"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.

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.

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.

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.
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.

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.

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.

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.

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.

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 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 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."

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

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.

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 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.

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.

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.

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 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.

"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.

"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.

*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/ 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 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 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.*

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

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. .

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

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.

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.

ES.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). 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 law suit by the Puvunga Wetlands vs the CA Coastal Commission concerned 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 CONCEPTIONAL PLAN

This Program EIR does not follow the Final Conceptional Plan for this restoration, which includes 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 two properties were removed from the Los Cerritos Wetlands Complex.

OTHER CHANGES FROM THE CONCEPTIONAL PLAN
Synergy portion: Preserve brackish marsh habitats, upland habitats and restore storm water 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. 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.

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
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. (I find no mention of amphibians, although I 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
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, . . .

I believe the CA Coastal Commission requires a replacement ratio of 4:1 replacement for Special-status wetlands plants. 1:1 replacement is definitely inadequate.

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".

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 costal 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.
These construction dates are more likely to protect nesting birds that 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.
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.
I would hope that moving Burrowing Owls would be prevented by CDFW. I 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.
I see no reason to have nighttime lighting any where 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 preconstruction 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 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 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 Los Cerritos Wetlands mitigation bank is completely senseless.

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.
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.
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
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
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 salt water 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 protection of the oil operations remaining in the wetlands.

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.
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 MAMP shall be submitted for review and approval to responsible permitting agencies prior to commencement of construction or restoration activities.
Significance after Mitigation
Less than Significant with Mitigation
These mitigation measures appear to 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.
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 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 reptiles 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 could 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
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 ration than 1:1 for replacement trees. Would also ask for the addition that no tree be removed until 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 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.

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.

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.

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 Oil Consolidation eliminated from this PEIR in the introduction. Now it appears 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 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.
Mitigation Measure
No mitigation is required.
The conclusions that the proposed projects will not be cumulatively considerable and need no mitigation is unsubtantuated.

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.

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

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.

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.

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.

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.

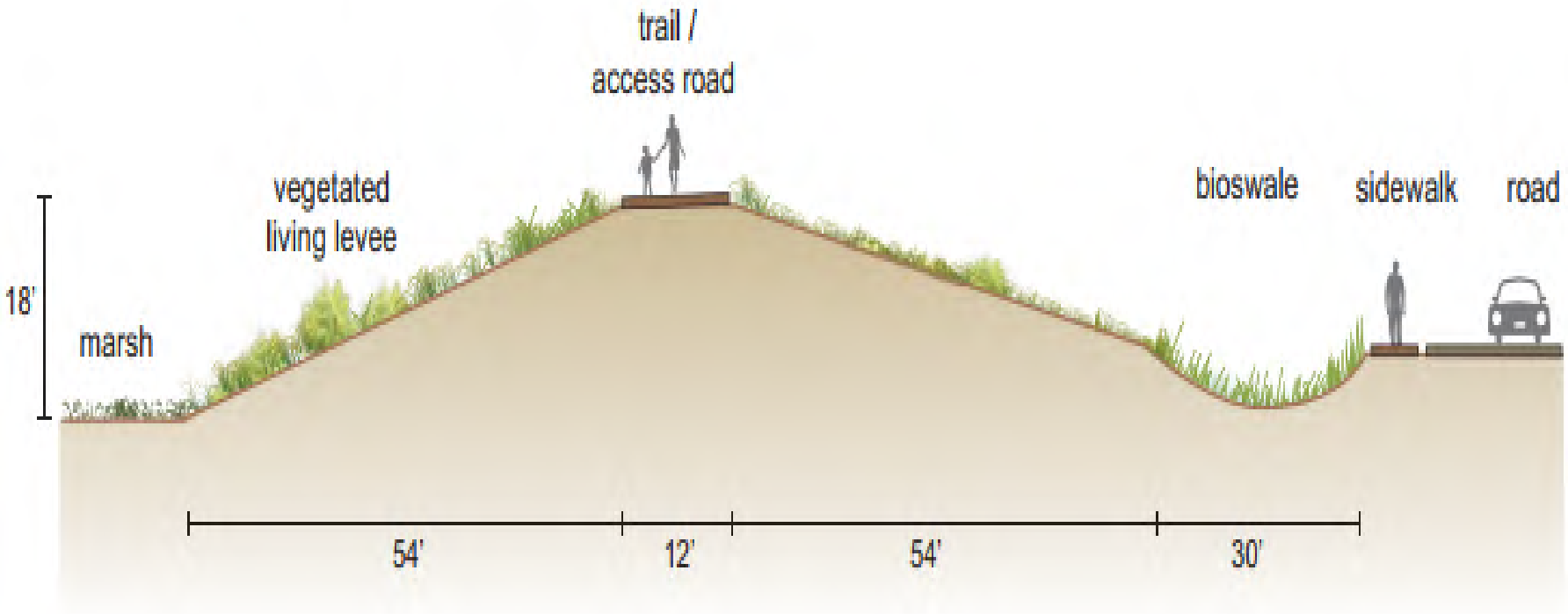
2. The Restoration Plan Goals and Objectives for this Traditional Tribal Landscape lack any reference to tribal involvement or tribal cultural preservation.

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.
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.
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.
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.
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.

# Bermzerk!

## The Lost Cerritos Wetlands

The Los Cerritos Wetlands Restoration Plan PEIR includes huge earthen berms across and around the wetlands to protect oil and gas operations, power plants, 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.




Some berms will be 18 feet tall.

Some will be 120 feet wide.

Some will be paved for vehicles servicing oil and gas operations.

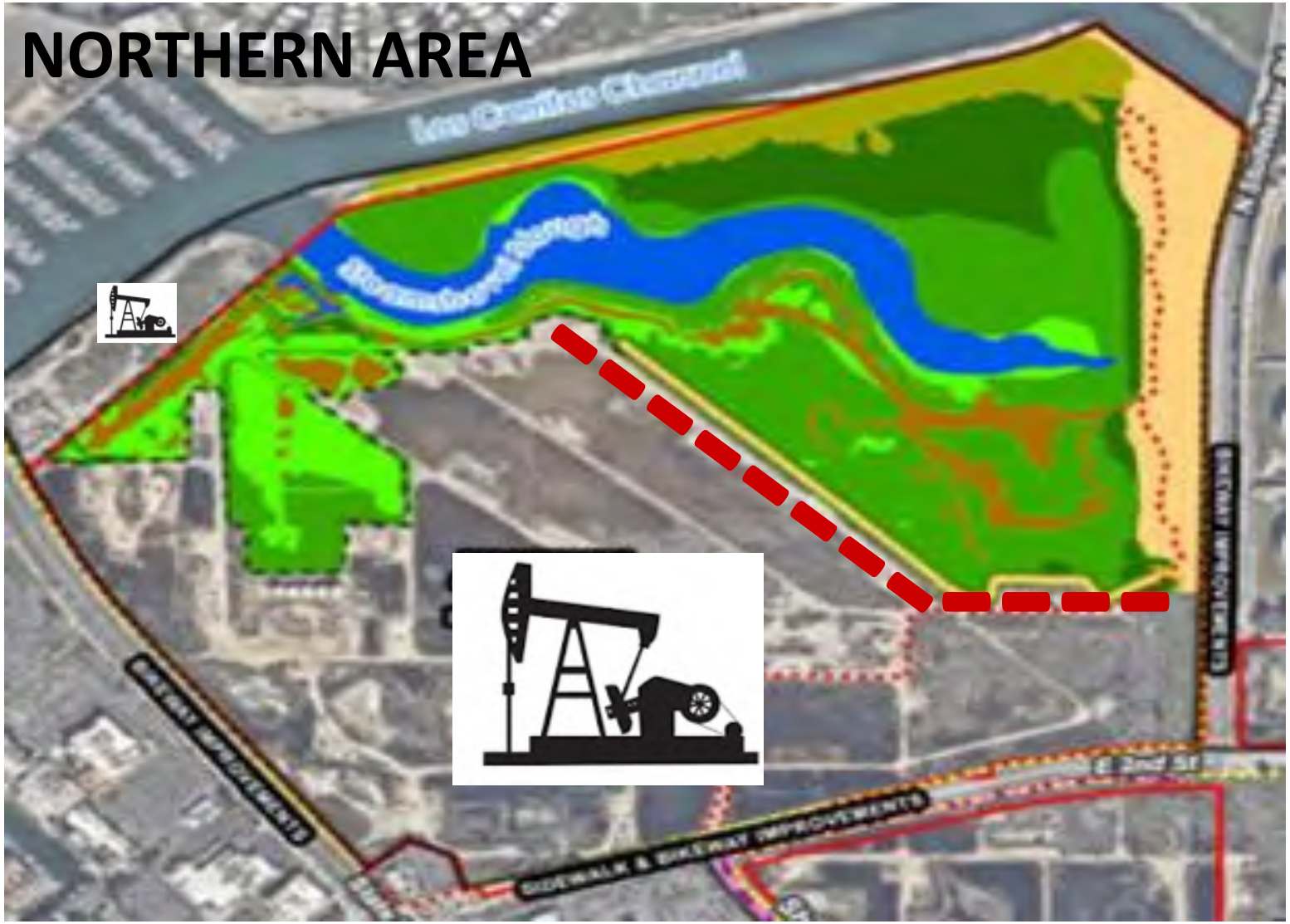
Some will have pump jacks sitting on top of them.

Some will be set back to allow room for oil pipelines and runoff from streets.

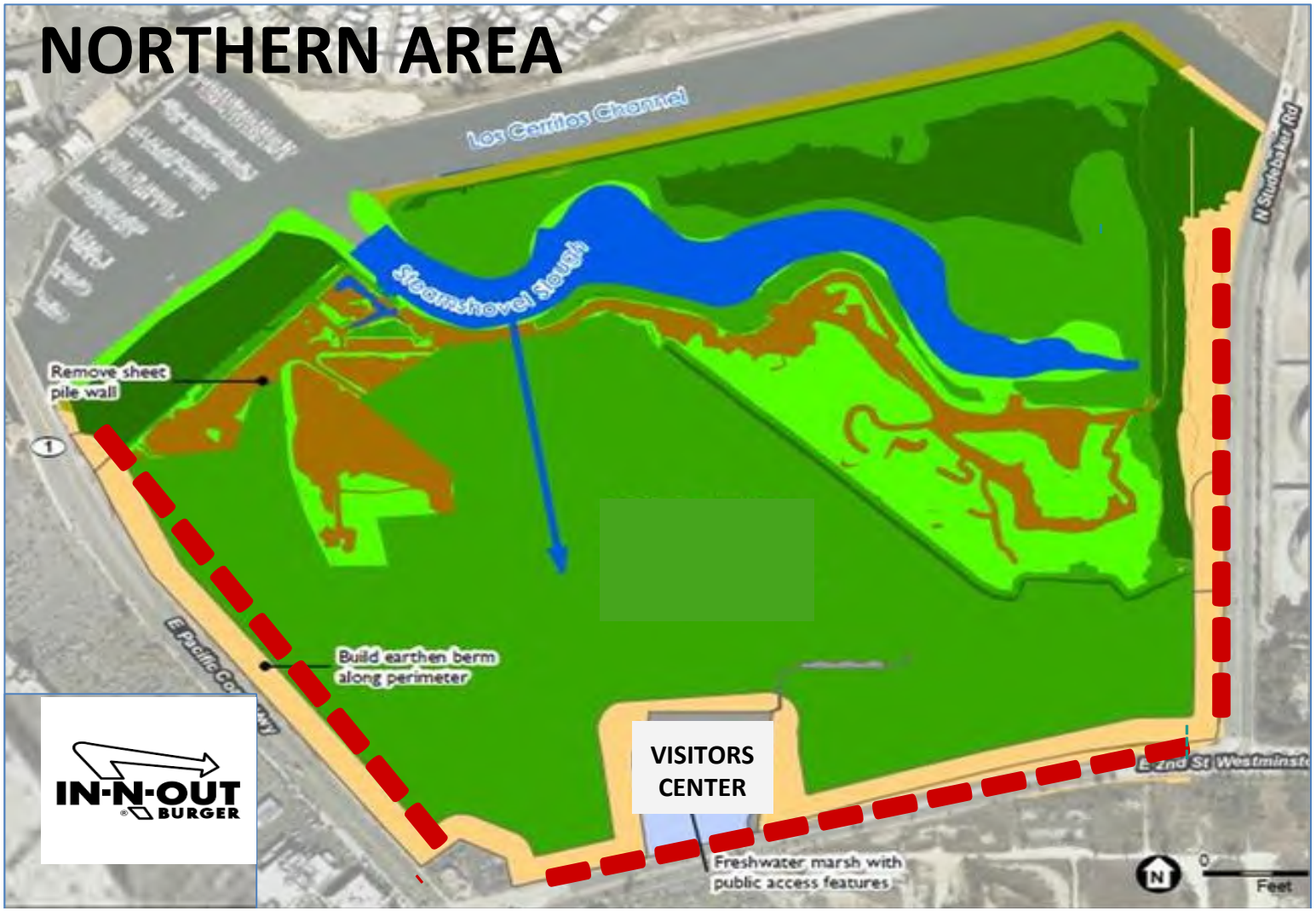
ALL WILL BE BUILT ON, AND ELIMINATE, EXISTING WETLANDS!!!

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.

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.

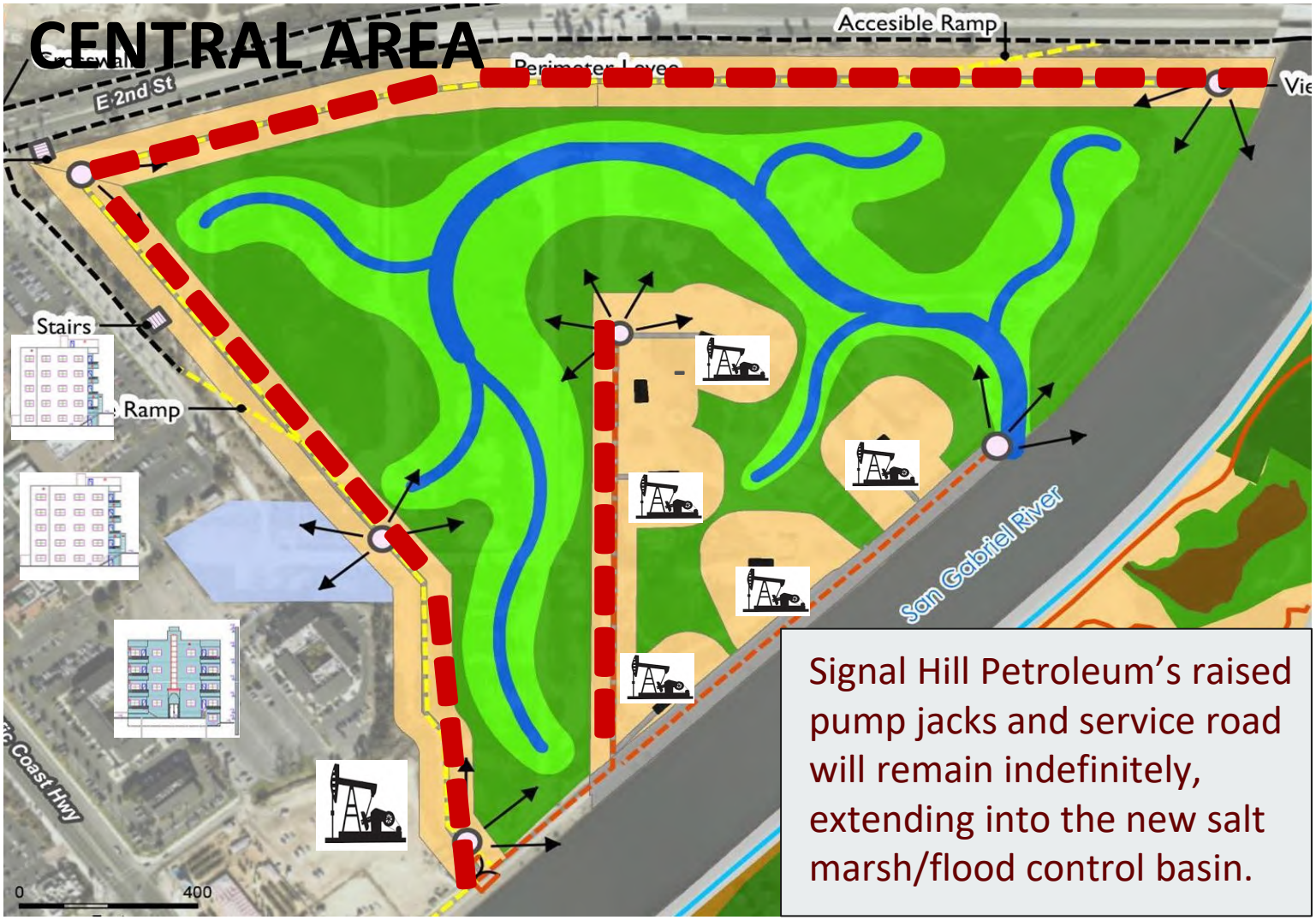


When oil operations cease and the salt marsh is further expanded, high berms will be built along PCH, 2nd St, and Studebaker Rd. to protect the In and Out Burger, malls, the proposed Vistors Center, and multiple new 5 and 7 story buildings.



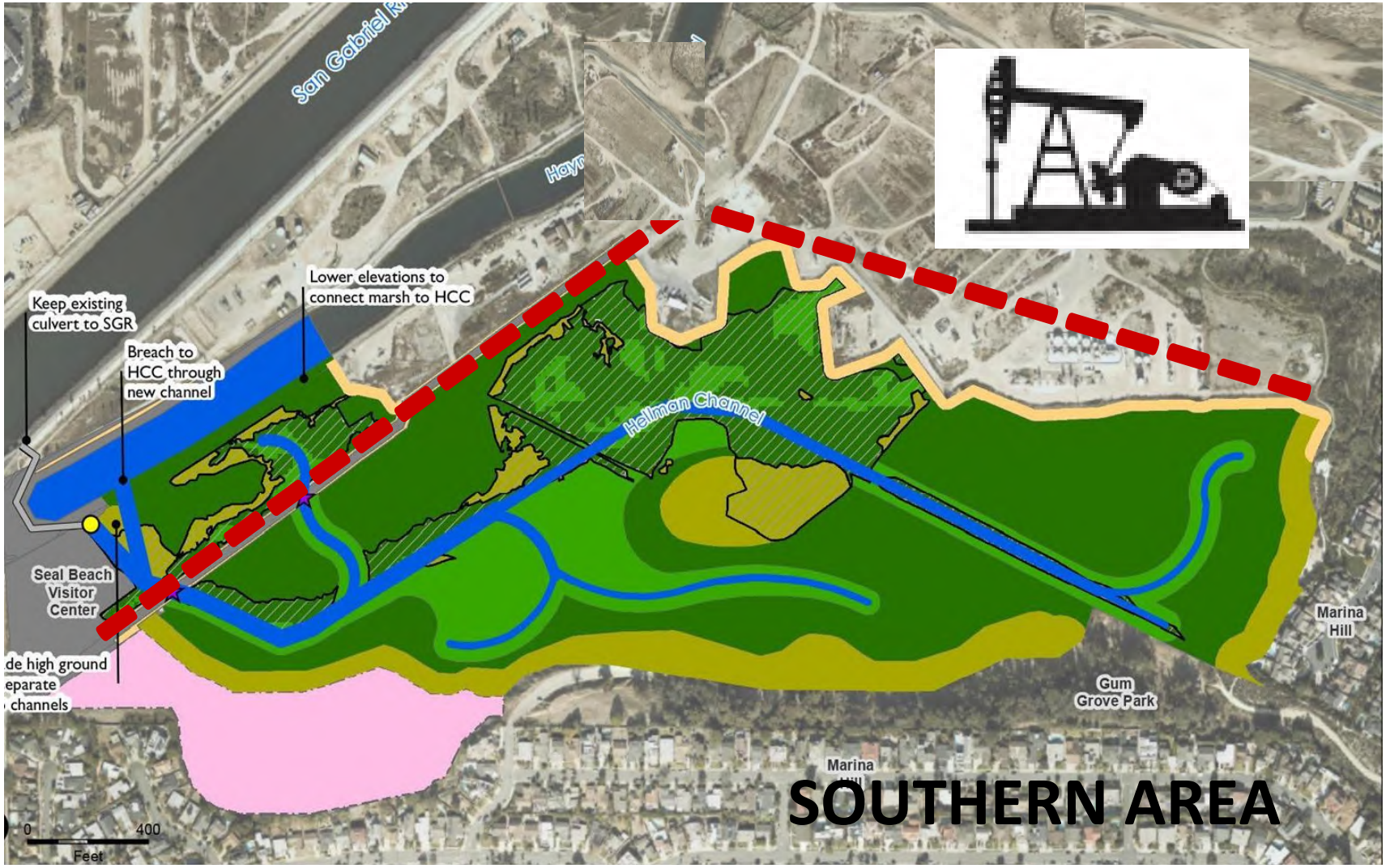
In the Central Area, when the San Gabriel River Channel wall is removed to create a new salt marsh and flood control basin, a berm across the wetlands will protect BOM's wells on the City of Long Beach property and also serve as a road for service vehicles maintaining Signal Hill Petroleum's pump jacks which will be lifted onto raised pads. A berm along 2nd St will protect power plants and one of BOM's new oil drilling sites.

When BOM's wells on the Long Beach Property are shut down, it will also be flooded. To protect BOM's new oil operations, malls, and proposed mixed-use developments, huge 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.

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.

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 and gas operations, power plants, and commercial properties be disguised as restoration projects. Wetlands, not Walls!