

COASTAL CONSERVANCY

Staff Recommendation  
September 14, 2023

**SOUTHERN LOS CERRITOS WETLANDS RESTORATION PROJECT**

Project No. 98-015-10  
Project Manager: Sally Gee

**RECOMMENDED ACTION:** Authorization to 1) disburse up to \$31,852,000 to the Los Cerritos Wetlands Authority for the Southern Los Cerritos Wetlands Restoration Project, which consists of planning and permitting for restoration and for providing public access to 103.5 acres of wetlands in Seal Beach, construction of an initial phase of the restoration and public access improvements on a portion of the Project site, and management of the wetlands, and 2) adopt findings under the California Environmental Quality Act.

**LOCATION:** Los Cerritos Wetlands, City of Seal Beach, Orange County

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EXHIBITS

- Exhibit 1: [Project Location Map](#)
  - Exhibit 2: [Project Design and Site Photos](#)
  - Exhibit 3: Mitigated Negative Declaration for the Southern Los Cerritos Wetlands Restoration Project (see link)  
[\(https://intoloscerritoswetlands.org/southern-los-cerritos-wetlands-restoration-project/\)](https://intoloscerritoswetlands.org/southern-los-cerritos-wetlands-restoration-project/)
  - Exhibit 4: [Project Letters](#)
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**RESOLUTION AND FINDINGS**

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed thirty-one million, eight hundred fifty-two thousand dollars (\$31,852,000) to the Los Cerritos Wetlands Authority (“the grantee”) for the Southern Los Cerritos Wetlands Restoration Project, which consists of planning and permitting for restoration and for providing public access to 103.5 acres of wetlands in Seal Beach, construction of an initial phase of restoration and public

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access improvements on a portion of the Project site, and management of the wetlands (the “project”).

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.
5. Prior to commencing the project, the grantee shall enter into and record an agreement pursuant to Public Resources Code 31116(d) sufficient to protect the public interest in the improvements.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding coastal resource enhancement projects.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. The Conservancy has independently reviewed and considered the Southern Los Cerritos Wetlands Restoration Project Initial Study/ Mitigated Negative Declaration adopted by the Los Cerritos Wetlands Authority on August 24, 2023 pursuant to the California Environmental Quality Act (“CEQA”) and incorporated by reference to the accompanying staff recommendation as Exhibit 3. The Conservancy finds that the Southern Los Cerritos Wetlands Restoration Project as designed and mitigated avoids, reduces, or mitigates the potentially significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record as a whole that the project may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.

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## **STAFF RECOMMENDATION**

### **PROJECT SUMMARY:**

Staff recommends the Conservancy authorize a \$31,852,000 grant to the Los Cerritos Wetlands Authority (LCWA) for the Southern Los Cerritos Wetlands Restoration Project (the “SLCWR Project”) which consists of planning and permitting for restoration and for providing public access to 103.5 acres of wetlands in Seal Beach, construction of an initial phase of restoration and public access improvements on a portion of the Project site, and management of the wetlands (the “project”) in Seal Beach, Orange County. See Exhibit 1. The proposed project will conduct planning and permitting of the SLCWR Project, which encompasses 103.5 acres and will implement Phase 1 of restoration and public access improvements on 54 acres of the site

(Exhibit 2). The SLCWR Project is the first large scale restoration effort to be implemented in the Los Cerritos Wetlands after more than a decade of planning and stakeholder engagement. The SLCWR Project will restore degraded uplands and tidal salt marsh, increasing coastal resilience to climate change by creating new areas for coastal salt marsh migration in the face of sea level rise. The project additionally offers opportunities for Tribal access and co-management and will result in open space access for disadvantaged communities in Seal Beach, Long Beach, and inland communities. Funding will also be provided for the management of the wetlands.

The Los Cerritos Wetlands Complex (referred to as the Los Cerritos Wetlands or the Complex), measuring just over 500 acres, is what remains of a historic 2,400-acre coastal wetland system at the mouth of the San Gabriel River, straddling the Los Angeles and Orange County borders. Wetland loss at the site occurred because of grading and filling of wetlands, public infrastructure that was built through the wetlands, housing, commercial development, and oil extraction. The SLCWR Project area is approximately one-fifth of the Complex and is publicly owned: the LCWA owns 100 acres of the site, and the State Lands Commission owns 3.5 acres.

Although the Los Cerritos Wetlands are surrounded by urban development and have been dramatically altered, they provide valuable habitat to a number of species. Special status species occurring in the wetlands include Belding's Savannah sparrow, Least bell's vireo, California least tern, Loggerhead shrike, Western snowy plover, California gull, Cooper's hawk, Elegant tern, Long-billed curlew, Northern harrier, Osprey, Southern California rufus-crowned sparrow, and Yellow warbler. Salt marsh fish species can also be found in the tidally-influenced, channelized drainages. While these species still utilize this area, their populations could be substantially increased if the wetland habitat is restored and enhanced.

In December 2010, LCWA purchased the project site. Since then, the Conservancy, as well as other state and federal grants, have supported planning for restoration of the site. The first major step in the design process was the development of the Los Cerritos Wetlands Final Conceptual Restoration Plan (2014) that analyzed various alternatives for restoration and identified goals for restoration of the Complex. In 2021, the conceptual designs were further refined, and environmental impacts associated with the proposed plan for the Complex were evaluated in a [Programmatic Environmental Impact Report](#) (PEIR). Subsequent to the certification of the PEIR, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the current project, which is in the southern part of the Complex. The restoration plans were prepared with input from a Technical Advisory Committee of resources agencies and wetlands restoration experts, from the public through extensive community outreach meetings over the last decade, and from a Tribal Advisory Group (TAG) of Gabrielino/Tongva and Acjachemen tribal representatives. Engagement of all these groups will be ongoing as the project moves forward in design and construction. The IS/MND, 65% design, and major permit submittals for the project were completed in summer 2023. The 65% designs identified two phases for implementation of the SLCWR Project because the tidal connection with the Haynes Cooling Channel, which runs parallel to the site, is currently being used for once-through-cooling through 2029. In this project, planning and permitting for the SLCWR Project will include technical studies, permitting, developing construction documents, and competitive contractor bidding.

The Phase 1 activities will focus on restoration of 54 acres, enhancing existing habitat areas currently supported by a muted tidal channel connection via a culvert connected to the San Gabriel River. These activities include remediating contaminated soils, grading of fill dirt to return areas to wetland elevations, revegetation with wetland and upland plants, construction of flood management facilities (including earthen berms), and modification of existing infrastructure and utilities. Phase 1 is designed to provide an initial functional lift to existing habitat areas that will become further enhanced by the improved hydrological conditions provided by the next phase. Phase 2 restoration activities will eventually expand tidal wetlands throughout the project site by creating a full tidal connection with the Haynes Cooling Channel. Because Phase 2 will be implemented after Phase 1, any lessons learned to maximize ecological and resilience benefits can be updated in the design plans before Phase 2 is implemented.

The proposed project will also implement Phase 1 of the public access improvements. Access to the site is currently limited to guided Stewardship Program events twice a month. Implementation of the project will allow the wetlands to be open to the public. Phase 1 will create a trail connection from the San Gabriel River in the west through the State Lands parcel and follow an existing trail on the South LCWA site, install access gates and interpretive signage along the trail, and develop a formal gathering site on the State Lands parcel that may include signage, shade, equipment storage, and seating. In addition, a new restricted trail will be constructed along the top of the new perimeter berm with a viewpoint that will be restricted to docent-led tours and maintenance access. Phase 2 will further expand these public access features.

The project will also implement Tribal specific access improvements in Phase 1 in consultation with the TAG. A Tribal Access Plan will be developed as part of the project, and such features may include a story porch, special access areas, and Tribal cultural interpretive signage. These features will allow for reconnection of Tribes to the land for cultural and ceremonial practices, education about Tribal cultural history of the wetlands, protection of cultural resources, and potential co-management of the land.

The proposed project includes construction management, environmental compliance (including the biological, cultural, paleontological, and tribal monitoring), and pre- and post-restoration ecological monitoring in conformance with permit and CEQA requirements. Project management, wetland management, and stakeholder engagement will take place throughout the design and construction phases and after construction is complete.

Ecological monitoring according to a Mitigation, Maintenance, and Monitoring Program (MMMP) adopted through the CEQA process, and with any additions from the regulatory permitting process will be conducted for at minimum 5 years in order to meet specific performance standards of the project. Long-term management of the wetlands will employ adaptive management efforts informed by annual monitoring program reports, as well as facilitate administration of the management funds and public stewardship activities.

This is a momentous project for many community members and groups who have worked toward protection and restoration of the Los Cerritos Wetlands for more than a decade (Exhibit 4). Restoration of the Los Cerritos Wetlands has been identified on the Southern California Wetlands Recovery Project Work Plan since 1998.

**Site Description:**

The proposed project boundary encompasses 103.5 acres of the 503-acre Los Cerritos Wetlands and includes portions of two properties: the South LCWA site and the State Lands site. The State Lands site is owned by the California State Lands Commission. This site is approximately 3.5 acres and contains the remnant building foundation of what was once a music venue called the Airport Club and Marina Palace. The LCWA currently has a lease agreement to conduct stewardship and restoration planning activities, but will need to amend their current lease, as part of the permitting task, to implement the SLCWR Project. The South LCWA site, which is currently owned and maintained by the LCWA, is approximately 100 acres and contains multiple former landfills and contaminated areas from prior oil operations. Two major channels are present in the vicinity of the project area: the San Gabriel River and the Haynes Cooling Channel. A remnant historic tidal channel, called the Hellman Channel, is also present within the project area and drains to the San Gabriel River via a 42-inch diameter culvert. Existing tidal wetlands are currently fed by the Hellman Channel and will be protected.

Utilities run through the site along a series of easements that run parallel to a private road called 1<sup>st</sup> Street that bisects the project area. Extensive filling of the property occurred from dredge material associated with the excavation of the San Gabriel River and the Haynes Cooling Channel in the 1950s and 1960s. Former dirt access roads still bisect the site and cause ecological and hydrological fragmentation. Soil conditions have become hypersaline and compacted. While approximately 28 acres of southern coastal salt marsh persist on the site, they are degraded due to the muted tidal prism and poor soil conditions. Meanwhile, the remainder of the site has been converted by previous landowners from coastal salt marsh habitat to primarily ruderal uplands with no tidal connections. A wide variety of non-native plant species have invaded the landscape including several species of iceplant, mustard, star thistle, garland chrysanthemum, Brazilian pepper trees, and Mexican fan palms. Remnant geomorphological features include historic coastal bluffs that are also in need of restoration.

**Grant Applicant Qualifications:**

The LCWA was formed in 2006 as a Joint Powers Agency of the Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, and the two cities of Seal Beach and Long Beach for the purpose of acquisition, protection, and management of the Los Cerritos Wetlands. Each member agency holds one seat on the Governing Board. The LCWA combines resources of the local and state agencies to develop an integrated approach to wetlands restoration and protection across a complex landscape of land ownership.

The LCWA now owns and operates several parcels of land in the Complex totaling roughly 172 acres. The LCWA has managed several grants from the Conservancy totaling over \$8M for acquisition and restoration planning and has brought in matching funds from other Federal, State, local and private grant sources for these purposes. Once the SLCWR Project is complete, the LCWA will continue to manage the land and be guided by a Mitigation, Maintenance, and Monitoring Program adopted through the CEQA process, and with any additions from the regulatory permitting process.

The LCWA has established a successful stewardship program since 2009 through non-profit partnerships to advance its mission, provide access to the wetlands, and facilitate community-based restoration. Stewardship has been focused on the successful restoration of 12-acres of tidal coastal salt marsh with surrounding alkali meadows, mulefat scrub, and coastal sage scrub, called Zedler Marsh. This project includes many of the same habitat types and supported species. Continued partnerships through the stewardship program, and hosting of community restoration events, will play a key role in long-term management of the project.

While the LCWA may receive funding for a variety of grant sources from projects and programming, generating a sustainable funding source for operations and management is more difficult. Currently each member agency contributes in-kind staff time to assist with project management and agency administration. Funding for the management of the wetlands will provide important resources for the LCWA to support ongoing management, including maintenance and stewardship of the properties.

**CONSISTENCY WITH CONSERVANCY’S PROJECT SELECTION CRITERIA:**

The proposed project is consistent with the Conservancy’s Project Selection Criteria, last updated on September 23, 2021, in the following respects:

**Selection Criteria**

**1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.**

See the “Consistency with Conservancy’s Strategic Plan” section below.

**2. Project is a good investment of state resources.**

Protection and restoration of the Los Cerritos Wetlands have been a regional priority for decades in Southern California and has been listed on the Southern California Wetlands Recovery Project Work Plan since 1998. The Los Cerritos Wetlands provide critical habitat for state- and federally-listed threatened and endangered species, many of which migrate throughout coastal California, and, once restored, will provide an important link to other coastal wetlands along the Pacific Flyway. The SLCWR Project helps advance multiple State plans and policies, such as: Pathways to 30x30 California (2022), the California Water Action Plan (2014), and Southern California Wetlands Recovery Project Regional Strategy (2018). The project has progressed to advanced design and permitting phases where it is feasible to implement and is a continuation of past investments from the Conservancy and other local, State, Federal, and private funding sources.

**3. Project includes a serious effort to engage tribes. Examples of tribal engagement include good faith, documented efforts to work with tribes traditionally and culturally affiliated to the project area.**

The LCWA has worked collaboratively with interested tribal representatives through the formation of the TAG to incorporate tribal perspectives into the SLCWR Project’s design. The TAG is made up of five active members representing Gabrielino/Tongva and Acjachemen Tribes.

Since May 2021, the TAG has met four times, in person and virtually, as a group to provide the LCWA feedback on the restoration designs, cultural resources assessment, and tribal access to the Los Cerritos Wetlands. Four other Gabrielino (Gabrieleno, Tongva, Kizh) and Acjachemen tribes that did not elect to participate in the TAG were provided regular updates on the SLCWR Project. The TAG feedback has informed the grading design to include a 50-foot buffer near sensitive cultural locations, and to include specific tribal access features to be refined in this project. Native American and archaeological monitors have also monitored earthwork during previous planning and will monitor future earthwork.

Through tribal consultations, tribes identified that the Los Cerritos Wetlands were an important tribal cultural landscape located between two large village sites and were village use areas. The LCWA completed a Traditional Cultural Landscape Study, as part of the cultural resources assessment for the SLCWR Project, to formally document the landscape and analyze impacts of the SLCWR Project. The LCWA will continue to collaborate with tribes to avoid impacts to cultural resources during project implementation, incorporate traditional knowledge into the restoration plant palette and interpretive signage, and facilitate tribal access, stewardship, and cultural practices in the wetlands.

**4. Project benefits will be sustainable or resilient over the project lifespan.**

Restoration planning has focused on long-term resilience since its inception. The SLCWR Project site's large contiguous acreage and high elevations, due to fill from past land use, allows for the restoration of habitat across a wide range of elevations. Current grading plans show creation of a mid-marsh plain that focuses on the upper mid marsh with targeted elevations around 5 feet above Mean Lower Low Water (MLLW), complemented by transitions into high marsh and transition zone buffer areas for habitat transgression. The upper mid marsh elevation is the most resilient of the marsh zones due to its more biodiverse plant assemblage and its capability to provide tidal wetlands immediately and for many decades into the future as it slowly transitions into low marsh. The project will be constructed in two phases.

Funding for management of the wetlands will provide important resources for the LCWA to support ongoing management, including maintenance and stewardship of the property.

**5. Project delivers multiple benefits and significant positive impact.**

The SLCWR Project is a multi-benefit, nature-based solution that increases coastal resilience to climate change. The project will enhance and restore tidal salt marsh habitats for existing special status species and provide tribal and public access to natural spaces in a highly urbanized area. Further, the LCWA has developed successful partnerships with local conservation groups to provide educational opportunities and green jobs training for local community members and students.

**6. Project planned with meaningful community engagement and broad community support.**

The communities of Seal Beach and Long Beach have been engaged in multiple phases of the project design, with a total of 13 public meetings held since 2012. The LCWA has considered all community feedback from its outreach process in the design. LCWA held two public meetings specifically for this SLCWR Project, and one public meeting was held regarding the SLCWR Project's Initial Study/Mitigated Negative Declaration. In addition, community members who

attended monthly stewardship events were informed about the restoration planning effort and were invited to provide feedback on the designs, in particular regarding public access features. As the SLCWR Project moves toward implementation, the LCWA will continue to engage community members in planning and also develop new opportunities for the public to engage in hands-on restoration work during implementation of the project.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$31,852,000</b>
Los Cerritos Wetlands Authority	\$440,000
<b>Project Total</b>	<b>\$32,292,000</b>

One anticipated funding source for this authorization is interim mitigation funds provided to the Conservancy pursuant to the State Water Resources Control Board’s (SWRCB) Once-Through Cooling Policy adopted on May 4, 2010. Under a Memorandum of Understanding (MOU) between the SWRCB, Conservancy and the California Ocean Protection Council, interim mitigation funds paid under the Once-Through Cooling Policy may be used by the Conservancy to fund wetland restoration. Consistent with the MOU, the Conservancy has consulted with the State Water Resources Control Board about the proposed use of the funds on this project.

A second anticipated funding source is from a Fiscal Year 2022/23 appropriation from the Greenhouse Gas Reduction Fund (GGRF) to the Conservancy for the Climate Ready program for purposes of nature-based projects that address sea level rise (Budget Act of 2022, as amended by AB 178, Chapter 45, Statutes of 2022). The Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act (Health and Safety Code (HSC) Sections 39710 – 39723) requires that GGRF funds be used to (1) facilitate the achievement of reductions of GHG emissions consistent with the Global Warming Solutions Act of 2006 (HSC Sections 38500 et seq), and (2) to the extent feasible, achieve other co-benefits, such as maximizing economic, environmental and public health benefits and directing investment to disadvantaged communities (HSC 39712(b)). The Global Warming Solutions Act of 2006 sets forth (among other things) certain GGRF funding priorities (HSC Section 38590.1). The California Legislature has also appropriated GGRF funds to the Conservancy to protect communities and natural resources from sea level rise (The Budget Act of 2022, as amended by AB 179, Chapter 249, Statutes of 2022).

The California Air Resources Board (“CARB”) has adopted guidelines that establish program goals that agencies must achieve with their GGRF funds. Consistent with the CARB 2018 Funding Guidelines, the proposed project will help the Conservancy meet its GGRF program goals because the project will:

- Facilitate GHG emission reductions (which includes carbon sequestration) and further the purposes of AB 32 and related statutes;
- Benefit Priority Populations (disadvantaged communities, low-income communities, or low-income households) according to the [California Climate Investments Priority Populations 2022 CES 4.0](#) map; and

- Maximize economic, environmental, and public health co-benefits to the State.

The proposed project will meet these objectives by restoring resilient tidal wetlands habitat which will increase carbon sequestration; by benefiting disadvantaged communities in Seal Beach and Long Beach according to the [California Climate Investments Priority Populations 2022 CES 4.0](#) map, including engaging the community to explore opportunities to enhance accessibility to the project site, as well as engaging Tribes with meaningful collaboration to enable Tribal stewardship and onsite Tribal practices; and by restoring natural lands and providing public access and recreation resources essential to public health maximizing co-benefits to the State.

A third anticipated funding source is from the Fiscal Year 2022/23 appropriation from the General Fund to the Conservancy for the purpose of climate resilience (Budget Act 2022, SB 154). These funds are available as described in Section 52 of Chapter 258 of the Statutes of 2021, which sets forth a detailed description of the purposes of the climate resilience funds. The proposed project is consistent with this funding source because it is a coastal resilience project along the coast and will build resilience for coastal communities and public access. Restoration of the coastal habitat will enhance and protect wetland and coastal watershed resources for benefit of local wildlife, Tribes with ancestral ties to the lands, and the public.

A potential funding source for this project is a voluntary agreement that is expected to be executed between the Conservancy and the Los Angeles Department of Water and Power (LADWP). Under that agreement, LADWP will provide the Conservancy with up to \$15,000,000 for a “local coastal project,” upon extension of once through cooling at the Scattergood Plant. The proposed project could be funded with either these funds or the interim mitigation funds described above.

LCWA will provide matching funding of \$440,000, provided by AES Corporation, which will assist with planning and permitting, as well as community engagement for the project.

Unless specifically identified as “Required Match,” the other sources of funding and in-kind contributions described above are estimates. The Conservancy does not typically require matching funds or in-kind services, nor does it require documentation of expenditures from other funders or of in-kind services. Typical grant conditions require grantees to provide any funds needed to complete a project.

#### **CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

The project is consistent with the Conservancy’s enabling legislation, Division 21 of the Public Resources Code (PRC), specifically with Chapter 6, Section 31251 under which the Conservancy may award grants to public agencies for the purpose of enhancement of coastal resources that have suffered loss of natural and scenic values due to indiscriminate filling and incompatible land uses.

As required by Section 31252, the project area is identified under the Hellman Ranch Specific Plan adopted by the City of Seal Beach and is determined by the Coastal Commission to be consistent with Division 20 of the Public Resource Code. No local coastal program has been

certified for the project area. The project will restore wetlands and improve coastal access, as consistent with the Hellman Ranch Specific Plan.

Consistent with Section 31253, the conservancy may provide up to the total cost of any coastal resource enhancement project, and staff recommend that the Conservancy authorize funds for this project.

**CONSISTENCY WITH CONSERVANCY'S [2023-2027 STRATEGIC PLAN](#):**

Consistent with **Goal 1.2 Return Power to Tribes**, the proposed project has engaged in early, often, and meaningful tribal consultation and collaboration, which has influenced the design of the SLCWR Project with regards to protection of cultural resources, incorporation of traditional ecological knowledge, and designation of tribal access areas. Ongoing Tribal consultation and collaboration will provide California Native American Tribes access to lands for cultural practice, ceremony, education, and potential co-management.

Consistent with **Goal 3.2 Restore or Enhance Habitats**, the proposed project will plan for wetlands restoration of 103.5 contiguous acres of degraded open space and waterways. The project will implement restoration and enhancement of 54 acres of coastal wetlands in a manner that ensures these habitats can keep pace with future sea level rise.

**CEQA COMPLIANCE:**

LCWA is the lead agency for the SLCWR Project. On January 7, 2021, the LCWA certified the “Los Cerritos Wetlands Restoration Plan Final Programmatic Environmental Impact Report” (PEIR) and adopted a Mitigation Monitoring and Reporting Program (MMRP). The PEIR serves as a first-tier environmental document that analyzed the overall effects of implementing the activities that make up the restoration program of the entire Los Cerritos Wetlands Complex. As a first-tier environmental document, the PEIR made assumptions, where appropriate, that considered the worst-case impacts of implementing the restoration program to ensure the analysis covered all potential environmental impacts.

The Southern Los Cerritos Wetlands Restoration Project is the first project to tier off from the PEIR. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to examine effects that were either not examined in the PEIR or were examined in the PEIR and mitigated to a less than significant level based on analysis in the IS/MND. The LCWA certified and adopted the IS/MND on August 24, 2023. LCWA incorporated feasible mitigation measures and alternatives developed in the PEIR. The proposed project boundary totals approximately 103.5 acres and falls completely within the South Area described in the PEIR. Following the steps described in the PEIR for implementation of future phases of restoration, the LCWA identified the SLCWR Project, performed required analyses and field surveys (e.g., wetland delineation reports, habitat surveys, archaeological and cultural surveys, soil samplings, etc.), engaged stakeholders, and developed more detailed, project-level designs (e.g., engineering designs, grading plans). The IS/MND addressed all anticipated environmental effects of the SLCWR Project and provided mitigation measures in the document. A Mitigation Monitoring and

Reporting Program is provided as Appendix A to the IS/MND incorporated by reference to this staff report as Exhibit 3.

**PEIR Findings and Project-level Analysis**

The PEIR identified impacts to three resources that were significant and unavoidable: (1) air quality impacts; (2) cultural resources impacts; and (3) tribal cultural resources impacts. The analysis in the IS/MND determined that the proposed SLCWR Project would not result in any additional potentially significant environmental impacts not identified in the PEIR and that any potentially significant effects on the environment identified in the PEIR would be reduced to levels that are less than significant with mitigation measures adopted from the PEIR.

Under the PEIR, *Air Quality impacts (AQ-1a and AQ-3a)* for localized construction impacts/emissions were significant and unavoidable for construction of the full program even with mitigation measure AQ-1 that required the implementation of construction-related NOx reduction measures. As stated previously, the PEIR made assumptions that considered the worst-case scenario, and assumed that construction activities across the program would take place concurrently. For the SLCWR Project, this impact is reduced to less than significant because the construction area of analysis for the SLCWR Project is approximately 20.5% of the PEIR total area. Additionally, the anticipated use of construction equipment and duration of construction for the SLCWR Project is lower than what was described in the PEIR.

Under the PEIR, *Cultural Resources Impacts (CUL-1 and CUL-2)* and *Tribal Cultural Resources Impacts (TRI-1 and TRI-2)* were significant and unavoidable during construction at the program-level even with Mitigation Measure CUL-1 through CUL-17 to reduce impacts to historical resources by requiring qualified cultural resources personnel to conduct future project-specific studies; development of appropriate treatment for significant resources; archaeological and Native American monitoring of ground disturbance; and ongoing Native American Input during project-level components. Mitigation Measures BIO-1 through BIO-11 were also included to lessen potential construction-related impacts to waterways, plants, and animals that are considered part of the tribal cultural landscape.

The PEIR states that it is possible that project-level impacts to historical and archaeological resources may be mitigated to a less than significant level as part of future CEQA analysis (PEIR Findings and Statement of Overriding Considerations, Sections 2.4.2 and 2.4.3). Completion of project-level field surveys and investigations, analyzed in the IS/MND Cultural Resources Assessment, informed the grading design to include a 50-foot buffer near sensitive cultural locations. Native American and archaeological monitors monitored all earthwork and such monitoring will continue during future SLCWR Project related ground disturbance. Continued tribal consultation will ensure no significant effects occur to the *Puvungna* Traditional Cultural Landscape. As a result, the SLCWR Project impacts will be reduced to less than significant with mitigation.

**IS/MND Analysis**

The IS/MND identified potential environmental impacts to Biological Resources, Cultural Resources, Geology/Soils, Hazards & Hazardous Materials, Hydrology/Water Quality, Noise, Public Services, and Tribal Cultural Resources. These resources were analyzed and have less

than significant impacts and no additional mitigation measures are required beyond those presented in the PEIR.

**Biological Resources:** Three special status plant species [California boxthorn (*Lycium californicum*), Lewis' evening primrose (*Camissoniopsis lewisii*), and southern tarplant (*Centromadia parryi ssp. Australis*)] and seven special status avian species [American peregrine falcon (*Falco peregrinus anatum*), Belding's Savannah Sparrow (*Passerculus sandwichensis beldingi*), California brown pelican (*Pelecanus occidentalis californicus*), loggerhead shrike (*Lanius ludovicianus*), California least tern (*Sternula antillarum browni*), osprey (*Pandion haliaetus*), and yellow-breasted chat (*Icteria virens*)] are present at the project site. Seven different mitigation measures including a Worker Education Awareness Program (WEAP) (Mitigation Measure BIO-2), biological monitoring (Mitigation Measure BIO-3,4,5,7), and a habitat replacement ratio (Mitigation Measure BIO-1, BIO-9) identified in the PEIR will minimize any impacts to a level less than significant for both construction and operational impacts.

**Geology/Soils:** The SLCWR Project site is located on ground susceptible to liquefaction during a major earthquake event, in which repairs to infrastructure may be needed. There have been no surface displacement of any impact on existing structures (roads, river, and cooling channel) by any earthquakes over the past 70 years. Hardscape associated with the project will be installed to seismic engineering standards and inspections will occur post-event to identify any needed maintenance or repairs. Accordingly, any potential impacts to geology/soil will be less than significant.

There is also potential for fossil discoveries at lower depths during grading and excavation. Mitigation Measure GEO-1 requires retention of a Qualified Professional Paleontologist prior to the start of construction of any project, as defined by the Society of Vertebrate Paleontology, to carry out all mitigation related to paleontological resources including: project-level review (GEO-2); paleontological resources sensitivity training (GEO-3); oversight of paleontological resources monitoring (GEO-4); and recovery, treatment, analysis, curation, and reporting (GEO-5, GEO-6, and GEO-7). These mitigation measures will ensure there are no significant effects to paleontological features.

**Hazards and Hazardous Materials:** Relict oil contamination exists on-site that will be removed as part of the SLCWR Project construction. Contaminated materials will be tested and handled appropriately. Construction crews will be informed with health and safety plans (HAZ-1) and all relevant environmental regulations. Accordingly, any potential impacts from hazards or hazardous materials will be less than significant.

**Hydrology and Water Quality:** There is a possibility that sediment generated by construction will make its way to a body of water. However, the SLCWR Project is subject to multiple permits ensuring that water quality will not be decreased during construction. Additionally, restoration of wetlands is expected to improve water quality. Mitigation Measure HYD-1 Monitoring and Adaptive Management Plan (MAMP) is to be implemented prior to commencement of construction or restoration activities to monitor sediment quality. Accordingly, any potential impacts to hydrology and water quality will be less than significant.

**Noise:** The SLCWR Project incorporates several mitigation measures (NOISE-1,2,3) for noise reduction when close to sensitive receptors (residences and sensitive bird species). Moreover, construction noise will not exceed the Noise Ordinance for Seal Beach. Accordingly, any potential impacts noise will be less than significant.

**Public Services:** A Fire Safety Plan (PS-1) will be in place to minimize the possibility fire during construction. Accordingly, any potential impacts from public services will be less than significant.

No potentially significant impacts were identified to Aesthetics, Agricultural Resources, Air Quality, Energy, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Population and Housing, Recreation, Transportation, Utilities and Service Systems, and Wildfire.

Staff has independently evaluated the Final IS/MND, which incorporates the PEIR, and the MMRP adopted by the LCWA. Staff concurs that there is no substantial evidence that the proposed SLCWR Project, as modified by incorporation of the mitigation measures identified in the IS/MND and PEIR, will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence that the project will have a significant effect on the environment as that term is defined by 14 Cal. Code Regs. § 15382.

Upon approval of the project, Conservancy staff will file a Notice of Determination.