

CALIFORNIA COASTAL COMMISSION

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W8a

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180th Day: 5/6/2014
Staff: C. Posner - LB
Staff Report: 12/19/2013
Hearing Date: January 8, 2014

STAFF REPORT: CONSENT CALENDAR

Application Number: 5-13-1049

Applicant: Synergy Oil & Gas, LLC

Agent: Lenny Arkininstall, Los Cerritos Wetlands Stewards, Inc.

Project Location: 6433 E. Second Street (Los Cerritos Wetlands situated north of East Second Street and west of Studebaker Road), City of Long Beach, Los Angeles County.

Project Description: Maintain existing unpaved roads for access to oil wells. Established mapped roads to be smoothed using a small tractor. No fill will be added and vegetation will not be disturbed.

Staff Recommendation: Approval with conditions

I. MOTION AND RESOLUTION

Motion: *"I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution: *The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Limited Term of the Coastal Development Permit.** Coastal Development Permit 5-13-1049 authorizes the permittee to maintain certain existing unpaved roads on the subject site for a limited period of time. The unpaved roads that are permitted to be maintained are identified on the photograph that is included in the project description (**See Page Five of the Staff Report dated December 19, 2013**). The term of Coastal Development Permit 5-13-1049 expires on January 31, 2019.
2. **Timing of Project.** The permitted road maintenance activities shall occur only outside of marsh bird nesting season. Marsh bird nesting season commences February 1 and ends August 31.
3. **Construction Responsibilities.** By acceptance of this coastal development permit, the permittee agrees that the permitted development shall be conducted in a manner that protects habitat and water quality pursuant to the implementation of the following BMPs:
 - A. **No Fill Permitted.** No fill material or paving materials shall be added to the roads. Existing roads shall not be widened or extended. No new roads shall be created.
 - B. **Erosion Control.** Prior to road permitted grading/smoothing activities, silt fencing shall be installed along the sides of each road to prevent runoff/sediment transport into adjacent wetlands. Measures to control erosion must be inspected and maintained the end of each day's work.
 - C. All road maintenance work shall be supervised by an ecologist to ensure that the adjacent wetlands are protected from disturbance.
 - D. No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion or dispersion.
 - E. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into the wetlands.
 - F. All construction equipment and materials shall be stored and managed in a manner to minimize the potential for discharge of pollutants. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
 - G. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

The permittee shall undertake the approved development in accordance with this condition and shall include the requirements of this condition on all plans and contracts issued for the project.

- 4. Conformance with the Requirements of the Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The applicant is requesting Commission approval to maintain existing unpaved roads in a privately-owned wetland area which is also an active oil field. The proposed project is located in the Los Cerritos Wetlands in southeast Long Beach (See Exhibits). The project site is an oil producing area with several active wells and pipelines that need to be maintained on a regular basis. The project site also provides habitat for common shorebirds, water fowl and birds of prey. A coastal development permit is required because the proposed road maintenance project involves the use of mechanized construction equipment in an environmentally sensitive habitat area [*14 Cal. Code of Regulations Section 13252(a)*]. The required coastal development permit must be obtained from the Commission because the project site is located within the Commission's area of original jurisdiction.

The applicant proposes to use a small tractor to remove ruts and smooth the established mapped roads that lead to oil wells. No fill will be added and vegetation will not be disturbed. All work will be supervised by an ecologist to ensure that the adjacent wetlands are protected. The roads will not be widened or extended into the adjacent wetlands. All visitors, contractors and oil company employees will be instructed to stay only on the existing access roads.

The entire Los Cerritos Wetlands area is part of the historic delta of the San Gabriel River. The project site is part of the wetland complex. Unpaved oil field access roads cross the wetlands and provide access to the well sites north of 2nd Street and west Studebaker Road (Exhibit #2). The proposed road maintenance work will be occurring in a location where there is a potential for discharge of polluted runoff and siltation into the wetlands that are adjacent to unpaved roads. Pollution and siltation would adversely affect the biological productivity and the quality of the wetlands. The use of heavy machinery to grade and smooth the unpaved roads could adversely affect nesting birds at certain times of the year. Therefore, it is necessary to ensure that construction activities will be carried out in a manner that will not adversely affect water quality, habitat or marine resources.

In order to prevent adverse impacts to the adjacent wetland habitat, the Commission is imposing four special conditions. Special Condition One limits the term of the permit until January 31, 2019. The limited permit term will allow the Commission to re-evaluate the proposed road maintenance program in the event that any adverse effects or changed circumstance are identified in the next five years. The project site has been identified by the State Coastal Conservancy as a potential restoration project area.

Special Condition Two protects sensitive bird species, such as the endangered Belding's Savannah Sparrow, by prohibiting road maintenance activities during the marsh bird nesting season, which runs from February 1 until August 31 each year.

Special Condition Three requires the permittee to implement erosion control measures, and requires appropriate storage and handling of construction equipment and materials to minimize the potential for silt and pollutants to enter the wetlands. Special Condition Three also requires that the permitted road maintenance work be supervised by an ecologist to ensure that the adjacent wetlands are protected from disturbance.

Finally, Special Condition Four requires the permittee to comply with all permit requirements and mitigation measures of the California Department of Fish and Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. The specific mitigation measures required by the special conditions shall be implemented in order to ensure that water quality, biological productivity, habitat and marine resources are protected as required by the marine resource policies of the Coastal Act.



Project Site: Existing unpaved roads on privately-owned portion of Los Cerritos Wetlands, Long Beach, CA.

B. MARINE RESOURCES & ENVIRONMENTALLY SENSITIVE HABITAT AREAS

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act. As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

C. PUBLIC ACCESS AND RECREATION

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. DEVELOPMENT

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

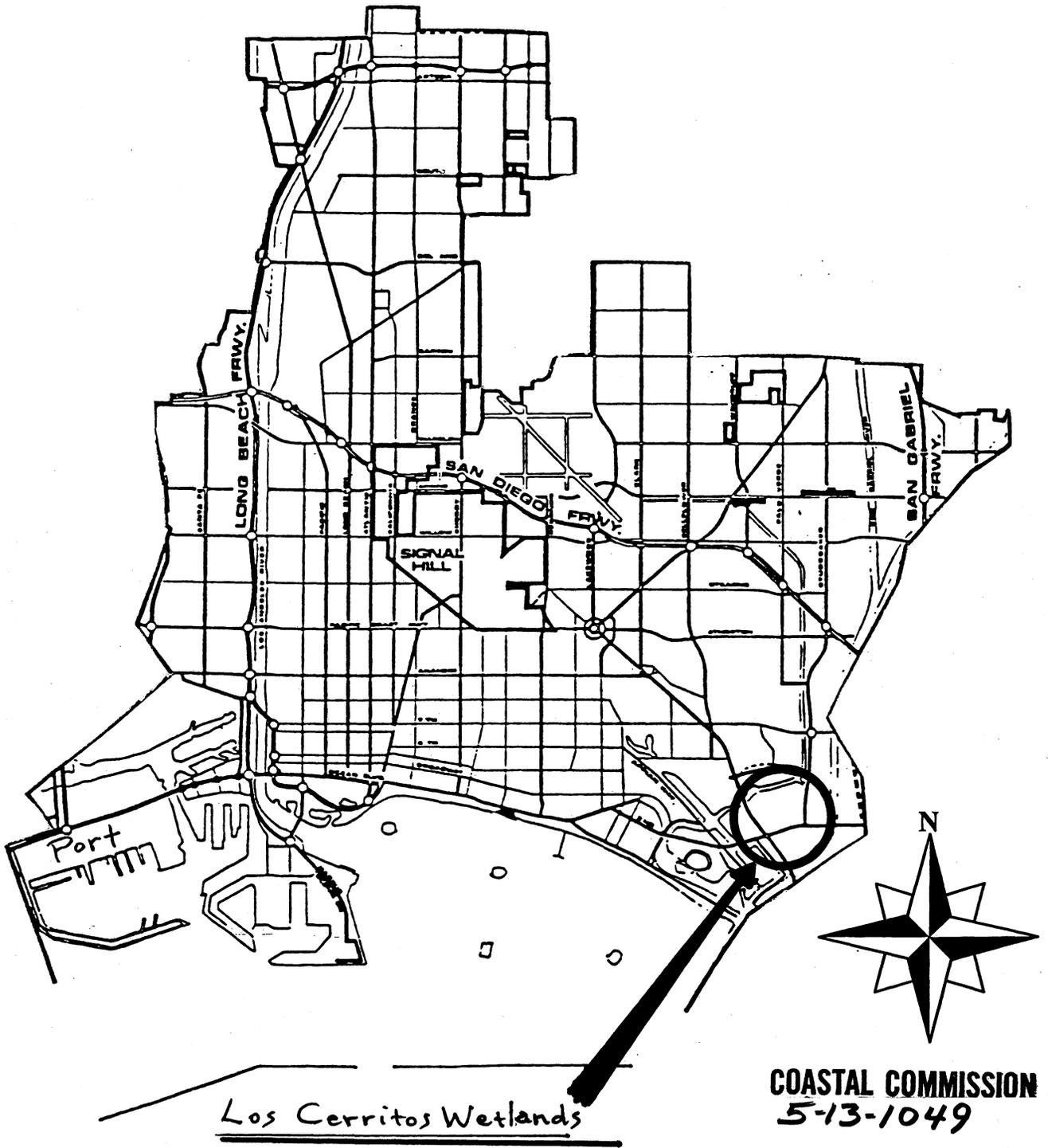
E. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a Local Coastal Program (LCP), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. An LCP for the City of Long Beach was effectively certified by the Commission on July 22, 1980. However, the proposed development is occurring within an area of deferred certification. Consequently, the standard of review is the Coastal Act and the City's LCP is used only as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a LCP for this area that is in conformity with the provisions of Chapter 3 of the Coastal Act.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

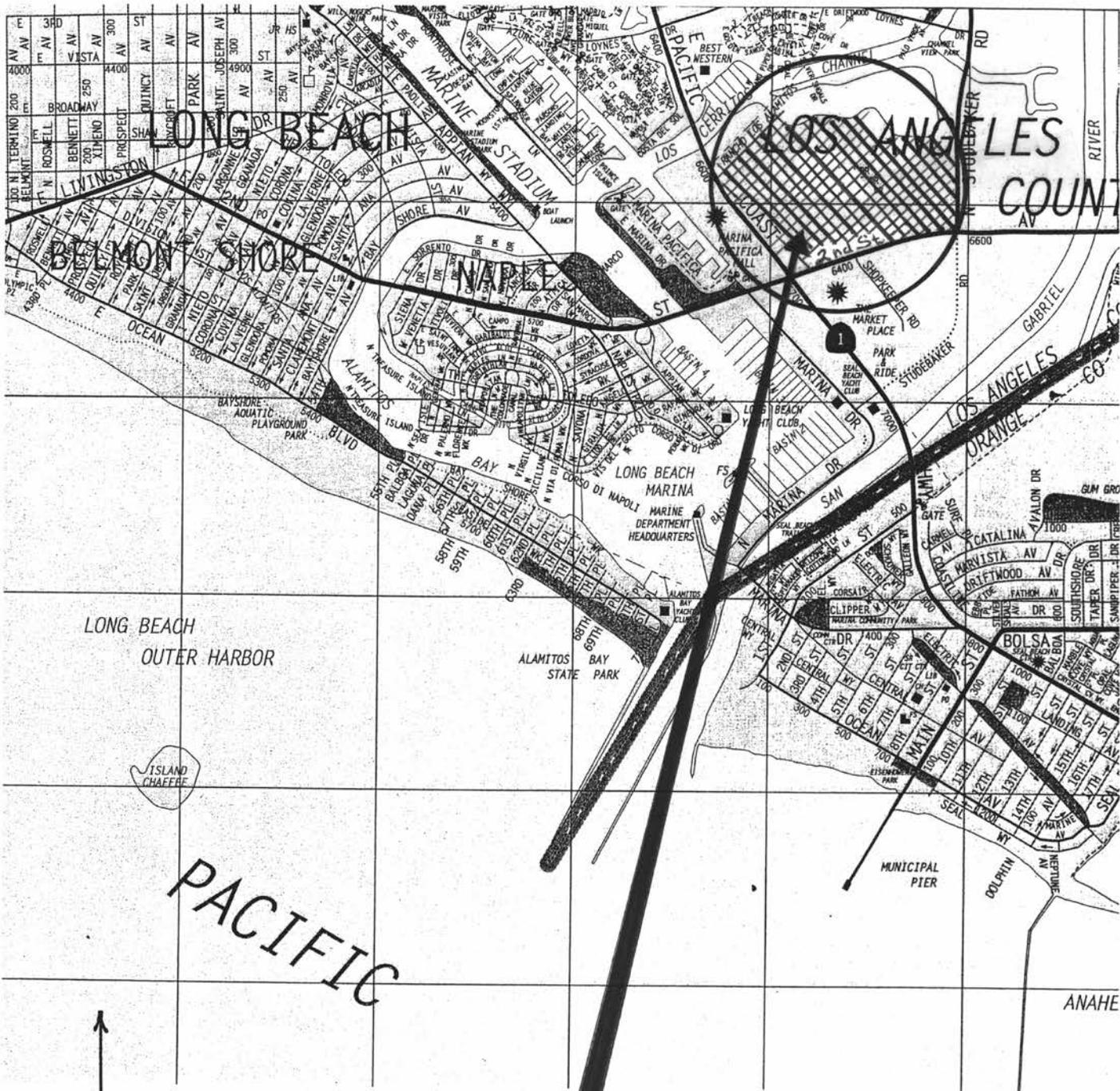
City of Long Beach



Los Cerritos Wetlands

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Project Site

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EXHIBIT # 2

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