

CALIFORNIA COASTAL COMMISSION

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SAN FRANCISCO, CA 94105-2219
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F13a

Application No. 9-20-0500 (Los Cerritos Wetlands, LLC)

November 6, 2020

CORRESPONDENCE

Correspondence for Application No. 9-20-0500

From: Charles Richey <charlesrichey@icloud.com>

Sent: Saturday, October 31, 2020 7:35 AM

To: Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; Willis, Andrew@Coastal

<Andrew.Willis@coastal.ca.gov>; Sanchez, Jordan@Coastal <Jordan.Sanchez@coastal.ca.gov>; McLendon, Aaron@Coastal <Aaron.McLendon@coastal.ca.gov>

Cc: Anna Christensen <achris259@yahoo.com>; Ann Cantrell <anngadfly@aol.com>; Gary Adkins <garryadkins@me.com>; Bill Freed <thebillfreed@gmail.com>

Subject: Stop Synergy Oil's Toxic Gas Discharges

10-31-2020

To: The CA Coastal Commission,

This is a summary of our quest to stop Synergy Oil and TERMO Oil from discharging toxic gas into our air:

Starting in Feb 2018 the families living in South Long Beach discovered that something was consistently fouling the air they breathe. Families living in Marina Pacifica, Spinnaker Bay, Pacific Villas, Naples Island and other nearby communities were victims of toxic gases. We were suddenly and consistently inundated with toxic vapors discharging from an unknown source. There was no forewarning or notice given to the families living in these communities. We knew that something had changed. Never before had we been impacted by toxic gases that forced us to take evasive actions. A small group of families investigated. We discovered that the oil companies operating in the Los Cerritos Wetlands were the source of the toxic gases. We also discovered that we were down-wind of three specific sources of toxic gas discharges. The three sources were: First, the Los Angeles County Sanitation District (LACSD) pump station (located on the northeast edge of the Marina Pacifica Mall parking lot). Second, Synergy Oil Company's discharge station (located directly across PCH from the stop-light at the Marina Pacifica Mall). Third, TERMO Oil Company's pump jacks and related equipment (located directly across PCH from the Marina Pacifica Mall Nordstrom Rack).

In early 2018 we placed dozens of phone calls to the LACSD complaining about the toxic vapors discharging from their pump station (LACSD pump station # 2). We spoke with Darrell Hatch a senior engineer at LACSD and he came to visit us at the Marina Pacifica condo complex. He was genuinely concerned. In his visits to our property he confirmed that the gases were discharging from the oil and gas operations in the Los Cerritos Wetlands. The LACSD has day-time and night-time phone numbers posted at their pump station # 2. The phone numbers are a direct link to LACSD staff. The sign at LACSD station # 2 clearly states, "In the event of a problem with our pump-station, call this number..." We consistently called the LACSD. We called them every time we were inundated with toxic gas. We also called the South Coast Air Quality Management District, AQMD. From early 2018 to early 2019 we spoke with several engineers and night-time staff at the LACSD. Over the course of those twelve months, the night-time engineers provided small amounts of information with each phone call. After dozens of phone calls we were able to piece together the general mechanics of the oil operations.

The LACSD engineers explained that Synergy Oil and TERMO Oil operate dozens of pump jacks in the Los Cerritos Wetlands. The dominant producer in the LCW is Synergy Oil with roughly 90% of the oil leases and TERMO Oil with the balance of 10%. Their pump jacks are directly connected to deep reservoirs of crude oil. Their pump-jacks operate continuously. With every cycle, their pump jacks pull up a heavy sludge of crude oil. The sludge is pumped into emulsifier tanks for processing. The emulsifier tanks separate the oil from their by-product. The by-product is chemical-laden black water. Toxic chemicals that are frequently found in oil and gas waste-water are: Cyclopentane, Ethyl-Benzene and Hydrogen-Sulfide. The night-time staff at the LACSD confirmed that Synergy Oil generates thousands of gallons of waste-water daily. Shale XP (www.shalexp.com) an independent research firm, estimates that Synergy is discharging 11,000 barrels a day of waste-water from their various operations in Long Beach. If the LCW accounts for 80% of Synergy's Long Beach operations that would equate to 9,000 barrels a day of wastewater discharge. 9,000 barrels x 30 gallons per barrel equals 180,000 gallons per day discharging from their Los Cerritos Wetlands operations. Every day an estimated 180,000 gallons of black waste-water is processed through Synergy's discharge station located on the east side of PCH. The waste-water pumps away through a pipeline underneath PCH and travels approximately 1,000 feet for further transport to LACSD pump station # 2 (on the west side of PCH). LACSD pump station # 2 continuously transports that waste-water and discharges it to a location unknown to us. Hopefully LACSD is discharging to a treatment plant that handles toxic waste-water.

Our repeated calls to the LACSD led them to take action. By mid-2019 the LACSD installed a heavy steel hatch over their station # 2. That solved the problem or most of the problem with toxic gases releasing from LACSD station # 2. Unfortunately, within days of LACSD installing their steel cover we realized that their station # 2 had been discharging a small fraction of the toxic gases. We continued to be inundated, several nights a week, with harmful gases. The families living in Marina Pacifica organized a group,

Correspondence for Application No. 9-20-0500

Citizens for Breathable Air (CBA) to fight to stop the discharging of gases into our airstream and into our homes. The frequency of the toxic discharges remained the same and that's when we realized that our sole source for a remedy would be our continued phone calls to the South Coast Air Quality Management District, AQMD.

The AQMD informed us that we may be victims of a public nuisance. In order for the AQMD to file a public nuisance violation the following four criteria must be met: First, the AQMD must receive at least 4 phone-call complaints from residents living in the area. Second, those phone complaints must be received on the same day and within the same one-hour period of that day. Third, an AQMD inspector must drive out to our community and personally sniff the air to confirm if the toxic gases are continuing to discharge. Fourth, the residents must sign an AQMD affidavit confirming that they were disrupted by the toxic gases.

We placed dozens of phone complaints to the AQMD in 2018 and 2019. We have continued to place complaints to the AQMD throughout 2020. AQMD inspectors (Thomas Lee, Bullington Pham, Al Solomon) have visited our property. They have confirmed that Synergy's discharge station is the primary problem and that TERMO's pump-jacks and related equipment are a secondary problem. AQMD inspectors have confirmed that they have filed multiple violations against Synergy Oil. AQMD inspectors have also confirmed that Synergy's discharge station is pumping away toxic wastewater continuously with no burner system and no filtration system. Synergy's discharge station is approximately 300 feet from the Marina Pacifica Mall and 600 feet from the north side of the Marina Pacifica condo complex. A condo complex that is home to 570 families.

Synergy and TERMO's toxic gases are released without any forewarning. Several nights every week the families living nearby are forced to rush and seal-up their homes to protect themselves from the toxic gases. Many families complain that they are awakened in the middle of the night by toxic gases. More insidiously, we may be victims of exposure to un-filtered and minimally-detectable amounts of toxic gases on a continuous basis.

The evidence from the LACSD and the AQMD is irrefutable. Synergy Oil's discharging of toxic gas is disrupting the lives of Long Beach families.

Our group, Citizens for Breathable Air, is working to stop this injustice. We are a group of 38 concerned families and we are growing.

Synergy Oil has made a few promises to the CA Coastal Commission concerning their "restoration" plan. However their actions speak much louder than their words. Based on Synergy Oil's actions of the past three years it's very clear that the company cannot be trusted. They should not be trusted to expand their operations.

Synergy's "restoration" plan is not a restoration plan. It is an exploitation plan.

To the CA Coastal Commission: Please vote NO. Please vote NO to Synergy Oil's exploitation plan.

Chuck Richey. 10-31-2020.

Chuck Richey, Gary Adkins, Bill Freed.
CitizensForBreathableAir@gmail.com

Correspondence for Application No. 9-20-0500

From: Anna Christensen [<mailto:annachristensen259@gmail.com>]

Sent: Friday, October 30, 2020 5:00 PM

To: SouthCoast@Coastal; Ainsworth, John@Coastal; Hudson, Steve@Coastal

Subject: Comment on Application No. 9-20-0500, Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

Puvungna Wetlands Protectors, Anna Christensen

- 1) Remove Application No 9-20-0500 from the Administrative Calendar and hold a Public Hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.
- 2) Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.

With respect to this Application Puvungna Wetlands Protectors shares the concerns and supports the position of tribal leaders Rebecca Robles and Anthony Morales, the Los Cerritos Wetlands Task Force/Sierra Club, the Long Beach Area Peace Network, Citizens About Responsible Planning, and the Ballona Ecosystems Education Project.

Rationale

1. **Anticipatory Destruction:** The Applicant, Los Cerritos Wetlands, LLC, is seeking to violate the terms of the conditions mandated by the Coastal Commission under CDP 9-18-0395 for the Los Cerritos Wetlands Restoration and Oil Consolidation Project which requires that 19 of the 25 Special Conditions be met before this permit can be issued. (None have been met so far). If both the Executive Director and the Applicant acknowledge that the conditions of CDP 9-18-0395 cannot be fulfilled at this time, why allow the Applicant to get a part of the CDP now?
2. **Piecemealing:** Application No. 9-20-0500 does not qualify for approval pursuant to PRC, Section 30624. (approval on the basis of the development not being in excess of \$100,000) because it is a segment of CDP 9-18-0395's more extensive and expensive and extensive restoration plan. If this wasn't part of the BOM's restoration and required as part of the Mitigation Bank process would the Commission approve this as a stand-alone CDP? If not, it shouldn't be piecemealed.
3. **Piecemealing:** The Applicant, Los Cerritos Wetlands LLC, an affiliate of Beach Oil Minerals LLC (BOM), is acting solely and illegally on behalf of BOM in order that BOM be better positioned to sell mitigation credits should its Upper Los Cerritos Wetlands Mitigation Bank be approved. Coastal Commission staff writes, "The remediation work covers a relatively small footprint within the current oil field located within the portion of the oil field that will be restored to tidal wetlands under CDP 9-18-0395. The work itself was approved under the 2018 CDP but since the permit itself has not yet been issued (BOM is still working on developing all the plans necessary to satisfy the prior to issuance conditions), and **BOM wants to get this work done immediately (tobe ready to release credits if/once the bank is approved)**, we required them to apply for a stand alone permit."
4. **Polluting:** The Applicant, Los Cerritos Wetlands LLC, is a party to and liable* for ongoing illegal hazardous emissions on its property (Synergy Oil Field) where the proposed project is located. Synergy Oil, LLC, an associate and tenant of Los Cerritos Wetlands, LLC has been cited and fined multiple times by the SCAQMD but has not ceased its illegal toxic emissions.
5. **Anticipatory Destruction Not Restoration:** The proposed project will disturb, remove, and destroy existing ESHA, wildlife, and tribal cultural resources. This project is a remove and replace operation and will further BOM's plans to flood and therefore, destroy existing habitat and Tribal cultural resources. This administrative CDP omits mitigation for tarplant required by CDP 9-18-0395 stating only that "If special-status species occur within excavation areas, Special Condition 2 requires that the applicant shall salvage the vegetation and replant after clean sediment has been placed." (Staff Report, p. 6)." This is

not a legitimate mitigation measure, and is inconsistent with mitigation requirements for the larger project. If you read special condition 13 of CDP 9-18-0395 compare it to special condition 2.D of the administrative permit, it seems inconsistent. For example, the seed source for revegetation is more broad for the admin permit. Special Condition 13 requires seed collection from existing southern tarplant populations in preparation for future mitigation. Also we do not believe that BOM has complied with Special Condition 17 to submit and receive approval of the Contaminated Soil Investigation and Removal Plan.

6. **Not Restoration, Replacement:** This project and the overall plan to dig up, flood, and displace most all of the existing habitat of the Los Cerritos Wetlands, fails to take into account both historic and projected changes to the Los Cerritos Wetlands. This cannot be termed a restoration.
7. **Bad Precedent:** Allowing this Application to remain on the Administrative Calendar will set precedents that future Applicants are sure to take advantage of. Conditioning project approvals will be meaningless if conditions can be avoided by simply breaking them into smaller projects not requiring and approving them as and submit them as Administrative
8. **Environmental Racism:** The project violates both the Coastal Commission's Tribal Consultation and Environmental Justice Policies. Neither the project Applicant nor the Coastal Commission staff acknowledges the project area as being part of a Traditional Tribal Landscape and the Sacred Site of Puvungna, nor do either reference the Special Condition to CDP 9-18-039, which requires further investigation and reporting with respect to tribal history in and around the Los Cerritos Wetlands. Here again, the Applicant is allowed to assert that this segment of CDP complies with the Coastal Act.
9. **Hazard not Benefit:** This project was conceived as part of a larger "restoration" requiring the use of the Coastal Act override policy for oil and gas operations. This project has no public benefit and does not meet the conditions for approval required by the override policy. Even with 25 Special Conditions, the Los Cerritos Wetlands Restoration and Oil Consolidation Project remained inconsistent with Coastal Act provisions. Project approval required use of the Coastal Act's override policy with respect to allowing oil and gas development if (1) there were no feasible and less environmentally damaging locations for the proposed project, (2) objecting to the proposed project would adversely affect the public welfare, and (3) the project's impacts were mitigated to the maximum extent feasible. With respect to Application No. 9-20-0500 (1) There are feasible and less environmentally damaging locations for the removal of polluted soils from the Applicant's property. (2) Objecting to the proposed project does not adversely affect the public welfare, but is rather in the best interest of both the public (including tribal peoples), and the Los Cerritos Wetlands ecosystem. (3) The impacts of Application No. 9-20-0500 have not even been presented with respect to the project area's future under CDP 9-18-039, much less mitigated to the full extent feasible.
10. We would like to point out that three separate LLCs having the same director and address and share responsibility for the health and welfare of the Los Cerritos Wetlands. All have interlocking operations and projects whose impacts on the wetlands and the community must be understood as a whole. BOM was in court last week citing lack of funds and pleading for an indefinite extension of CDP 9-18-039 (Denied by Judge), yet it proposed to be solvent enough to become a Mitigation Banker. The Los Cerritos Wetlands, LLC is chomping at the bit to start a project that is not only destructive in its own right, but will be meaningless if BOM goes belly up. We recommend a wait and see approach to any and all "restoration" on the Synergy property.

From: Charles Richey <charlesrichey@icloud.com>

Sent: Friday, October 30, 2020 4:56 PM

To: Energy@Coastal <EORFC@coastal.ca.gov>

Subject: Public Comment on November 2020 Agenda Item Friday 13a - Application No. 9-20-0500 (Los Cerritos Wetlands, LLC, Los Angeles Co.)

10-30-2020

To: The CA Coastal Commission,

This is a summary of our quest to stop Synergy Oil and TERMO Oil from discharging toxic gas into our air:

Starting in Feb 2018 the families living in South Long Beach discovered that something was consistently fouling the air they breathe. Families living in Marina Pacifica, Spinnaker Bay, Pacific Villas, Naples Island and other nearby communities were victims of toxic gases. We were suddenly and consistently inundated with toxic vapors discharging from an unknown source. There was no forewarning or notice given to the families living in these communities. We knew that something had changed. Never before had we been impacted by toxic gases that forced us to take evasive actions. A small group of families investigated. We discovered that the oil companies operating in the Los Cerritos Wetlands were the source of the toxic gases. We also discovered that we were down-wind of three specific sources of toxic gas discharges. The three sources were: First, the Los Angeles County Sanitation District (LACSD) pump station (located on the northeast edge of the Marina Pacifica Mall parking lot). Second, Synergy Oil Company's discharge station (located directly across PCH from the stop-light at the Marina Pacifica Mall). Third, TERMO Oil Company's pump jacks and related equipment (located directly across PCH from the Marina Pacifica Mall Nordstrom Rack).

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Correspondence for Application No. 9-20-0500

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Synergy's "restoration" plan is not a restoration plan. It is an exploitation plan.

To the CA Coastal Commission: Please vote NO. Please vote NO to Synergy Oil's exploitation plan.

Chuck Richey. 10-30-2020.

Chuck Richey, Gary Adkins, Bill Freed.
CitizensForBreathableAir@gmail.com

From: Tahesha K. Christensen <taheshakc259@gmail.com>

Sent: Friday, October 30, 2020 4:50 PM

To: Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Hudson, Steve@Coastal <Steve.Hudson@coastal.ca.gov>

Subject: Comment on Application No. 9-20-0500, Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

Dear CA Coastal Commission,

This letter is in regard to agenda item #13 scheduled for Friday November 6, 2020. Application No. 9-20-0500, Coastal Commission Meeting Agenda Item #13 on the Administrative Calendar. In regards to Beach Oil Mineral Partners seeking to evade the 26 conditions mandated by CA Coastal Commission hearing decision with regards to the proposal to drill for oil in the Los Cerritos Wetlands and create a mitigation bank disguised as a restoration proposal.

My name is Tahesha Knapp-Christensen and I am representing Puvungna Wetlands Protectors LLC. I am also an Indigenous activist of the Omaha Tribe of Nebraska and lifelong community member and resident of Long Beach where this drilling will take place. As a concerned resident as well as a defender of sacred Indigenous places, I have been fighting for years to protect the Los Cerritos Wetlands from this destructive and massive oil drilling project disguised as a wetlands restoration project. In reality it is a massive oil drilling project that will destroy the environmentally sensitive wetlands habitat, put public safety at risk in the very likely event of an oil spill, fire outbreak at the facility, possibly creating working hazard for employees of the company, rising sea levels due to exacerbated climate change, poisonous air emissions from the oil refining process, and ability to destroy beyond mitigation, Acjachemen and Tongva tribal cultural resources and ancestor remains that have been intact for thousands of years or time immemorial. The restoration itself is destructive and is not true restoration but is a disguise for a mitigation bank designed so that Beach Oil Mineral Partners (the oil company) can bank on carbon credits and continue to pollute elsewhere while duping the public into believing it is a true restoration project.

This piecemeal project is dangerous because as a whole we the public cannot see how all of the moving pieces fit together since the applications for restoration and oil drilling permits have been done separately over the last 2 years. I have attended all public meetings since the 1st meeting with Long Beach Planning Commission all the way up to the final appeal to the Coastal Commission until now still fighting the bogus restoration project.

Now Beach Oil Mineral Partners aka the Oil Company seeks to get around the mandated restrictions imposed at the final appeal hearing 2 years so as to move forward with the beginning of their mitigation bank by seeking to remove top soils while not allowing for public comment via the administrative calendar process. I am asking you today to 1) Remove this item #13 Application No. 9-20-0500 from your administrative calendar and 2) should it remain on your administrative calendar to not approve Application 9-20-0500. I am also asking that you please consider how dangerous it is to allow them to bypass these restrictive conditions and imagine the worst case scenario of the consequence of allowing them to ignore these conditions. Consider the risk to public safety and welfare and the loss of endangered environmental habitat to our public resources and especially to the original people of this land, the Tongva and Acjachemen community.

Los Cerritos Wetlands, LLC, owner of the Synergy property is applying for a Coastal Development Permit to begin the removal of soils from the Synergy Oil Field in the Los Cerritos Wetlands. The project will destroy/disturb sensitive habitat, wildlife, and tribal cultural resources. This is a segment of CDP 9-18-0395 for the Los Cerritos Wetlands Restoration and Oil Consolidation Project which cannot be granted until 19 of 26 Special Conditions have been met by Beach Oil Minerals (none have been met yet). Applicant is acting on behalf of BOM, stating that this project will allow BOM to sell mitigation credits should BOM's mitigation bank be approved.

Asks of Commission:

- 1) Remove Application No 9-20-0500 from the Administrative Calendar and hold a public hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.
- 2) Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.

Thank you for your time today.

Sincerely,

Tahesha Knapp-Christensen

Resident of Long Beach, CA

Omaha Tribe of Nebraska, Indigenous advocate for Long Beach Community

Puvungna Wetlands Protectors LLC

Co-founder of Protect Long Beach/Los Cerritos Wetlands grassroots community

From: Michaela Quinby [<mailto:uderchaos9@aol.com>]
Sent: Friday, October 30, 2020 4:47 PM
To: SouthCoast@Coastal
Cc: uderchaos9@aol.com
Subject: Item no 9-20-0500

This item needs to be taken off the administrative calendar where there is no public input and hold a public hearing on this item. The commissioners and public deserve to have the applicant and commission staff report on this project and it's full impact. A public hearing is required to ensure the opportunity for the public and the commission to question, comment, and discuss the project after these reports have been given. Care needs to be taken to ensure that the 26 steps conditions have been met before any action can be done. Our environment sensitive wetlands need to be protected from damage.

Should this item remain on the administrative calendar, do not approve application no 9-20-0500. As an active voter and long term Long Beach resident I'm concerned about preserving our natural habitats.

Sincerely,
Michaela Quinby
Wrigley since 1983
Active voter

Sent from AOL Mobile Mail

Correspondence for Application No. 9-20-0500

From: Livia Borak Beaudin <livia@coastlawgroup.com>

Sent: Friday, October 30, 2020 4:37 PM

To: Energy@Coastal <EORFC@coastal.ca.gov>

Subject: Public Comment on November 2020 Agenda Item Friday 13a - Application No. 9-20-0500 (Los Cerritos Wetlands, LLC, Los Angeles Co.)

Please find attached comments on behalf of Coastal Environmental Rights Foundation and Puvunga Wetlands Protectors.

Thank you.



“Like music and art, love of nature is a common language that can transcend political or social boundaries.” – Jimmy Carter



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www.coastlawgroup.com

December 12, 2018

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Via Email
EORFC@coastal.ca.gov

Re: Item 13.a. Administrative Calendar
Opposition to Application No. 9-20-0500

Dear Chair Bochco and Commissioners:

Please accept the following comments on behalf of our clients Coastal Environmental Rights Foundation (CERF) and Puvunga Wetlands Protectors in opposition to the proposed piecemealing of the Beach Oil Minerals Oil Consolidation and Wetlands Restoration Project ("Project") (CDP-9-18-0395). CERF was founded by surfers to aid the enforcement of environmental laws, raise public awareness about coastal environmental issues, encourage environmental activism, and generally act to defend natural resources in coastal areas. Puvunga Wetlands Protectors' mission is to preserve and protect the architectural, historical, cultural, environmental and community resources of the City of Long Beach and to guarantee the development of the city be carried out in a manner that reflects the principles of equity, social justice and responsible management of the public's resources.

The Beach Oil Minerals/Los Cerritos Wetlands LLC Project raises serious concerns regarding the administrative permit process, development in ESHA and wetlands, and amendment of prior CDP conditions. The current permit is being processed as an administrative permit because the project purportedly is not in excess of \$100,000. (Staff Report, p. 2). However, the larger Project is decidedly more – in the millions of dollars. Piecemealing the project in this manner obscures its true impacts and results in inconsistency between the two CDPs.

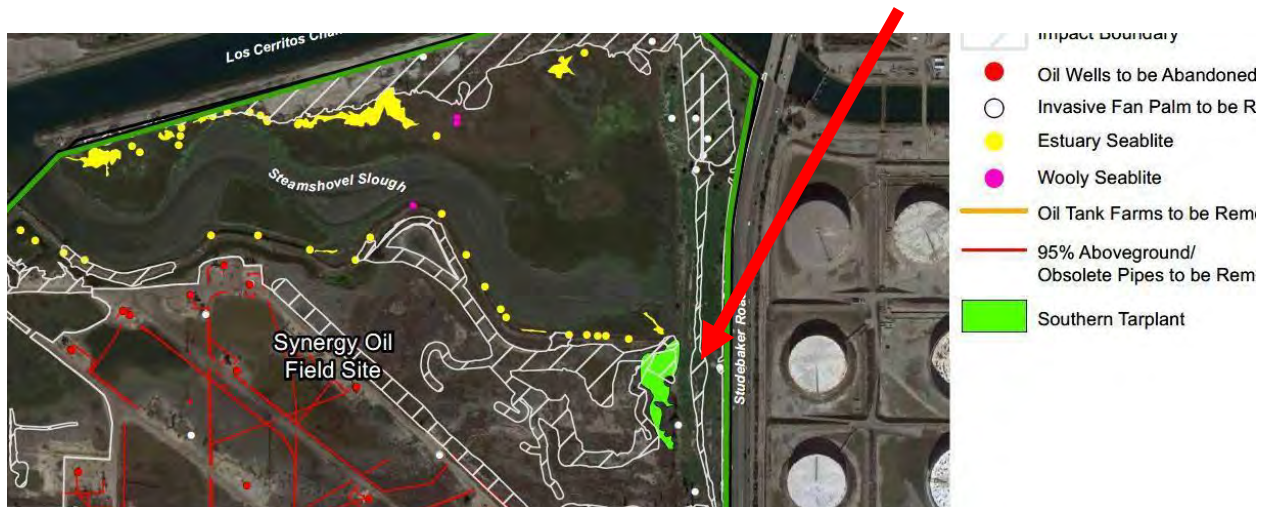
For example, both the staff report for the administrative permit and Project CDP identified ESHA onsite, including Southern tarplant. (See, e.g. CDP-9-20-0500, Staff Report, p. 5). However, the current staff report fails to mention the proposed sediment dredging locations overlap with previously identified Southern tarplant locations (see exhibit extracts and full exhibits below).

9-20-0500 (Los Cerritos, LLC)

Exhibit 2: Temporary Impacts to Biological Communities



(Extract from Exhibit 2, CDP 9-20-0500, Temporary Impacts to Biological Communities)



(Extract from Exhibit 26 of CDP 9-18-0395, Figure 3.3-2a, Synergy Oil Field Site – Special-Status Plants Map)

The impacts to Southern tarplant, classified as ESHA in the CDP-18-0395 context precipitated Special Condition 13, which requires Beach Oil Minerals, LLC to submit a Southern Tarplant Restoration and Mitigation Plan to the Executive Director for review and written approval. (CDP-18-0395, Special Condition 13). The Plan must include a provision to collect

seeds from existing Southern tarplant populations in late summer and fall in preparation for future mitigation. (*Id.*). This condition is noticeably absent from the administrative CDP and appears to be in conflict with the mitigation measures proposed therein.

In addition, though the administrative CDP includes a condition that the applicant salvage special-status vegetation in the excavation area and replant it after clean sediment has been placed, it requires no additional mitigation. In contrast, CDP 09-18-0395 Special Condition 13, requires mitigation at 1:1 and 3:1 ratios depending on the area of disturbance. Lastly, the administrative permit focuses largely on impacts from excavation, ignoring impacts to wetlands and ESHA from staging and ingress and egress. As a result, the administrative permit does not comply with Coastal Act Section 30204:

Section 30240 Environmentally sensitive habitat areas; adjacent developments

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Though this aspect of the Project may appear relatively small when excised from the larger project, impacts to wetlands and ESHA should be fully characterized and mitigated before the applicant proceeds with any development. The piecemealing of the larger Project will result in potentially inconsistent avoidance and mitigation measures, as well as permanent impacts to one of the largest Southern tarplant populations on the Synergy property. One aspect of the larger Project should not be accelerated at the expense of Coastal Act consistency and thoughtful, overall mitigation. We therefore urge the Commission to deny the administrative permit.

Thank you in advance for your consideration of our comments.

Sincerely,

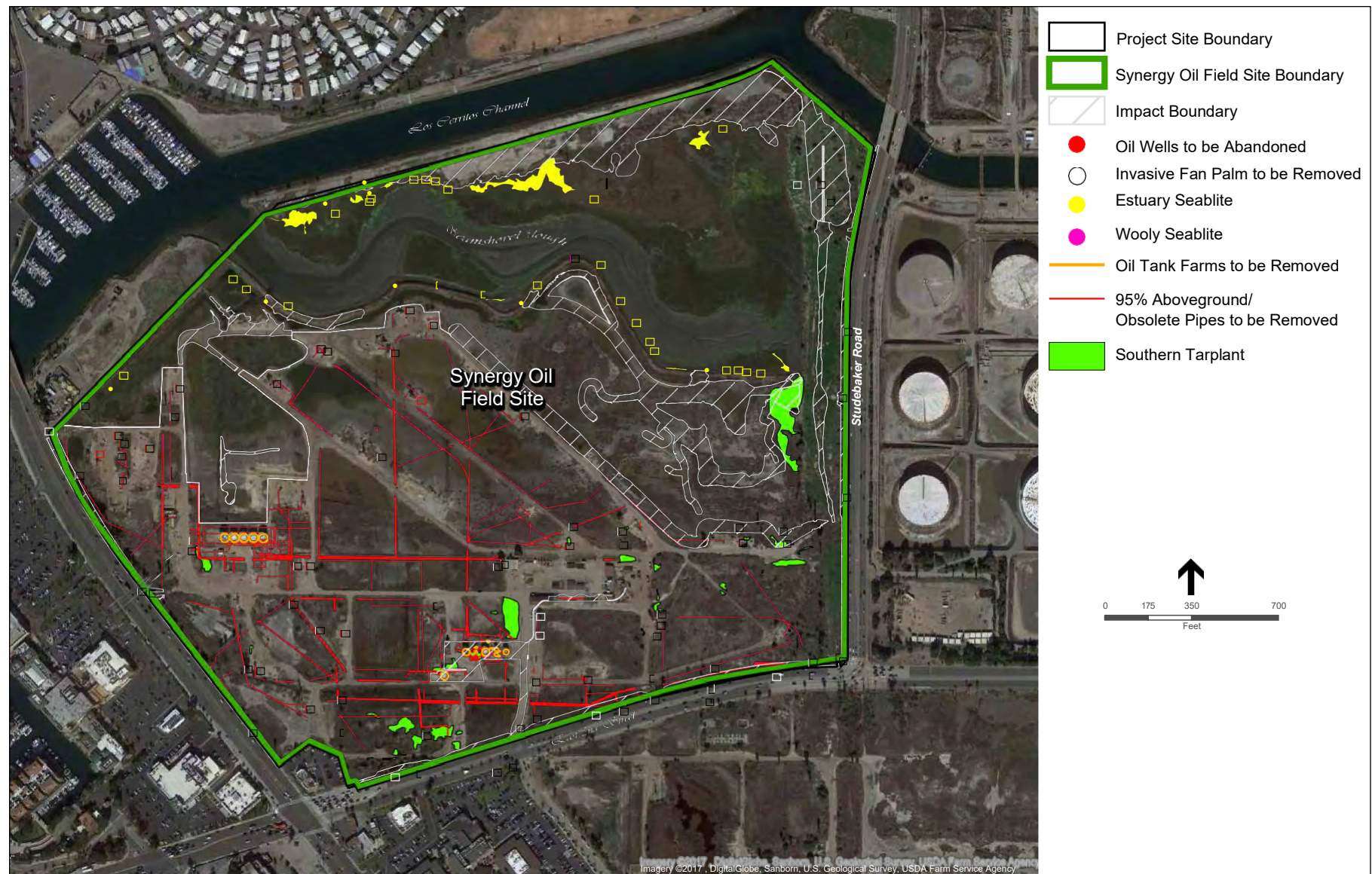
COAST LAW GROUP, LLP



Livia Borak Beaudin
Attorneys for CERF and Puvunga Wetlands Protectors

cc: Client

EXHIBIT 26



SOURCE: Glenn Lukos Associates

Long Beach Cerritos Wetland . 150712

Figure 3.3-2a
 Synergy Oil Field Site – Special-Status Plants Map

**Figure 3.7-2**

Sample Locations – Synergy Oil Field and City Property Sites

Correspondence for Application No. 9-20-0500

From: Michele Learner <mlearner@earthlink.net>

Sent: Friday, October 30, 2020 3:15 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>

Cc: mlearner@earthlink.net <mlearner@earthlink.net>

Subject: Comment on Application No. 9-20-0500, Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

I am writing regarding an issue that has come before your agency/commission.

Los Cerritos Wetlands, LLC, owner of the Synergy property is applying for a Coastal Development Permit to begin the removal of soils from the Synergy Oil Field in the Los Cerritos Wetlands. The project will destroy/disturb sensitive habitat, wildlife, and tribal cultural resources. This is a segment of CDP 9-18-0395 for the Los Cerritos Wetlands Restoration and Oil Consolidation Project which cannot be granted until 19 of 26 Special Conditions have been met by Beach Oil Minerals (none have been met yet). Applicant is acting on behalf of BOM, stating that this project will allow BOM to sell mitigation credits should BOM's mitigation bank be approved.

I am requesting the following:

- 1) Remove Application No 9-20-0500 from the Administrative Calendar and hold a Public Hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.
- 2) Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.

Thank you for your consideration.

~Michele Learner

Correspondence for Application No. 9-20-0500

From: George Two Horses-Christensen <hanpadesigns@gmail.com>

Sent: Friday, October 30, 2020 3:09 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>

Subject: Comment on Application No. 9-20-0500, Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

We need a public hearing on this.

Los Cerritos Wetlands, LLC, owner of the Synergy property is applying for a Coastal Development Permit to begin the removal of soils from the Synergy Oil Field in the Los Cerritos Wetlands. The project will destroy/disturb sensitive habitat, wildlife, and tribal cultural resources. This is a segment of CDP 9-18-0395 for the Los Cerritos Wetlands Restoration and Oil Consolidation Project which cannot be granted until 19 of 26 Special Conditions have been met by Beach Oil Minerals (none have been met yet). Applicant is acting on behalf of BOM, stating that this project will allow BOM to sell mitigation credits should BOM's mitigation bank be approved.

1) Remove Application No 9-20-0500 from the Administrative Calendar and hold a Public Hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.

2) Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.

Correspondence for Application No. 9-20-0500

From: Gary Indiana <gary.indiana.12345@gmail.com>

Sent: Friday, October 30, 2020 3:08 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>

Subject: Comment on Application No. 9-20-0500, Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

Los Cerritos Wetlands, LLC, owner of the Synergy property is applying for a Coastal Development Permit to begin the removal of soils from the Synergy Oil Field in the Los Cerritos Wetlands. The project will destroy/disturb sensitive habitat, wildlife, and tribal cultural resources. This is a segment of CDP 9-18-0395 for the Los Cerritos Wetlands Restoration and Oil Consolidation Project which cannot be granted until 19 of 26 Special Conditions have been met by Beach Oil Minerals (none have been met yet). Applicant is acting on behalf of BOM, stating that this project will allow BOM to sell mitigation credits should BOM's mitigation bank be approved.

- 1) Remove Application No 9-20-0500 from the Administrative Calendar and hold a Public Hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.
- 2) Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.

Correspondence for Application No. 9-20-0500

From: Gary Indiana <gtwohorseschristensen@gmail.com>

Sent: Friday, October 30, 2020 3:06 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>

Subject: Comment on Application No. 9-20-0500, Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar Message

Los Cerritos Wetlands, LLC, owner of the Synergy property is applying for a Coastal Development Permit to begin the removal of soils from the Synergy Oil Field in the Los Cerritos Wetlands. The project will destroy/disturb sensitive habitat, wildlife, and tribal cultural resources. This is a segment of CDP 9-18-0395 for the Los Cerritos Wetlands Restoration and Oil Consolidation Project which cannot be granted until 19 of 26 Special Conditions have been met by Beach Oil Minerals (none have been met yet). Applicant is acting on behalf of BOM, stating that this project will allow BOM to sell mitigation credits should BOM's mitigation bank be approved.

- 1) Remove Application No 9-20-0500 from the Administrative Calendar and hold a Public Hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.
- 2) Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.

From: anngadfly@aol.com <anngadfly@aol.com>

Sent: Friday, October 30, 2020 3:05 PM

To: Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; Energy@Coastal <EORFC@coastal.ca.gov>

Subject: Nov. 6, Item 13 comments

Dear Commissioners and Staff,

Please confirm the receipt of the attachment comments for Friday, Nov. 6 comments.

Thank you,

Ann Cantrell

October 30, 2020

To: CA Coastal Commission

From: Ann Cantrell for Citizens About Responsible Planning/CARP

Re: Item 13. Application No 9-20-0500, Agenda Item 13, CCC Meeting, Nov. 6, 2020

Application of Los Cerritos Wetlands, LLC to remove shallow contaminated sediment and replace it with clean sediment at 2 locations within Synergy Oil Field, at 6422 E. Second St., Long Beach, Los Angeles County. (AB-SF)

Dear Commissioners and Staff:

Citizens About Responsible Planning/CARP received a Notice of Public Hearing for this item which states:

Please note: the above items may be moved to the Consent Calendar by the Executive Director if, prior to Commission consideration of the Consent Calendar, staff and the applicant agree on the staff recommendation. If an item is moved to the Consent Calendar, the Commission will either approve it with the recommended conditions in the staff report or remove the item from the Consent Calendar by a vote of three or more Commissioners. If an item is removed, the public hearing described above will still be held at the point in the meeting originally indicated on the agenda.

The Director's Determination states: "If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting."

Although we are confused about the process for this hearing, CARP joins the Sierra Club Los Cerritos Wetlands Task Force in urging a public hearing and a No vote on this application for the following reasons:

1. PIECE-MEALING

In December 2018 the Commission approved CDP 9-18-0395, to restore this portion of the Synergy site to tidal wetlands as part of a mitigation bank. However, the Commission added 25 Special Conditions, 19 of which must be completed before any work can be done in the Los Cerritos Wetlands. We have been told that done have been met so far. We argue that to allow this one portion of the project to proceed when required conditions have not been met would be piece-mealing.

2.THIS IS NOT A RESTORATION PROJECT.

This is a destruction of existing wetlands so the applicant can obtain a Mitigation Bank. The site is described in the Staff Report as an ESHA location. Special species already exist here, in spite of the oil and dumping operations. This is an area in which any toxic soil is doing no harm and should not be disturbed.

The staff report states: "Special Condition 2 requires the applicant to revegetate and restore areas disturbed by the remediation. The applicant shall salvage any perennial native vegetation, including special-status species, within the excavation area and replant immediately after the clean sediment has been filled in."

Eventually, this area is scheduled to be flooded with salt water, so the stated plans to remove toxic soil to allow for more growth of special species plants will be short-lived at best. Pickleweed, Southern Tarplant and other wetlands special species plants do not survive when covered with salt water.

3. THE SPECIAL CONDITIONS WILL NOT PROTECT PLANTS AND WILDLIFE. Although no work will be allowed during nesting season, the endangered Belding's Savannah Sparrows are year round residents in the Los Cerritos Wetlands. They not only nest in the Pickleweed, they use it for cover and for food. Removing the Pickleweed leaves these birds with no way to survive. There is no such thing as "free as a bird". Birds have nesting and foraging needs which limit where they live. There is already a 'housing shortage' in the Los Cerritos Wetlands, with little suitable habitat for resident birds. This "temporary" loss of habitat is expected to last 12 months or possibly be permanent. See

Special Condition 2 requires the applicant to conduct post-remediation biological monitoring of replanted vegetation and verify that impacts to wetlands assumed to be temporary have recovered within 12 months. If impacts are still present after 12 months, then those impacts would be considered permanent impacts and requires the applicant to apply for an amendment to this administrative permit within 90 days to address the additional impacts.

A lot of good this will do when the plants needed by the birds and other wildlife have been destroyed.

Please deny this application and require that all 25 Special Conditions be fulfilled before any work is allowed in Los Cerritos Wetlands.

Sincerely,

Ann Cantrell CARP

Correspondence for Application No. 9-20-0500

From: Kathy Knight <kathyknight66@gmail.com>
Sent: Friday, October 30, 2020 2:56 PM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>
Subject: Los Cerritos Wetlands Agenda Item #13 on November 6, 2020

October 30, 2020

To: California Coastal Commission

Re: Application No. 9-20-0500, Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

From: The Ballona Ecosystem Education Project

Dear Commissioners:

We support the request of the the Sierra Club Los Cerritos Wetlands Task Force that you do NOT approve Application No. 9-20-0500.

If for any chance you do approve it, please add conditions in section #4 of their request to you and revisions as shown in the Task Force letter to you. It appears that the Permit Applicants have not complied with 19 permit conditions that are supposed to be done before CDP 9-18-0395 can be issue.

Toxic emissions and chemicals should not be emitted anywhere but especially not near a wildlife area where many forms of life could become sick and die.

Already over 95% of our Coastal Wetlands in Southern California have been destroyed. We need to take the highest level of protection for the small amount we have left. Birds depend on them for migration, as well as many other animals that need them. Ballona Ecosystem Education Project members have been volunteering for over 27 years to protect, save, and restore the Ballona Wetlands Ecological Reserve on the coast of Los Angeles. We strongly support the saving and protection of other wetlands in our area, so that wildlife has a connected area available.

Thank you for listening, and we hope that you do NOT approve Application No. 9-20-0500 and work with the SC Los Cerritos Wetlands Task Force to protect this very important coastal wetland.

Sincerely,
Kathy Knight, Project Manager
Ballona Ecosystem Education Project
1122 Oak St., Santa Monica, CA 90405
Kathyknight66@gmail.com

From: Yahoo <achris259@yahoo.com>

Sent: Friday, October 30, 2020 1:57 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Faustinos, Belinda@Coastal <belinda.faustinos@coastal.ca.gov>; Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; Dobson, Amber@Coastal <Amber.Dobson@coastal.ca.gov>

Subject: Tribal Concerns/Comment on Application No. 9-20-0500, Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

Asks of Commission:

1) Remove Application No 9-20-0500 from the Administrative Calendar and hold a public hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.

2) Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.

Tongva and Acjachemen tribal leaders and members opposed the Los Cerritos Wetlands Restoration and Oil Consolidation Project at both the City level and before the Coastal Commission in August 2018, when two new oil sites were granted, and in December 2018, when CDP 9-18-0395 was issued with 26 Special Conditions (none of which have been met). We continue to resist multiple ongoing efforts to expand and profit from oil drilling under and around the Los Cerritos Wetlands (including Mitigation Banking), and to reject "restoration" plans that will destroy what remains of wetlands and wildlife habitat on our Traditional Tribal Landscape and Sacred Site of Puvungna. The Tongva, Acjachemen, Tataviam, Payómkawichum, and Yuhaviatam regard Puvungna, including the project area, as a place of origin central to our tribal history and cultural practices. Yet neither official designations nor pleas by tribal representatives have been able to prevent the continued erasure of Puvungna's natural and tribal resources, including those within the Coastal Commission's jurisdiction.

We see this particular permit application as an effort by the owner of the Synergy Oil field, Los Cerritos Wetlands LLC, and its associate Beach Oil Minerals, LLC to evade the 26 Special Conditions of CDP 9-18-0395 and begin digging up the wetlands, primarily to ensure that, should BOM's Upper Los Cerritos Wetlands Mitigation Bank be approved, the sale of mitigation credits can begin immediately. We would point out that three LLC's all having the same director (John McKeown) and address are pursuing interlocking activities and projects at this time without being held accountable for the totality of the impacts, nor the legality of their actions. Since 2017, the Applicant as property owner has permitted, Synergy Oil and Gas, LLC to illegally emit toxic gases from a separator tank on the wetlands. Although, neighbors are suffering headaches and nausea and Synergy has been cited and fined multiple times by the SCAQMD, the problem has not been corrected by either tenant nor landlord.

Clearly, given efforts to establish both Tribal Consultation and Environmental Justice Policies, the Commission did not intend for Puvungna to be repurposed to serve the interest of oil companies nor to have all evidence of and connection to our tribal history erased bit by bit, and with it the ability for us to argue for the protection of both land and culture. Yet neither the project Applicant nor the Coastal Commission staff acknowledge the project area as being part of Puvungna, nor do either reference the Special Conditions of CDP 9-18-03 which require further investigation and reporting with respect to tribal history in and around the Los Cerritos Wetlands. We further note that the Applicant and staff have failed to mention that the Applicant's proposed mitigation of impacts to existing ESHA and wildlife is meaningless as, according to Kate Huckelbridge, the project area will be flooded with salt water as part of prior approved restoration of the site, killing

everything. We see no mitigation for the disturbance/removal of salt flats or any reference to their having either environmental or tribal cultural significance.

We consider this Application to be a violation of both the Coastal Act's Environmental Justice and Tribal Consultation Policies. The project Applicant and Coastal Commission staff acknowledge that the Los Cerritos Wetlands ecosystem and wildlife, as well as tribal cultural resources, will be disturbed and destroyed. The proposed mitigation is inadequate and actually insulting to those tribal leaders who have consistently opposed multiple and ongoing assaults on these wetlands and surrounding uplands and advocated for preservation of the existing ecosystems and tribal cultural witness areas, including marked archaeological sites. Perhaps the Commissioners should review the history of development that has impacted tribal peoples' connection to the Los Cerritos Wetlands and Puvungna as a whole including agriculture, oil drilling, channelizing of the river and dredging of the bay, dumping of trash and toxins, and building on on Landing Hill in Seal Beach and in SE Long Beach. Along the way, discovering and removing tribal burials and culture became a hobby, a profession, and a now a problem for developers to mitigate. The loss to tribal people is incalculable, and is directly linked to our spiritual and physical suffering, as well as to economic instability for both tribal governments and individuals. Yet, Tongva and Acjachemen culture keepers continue to advocate for the protection of many places, including the Los Cerritos Wetlands/Puvungna East, where our tribes have history and hold ceremony.

We would like to point out that there are problems with both Environmental Justice and Tribal Consultation Policies, including those established by the Coastal Commission. Environmental justice is currently meted out in terms of race, income, and zip code. However, in most cases this excludes tribal peoples and lands essential for the survival of tribal culture. Even though the Los Cerritos Wetlands are listed as within the Sacred Site of Puvungna by the Native American Heritage Commission as recognized as a Traditional Tribal Landscape by the Los Cerritos Wetlands Authority, their destruction is not considered to be environmentally unjust. Unlike access to beaches by low income people of color, access to to this and other sacred sites by tribal peoples, has not really been a major concern of the Coastal Commission. There is a failure to understand that, for tribal peoples, protecting sacred sites and natural places is a responsibility central to tribal identity and survival, although ownership of, and even access to, these places has been denied for hundreds of years. California tribes for the most part have no land base at all. Many tribes were removed from our communities by Spanish Missionaries and most all were denied land ownership under both the Mexican and American governments. In Southern California, tribes have no designated land bases within the Commission's Coastal Zone where property is expensive and population density is high. Additionally, tribal members, including the thousands relocated here from across the U.S. and their descendants, do not live in specific neighborhoods or zip codes. Tribal Consultation policies may allow for tribal input, but do not require preservation of Sacred Sites, no matter how central to tribal culture they are, nor how few remain.

Isn't it time to make sure that environmental and tribal justice are not separate, as both are equally difficult to achieve?

In the meantime, please do not grant the Application before you, either hold a full public hearing or deny it.

Chief Anthony Morales, Tribal Chair, Gabrieleno/Tongva San Gabriel Band of Mission Indians
Rebecca Robles, Acjachemen Tribal Cultural Bearer

contact: rebrobles1@gmail.com

From: Erin Foley <foleyem513@gmail.com>

Sent: Friday, October 30, 2020 1:42 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>

Subject: PLEASE take item Application No.9-20-0500 off of the administrative calendar

I am a concerned Long Beach resident petitioning you to REMOVE Application No 9-20-0500 from the Administrative Calendar and hold a public hearing on this project. We cannot have more of our precious land just handed on over to oil companies and allow them to skirt the mandated requirements. If you do not remove it from the calendar, and it is on the administrative calendar, DO NOT PASS it. There is no mitigation possible for the sacred land from which it will continue to encroach. We have to look to our Governor's words this past CA Native Day and do better by the Indigenous people of the land and stop desecrating it to benefit greedy archaic fossil fuel companies. Please do the right thing by the people, not the corporations. We are watching closely and trust you will err on the side of caution and transparency.

Thank you,
Erin M.Foley
LB, 90813

From: Alyssa Bishop <alyssabishopyoga@gmail.com>

Sent: Friday, October 30, 2020 1:29 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>

Subject: Remove No. 9-20-0500

Coastal Commissions Office,

I am honored to be sending this message from Tongva land, and am grateful for the support of the Acjachemen people for their continued efforts to protect the land expanding beyond their borders. I am setting intentions for my voice to be impactful, so that my words are ripple effects reaching to the next 7 generations. If it were not for the Indigenous wisdoms of this land we would have absolutely no life, and if we continue to ignore these wisdoms I fear for future generations.

I am writing as I am concerned with the Coastal Commission's office for approving the decision to expand oil drilling in the Los Cerritos Wetlands while claiming it as a 'restoration' project. This is deceitful and manipulative. During the fight against the Dakota access pipeline in December 2016 Long Beach City Council claimed they were "standing with Standing Rock", however, actions and affiliation with synergy oil prove that Long Beach does not have the public's interest in mind, but instead have eyes glued to big oil's money. The Coastal Commission Office needs to hold a public hearing, so you can speak to the public. Community is watching you, so go ahead and remove application No 9-20-0500 from the administrative calendar and if you do not comply to do so and continue to jeopardize the safety of community by allowing the releasing of toxic fumes and fracking on fault lines; trust that eyes will be on you and we are expecting a no on application No. 9-20-0500.

The rise of the Black Lives Matter movement is sprouting within the minds of community, and as the movement comes to full blossom; community will be very aware of the importance of Indigenous wisdoms, and how much reverence should be directed towards any movement protecting Sacred Lands. What this institution has done so far is shameful. All you have is now to right your wrongs. Stand with community now for future generations.

With Hopes for a better future,
Alyssa Bishop

From: Yahoo <achris259@yahoo.com>

Sent: Friday, October 30, 2020 12:17 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>

Subject: Comment on Application No. 9-20-0500, Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

Asks of Commission:

- 1) Remove Application No 9-20-0500 from the Administrative Calendar and hold a public hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.
- 2) Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.

The Long Beach Area Peace Network advocates for equity and environmental, racial, and social justice, without which, there can be no peace. LBAPN opposed the Los Cerritos Wetlands Restoration and Oil Consolidation Project at both the City level and before the Coastal Commission in August 2018, when two new oil sites were granted, and in December 2018, when the CDP was issued with 26 Special Conditions (none of which have been met). We continue to oppose efforts to expand and profit from oil drilling under and around the Los Cerritos Wetlands (including Mitigation Banking), and to reject "restoration" plans that will destroy what remains of wetlands and wildlife habitat on this Traditional Tribal Landscape and Sacred Site.

LBAPN sees this particular permit application as an effort by the owner of the Synergy Oil field, Los Cerritos Wetlands LLC, and its associate BOM to evade the 26 Special Conditions and begin digging up the wetlands, primarily to ensure that, should BOM's Upper Los Cerritos Wetlands Mitigation Bank be approved, the sale of mitigation credits can begin immediately. We note that the Applicant and staff have failed to mention that the Applicant's restoration plan is meaningless as, according to Kate Huckelbridge, the project area will be flooded with salt water as part of BOM's restoration plan, killing all existing vegetation on the site.

We would point out that three LLC's all having the same director (John McKeown) and address are pursuing interlocking activities and projects at this time without being held accountable for the totality of the impacts, nor the legality of their actions. Since 2017, the Applicant and property owner has permitted, Synergy Oil and Gas, LLC to illegally emit toxic gases from a separator tank on the property. Although, neighbors are suffering headaches and nausea and Synergy has been cited and fined multiple times by the SCAQMD, the problem has not been corrected by either tenant nor landlord.

LBAPN considers this Application to be a violation of the Coastal Act's Environmental Justice and Tribal Consultation Policies. The project Applicant and Coastal Commission staff acknowledge that the Los Cerritos Wetlands ecosystem and wildlife, as well as tribal cultural resources, will be disturbed and destroyed. The proposed mitigation is inadequate and actually insulting to those tribal leaders who have consistently opposed multiple and ongoing assaults on these wetlands and surrounding uplands and advocated for preservation of the existing ecosystems and tribal cultural witness areas, including marked archaeological sites. Perhaps the Commissioners should review the history of development that has impacted tribal peoples' connection to the Los Cerritos Wetlands and Puvungna as a whole including agriculture, oil drilling, channelizing of the river and dredging of the bay, dumping of trash and toxins, and building on on Landing Hill in Seal Beach and on the wetlands in Long Beach. Along the way, discovering and removing tribal burials and culture became a hobby, a profession, and a now a problem for developers to mitigate. The loss to tribal people is incalculable, and is directly linked to spiritual and physical suffering, as well as economic instability for both tribal governments and individuals. Yet, Tongva and Acjachemen culture keepers continue to advocate for the protection of many places, including the Los Cerritos Wetlands/Puvungna East, where the tribes have history and ceremony.

We would like to point out that there are problems with both Environmental Justice and Tribal Consultation Policies, including those established by the Coastal Commission. Environmental justice is currently meted out in terms of race, income, and zip code. However, in most cases this excludes tribal peoples and lands essential for the survival of tribal culture. Even though the Los Cerritos Wetlands are listed as within the Sacred Site of Puvungna by the Native American Heritage Commission as recognized as a Traditional Tribal Landscape by the Los Cerritos Wetlands Authority, their destruction is not considered to be environmental

unjust. Unlike access to beaches by low income people of color, access to to this and other sacred sites by tribal peoples, has not really been a major concern of the Coastal Commission. There is a failure to understand that, for tribal peoples, protecting sacred sites and natural places is a responsibility central to tribal identity and survival, even if ownership of and even access to these places has been denied for hundreds of years. California tribes for the most part have no land base at all. Many tribes were removed from their communities by Spanish Missionaries and most all were denied land ownership under both the Mexican and American governments. In Southern California, no California tribes have land within the Coastal zone where property is expensive and population density is high. Additionally, tribal members, including thousands relocated here from across the U.S., do not live in specific neighborhoods or zip codes. Tribal Consultation policies may allow for tribal input, but do not require preservation of Sacred Sites, no matter how central to tribal culture they are, nor how few remain.

Isn't it time to make sure that environmental and tribal justice are not separate, as both are equally difficult to achieve?

In the meantime, please hold a public hearing on the Application before you, and/or deny it.

The Long Beach Area Peace Network
contact Marshall Blesofsky, marshallblesofsky@yahoo.com

Correspondence for Application No. 9-20-0500

From: Malila Hollow <malilahollow@gmail.com>

Sent: Friday, October 30, 2020 11:57 AM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Cc: Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>

Subject: Comment on Application No. 9-20-0500, Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

To whom it may concern:

Los Cerritos Wetlands, LLC, owner of the Synergy property is applying for a Coastal Development Permit to begin the removal of oils from the Synergy Oil Field in the Los Cerritos Wetlands. The project will destroy/disturb sensitive habitat, wildlife, and tribal/cultural resources. This is a segment of CDP 9-18-0395 for the Los Cerritos Wetlands Restoration and Oil Consolidation Project, which cannot be granted until 19 out of 26 Special Conditions have been met by Beach Oil Minerals (none have been met yet). The applicant is acting on behalf of BOM, stating that this project will allow BOM to sell mitigation credits, should BOM's mitigation bank be approved.

I am asking of the Commission:

1. Remove Application No. 9-20-0500 from the Administrative Calendar and hold a public hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full transparency and accessibility. A public hearing is required and should be held to ensure the opportunity for the public to both obtain the necessary information and submit comments if desired.
2. Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.

I urge you to take immediate action on stopping this project, for the best interest of our tribal community and the imminent consequences we will all soon start experiencing. It is incredibly important that we take local, state and federal actions to stop climate change from progressing NOW. Keep the best interests of my generation, and our future generations who will be experiencing and dealing with it in mind.

Best,

Malila Hollow

malilathepianist.com

malilahollow@gmail.com

562-810-3519

From: David Hernandez <d.hernandez824@gmail.com>
Sent: Friday, October 30, 2020 8:11 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>
Subject: Comment Opposing Application No. 9-20-0500

To Whom It May Concern,

As someone who has fought for years to protect Mutuuychengna (The Los Cerritos Wetlands), I am completely against John Mckeown's application. Remove Application No 9-20-0500 from the Administrative Calendar and hold a public hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given. Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500. The Tongva and Acjachemen people do not deserve to have their land further desecrated by modern day prospectors/continuers of cultural genocide. Creator is watching. Make the right decision for in the end, we will all be judged.

Sincerely,

David Hernandez

Correspondence for Application No. 9-20-0500

From: Linda Scholl [<mailto:lscholl2011@gmail.com>]

Sent: Thursday, October 29, 2020 5:50 PM

To: SouthCoast@Coastal; Ainsworth, John@Coastal

Cc: lscholl2011@gmail.com

Subject: Comment re Application No. 9-20-0500 (Los Cerritos Wetlands), Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

October 28, 2020

To: California Coastal Commissioners

Re: Comment for Application No. 9-20-0500 (Los Cerritos Wetlands), Coastal Commission Meeting, [November 6, 2020](#), Agenda Item #13, Administrative Calendar

Dear Commissioners,

I request that you deny the Coastal Development Permit Application No. 9-20-0500 (Los Cerritos Wetlands). The approval of any CDP BEFORE the applicant has fulfilled the required "special conditions" for this project is inappropriate. The Commission's oversight responsibility is first and foremost to protect us all as residents and to protect the environment. The Commission should not bypass the important considerations and consequences for this project that would occur with the proposed piecemeal review.

Respectfully,

Dr. Linda Scholl, DCH
Long Beach, CA 90802

From: Morgan Goodwin [<mailto:morgan.goodwin@sierraclub.org>]

Sent: Thursday, October 29, 2020 5:11 PM

To: SouthCoast@Coastal; Ainsworth, John@Coastal

Subject: RE: Application No. 9-20-0500, November 6, 2020, Agenda Item #13, Administrative Calendar

To the Coastal Commission,

I am writing to urge you to remove the application No. 9-20-0500 from your agenda and instead hold a full public hearing on the matter. We believe that there are serious problems with this application and it should not be approved.

We take a very close look at any activities related to oil and gas operations because the realities of climate change demand a reduction in fossil fuel use. Even so-called 'restoration' projects, if they serve to enable any further oil and gas use, should be examined closely. In this case, we believe that this project is not in line with the public interest, given the public has a fundamental interest in a more stable climate.

Some of our specific concerns are as follows. I believe you have received a more complete list from other Sierra Club leaders.

- The proposed project will disturb, remove, and destroy existing ESHA, wildlife, and tribal cultural resources.
- The Applicant, Los Cerritos Wetlands, LLC, is seeking to violate the terms of the conditions mandated by the Coastal Commission under CDP 9-18-0395 for the Los Cerritos Wetlands Restoration and Oil Consolidation Project which requires that 19 of the 25 Special Conditions be met before this permit can be issued. (None have been met so far).
- The Applicant, Los Cerritos Wetlands LLC, is a party to and liable* for ongoing illegal hazardous emissions on its property (Synergy Oil Field) where the proposed project is located. Synergy Oil, LLC, an associate and tenant of Los Cerritos Wetlands, LLC has been cited and fined multiple times by the SCAQMD but has not ceased its illegal toxic emissions.
- This project was conceived as part of a larger "restoration" requiring the use of the Coastal Act override policy for oil and gas operations. This project has no public benefit and does not meet the conditions for approval required by the override policy.

Thank you for your consideration,

Morgan



Morgan Goodwin (he/him)
Senior Director - Angeles Chapter
3250 Wilshire Blvd. #1106
Los Angeles, CA 90010
morgan.goodwin@sierraclub.org

O/ 213.514.5804 M/ 530.562.7176

"Hope is just like the roads across the earth. For actually there were no roads to begin with, but when many people pass one way a road is made."
— Lu Xun

From: Diana Parmeter <dianaparmeter@gmail.com>

Sent: Thursday, October 29, 2020 11:35:54 AM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>

Subject: Comment on App #9-20-0500

Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar
Comment:

Los Cerritos Wetlands, LLC, owner of the Synergy property is applying for a Coastal Development Permit to begin the removal of soils from the Synergy Oil Field in the Los Cerritos Wetlands. The project will destroy/disturb sensitive habitat, wildlife, and tribal cultural resources. This is a segment of CDP 9-18-0395 for the Los Cerritos Wetlands Restoration and Oil Consolidation Project which cannot be granted until 19 of 26 Special Conditions have been met by Beach Oil Minerals (none have been met yet). Applicant is acting on behalf of BOM, stating that this project will allow BOM to sell mitigation credits should BOM's mitigation bank be approved.

Asks of Commission:

- 1) Remove Application No 9-20-0500 from the Administrative Calendar and hold a public hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.
- 2) Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.
- 3) If voting to approve Application, add these Special Conditions: A) Applicant must install equipment to reduce emissions from a separation tank and other oil facilities on its property operated by Synergy Oil and Gas LLC that are hazardous to public health and the environment and, B) Applicant must install a stationary air quality monitor at the site to ensure that ongoing and future violations will be detected, investigated, and corrected in a timely manner.

Sincerely,

Diana Parmeter
5923 Lemon Ave.
Long Beach 90805

Correspondence for Application No. 9-20-0500

From: Jim Stewart [<mailto:drjimstewart@gmail.com>]
Sent: Thursday, October 29, 2020 10:04 AM
To: Ainsworth, John@Coastal; SouthCoast@Coastal
Subject: Deny Application No. 9-20-0500

Dear Coastal Commission,

Please deny Application No. 9-20-0500. As you know 90% of CA wetlands have already been lost. Do not allow more wetlands to be damaged.

In addition, protect our health from the emissions from gas/oil drilling.

Thanks,

Jim Stewart, PhD,
1720 Chestnut Ave #17
Long Beach CA 90813

From: Diana Parmeter <dianaparmeter@gmail.com>

Sent: Thursday, October 29, 2020 11:36 AM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>

Subject: Comment on App #9-20-0500

Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar Comment:

Los Cerritos Wetlands, LLC, owner of the Synergy property is applying for a Coastal Development Permit to begin the removal of soils from the Synergy Oil Field in the Los Cerritos Wetlands. The project will destroy/disturb sensitive habitat, wildlife, and tribal cultural resources. This is a segment of CDP 9-18-0395 for the Los Cerritos Wetlands Restoration and Oil Consolidation Project which cannot be granted until 19 of 26 Special Conditions have been met by Beach Oil Minerals (none have been met yet). Applicant is acting on behalf of BOM, stating that this project will allow BOM to sell mitigation credits should BOM's mitigation bank be approved.

Asks of Commission:

- 1) Remove Application No 9-20-0500 from the Administrative Calendar and hold a public hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.
- 2) Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.
- 3) If voting to approve Application, add these Special Conditions: A) Applicant must install equipment to reduce emissions from a separation tank and other oil facilities on its property operated by Synergy Oil and Gas LLC that are hazardous to public health and the environment and, B) Applicant must install a stationary air quality monitor at the site to ensure that ongoing and future violations will be detected, investigated, and corrected in a timely manner.

Sincerely,

Diana Parmeter

5923 Lemon Ave.

Long Beach 90805

From: patricia mcpherson <patriciamcpherson1@verizon.net>
Sent: Thursday, October 29, 2020 9:46 AM
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>
Cc: achris259@yahoo.com; saveballona@hotmail.com; rharmel@mac.com
Subject: Remove Application No 9-20-0500 . Grassroots Coalition Supports Comments from Los Cerritos Wetlands Task Force



Patricia McPherson President
Jeanette@SaveBallona.org (310) 721-3512

Mr. Ainsworth and Coastal Commissioners,

RE:

Comment Application No. 9-20-0500, Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

Grassroots Coalition supports the comments made by the Los Cerritos Wetlands Task Force.

Los Cerritos Wetlands, LLC, owner of the Synergy property is applying for a Coastal Development Permit to begin the removal of soils from the Synergy Oil Field in the Los Cerritos Wetlands. The project will destroy/disturb sensitive habitat, wildlife, and tribal cultural resources. This is a segment of CDP 9-18-0395, for the Los Cerritos Wetlands Restoration and Oil Consolidation Project which cannot be granted until 19 of 26 Special Conditions have been met by Beach Oil Minerals (none have been met yet). Applicant is acting on behalf of BOM, stating that this project will allow BOM to sell mitigation credits should BOM's mitigation bank be approved.

Asks of Commission:

- 1. Remove the Application No 9-20-0500 from the Administrative Calendar and hold a public hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.**
- 2. Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.**
- 3. If voting for Application, condition approval, 1) Applicant must install equipment to reduce emissions from oil facilities on its property operated by Synergy Oil and Gas LLC that are hazardous to public health and the environment and, 2) Applicant must install a stationary air quality monitor at the site to ensure that future violations will be detected, investigated, and corrected in a timely manner.**

Please be responsive to the requests above and to the Los Cerritos Wetlands Task Force.

**Thank you,
Patricia McPherson, Grassroots Coalition**

From: Catherine R <cmronan@gmail.com>

Sent: Thursday, October 29, 2020 9:43 AM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>

Subject: Comment Application No. 9-20-0500, Coastal Commission Meeting, November 6, 2020, Agenda Item

Please protect our coastal wetlands from oil and gas interests. These companies are naturally motivated by financial gain, not the well-being of the wetlands. I am counting on the Commission to represent the interests of the wetlands!

This particular application regards Los Cerritos Wetlands. I am requesting that the Coastal Commission:

1. Remove the Application No 9-20-0500 from the Administrative Calendar and hold a public hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.
2. Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.
3. If voting for Application, condition approval, 1) Applicant must install equipment to reduce emissions from oil facilities on its property operated by Synergy Oil and Gas LLC that are hazardous to public health and the environment and, 2) Applicant must install a stationary air quality monitor at the site to ensure that future violations will be detected, investigated, and corrected in a timely manner. Thank you.

--

Catherine Ronan

From: anngadfly@aol.com <anngadfly@aol.com>

Sent: Wednesday, October 28, 2020 10:39 AM

To: Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; achris259@yahoo.com; Barrera, Alexis@Coastal <Alexis.Barrera@coastal.ca.gov>

Cc: corlisslee@aol.com; hoorae1@aol.com; jweins123@hotmail.com; mbcotton@hotmail.com; mpshogrl@msn.com; renee_matt@live.com; cmoore@algalita.org; ksharper01@cs.com; rebables1@gmail.com; vbickf123@aol.com

Subject: Re: Application No 9-20-0500, Agenda Item 13, CCC Meeting, Nov. 6, 2020

Dear Kate,

Thank you for confirming that Item 13 will remain on the Administrative Calendar and that there will be a chance for public comment during the meeting.

I apologize for the many e-mails attempting to understand the process. I hope the wording on the Public Hearing Notice for the Administrative Calendar be changed to make the process more clear in the future.

Gratefully,
Ann

-----Original Message-----

From: Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>

To: anngadfly@aol.com <anngadfly@aol.com>; achris259@yahoo.com <achris259@yahoo.com>; Barrera, Alexis@Coastal <Alexis.Barrera@coastal.ca.gov>

Cc: corlisslee@aol.com <corlisslee@aol.com>; hoorae1@aol.com <hoorae1@aol.com>; jweins123@hotmail.com <jweins123@hotmail.com>; mbcotton@hotmail.com <mbcotton@hotmail.com>; mpshogrl@msn.com <mpshogrl@msn.com>; renee_matt@live.com <renee_matt@live.com>; cmoore@algalita.org <cmoore@algalita.org>; ksharper01@cs.com <ksharper01@cs.com>; rebables1@gmail.com <rebables1@gmail.com>; vbickf123@aol.com <vbickf123@aol.com>

Sent: Wed, Oct 28, 2020 9:56 am

Subject: RE: Application No 9-20-0500, Agenda Item 13, CCC Meeting, Nov. 6, 2020

All,

As I have explained in several previous emails, this item will not be moved off of the Administrative Calendar, and there will be an opportunity to provide public comment if you wish. Although it is not relevant for this item, the public can also provide public comment on Consent items.

This item will remain on the Administrative Calendar unless, during the hearing, 4 or more Commissioners indicate they would like to hear it as a regular calendar item. If that happens, we will bring this item back as a regular CDP at a subsequent hearing.

If you would like to sign up to provide a public comment, please click [here](#) to submit a speaker request and indicate Item 13a. To help our staff in organizing the meeting, we request that you submit your speaker request no later than 5pm the day before the hearing. The time allotted to each person to speak is at the discretion of the Chair, but is often 3 minutes. It is possible that the Chair will decrease this time allotment.

Thank you for keeping me in the loop on the judge's ruling on the time extension – I appreciate it.

Please let me know if you have any additional questions.

Kate

From: anngadfly@aol.com <anngadfly@aol.com>

Sent: Tuesday, October 27, 2020 6:08 PM

To: Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; achris259@yahoo.com; Barrera, Alexis@Coastal <Alexis.Barrera@coastal.ca.gov>

Cc: corlisslee@aol.com; hoorae1@aol.com; jweins123@hotmail.com; mbcotton@hotmail.com; mpshogrl@msn.com; renee_matt@live.com; achris259@yahoo.com; cmoore@algalita.org; ksharper01@cs.com; rebables1@gmail.com

les1@gmail.com; vbickf123@aol.com

Subject: Re: Application No 9-20-0500, Agenda Item 13, CCC Meeting, Nov. 6, 2020

Dear Kate,

It is good to hear that Anna and I aren't the only ones who are confused about the process for this item. CARP received the Public Hearing notice which states the item may be moved by the Director to the Consent Calendar, which as we understand allows no public comment. We would like to know when we will know whether the item is going to be moved to the Consent Calendar.

If 3 or more Commissioners vote to remove the item from the Consent Calendar, then it will be returned to the Administrative Calendar for discussion. Can you tell us when the public can speak on the item and how much time we might have to comment with this scenario?

Also, there was a court hearing today in which the judge dismissed BOM, et al's plea for a time extension for the Oil Drilling Project for the Los Cerritos Wetlands. I am forwarding the judge's ruling in another e-mail.

Thank you for once again responding to my question, I am including Alexis in this e-mail in case she is better able to answer the questions on procedure.

Gratefully,
Ann Cantrell

From: Yahoo <achris259@yahoo.com>

Sent: Friday, October 23, 2020 7:11 PM

To: anngadfly@aol.com <anngadfly@aol.com>; Barrera, Alexis@Coastal <Alexis.Barrera@coastal.ca.gov>; Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>

Subject: Re: Application No 9-20-0500, Agenda Item 13, CCC Meeting, Nov. 6, 2020

Thanks Kate, we also appreciate your offer of a phone call and will get back to you on that this week. Anna

On Friday, October 23, 2020, 03:40:24 PMPDT, Huckelbridge, Kate@Coastal <kate.huckelbridge@coastal.ca.gov> wrote:

Ann and Anna,

Ok – thank you for the clarification. I went back and looked at the notice and you are correct that it includes the language about the consent calendar. I absolutely agree that is confusing. My sincere apologies. The notice template we use is for a standard CDP (on the regular calendar). I'm not aware that we have a special notice template for administrative permits but I will find out and definitely address this for future items. I am sorry for the confusion this caused. Hopefully the explanation below is clear on the procedures for administrative items.

Kate

From: anngadfly@aol.com <anngadfly@aol.com>

Sent: Friday, October 23, 2020 12:43 PM

To: Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; achris259@yahoo.com; Barrera, Alexis@Coastal <Alexis.Barrera@coastal.ca.gov>

Subject: Re: Application No 9-20-0500, Agenda Item 13, CCC Meeting, Nov. 6, 2020

Dear Kate,

CARP received a Notice of Public Hearing for this which states:

Please note: the above items may be moved to the Consent Calendar by the Executive Director if, prior to Commission consideration of the Consent Calendar, staff and the applicant agree on the staff recommendation. If an item is moved to the Consent Calendar, the Commission will either approve it

with the recommended conditions in the staff report or remove the item from the Consent Calendar by a vote of three or more Commissioners. If an item is removed, the public hearing described above will still be held at the point in the meeting originally indicated on the agenda.

This is what Anna has been asking about and appears to differ from what you are saying.

Gratefully,
Ann Cantrell

From: Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>
To: Yahoo <achris259@yahoo.com>; Barrera, Alexis@Coastal <Alexis.Barrera@coastal.ca.gov>; Ann Cantrell <anngadfly@aol.com>
Sent: Fri, Oct 23, 2020 12:18 pm
Subject: RE: Application No 9-20-0500, Agenda Item 13, CCC Meeting, Nov. 6, 2020
Anna,

What you are describing in regards to the consent calendar (that the Ex Director **may** move the item to the Consent Calendar) applies to regular calendar items only and not to administrative calendar items. The Administrative Calendar is handled separately, and administrative items are not eligible to move to the consent calendar. On Administrative items, there is not a full public hearing (i.e., staff and the applicant do not provide full presentations and there is generally not a great deal of Commission deliberation) but there is an opportunity for members of the public to provide comments. Then, the Commissioners will either concur with the Executive Director's determination to issue the CDP administratively, or, if 4 or more Commissioners object to approving the item administratively, then staff would bring it back as a regular calendar item and hold a full public hearing the following month. If you can point me to the specific location of the language you are referring to, I can check and make sure our procedures are accurately described or fix if need be.

Regarding the larger restoration that was approved in 2018, impacts to existing habitat areas were considered and mitigated as required by the Coastal Act. The CDP in front of the Commission in November is not an opportunity to revisit the Commission's approval of the larger project.

I have provided answers to your questions in red below:

Questions

Please clarify if items on the Administrative Calendar are open for public comment and discussion. It appears that this item will not be, is that true? **As described above, items on the Administrative Calendar are open for public comment. There is generally not a great deal of discussion on administrative items. If the Commissioners would like to have an extensive discussion on this item, it will likely get moved to a subsequent hearing as a regular calendar item.**

Are we, in effect, asking for a De Novo hearing and must we establish that the project/staff report raise "substantial issues" with respect to the Coastal Act, in order to argue that a public hearing should be held on this item? **This is not an appeal of the 2018 permit and therefore the characterization of this hearing as a de novo hearing is not accurate or appropriate.**

Can the Executive Director move this item to allow a public hearing if he chooses to do so? **No, this item has been noticed as an Administrative Calendar item and we can't change it to a regular calendar item for the November hearing. However, the Commissioners could decide to hear it as a regular calendar item at a later date.**

Can staff change their recommendation for approval and/or further mitigate the application before the meeting? **Staff can make changes to the staff report before the hearing in an Addendum.**

Can someone please change the post for this item ASAP to correctly describe the procedure that will take place? It seems like, perhaps with the best of intentions, procedural details for this agenda item were included which is not usually the case. The fact that what is posted on the meeting site does not describe what you say will happen is pretty disturbing. **If procedures are described inaccurately on our website or on any other Commission material, that is definitely problematic and I want to make sure I correct that right**

away. As I requested above, please give me the specific location (webpage or specific document and section heading) of the procedural information you read and I will review and fix as necessary.

Thanks!

Kate

From: Yahoo <achris259@yahoo.com>
Sent: Friday, October 23, 2020 9:59 AM
To: Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; Barrera, Alexis@Coastal <Alexis.Barrera@coastal.ca.gov>; Ann Cantrell <anngadfly@aol.com>
Subject: Re: Application No 9-20-0500, Agenda Item 13, CCC Meeting, Nov. 6, 2020

As far as the procedural process goes, I am more confused than ever, which is in part due to the fact that what is posted as the procedure for this item by the CCC is different from what you are describing. The post on the CCC meeting site for this agenda item states that the Ex Director **may** move the item to the Consent Calendar. If he does so and 3 Commissioners vote to move it back to its current place on the Administrative Calendar, a public hearing will take place when the meeting gets to that point in the Agenda. This leads one to believe that items on the Administrative Calendar are open for public comment and discussion and are public hearings. In your email, you state that the item will stay on the Administrative Calendar for sure (if this is because the Executive has decided not to move it you do not say so). What you do say, is that for a public hearing to be held 3 Commissioners would have to move it off the Administrative Calendar at which point a public hearing would be scheduled at another meeting. So, it appears that the Administrative Calendar, like the Consent Calendar, does not allow for public comment or discussion or a public hearing.

As time has gone by, additional concerns are being raised about coastal wetlands "restorations" that erase seasonal freshwater/brackish wetlands habitat in favor of expanding salt marshes. Neither the existing nor "restored" habitat described in this project application will survive tidal influence. As regards you being unsure about the Commission's ability to assess the overall and long-term impacts of this project, and your assertion that it will be a win whether or not the larger "restoration" takes place or not. I recall a conversation we had about the area to be flooded once the earthen berm is removed. Marica Hanscom and Roy Van der Hoek had just taken BOM's tour and shared the concern expressed by many, that the salt marsh could be polluted. However, they were also adamant that the plan would destroy valuable habitat, including rare salt flats and ESHA that had established itself over a long period of time, as well as a complex soil structure that supported everything from beetles to birds. Marcia further stated that disturbing the area to remove old oil residues was not appropriate. I remember you saying that you were unaware that the area to be flooded contained much of anything and I commented that was why we were looking forward to your visiting and seeing the wetlands for yourself, which, unfortunately has not happened. Of course, the invitation still stands.

In addition, the removal of the earthen berm itself will preclude any possibility of its ever being used, as it once was, by burrowing owls. The proposed sheetrock berm, as well as other flood control berms now proposed for the Los Cerritos Wetlands that must meet Army Core standards, will be as impermeable as walls, and will displace, not benefit, the ecosystem. Coastal Commission staff (and the IRT) should re-examine the BOM's restoration plan in light of increasing concerns that the restoration now being proposed by the LCWA is that the wetlands become ground zero for flood control where berms will be sited to protect oil, industrial, and commercial operations from sea-level rise. Commission staff, rather than duck its responsibility to assess the overall and long-term impacts of this project, should consider questioning those that are already doing just this in a way that harms, not protects, our coastal natural and tribal resources. Why would Coastal Commission staff make an exception for this Project Applicant, allowing the project to move forward before the 19 of the Special Conditions are met, while at the same time, in a comment letter to the LCWA's Los Cerritos Wetlands Restoration Plan PEIR, staff states that the Special Conditions must be upheld?

Questions

Please clarify if items on the Administrative Calendar are open for public comment and discussion. It appears that this item will not be, is that true?

Are we, in effect, asking for a De Novo hearing and must we establish that the project/staff report raise "substantial issues" with respect to the Coastal Act, in order to argue that a public hearing should be held on this item?

Can the Executive Director move this item to allow a public hearing if he choses to do so?

Can staff change their recommendation for approval and/or further mitigate the application before the meeting?

Can someone please change the post for this item ASAP to correctly describe the procedure that will take place? It seems like, perhaps with the best of intentions, procedural details for this agenda item were included which is not usually the case. The fact that what is posted on the meeting site does not describe what you say will happen is pretty disturbing.

On Thursday, October 22, 2020, 09:38:38 PM PDT, Huckelbridge, Kate@Coastal
<kate.huckelbridge@coastal.ca.gov> wrote:

Anna,

Alexis and I are both working from home for the most part, so email is the most reliable way to reach us. I did get your voicemail from yesterday but thought I would try to address your questions in an email first. We are more than happy to set up a call if you would like.

- Yes, the project area described in 9-20-0500 will be exposed to tidal influence as part of the restoration approved under CDP 9-18-0395. I am not sure exactly which type of habitat this area will be – subtidal, mudflats or marsh – but it will be subject to tidal influence.
- You are also correct that the mitigation and monitoring measures put in place to restore the remediation areas might be cut short if the larger restoration commences before the end of the 1 year monitoring period. We specifically added the language about the restoration work approved under CDP 9-18-0395 superseding the mitigation and monitoring requirements included in 9-20-0500 to be clear on that point.
- I'm not sure I follow when you ask how Commissioners or the public are to assess the overall and long-term impacts of this project, if they are viewed as beyond the scope of the Application's restoration timeline. In our view, removal of oil contamination is a benefit to the habitat, regardless of whether the larger restoration project is implemented. In the event that the larger restoration does not move forward, the contamination will be removed and the site returned to its initial condition within 12 months. If the larger restoration does move forward before the 12 month monitoring period is completed, the site would instead be incorporated into the larger restoration footprint as approved under 9-18-0395. In either case, impacts to the habitat would have been assessed and mitigated as required by the Coastal Act.
- Regarding the footprint for contamination removal, there was an extensive sampling plan that covered the entire area currently in the oil field footprint and planned to be part of the mitigation bank. The IRT reviewed the results of the initial sampling and then had the applicant go back to the two locations where contamination was discovered to conduct additional sampling to determine the boundaries of the contamination. The IRT also had the applicant conduct sampling at a few additional sites to ensure adequate sampling coverage. We will look at adding additional information to the staff report on this topic. My understanding is that the area where contamination was discovered was used as a dump site for old equipment, as opposed to being associated with a well. That could explain why the contamination is relatively shallow.
- You are correct that CDP 9-18-0395 has not yet been issued. When the applicant approached us wanting to conduct the remediation before they would be able to satisfy the special conditions of 9-18-0395, we informed them that they would have to seek a stand alone approval for the remediation work. As I said above, we believe that regardless of the whether the larger project ever happens, we believe removing contamination from the soil is a benefit to the surrounding habitat.
- Procedurally, this item will stay on the Administrative Calendar and will not move to the Consent Calendar. If four or more Commissioners request, it can be pulled off the Administrative Calendar and would be heard as a regular calendar item in a subsequent month. You are able to submit comments through our website or by emailing EORFC@coastal.ca.gov or directly to Alexis or I (as you did with this email). If you submit comments by 5pm on the Friday before the hearing (10/30/20), the comments will be collected in a Correspondence Packet and posted to the website for the Commissioners and the public to view. You are also able to submit a speaker slip for this item and

provide public comment at the hearing. I would like to make sure you are aware that you are able to provide public comment for an item on the Consent Calendar as well.

I hope that addresses some of your questions. Please let me know if you have additional questions or would like to set up a conference call to discuss.

Hope all is well with you.

Kate

From: Yahoo <achris259@yahoo.com>
Sent: Tuesday, October 20, 2020 3:11 PM
To: Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; Barrera, Alexis@Coastal <Alexis.Barrera@coastal.ca.gov>; Ann Cantrell <anngadfly@aol.com>
Subject: Application No 9-20-0500, Agenda Item 13, CCC Meeting, Nov. 6, 2020

Dear Kate,

Sorry to bother you but have a few questions with respect to Agenda Item 13 at the Friday session of the November Coastal Commission Meeting. Tried to call the author of the staff report, Alexis Barrera, but could not navigate the staff directory which told me ALE BAR did not exist. As you are the staff person most knowledgeable about CDP 9-18-0395 (re The Los Cerritos Wetlands Restoration and Oil Consolidation Project), can you tell me if the project areas for Application No 9-20-0500 will be exposed to tidal influence (becoming either totally underwater or mud flats), when the existing earthen berm is removed. Comparing the maps for both projects, I believe this to be the case but would like confirmation from Coastal Commission staff. If true, this would mean that the mitigation measures in with respect to temporary disturbance of biological habitat would themselves be temporary as the disturbed areas would be revegetated with plants that could not survive salt water intrusion. So, one has to wonder, why approve a mitigation that has no lasting benefit and will itself have to be mitigated at a later date. This appears to be understood by the applicant who states that the conditions of this permit are superseded by CDP 9-18-0395 with respect to monitoring the success of the revegetated areas over 4 quarters. The rationale for Application No. 9-20-0500, according to the applicant, is to jump start CDP 9-18-0395 in order to allow the sale of mitigation credits should the applicants Upper Los Cerritos Wetlands Mitigation Bank be approved by the IRT and Coastal Commission. As described in CDP 9-18-0395 the removal of the earthen berm will impact the project area in Application No. 9-20-0500 by permanently destroying/displacing existing ESHA, salt pans, and wildlife habitat and wildlife themselves. Why there no reference to this outcome by either the applicant or by Coastal Commission staff? How are the Commissioners or the public to assess the overall and long-term impacts of this project, if they are viewed as beyond the scope of the Application's restoration timeline?

We also have a question about the applicant's requesting to remove less than 1/2 acre of contaminated soil, and only to a depth of 3 feet max. Apparently this will satisfy the condition for the removal of toxic soils necessary to trigger the sale of mitigation credits should the proposed Mitigation Bank itself be approved. The Los Cerritos Wetlands Task Force is not in favor of expanding the salt water marsh over seasonal brackish wetlands, including ESHA and rare salt flats and think it best not to dig up the oil field. However we do wonder, given that the entire area has been an oil drilling site for 100 years, why is the contaminated area to be removed so small and so shallow? Is this all there is or is this project only part of a more extensive plan to test and remove contaminants in the area between the new sheetrock berm and the existing earthen one. Have other investigations and removal plans already been approved and or taken place?

Also, in Application No 9-20-0500 , it states that what is being applied for is included in CDP 9-18-0395, approved December 13, 2018, ("a day which will live in infamy"). However, it is our understanding that CDP 9-18-0395, while approved, cannot actually be issued until 25 Special Conditions are met, which has not yet happened. So why would Commission staff want to or even be able to recommend the approval of CDP 9-18-0395 at this time?

Procedurally, it looks like we can submit comments to the Agenda Item online. It is currently on the Administrative Calendar, not on the Consent Calendar. If I am reading correctly, it appears that if the Applicant agrees to abide by the staff report then the Executive Director can move the application to the Consent Calendar, unless 3 Commissioners object to his doing so. In this case there would be no public comment allowed. So we are trying to figure this out in order to know who and what to ask. How soon could the Executive Director move the item to the Consent Calendar, would this happen before the meeting? When would the Commissioners weigh in, before or after the Executive Director orders the move? Will the Commissioners see the comments we submit online, including requesting that the item not be moved to the consent calendar? Can we appeal to the Executive Director not to move the item or is this just automatic? It appears that this move is allowed in part because the project will cost less than \$100,000. However, the applicant acknowledges this is not a stand alone project (or permit) but a piece of two much more costly project applications, one being the Los Cerritos Wetlands Restoration and Oil Consolidation Project and the other being the Upper Los Cerritos Wetlands Mitigation Bank. Is the Coastal Commission staff emulating the Army Core of Engineers here? The Army Corps approved the Dakota Access Pipeline as a series of stand alone projects, a new one every time the pipeline crossed a public water way, and in so doing denied their obligation to consider the overall threat the pipeline presented and its impacts to tribal peoples and lands. A cheap, apparently illegal, shot, but at the time it served the interests of the Applicant.

Thanks, Anna Christensen

From: Anna Christensen <annachristensen259@gmail.com>

Sent: Monday, October 26, 2020 10:58 AM

To: Energy@Coastal <EORFC@coastal.ca.gov>

Subject: Comment reApplication No. 9-20-0500,Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

To: California Coastal Commission

Re: Application No. 9-20-0500,Coastal Commission Meeting, November 6, 2020, Agenda Item #13, Administrative Calendar

From: The Los Cerritos Wetlands Task Force (Sierra Club), Protect the Long Beach/Los Cerritos Wetlands Coalition

Asks of Staff:

1. Do not recommend approval of Application No. 9-20-0500
2. Should you continue to recommend approval, add conditions (see #4) and revisions.

Asks of Commissioners:

1. Remove the Application No 9-20-0500 from the Administrative Calendar and hold a public hearing on this project. The Commissioners and the public deserve to have the Applicant and Coastal Commission staff report on the project and its impacts in full. A public hearing is required to ensure the opportunity for the public and the Commission to comment on and discuss the project after these reports have been given.
2. Should it remain on the Administrative Calendar, do not approve Application No. 9-20-0500.
3. Should you decide to vote for approval, add conditions (see #4) and other revisions

Rationale

1. **The Applicant, Los Cerritos Wetlands, LLC, is seeking to violate the terms of the conditions mandated by the Coastal Commission under CDP 9-18-0395 for the Los Cerritos Wetlands Restoration and Oil Consolidation Project.** Los Cerritos Wetlands, LLC, owner of the Synergy Oil Field (project site), is an affiliate of Beach Oil Minerals (which proposed the Los Cerritos Wetlands and Oil Consolidation Project) and party to CDP 9-18-0395. The California Coastal Commission approved CDP 9-18-0395 for the Los Cerritos Wetlands and Oil Consolidation Project including the land swap, **wetlands restoration**, and oil consolidation on December 13, 2018, **contingent on BOM and the LCWA meeting 25 permit conditions, 19 of which must be met before CDP 9-18-0395 will be issued.** These permit conditions include the preparation of various plans and technical reports to ensure public safety and the protection of water quality, wetlands, sensitive species, and cultural resources. The Coastal Commission staff report for Application No. 9-20-0500 states, ***"The proposed remediation is a necessary first step in a larger effort, approved by the Commission in December 2018 under CDP 9-18-0395, to restore this portion of the Synergy site to tidal wetlands as part of a mitigation bank. This remediation work was included in the proposed work approved under CDP 9-18-0395. However, due to factors including the complexity of prior to permit issuance requirements, the CDP has not yet been issued."*** The complexity of issuance requirements being the 25 Special Conditions, none of which have been met to date. We see this as an attempt to circumvent CDP 9-18-0395 and therefore to engage in development, without the required CDP.
2. **Application No. 9-20-0500 does not qualify for approval pursuant to PRC, Section 30624.** The Executive Director states that the proposed development is a

category of development, which, pursuant to PRC Section 30624, qualifies for approval (on the basis of the development not being in excess of \$100,000) by the Executive Director through the issuance of an Administrative Permit. We respectfully disagree as Applicant is clearly seeking to piecemeal the complex, highly conditioned, and costly project under CDP 9-18-0395 by asserting “the development not being in excess of \$100,000.” The Applicant and the Commission staff choose to see CDP 9-18-039 as both including and excluding the proposed project. If both the Executive Director and the Applicant acknowledge that the conditions of CDP 9-18-0395 cannot be fulfilled at this time, why allow the Applicant to get a part of the CDP now? If this wasn’t part of the larger “restoration” project, including the proposed Mitigation Bank, would the Commission approve this as a stand-alone CDP? If not, it shouldn’t be piecemealed.

3. **The Applicant, Los Cerritos Wetlands LLC, an affiliate of Beach Oil Minerals (BOM), is acting solely and illegally on behalf of BOM.** The removal of soil to a maximum depth of 3 feet from less than ½ acre of the Synergy Oil Field cannot be expected to eliminate a significant amount of contaminated soil from an oil field that has been in operation since 1926 and by 1927 was producing 70,000 barrels of oil daily. The removal and replacement of contaminated soils from beneath functioning wetlands ecosystems is not the only or even preferred approach to habitat protection and preservation. However, as stated by the Applicant, the project will ensure that their affiliate, Beach Oil Minerals, will be allowed to engage in the profitable enterprise of selling wetlands mitigation credits if its proposed mitigation bank is approved. There is no reason to permit the wetlands ecosystem to be negatively impacted at this time primarily in order that BOM be positioned to enhance its revenue stream should the Interagency Review Team finalize and the Coastal Commission approve BOM’s Upper Los Cerritos Wetlands Mitigation Bank. To be clear, the project the Applicant is requesting is not essential to the mitigation bank’s approval, only for the sale of credits.

4. **The Applicant, Los Cerritos Wetlands LLC, is a party to and liable* for ongoing illegal hazardous emissions on its property (Synergy Oil Field) where the proposed project is located.** A separator tank/discharge station within 700 yards of the project area, which processes 700 gallons of drilling wastewater per minute, has been emitting illegal levels of toxic fumes since 2017. The South Coast Air Quality Management has cited and fined the oil operator, Synergy, LLC, multiple times and has issued a permit to install equipment that will reduce toxins by 90+%. Although residents continue to become ill from the fumes which are also impacting wildlife and habitat on the property, neither BOM nor Los Cerritos Wetlands LLC has made any effort to repair/replace/install improvements to the discharge station. With respect to the proposed project area, biological surveys have been and apparently will be conducted in the future, without any consideration for the impacts of this pollution. **As a condition of approval of this Application, the Coastal Commission 1) Must require the Applicant to end emissions from oil facilities on its property that are hazardous to public health and the environment and 2) Must require that the Applicant install a stationary air quality monitor at the site to ensure that future violations will be detected, investigated, and corrected in a timely manner.**

**Liability is triggered whenever there is a release, or threat of a release, of a hazardous substance. The presence of the hazardous substance generally defines the facility that necessitates a cleanup to protect public health or the environment which “could be a compressor, dehydrator, separator, storage tank, or processing plant site....Even though the owner of a severed surface interest may have no ownership interest in the mineral estate, activities on the surface to develop the mineral estate can impose CERCLA liability*

on the surface owner--as well as the mineral interest owner. Liability of Oil and Gas Interest Owners Under Hazardous Substance Laws, David E. Pierce, Professor of Law <https://washburnlaw.edu/profiles/faculty/activity/fulltext/pierce-david-1993-1energyandtheenvironment1.pdf>

5. **The proposed project will disturb, remove, and destroy existing ESHA, wildlife, and tribal cultural resources.** Much attention is given to the sensitive treatment of all of the above during this removal and replacement project. What has been left unstated, is that once the earthen berm separating the project area from the existing salt marsh is removed (as part of CDP-9-18-039), all remaining and replaced habitat in the project area will be re-impacted and destroyed. (f13a Exhibit 2). What is now a seasonal freshwater wetlands, with rare salt flats (f13a Exhibit 4) and vernal pools (f13a Exhibit 3) will become a salt marsh and or tidal mudflat. To the untrained eye, a dried up vernal pool (Exhibit 3), littered with the Applicant's refuse meets the very definition of degraded, but when the rains flood the Synergy Oil Field, the entire property, including the project area, hosts ducks, geese, herons, egrets, frogs and others who swim, breed, and depend on these freshwater wetlands.

With respect to Exhibit 3, the Applicant must be required to remove trash on its property. Should a property owner, who clearly cannot be bothered to do so, be allowed to initiate a project that requires the safe handling of polluted soils and the care for sensitive habitat and wildlife?

Likewise, a salt flat (Exhibit 4) is assumed by the project Applicant to be degraded and expendable. However, coastal salt flats are more endangered and more rare, than the salt marsh to be expanded here. These salt flats are highly significant to the Tongva and Acjachemen as stated by Julia Bogony, Tribal Cultural Consultant for the Gabrieleno/Tongva, in the LCWA's 2015 Final Conceptual Restoration Plan for the Los Cerritos Wetlands, 2015: *"Julia Bogony is a Tongva language expert and has advised on other cultural resource issues on behalf of her Tongva group. Regarding historical conditions at the wetlands Julia noted that records indicate that the Tongva likely had a "salt works" in the region, and that salt was a primary trade item for them, and was once produced in the tidal flats area. The Tongva would have modified the wetlands to create salt panne, a habitat type that should be considered as a potential part of the "teaching wetland" at the Isthmus or near Marketplace Marsh, at the upper end of the tidal zone nearest the proposed interpretive center site, or perhaps elsewhere if conditions are appropriate and ecological function is enhanced. Salt panne brings brine flies and some specialist birds, and small sections of the Malibu Lagoon Restoration included this unique habitat type in the design, as a precedent. Future phases of wetland and interpretive design might consider this landscape type as a more substantial part of an interpretive program, perhaps even including actual "harvest" of the salt as a cultural and educational activity. Lo'i (taro paddies), for instance, and aquaculture (fish ponds) are a significant part of native Hawaiian cultural interpretation and recovery and so such managed elements of the wetlands could be considered in design development phases of the wetlands."*

6. **This project and the overall plan to dig up, flood, and displace most all of the existing habitat of the Los Cerritos Wetlands, fails to take into account both historic and projected changes to the Los Cerritos Wetlands. This cannot be termed a restoration.** The Los Cerritos Wetlands ecosystem includes tidal salt marsh and seasonal freshwater habitat areas. While a full tidal salt marsh ecosystem has always been part of the wetlands, current tidal intrusion is also due to the dredging of Alamitos Bay and the

lack of new sands and soils being deposited due to channelization. Likewise, the argument that the San Gabriel River provided the sole source of freshwater on the wetlands must be challenged. Until 1867, the San Gabriel River entered the Pacific Ocean to the west, not the east of Long Beach. Flooding due to winter rains has from ancient times until the present contributed to a wide expanse of seasonal freshwater/brackish wetlands. Now the LCWA plans to wall-in the wetlands with 18 foot berms. The main beneficiaries of converting the existing wetlands to salt marshes (flood control basins) will be multiple oil operators, including BOM, and property owners, including Los Cerritos Wetlands LLC, as berms will protect their operations and properties from stormwaters and sea level rise.

Restoration is the process of intentionally altering a site to establish a defined, indigenous, historic ecosystem. The goal of restoration is to emulate the structure, function, diversity, and dynamics of the specified ecosystem.... According to the Army Corps of Engineers: Restoration can be divided into two activities: re-establishment and rehabilitation. Reestablishment returns historic/natural functions to a site as previously existed. Rehabilitation improves the general suite of functions of a degraded site. Usually, rehabilitation results in less disturbance to a site than re-establishment. Habitat creation establishes a historical ecosystem on lands that did not previously support that ecosystem. California Society for Ecological Restoration

7. **Allowing this Application to remain on the Administrative Calendar will set precedents that future Applicants are sure to take advantage of.** What does it matter that Coastal Commission staff and Commissioners condition project approvals if the conditions are neither followed by the Applicant nor enforced by the Commission? In recommending approval of Application No. 9-20-0500, Commission staff goes further, actually providing a process by which the Applicant can dodge and invalidate its own Special Conditions under CDP 9-18-039.

8. **The project violates both the Coastal Commission's Tribal Consultation and Environmental Justice Policies.** As part of both the Puvungna Complex, the Los Cerritos Wetlands, including the project area, are defined and recorded as a Sacred Site by the California Native American Heritage Commission. The Los Cerritos Wetlands Authority has recognized the Los Cerritos Wetlands, including the proposed project area, as a Traditional Tribal Landscape. Puvungna Village is listed on the National Register of Historic Places "as a means of perpetuating the memory of these native peoples and their religion, and as an aid to the program of public education." The Tongva, Acjachemen, Tataviam, Payómkawichum, Yuhaviatam regard Puvungna, including the project area, as a place of origin central to their tribal history and cultural practices. Yet neither official designations nor pleas by tribal leaders have been enough to prevent the continued erasure of Puvungna's natural and cultural tribal resources, including those within the Coastal Commission's jurisdiction.

Clearly, given efforts to establish both Tribal Consultation and Environmental Justice Policies, the Commission did not intend for Puvungna to be repurposed to serve the interest of oil companies and property developers, to have all evidence of and connection to its tribal history erased bit by bit, and with it the ability for tribal peoples to argue for the protection of both land and culture. Yet neither the project Applicant nor the Coastal Commission staff acknowledges the project area as being part of Puvungna, nor do either reference the Special Condition to CDP 9-18-039, which requires further investigation and reporting with respect to tribal history in and around the Los Cerritos Wetlands. Here again, the Applicant is allowed to assert that this segment of CDP complies with the

Coastal Act. Finally, Tribal Consultation Policies do not guarantee environmental justice, nor can Environmental Justice for Native Americans be addressed in terms of zip codes or neighborhoods. Historic and ongoing displacement and lack of income make it impossible for tribal people to access, much less live on lands they hold sacred, especially those, like Puvungna in affluent coastal areas.

9. **The project is inconsistent with California Coastal Act policies.** Even with 25 Special Conditions, the Los Cerritos Wetlands Restoration and Oil Consolidation Project remained inconsistent with Coastal Act provisions. Project approval required use of the Coastal Act's override policy with respect to allowing oil and gas development if (1) there were no feasible and less environmentally damaging locations for the proposed project, (2) objecting to the proposed project would adversely affect the public welfare, and (3) the project's impacts were mitigated to the maximum extent feasible. We would argue that this piece of the pie (Application No. 9-20-0500) contains the same strange fruit as does the original (CDP 9-18-039. (1) There are feasible and less environmentally damaging locations for the removal of polluted soils from the Applicant's property. (2) Objecting to the proposed project does not adversely affect the public welfare, but is rather in the best interest of both the public (including tribal peoples), and the Los Cerritos Wetlands ecosystem. (3) The impacts of Application No. 9-20-0500 have not even been presented with respect to the project area's future under CDP 9-18-039 (see #4 above) much less mitigated to the full extent feasible.

10. **The Coastal Commission staff is applying a lower standard to this project than it does to others, including the Los Cerritos Wetlands Authority's proposed restoration plan.** The Coastal Commission's August 6th, 2020 letter commenting on the LCWA's PEIR for the Los Cerritos Wetlands Restoration Plan insists on multiple conditions that Los Cerritos Wetlands LLC is not required to observe in this project:

- a. *The LCWA must adhere to all 25 Special Conditions and "ensure that the proposed program is consistent with all conditions of CDP No. 9-18-0395 (Beach Oil Minerals and LCWA)*
- b. *The preferred method of treatment for all tribal cultural resources should be preservation in situ, given that this is a tribal cultural landscape.*
- c. *the existing relationship between Native Americans and this coastal area that must be acknowledged, respected, and preserved coordinate a plan that is representative of Tribal Interests, to the maximum extent feasible, to ensure that impacts are avoided, minimized, or mitigated in conformity with the Coastal Act and other applicable legal requirements. As such, this would necessitate that Tribes meaningfully participate in the decision-making process and dialogue regarding program alternatives that are mutually beneficial to Tribal Interests and protecting our coastal resources. It is our understanding that the wetlands and surrounding sites have been listed as Sacred Lands with the Native American Heritage Commission by the local tribal governments.....has the option been explored to reserve a portion of the site for sacred and ceremonial purposes that is not available to the general public but is available for use by affected Tribes? **Additionally, the EIR should analyze project alternatives which avoid dredging or grading in areas that have sensitive Tribal resources.***
- d. *Temporary impacts as part of a restoration project should be minimized and the restoration should take place as quickly **and in as few phases as possible** to prevent temporal loss of habitat.*
- e. *Given that the Los Cerritos Wetlands Complex is one of the few remaining larger coastal wetland areas in Southern California and, as stated in the PEIR, even one foot of*

*sea level rise would inundate most of the Synergy Oil Fields Site, **the projects associated with the restoration should be adaptable to allow natural migration of the wetlands***

11. **A parallel attempt to avoid the conditions of CDP 9-18-039, is being made by Los Cerritos Wetlands LLC's associate, Beach Oil Minerals, a Real Party to Puvungna Wetlands Protector's ongoing lawsuit against the California Coastal Commission.** BOM is currently requesting an indefinite extension of the CDP from the LA Superior Court, claiming that the lawsuit has made it impossible to raise sufficient funds for the project to meet the conditions of the CDP. BOM's permit will not expire until December, 2021, as they were granted three years instead of the customary two. BOM has not applied to the Coastal Commission for the one-year extension allowed by the Coastal Act, hoping to get a more generous ruling allowing non-compliance and concessions from a Judge who is neither responsible for enforcing CDP 9-18-039 nor for upholding the Coastal Commission's policy with respect to permit extensions. Apparently the Coastal Commission's legal staff does not see this as problematic, but we would hope that the Commissioners would challenge any and all attempts to circumvent their authority.

Canadian Goose on salt flat within the project area. Photo by Tahesha Knapp-Christensen, 2017



California Tree Frog on Los Cerritos Wetlands, these frogs lay their eggs in vernal freshwater pools



Michele Castillo, Acjachemen, piloting Yours Tule into the Los Cerritos Wetlands, 2017.

The first tule boat to enter the wetlands in over 100 years. Photo by Anna Christensen



Background Info:

CDP 9-18-039 includes the following Special Conditions that would be ignored and/or piecemealed (and therefore violated) by the proposed project:

- *Wetland Mitigation and Wetland Mitigation Monitoring:*

Special Conditions 4 and 5 require BOM to submit a detailed restoration plan that provides adequate mitigation of all permanent wetland impacts and a monitoring plan that describes mitigation monitoring parameters and protocols, and interim and final success criteria.

- *Biological Resource Protection:*

Special Condition 8 requires BOM to describe how it will document all biological resources on each site in advance of construction, provide biological monitoring during construction, revegetate and restore areas disturbed by removal of existing oil facilities, and verify that impacts to wetlands and ESHA assumed to be temporary are not present after one year.

- *Steamshovel Slough Protection:*

Special Condition 10 requires BOM to develop a pollution prevention plan specific to Steamshovel Slough that includes details on how the existing berm will be breached, BMPs to control sediment movement into the Slough and a monitoring plan to ensure water quality in the Slough is maintained. Special Condition 17 requires BOM to develop a Contaminated Soil Investigation and Removal Plan in partnership with other state and federal agencies that fully characterizes existing contamination at the Synergy and City site and describes how the contamination will be removed in a manner that is protective of Steamshovel Slough and future wetland restored areas

- *Protection of Cultural Resources:*

Special Condition 23 requires BOM to develop an Archeological Research Plan (ARP) to describe additional archeological research and testing that will be conducted on the project sites to better characterize the potential for archeological resources on the site. In addition, BOM must prepare an Archeological Monitoring and Mitigation Plan that is consistent with the findings of the ARP and includes protocols, including dispute resolution protocols, for monitoring of all ground-disturbing activities by a qualified archeological monitor and by a minimum of two tribal monitors, procedures to follow in the event that cultural resources are discovered, and significance testing on any discovered resources. Both Plans must be reviewed by an Archaeological Peer Review Committee, Native American Groups and agencies before submittal to the Executive Director

CDP 9-18-039 is inconsistent with the Coastal Act

Notwithstanding these recommended Special Conditions, the Commission staff is recommending that the Commission find the project remains inconsistent with the Coastal Act's oil spill and visual policies because even as strictly conditioned to minimize the risk of an oil spill and minimize adverse visual effects, the project is still inconsistent with those policies. However, the project is eligible for consideration under the Coastal Act's Section 30260 "override" policy. That policy allows the Commission to approve coastal-dependent industrial facilities and oil and gas developments that are not consistent with the other Chapter 3 policies of the Coastal Act if the project meets three tests. The tests require: (1) that there be no feasible and less environmentally damaging locations for the proposed project; (2) that objection to the proposed project would adversely affect the public welfare; and (3) that the project's impacts be mitigated to the maximum extent feasible.

Who, what, where, and when, California Coastal Conservancy memo, August 2019
https://scc.ca.gov/webmaster/ftp/pdf/sccbb/2019/1908/20190822Board04B_Los_Cerritos_Wetlands_Update.pdf

This memo addresses: the Los Cerritos Wetlands Restoration and Oil Consolidation Project, which involves a land swap between Beach Oil Mineral Partners (BOMP) and LCWA and an Upper Los Cerritos Wetlands Mitigation Bank

Parcel Name: Synergy Oil Field, Owner: LCW LLC (Private), Acreage: 150 acres,

Notes: **Part of Consolidation Project**

2007, Los Cerritos Wetlands, LLC purchases property from the Bixby family, Los Cerritos Wetlands, LLC is BOMP's affiliate

BOMP proposed the Los Cerritos Wetlands and Oil Consolidation Project

2016, Los Cerritos Wetlands, LLC entered into an option agreement with the LCWA to transfer the Synergy Oil Field to the LCWA, the LCWA will transfer its 5 acres to Los Cerritos Wetlands, LLC

(Memo states that the Land Swap is between Beach Oil Mineral Partners and the LCWA and between Los Cerritos Wetlands LLC and the LCWA)

2018*The California Coastal Commission approved a Coastal Development Permit (CDP) for the Consolidated Project, including the land swap, wetlands restoration, and oil consolidation on December 13, 2018, contingent on BOMP and LCWA meeting 25 permit conditions, 19 of which must be met before the CDP. **These permit conditions include the preparation of various plans and technical reports to ensure public safety and the protection of water quality, wetlands, sensitive species, and cultural resources.** BOMP will establish and operate a mitigation bank, the Upper Los Cerritos Wetlands Mitigation Bank, on the Northern Synergy Oil Field, which includes Steamshovel Slough. Operating the mitigation bank will involve restoring tidal wetlands and native uplands on the property.... **BOMP will be responsible for the restoration and enhancement required for the bank until it has met the bank's performance criteria, and the long-term management endowment fund has been fully funded for three years.** BOMP will retain the mineral rights 500 feet underground on both the Northern Synergy Field and Southern Synergy Field.*

LCW Oil Operations, LLC, an affiliate of BOMP, is leasing the site for oil production.

Synergy Oil & Gas, LLC, an affiliate of BOMP, is operating the oil production facilities on this site.

From: Anna Christensen <achris259@yahoo.com>

Sent: Tuesday, October 20, 2020 1:16 PM

To: Barrera, Alexis@Coastal <Alexis.Barrera@coastal.ca.gov>

Cc: anngadfly@aol.com <anngadfly@aol.com>

Subject: Coastal Commission Meeting, Friday, Nov 6th, Agenda Item 13 November 2020
Application No. 9-20-0500 (Los Cerritos Wetlands, LLC, Los Angeles Co.) Application No. 9-20-0500 (Los Cerritos Wetlands, LLC, Los Angeles Co.)

Dear Ms. Barrera,

Sierra Club's Los Cerritos Wetlands Task Force is reviewing this agenda item and has some questions that we hope you, as the author of the staff report recommending approval, would be able to answer. I could not leave a message for you as the staff directory would not access your mailbox. If possible, can you please call me at (562) 434 0229. Thanks, Anna Christensen