

CALIFORNIA COASTAL COMMISSION

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to staff report](#)

F16a

5-21-0549

(Los Cerritos Wetlands Authority)

MARCH 11, 2022

CORRESPONDENCE

Applicant.....	2
Interested Parties	7



Los Cerritos Wetlands Authority

Governing Board

Suzie Price,
Chair
City of Long Beach

Joe Kalmick,
Vice-Chair
City of Seal Beach

Roberto Uranga,
Board Member
Rivers and
Mountains
Conservancy

Amy Hutzel,
Board Member
State Coastal
Conservancy

Mark Stanley
Executive Officer

February 4, 2022

Jack Ainsworth
Executive Director
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Re: Item Th10c – CDP Application 5-21-0549 Los Cerritos Wetlands

Dear Director Ainsworth,

The Los Cerritos Wetlands Authority (LCWA) thanks the California Coastal Commission for the opportunity to comment on staff report Th10c-2-2022 (staff report) dated January 27, 2022. There is great appreciation for your staff's commitment, promptness, and response.

The LCWA team has conducted a review of the staff report and found multiple instances characterizing the project under consideration that appears to deviate from previous precedents and cites inaccurate assumptions of conditions that had not been previously discussed with the LCWA.

Throughout staff report Th10c-2-2022, the word "construction" is used in association with the project and to describe potential impacts. The LCWA would like to clarify that while the geotechnical borings needed for investigative purposes are considered a development under the Coastal Act, this project should not be categorized as a construction project as nothing will be constructed under this permit application. The staff report states that "the *Commission acknowledges* that without this necessary initial investigatory project, future prospects and plans for restoration of the site may be limited, and the wetlands and ESHA onsite will continue to deteriorate and lose value as an environmental and natural resource (pg 25)."

The purposes of these investigations are to determine the extent of soil contamination, soil composition to support wetlands restoration, and soil stability for flood control facilities. As a point of reference, other similar recent geotechnical sampling projects for investigative purposes within the Los Cerritos Wetlands Complex (Waiver 9-18-1075-W and Waiver 5-21-0171-W) were not considered to be construction projects attached with special conditions.

Regarding the specific special conditions, LCWA provides the following to clarify and add more context in response to the conditions as presented in the staff report.

Special Condition 1: Final Revised Plans.

This condition required final revised plans to be submitted due to the locations of boring sites "7, 10, and 11, which are planned to be drilled using the hollow stem

RE: Item Th10c – CDP Application 5-21-0549 Los Cerritos Wetlands

February 4, 2022

Page 2

auger drill rig (pg 24).” Our understanding is that the commission was concerned about a designated raptor foraging habitat as conditioned in permit 5-97-367, which these boring sites are located around. The staff report further states that “the applicant has indicated that these boreholes will be moved to a more suitable location to avoid impacting the sensitive habitat which will be provided per Special Condition 1 for final revised plan (pg 24).” In an email communication on January 14, 2022 to Commission Staff, LCWA expressed that there would be no impacts to the raptor foraging habitat due to the geotechnical borings. No additional conversations were had with the staff and it was not agreed that the locations would be moved.

Section B requires a construction staging plan, but since this is not a construction project this plan is not applicable. No large machinery is to be stored on site for the duration of the sampling. After the soil core is collected, “Soil cuttings, decontamination water, and excess soil sample material generated during borings will be collected and placed into 55-gallon drums suitable for subsequent transportation for off-site disposal at a permitted waste management facility. Waste profiles for any waste stream will be prepared, as required by the waste disposal facility. Filled and partially filled drums will be properly labeled and kept closed. Filled drums will be staged on site until waste characterization is complete. Once properly characterized, the contained waste will be collected and transported to a permitted waste management facility for disposal (Sampling Analysis Plan pg 11).” The LCWA can provide a location for where the drums will be temporarily stored outside of wetlands habitat and in an unvegetated area prior to issuance of the permit.

Section C. Figure 8 in the Sampling Analysis Plan (SAP) in Exhibit C provides the access routes for the drill rig, which are all along existing roads onsite. Due to past land use operations on the property, several maintenance dirt roads bisect the site and will be used by the drill rig to access the boring locations. Where vehicle access would present a threat to existing vegetation, access by foot and the use of a hand auger is proposed (SAP Figure 8). The sampling locations will not encroach on the bluff edge. The bluff edge is located along the southern boundary of the project site, and the closest sampling location to the bluff edge (LCW-07) is approximately 100ft away from the toe of the bluff.

The LCWA finds the condition for a 50ft buffer from the edge of all designated wetland areas unachievable for every sampling location to achieve the goals set out for the geotechnical borings, and request for it to be removed. As indicated in the report, 7 out of 18 borehole sites are located near potentially sensitive habitat. These sites are less than 50ft from the edge of designated wetland areas, but are necessarily located to better determine the soil composition in the area to support future wetlands adjacent to current wetlands. However, great care was taken to select sampling sites outside of designated wetlands areas, in consultation with a qualified biologist, and no sampling will occur within designated wetlands (SAP Figure 6).

RE: Item Th10c – CDP Application 5-21-0549 Los Cerritos Wetlands

February 4, 2022

Page 3

Section D. Since this is not a construction project, a post-construction clean-up plan is not applicable. Upon completion of drilling, boreholes will be backfilled per Orange County Health Care Agency (OCHCA), Environmental Health Division requirements (SAP, Sample Collection, pg. 7). According to OCHCA, approved sealing materials are: bentonite, bentonite grout, bentonite-cement, neat cement, sand cement, and concrete. The LCWA is proposing to use bentonite to seal the boreholes. Additionally, OCHCA approval of a permit application for this soil sampling is contingent upon the following requirements:

- All notifications and document submittals shall be via e-mail. Use the permit number on the subject line and on the documents for reference.
- Notify this Agency at least 2 business days prior to the work start date.
- Notify this Agency of any changes to the work plan at least 2 business days prior to start.
- Use a tremie pipe to pour the approved sealing material from bottom to surface.
 - No freefall of sealing material is allowed.
 - **No unapproved sealing materials are allowed (e.g., soil cuttings, unapproved mixtures)**
- Notify this Agency when all work is complete and include the depth to first encountered groundwater.
- Submit copies of the boring logs within 30 days of completion of work.
- This permit shall expire on 07-31-2022. No extensions shall be granted.
- Failure to adhere to the permitting requirements is a violation of the California Well Standards and the City of Seal Beach's Well Ordinance, and constitutes a misdemeanor.

Therefore, the LCWA does not agree with this statement under "Mitigation" on page 21 of the staff report, "Nonetheless, the applicant has agreed to revegetate the areas of the sealed boreholes with native vegetation upon completion of the investigation, and where a hardpan layer exists within the borehole sites, the applicant has agreed to correct it using a 6-foot column of native, uncontaminated soils for backfill."

Special Condition 2: Cultural Resource Treatment and Monitoring Plan

Section A. The condition states that at a minimum of one Native American monitor from each tribal entity recognized by the Native American Heritage Commission must be present to monitor all groundwork associated with this permit. Considering that the soil sampling work is expected to be completed within 2 days and the number of tribes currently interested in providing Native American Monitoring Services to the LCWA, it is economically not feasible for the LCWA to compensate all tribes for monitoring in that short timeframe. However, the LCWA will contact all tribes to provide that opportunity for monitoring.

RE: Item Th10c – CDP Application 5-21-0549 Los Cerritos Wetlands
February 4, 2022
Page 4

Section A (3) of the condition states that “(3) The Permittee shall allow Native American monitors to spot check drilled soils in the field and monitor sifted soils in the field and in the laboratory.” LCWA communicated to the commission by email on 1/14/2022 that soils will not be sifted in the field, but that Native American monitors will be able to examine the exterior of drilled cores in the field with the proviso that the cores need to be kept intact for laboratory testing. Laboratory results will be shared with Native American monitors.

Section B. The LCWA agrees to these conditions and will cease sampling at locations where resources are discovered and follow the recommendation of archaeological and Native American monitors.

Special Condition 3: Construction Responsibilities and Best Management Practices

The LCWA does not agree that the investigations conducted under this permit should be considered construction. Please remove this condition. The SAP (Exhibit C) details the soil sampling methodology on Page 7, and details the Field Equipment Decontamination Procedure and Waste Disposal procedures on Page 11. All materials will be contained in into 55-gallon drums suitable for subsequent transportation for off-site disposal at a permitted waste management facility.

Special Condition 4: Biological Monitoring and Protection During Construction

A qualified biologist will be on site to conduct site surveys and monitor geotechnical boring to ensure wetlands habitat, wildfire, and ESHA are avoided. The SAP states that “appropriate biological monitoring will be conducted by Tidal Influence, and appropriate archaeological monitoring will be provided by Cogstone Resource Management, Inc (pg 7).” The LCWA requests removal of the term construction from this condition.

Special Condition 5: Native Final Habitat Restoration and Monitoring Plan

The LCWA does not agree that mitigation should be required for temporary impacts of the geotechnical borings. Expected impacts due to “construction staging,” is not applicable to the work considered under this CDP. As provided in Table 1 of the Sampling and Analysis Plan and an email communication from LCWA on January 25, 2022 to Commission staff, the existing habitat type at each sampling location is documented, and the habitat types range from ruderal uplands (brassica nigra, ice plant, and other herbaceous non-native species), vegetation free zones, and development (dirt road). The geotechnical boring sites will be incorporated into the larger Los Cerritos Wetlands Southern Area Restoration Project, which will restore the site to native coastal wetland habitat. The LCWA may provide pictures of the borehole locations prior to drilling and after drilling, and document whether sensitive biological resources were

RE: Item Th10c – CDP Application 5-21-0549 Los Cerritos Wetlands
February 4, 2022
Page 5

impacted. It is not expected that a large area will be cleared of vegetation for the purposes of sampling or access on site, as many of the sampling locations are located along current access routes. Therefore, the LCWA does not agree that a restoration plan is needed post geotechnical sampling, nor should final success criteria need to be determined.

Additionally, Commission staff did not discuss with LCWA the requirement “to remove non-native, invasive vegetation around the borehole sites and restore and revegetate the surface of sealed boreholes upon completion of the investigation, using native seeds from the Los Cerritos Wetlands. At minimum, the revegetated sites shall maintain the existing functions and habitat values of the raptor foraging area to be preserved. (pg 25)”

Special Condition 6: Testing Results Report


The report will be shared within 10 days of report completion. It may take up to 1 month for the soil sampling analysis to be completed in the lab.

Special Condition 7: Resource Agencies

The LCWA agrees to contact additional agencies if needed, however, note this exercise has been fully analyzed and impacts are not anticipated.

Thank you for your thorough review and consideration of these comments. If you have any additional questions or comments, please reach out to LCWA Project Manager, Sally Gee, at sgee@rmc.ca.gov.

Sincerely,

DocuSigned by:

3EF0743E521D4ED...
Mark Stanley
Executive Officer

CC: SouthCoast@coastal.ca.gov
Amber Dobson, Amber.Dobson@coastal.ca.gov
Zach Rehm, zach.rehm@coastal.ca.gov
Shahar Amitay, shahar.amitay@coastal.ca.gov



February 4, 2022

To: California Coastal Commission

From: Chief Anthony Morales, Chair, Gabrieleno/Tongva San Gabriel Band of Mission Indians
Rebecca Robles, Acjachemen Culture Keeper, Los Cerritos Wetlands Task Force, Sierra Club

RE: Coastal Commission Meeting February, 2022, Agenda Item Th10c Application No. 5-21-0549
"LCWA CDP (APN No.: 043-160-31). Drill 18 boreholes to collect and test soil prior to an associated future wetlands restoration project. The boreholes would be drilled in previously disturbed soils within property that contains a part of the Los Cerritos Wetlands complex... Drilling activities will only disturb soils within ruderal or previously disturbed areas of the wetlands complex. ...the investigation... is expected to take two to three days."

1. Anticipatory Destruction and Piecemealing of unapproved Plan and Project

*"the sole purpose of the project is to gather data to inform **the design** of a restoration project... prior to an associated future wetlands restoration project....Los Cerritos Wetlands Authority, which **is preparing plans** for the first phase of a larger restoration effort....The purpose of the proposed project is specifically for **pre-restoration research**."*

Coastal Commission staff, the Commissioners, and the general public can only determine the need for and impact of this CDP in relation to the **future wetlands restoration project** or a **larger restoration effort**. As the Coastal Commission has not yet reviewed/permitted the LCWA's Los Cerritos Wetlands Program EIR nor the Southern Area Wetlands Restoration Project, issuing this CDP to drill in the wetlands in anticipation that these plans will be approved, is premature. Reference made to *CDP Application 5-97-0367* - what is it, what is it's status?

2. LCWA's plans and projects are NOT RESTORATION. They will ERASE historic and thriving wetlands ecosystems.

*"The larger restoration effort will **reestablish** wetlands **in areas that have been degraded**... The larger restoration effort for the southern portion of the wetlands will reestablish wetlands in areas that have been degraded by former sumps, landfills, and contaminated areas from prior oil operations on the site. The restored habitat will provide many benefits, including but not*

limited to provision of critical habitat for listed rare species and wildlife, carbon sequestration, improved flood control, sea level rise resiliency, preservation of tribal cultural resources, and improved public access to open space...this investigation would enable the applicant to determine the design for flood management (e.g., berms and floodwalls), the stability of the grading site, evaluation of cut materials for their suitability as a safe and effective reused fill material onsite”

Previously disturbed soils are located in seasonal brackish wetlands, salt pans, and meadowlands. Both the LCWA's Program EIR and the Southern Area Restoration Plan involve extensive dredging and grading of existing wetlands and uplands in order to introduce full tidal salt marshes and expand salt marsh habitat **where none previously existed**. Habitat creation, massive berms and other flood control measures, and new buildings, parking lots, walking and bike trails come at the expense of existing brackish wetlands and uplands ecosystems including rare salt flats, ESHA, and habitat for Endangered Species, coastal birds, and wildlife. Drilling activities **will disturb soils** in existing wetlands and uplands.

3. Damage to and erasure of Sacred Site of Puvungna

*“The final proposed drilling and boring locations must be located outside of the mapped archaeological and **tribal cultural deposit areas**....Given the very sensitive nature of this particular site, the proposal avoids all known archaeological deposits **and tribal resources**. Special Condition 1 to document **the precise extent of cultural resources onsite and avoid impacting those resources.**”*

Evidence of tribal occupation cannot be accurately mapped without impacting tribal resources. The term **“Tribal cultural deposit areas”** **distorts the meaning of tribal culture**. Tribal cultural and spiritual connections to place are not limited to observed physical evidence of prior habitation but are an ongoing relationship with ancestors, and present and future generations of living beings, including rocks, soils, and water. **Previously disturbed soils** are still sacred to tribes. Any drilling and boring locations within the Los Cerritos Wetlands will damage this relationship and the Sacred Site. Drilling is being done to implement the LCWA's proposed plans and projects involving extensive dredging and grading **that will erase tribal cultural evidence**.

4. Tribal information incorrect.

*“The largest Native American tribe **close to** the project site was the Gabrielino/Tongva settlement of Puvunga).”*

The Gabrieleno tribe is described as “largest tribe close to the project site.” Location of project is described as “near” Puvungna when it is actually within the Sacred Site of Puvungna (as registered with NAHC). There is NO mention of the Acjachemen's past or present connection to Puvungna or Motuuchengna. Both the Gabrielino/Tongva and the Acjachemen regard the project area as Sacred and both tribes continue to hold ceremonial and cultural activities on these wetlands and uplands.

5. Threat to nesting birds

“Survey existing nesting bird populations in the vicinity of the construction area, buffer area and noise abatement measures to lessen potential disturbance.”

A 2-3 day project need not be conducted during nesting season. CCC’s nesting season dates (2/1 - 9/15) do not reflect observed courtship and nesting in the area and should be extended at a minimum from 1/1 - 10/1 to reflect current data (including climate change).

6. **Protection and Avoidance are the priorities for ESHA and wildlife habitat, not erase and replace.**

*“total removal of potentially sensitive or special status vegetation is a possibility...The restoration will be considered successful if the overall species composition and the vegetative cover of the dominant native perennial species are similar to relatively undisturbed vegetation...Much of the existing salt marsh is above the tidal zone and **only contains freshwater.**”*

In addition to the disruption of the ecosystem, the destruction of individual microorganisms, plants, and other life forms, cannot be justified by simply replacing them. Seasonal brackish wetlands, above the tidal zone, are the most fragile and at risk coastal ecosystem. ESHA here depend on fresh water from rainfall and/or other sources and cannot cannot survive salt water intrusion.

7. **Further Feasible Mitigation Measures not considered**

“the applicant has not proposed specific measures to mitigate for the potential and anticipated disturbance to the wetlands and environmentally sensitive habitat areas onsite...There are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment...Preserving the cultural resources and restoring the site to its natural conditions protects the sacred lands to the maximum extent feasible.”

Staff acknowledges that the applicant has not proposed specific mitigation measures. Applicant must do so before staff can state that there are none. Cultural resources are NOT being preserved, therefore sacred lands are not being protected to the maximum extent possible. Site is NOT being restored to its natural conditions.

8. **NO PROJECT Alternative** Development/drilling is not necessary or appropriate at this time. A “no project” alternative should be recommended.

FINAL NOTE: We advise Coastal Commission staff to review the history of the Hellman Properties, including the project area, with respect to the Heron Pointe Development, Gum Grove Park, and the conditions imposed on the transfer of the Southern Los Cerritos Wetlands property from Hellman Properties LLC to the LCWA. The Coastal Commission has issued multiple CDPs and has facilitated settlements that included restrictions on lands set aside as open space. Some CDPs must be amended before any further “development” can be permitted.

APPLICATION NO. 5-97-367-A1 APPLICANT: Hellman Properties LLC. Staff Report: May 24, 2001 Hearing Date: June 12-15, 2001 RESERVATION OF POTENTIAL FOR LOWLANDS ACQUISITION FOR WETLANDS RESTORATION

“No development, as defined in Section 30106 of the Coastal Act shall occur in wetland creation areas and wetland buffer areas except for the creation and maintenance of habitat and fencing of the created habitat in order to protect such habitats...The uses shall be restricted to wetlands restoration, open space and environmental education purposes...The deed restriction shall remain in effect for twenty-five years and be recorded over the lowlands area of the property and shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.”

To: Coastal Commissioners and Staff

From: Ann Cantrell, Co-chair Sierra Club Los Cerritos Wetlands Task Force

Re: Item Th 10c Application No: 5-21-0549

Project Description: *Drill 18 boreholes to collect and test soil prior to an associated future wetlands restoration project.*

The Los Cerritos Wetlands Task Force urges a No vote on this item. This is not wetlands restoration, but habitat destruction. (Our comments are in bold, staff's in italics.)

In addition to toxins, it is stated the soil will be tested for “soil-bearing capacity and other strength-related properties, since the applicant will be planning berms, culverts, and/or 14 bridges as a means of increasing public access in the latter stages of the restoration effort.” Why the need for 14 bridges? The berms are not for public access, but are to protect the existing oil wells from sea level rise.

Staff says: *“Given that the site contains wetlands and environmentally sensitive habitat area, which are natural resources particularly prone to disturbance and overuse, the Commission finds that continued limited public access may be the most protective of coastal resources at this time.”* We agree and believe all public access should be limited to the perimeters of the wetlands.

Because known and potential archaeological and cultural resources may be uncovered during construction, containment of contaminated soils, and wildlife disturbance resulting from the proposed development, multiple Special Conditions are necessary.

Special Condition 1 C. *Mechanized equipment should be limited to existing roads onsite and shall be restricted from undisturbed and sensitive wetland and habitat areas, to the greatest extent feasible..*

Greatest extent feasible should be struck from this Special Condition. The equipment must stay on the roads and away from any habitat which contain flora and fauna.

4. Biological Monitoring and Protection During Construction.

C. No geotechnical borings are permitted that would result in damage or degradation of environmentally sensitive habitat area (ESHA) in nearby Gum Grove Park or similarly designated areas within the wetlands complex. Under no circumstances are the bore sites or other ground disturbance permitted within vernal pools or the littoral zone

On page 22, staff writes:

“While there are portions of the wetlands complex that are degraded and contain non-native vegetation, the entire complex provides habitat for several sensitive or listed wildlife species and contains sensitive plant species. Due to the rarity of this type of habitat in Southern California, the entire project site rises to the level of ESHA. ESHA has been confirmed by the Commission’s staff ecologists.”

We would argue that if the whole complex qualifies as ESHA, there should be no boring anywhere where there is any habitat for wildlife.

D. If construction activities are to occur between February 1 and September 15, a pre-construction nesting bird survey shall be conducted to determine the presence of active nests within 500 feet of the construction activities.

Nesting season is recognized as January 1 to October 1 in the Coastal Commission Tidelands Tree Trimming Policy 5-08-187. This boring project does not need to occur during nesting season. No buffer zone or decibel level is guaranteed not to cause birds to abandon their nests. Endangered Beldings Savannah Sparrows, nest on the ground, hidden in the Pickleweed and can easily be destroyed by equipment and human traffic.

Special Condition 5 will require the applicant to submit a final Habitat Mitigation Plan with a Post-Construction Assessment Report to ensure that all disturbed areas are restored with native vegetation and soils, adverse impacts to wetlands and ESHA are adequately mitigated, and that biological productivity is evaluated and maintained.

C. Impacts to Environmentally Sensitive Habitat Area (ESHA) shall be mitigated at a ratio of 3:1. Restoration plan must include a proposed planting map, specific planting locations, plant palette, source of plant material, schedule of plant installation, soil remediation, temporary irrigation, erosion control, and weed abatement.

If Special Condition 4 prohibits boring in ESHA, why is a 3:1 mitigation for ESHA impacts necessary? It is evident that staff does not expect these Special Conditions to protect ESHA.

Special Condition 6 would require the applicant to share the findings of this investigation with the Commission in order to elucidate the restoration potential of the site.

The applicant has identified the sensitive biological and ecological communities which may be affected. According to the Los Cerritos Wetlands Habitat Restoration Plan, within the study site, **six sensitive plant communities** were identified: southern coastal salt marsh, southern coastal brackish marsh, southern willow scrub, mule fat scrub, alkali meadow, and eelgrass beds. For example, southern tarplant is a rare annual plant that has been found in non-tidal wetlands and upland areas of the site. **Two other annual plant species**, Lewis' evening primrose (*Camissoniopsis lewisii*) and Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*) occur in limited locations in the south LCWA site. Plant species that have been identified in the area in previous Commission actions include slender wild oat, ripgut grass, Italian ryegrass, telegraph weed, bristly ox-tongue, Australian saltbush, five-hooked bassia, and white sweet clover. The other habitat types identified in the Restoration Plan are intertidal mudflats, salt flats, rip-rap, sub-tidal marine water (tidal channels and basins), ruderal wetlands, and ruderal uplands. **Additionally, vegetation-free zones (levees, dirt**

roadways, perimeters around pumps and pipes, exclusive oil lease easements) and developments (asphalt roadways, abandoned concrete foundations, and active mineral extraction facilities) exist on the site.

If boring must take place, do it in plant free locations. Both native and non-native plants provide food, shelter, roosting and nesting sites for birds and other wildlife. Until replacement plants have become established, non-natives must be protected as habitat.

*There are various bird species which nest and/or forage at Hellman Ranch and within Gum Grove Park, which is immediately to the east of the project site, and likely forage and nest on the subject site as well. The Restoration Plan and other biological analyses outline species present. The federally and state listed American peregrine falcon may occasionally forage at the site. Loggerhead shrikes (a state listed Species of Special Concern) may breed in large shrubs and small trees in ruderal areas of the property and forage on small prey such as insects and lizards which occur on the property. The white-tailed kite (a state listed Fully Protected species) may breed in Gum Grove Park and has been observed in the project area. Belding's savannah sparrow is an obligate salt marsh resident known to nest in the south LCWA site. In addition, other raptors that are state listed Species of Special Concern, such as the northern harrier, sharp-shinned hawk, Cooper's hawk (*Accipiter cooperii*), osprey (*Pandion haliaetus*), prairie falcon, merlin and short-eared owl, occasionally forage on the subject site. Among these raptors, the Cooper's hawk has the potential to breed in Gum Grove Park and the **9.2-acre polygon in the south LCWA site that is designated by the Commission and deed restricted as raptor foraging habitat.** Other raptors which have been observed at the project site include the turkey vulture, American kestrel, red-tailed hawk and red-shouldered hawk. **The designated raptor foraging habitat area is currently a mix of primarily non-native grasses, mustards, and iceplants, and as such, supports a lesser array of sensitive avian and invertebrate species.***

Given that the site provides opportunities for a variety of plant and animal species to flourish, and this site of the Los Cerritos Wetlands

complex constitutes ESHA, the project must conform with Section 30240(a) of the Coastal Act, which requires development to be of resource dependent use and to limit significant disruption of habitat values.

Instead of Special Conditions and Mitigations, LCWTF asks that no drilling be done in this ESHA wetlands.

The Commission acknowledges that without this necessary initial investigatory project, future prospects and plans for restoration of the site may be limited, and the wetlands and ESHA onsite will continue to deteriorate and lose value as an environmental and natural resource. Therefore, the Commission finds that the proposed project is consistent with wetlands and ESHA policies of the Coastal Act.

There is no evidence that the wetlands and ESHA will continue to deteriorate. In fact, in spite of being surrounded by oil drilling activities, homes, dogs, cats, and human disturbances, fauna and flora continue to exist in the wetlands. What are likely to cause them to deteriorate are boring rigs, bulldozers, herbicides and humans destroying the habitat. Please deny this project.

Amitay, Shahar@Coastal

From: Anna Christensen <annachristensen259@gmail.com>
Sent: Saturday, February 26, 2022 4:32 PM
To: Amitay, Shahar@Coastal; Ziff, Dani@Coastal; Dobson, Amber@Coastal
Subject: Cultural Resources Assessment for the Southern Los Cerritos Wetlands Restoration Project
Attachments: LCWA PEIR letter frm Rebecca and Anthony.pdf; Statement from Tribal Leaders re Los Cerritos Wetlands Restoration and Oil Consolidation Project CDP, 12132018.pdf

Dear Coastal Commission Staff.

In preparation for our upcoming meeting this Thursday, you might want to look over this document. The stated purpose of the Cultural Resources Assessment for the Southern Los Cerritos Wetlands Restoration Project was "*to determine impacts to cultural resources of Los Cerritos Wetlands Restoration Project, and to document the Puvungna Traditional Cultural Landscape.*" Regardless of the document's title, there is some confusion as to the scope of the assessment because the term "project" appears to reference multiple wetlands areas and proposed plans while lacking in specifics.

Although somewhat incomplete, the evidence and arguments presented do succeed in making the case for acknowledging the Los Cerritos Wetlands as a Traditional Cultural Landscape and also as a Traditional Tribal Property (SHPO). As for determining the "project's impacts", this topic simply does not come up. We must take the author's word that the "project" was explained to the Tribal Advisory Team, however we do not see any specific impacts mentioned. Nor are there any questions to or responses from the Tribal Advisory Group regarding the LCWA's construction plans which will impact the site by flooding, grading, trenching, and raising roads; by building structures, parking lots, and berms; and by drilling 18 boreholes in the Southern Los Cerritos Wetlands. How can this assessment claim to determine impacts to tribal culture when it does not include any reference to them? What we were told by Eric Zahn this past December, is that these specifics would be discussed with the Tribal Advisory Group at a later date.

With all due respect to Cogstone and to the LCWA, for the past 40 years, tribal leaders have raised concerns about the impacts of numerous projects in the Los Cerritos Wetlands, including several by the LCWA. Their objections have been documented in print and in the records of meetings of Planning Commissions, City Councils, Coastal Commission, Coastal Conservancy, and the LCWA and deserve mention in this report as well. Unlike the fact that Mr. Hellman was once shot at, the clear and consistent opposition of tribal leaders to construction and proposed "restoration" projects in the Los Cerritos Wetlands, have a direct bearing on the matter now before the Coastal Commission.

One more quick comment with respect to the drilling plans. To get a better understanding of how much of an impact this would have, please see the kind of vehicle and the size of the drill to be used throughout the meadow and salt flats. Also consider the sound and vibrations caused by operating the drill.

Thanks, Anna Christensen LCWTF



From: [Anna Christensen](#)
To: [Amitay, Shahar@Coastal](#); [Ziff, Dani@Coastal](#); [Dobson, Amber@Coastal](#); [Rehm, Zach@Coastal](#); [Schwing, Karl@Coastal](#)
Subject: Re: Request to correct error in CCC Revised Staff Report re F16a, Application # 5-21-0549
Date: Wednesday, March 2, 2022 5:22:28 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Please revise the report itself. An addendum is not a correction but a revision. This statement is false and should not be posted online or distributed to Coastal Commissioners. Period.

On Wed, Mar 2, 2022 at 3:41 PM Amitay, Shahar@Coastal <shahar.amitay@coastal.ca.gov> wrote:

Thank you. We will correct the staff report via an addendum.



Shahar Amitay | Coastal Program Analyst
CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802
(562) 590-5071 Ext. 2238



Please note that public counter hours for all Commission offices are currently suspended indefinitely in light of the coronavirus. However, in order to provide the public with continuity of service while protecting both you and our employees, the Commission remains open for business, and you can contact staff by phone, email, and regular mail. Phone messages left in the Long Beach office will be returned sporadically. If your matter is urgent, please send an email. In addition, more information on the Commission's response to the COVID-19 virus can be found on our website at www.coastal.ca.gov

From: Anna Christensen <annachristensen259@gmail.com>
Sent: Wednesday, March 2, 2022 3:31 PM
To: Amitay, Shahar@Coastal <shahar.amitay@coastal.ca.gov>; Ziff, Dani@Coastal <dani.ziff@coastal.ca.gov>; Dobson, Amber@Coastal <Amber.Dobson@coastal.ca.gov>; Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>; Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>
Subject: Request to correct error in CCC Revised Staff Report re F16a, Application # 5-21-0549



March 3, 2022

Dear Coastal Commission Staff,

The revised staff report for F16a Application # 5-21-0549 misrepresents our position on this project, specifically by stating that *“Commission staff has discussed the recommendations with Chief Morales, Rebecca Robles, and the Los Cerritos Wetlands Task Force on February 24, 2022, and **all parties have come to an understanding that portions of the subject project may be necessary to carry out the investigative phase of a larger restoration effort at this site.**”* What is written here implies that all those attending this meeting came to some kind of a consensus with staff and with the LCWA that drilling 18 boreholes was *“necessary”* and this is not true.

We insist that this text be removed from the staff report immediately. Rebecca Robles was not even at this meeting! Those present, in addition to Coastal Commission staff, were Chief Anthony Morales, Patricia Martz/Virginia Bickford (representing the California Cultural Resources Preservation Alliance), Ann Cantrell/Anna Christensen (representing the LCWTF), and Cheyenne Phoenix. **At no point in the discussion was there any “understanding” reached on any part of the proposed drilling project.**

We did not and do not agree with staff’s conclusion that, *“There is no other least environmentally damaging alternative to the geotechnical borings in the lowlands, if that area is to be successfully restored and open for public access and recreation in the future.”* During the February 24th meeting, Shahar Amitay asked us if we opposed the LCWA’s restoration plans/projects and if we preferred a no project alternative. We said, yes, we did oppose the LCWA’s Los Cerritos Wetlands Restoration PEIR and their Southern Area Restoration Project and we did prefer no project alternatives. We also restated that we opposed drilling 18 boreholes prior to the LCWA seeking and being granted CDPs for either of these proposals. For one, the drilling is a construction project that amounts to anticipatory destruction of the site and piecemealing of unpermitted project/s. We further stated that we opposed allowing this three day project to take place during nesting season and in raptor habitat and ESHA.

Much of what was discussed at this and other meetings remains unreported by Coastal Commission staff and this is also problematic. Where is a reference to the written statements and the oral comments affirming that the Los Cerritos Wetlands and Landing Hill should not be subject to development that breaks the tribal connection to the land, the wildlife, and the history of human occupation? Where is our consensus that from a tribal perspective so-called “tribal cultural resources” are actually relatives. “*Known tribal cultural resources*” are defined by CCC staff and the project applicant as only those sites mapped and recorded by archaeologists or objects recovered from sites during archaeological excavations or construction projects. This definition excludes and runs counter to traditional tribal knowledge and conveniently allows what is unmarked to be open to further investigation, exploitation, and eventual erasure. Archaeology is not able to prove the existence of the sacred, nor should it be the determinant for authenticating the existence or significance of tribal cultural spaces or objects. Why is tribal culture still being defined and regulated by non-tribal individuals, institutions, government agencies, policies, and laws? To continue to do so adds insult to injury as tribal places and priorities continue to be devalued and sacrificed for the “public good.”

We will comment on other aspects of the revised staff report as well, but this matter needs to be addressed immediately.

Respectfully,

Chief Anthony Morales

Rebecca Robles

Cheyenne Phoenix

Patricia Martz

Virginia Bickford

Ann Cantrell

Anna Christensen

NOTE: On February 25th, Ann Cantrell sent this follow up email to Coastal Commission staff, including Shahar Amitay and Dani Ziff. This email confirms that there was no “*understanding*” reached at the February 24th meeting that the drilling project/“*investigative phase*” was necessary.

Thank you all for meeting with us today. Attached are comments prepared for the postponed February meeting. Please consider them as you write this new staff report.

We again ask that you deny this permit. *At the very least the drilling rigs should not be used on the wetlands or near the protected raptor corridor.*

We believe this activity can be considered harassment under CA Fish and Wildlife Title 14, Chapter 1, Section 251.1. Harassment of Animals: Except as otherwise authorized in these regulations or in the Fish and Game Code, no person shall harass, herd or drive any game or nongame bird or mammal or fur bearing mammal. For the purposes of this section, harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering.

We respectfully ask that no drilling take place during nesting season, January 1 through September. We also ask that you review the history of this site for verification of the many burials found in several parts of the property. This project must be denied.

If there is any possibility that the drilling would bore through the bones of Tongva ancestors. Please let them rest in peace.

Anna and Ann



The Gabrielino Tongva Indians of California

Ethical commitment to the preservation of our ancestry and stewardship of our tribal land

Christina Conley

Cultural Resource Administrator for the Gabrielino Tongva Indians of California
PO Box 941078 Simi Valley, CA 93094
Christina.Marsden@alumni.UsC.edu

March 3, 2022

Jack Ainsworth
Executive Director
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA. 94105

Subject: Support F16a – Application No. 5-21-0549 Los Cerritos wetlands Authority
Geotechnical Studies

Dear Director Ainsworth,

The Gabrielino Tongva Indians of California (GTIOC) writes to express that the Los Cerritos Wetlands Authority (LCWA) has communicated with our tribe regarding the restoration designs for the Southern Los Cerritos Wetlands Restoration Project and details about the proposed geotechnical studies. GTIOC does not have any objections to the proposed geotechnical studies with conditions recommended by Commission staff knowing that Native American monitors and Archaeological monitors will be present during the sampling, and that the LCWA will be avoiding impacts to known biological and tribal cultural resources.

GTIOC has been a regular participant in the Los Cerritos Wetlands Tribal Advisory Group since May 2021, where tribal representatives have been kept up to date about the Southern Los Cerritos Wetlands Restoration project designs through regular communications from the LCWA. The Los Cerritos Wetlands is an important cultural landscape for GTIOC, and we will be continuing to follow the project as designs progress.

GTIOC has been met with the utmost respect from LCWA and they have made every effort to be sensitive to any of our concerns expressed.

I am available to discuss further,

tehoovet taamet

CHRISTINA CONLEY

- Native American Monitor - Caretaker of our Ancestral Land
- Native American Heritage Commission Tribal Contact
- Cultural Resource Administrator Under Tribal Chair, Robert Dorame (Most Likely Descendant)
- Fully qualified as a California State Recognized Native American Tribe fulfilling SB18, AB52 Compliance Regulations
- HAZWOPER Certified



March 3, 2022

Jack Ainsworth
Executive Director
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Subject: Support F16a – Application No. 5-21-0549 Los Cerritos wetlands Authority
Geotechnical Studies

Dear Direct Ainsworth,

The State Coastal Conservancy writes in support for F16a to approve the Los Cerritos Wetlands Authority's application to conduct geotechnical sampling in the Southern Los Cerritos Wetlands to further restoration designs with conditions recommended by Commission staff. We believe restoration of the Los Cerritos Wetlands can provide important benefits for wetlands habitat and recreational use.

The Conservancy's vision is of a beautiful, restored, and accessible coast for current and future Californians. We are a member agency of the Los Cerritos Wetlands Authority, and have been working with our partners to support the restoration of the Southern Los Cerritos Wetlands. We are supportive of the direction the LCWA has taken and appreciate the efforts made to keep the public up to date on this project. The geotechnical sampling will help characterize the soil to see if the material would support the LCWA's current conceptual restoration designs. Additionally, some samples will be used to understand the prehistoric sensitivity of the site. While there has been other soil sampling done on the property by previous landowners, none were conducted for the purpose of wetlands restoration. The LCWA has taken the time to share designs in public meetings and in one-on-one stakeholder meetings to answer questions and address concerns throughout the conceptual restoration design development from 2012-2015, the Program environmental impact report from 2017 – 2020, the refined habitat restoration plan from 2020 – 2021, and now the Southern Los Cerritos Wetlands Restoration Plan. The longstanding collaboration between multiple non-profits, local, state, and federal agencies in protecting and restoring the Los Cerritos Wetlands underscores the broad support for this project and its importance. The Conservancy is excited for the LCWA to move from conceptual designs to construction drawings and eventually to implementing restoration at the Southern Los Cerritos Wetlands. Completion of the geotechnical studies proposed in this application is crucial to move forward in this effort.

1515 Clay St, 10th Floor
Oakland, California 94612-1401

510-286-1015 Fax: 510-286-0470

We respectfully encourage you to support this important project for the restoration of valuable estuarine wetlands and wildlife habitat.

Sincerely,

Amy Hutzel

Amy Hutzel
Executive Officer

1515 Clay St, 10th Floor
Oakland, California 94612-1401
510-286-1015 *Fax:* 510-286-0470

3 March 2022

**Jack Ainsworth
Executive Director
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105**

Subject: Support F16a – Application No. 5-21-0549 Los Cerritos Wetlands Authority Geotechnical Studies

Dear Director Ainsworth,

I am writing in support for F16a to approve the Los Cerritos Wetlands Authority's application to conduct geotechnical sampling in the Southern Los Cerritos Wetlands to further restoration designs with conditions recommended by Commission staff. I believe restoration of the Los Cerritos Wetlands can provide important benefits for wetlands habitat and recreational use.

As a conservationist who has been actively following the LCWA's restoration efforts for the Southern Los Cerritos Wetlands from the beginning, it is my heartfelt desire to see these studies approved. I support the direction the LCWA has taken and appreciate the efforts made to keep the public up to date on this project. The geotechnical sampling will help characterize the soil to see if the material would support the LCWA's current conceptual restoration designs. Additionally, some samples will be used to understand the prehistoric sensitivity of the site. While there has been other soil sampling done on the property by previous landowners, none were conducted for the purpose of wetlands restoration. The LCWA has taken the time to share designs in public meetings and in one-on-one stakeholder meetings to answer questions and address concerns throughout the conceptual restoration design development from 2012-2015, the Program environmental impact report from 2017 – 2020, the refined habitat restoration plan from 2020 – 2021, and now the Southern Los Cerritos Wetlands Restoration Plan. The longstanding collaboration between multiple non-profits, local, state, and federal agencies in protecting and restoring the Los Cerritos Wetlands underscores the broad support for this project and its importance.

For almost two decades I have been waiting to see Los Cerritos Wetlands protected and restored. It is very inspiring and exciting to witness the LCWA move from conceptual designs to construction drawings and eventually to implementation and restoration at the Southern Los Cerritos Wetlands. Completion of the geotechnical studies proposed in this application is crucial to move the project forward.

I respectfully encourage you to support this important project for the restoration of valuable estuarine wetlands and wildlife habitat.

Sincerely,



Taylor Parker, PhD

March 4, 2022

Jack Ainsworth
Executive Director
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Subject: Support F16a— Application No. 5-21-0549 Los Cerritos wetlands Authority
Geotechnical Studies

Dear Director Ainsworth,

The Gabrielino-Shoshone Tribe of Southern California writes to express that the Los Cerritos Wetlands Authority (LCWA) has communicated with our tribe regarding the restoration designs for the Southern Los Cerritos Wetlands Restoration Project and details about the proposed geotechnical studies. Our tribe does not have any objections to the proposed geotechnical studies with conditions recommended by Commission staff knowing that Native American monitors and Archaeological monitors will be present during the sampling, and that the LCWA will be avoiding impacts to known biological and tribal cultural resources.

Our tribe has been a regular participant in the Los Cerritos Wetlands Tribal Advisory Group since May 2021, where tribal representatives have been kept up to date about the Southern Los Cerritos Wetlands Restoration project designs through regular communications from the LCWA. The Los Cerritos Wetlands is an important cultural landscape for the tribe, and we will be continuing to follow the project as designs progress.

Thank you,

Gabrielle Crowe

Vice Chair, Gabrielino-Shoshone Tribal Council of Southern California



GABRIELINO- TONGVA TRIBE

A California Indian Tribe historically known as San Gabriel Band of Mission Indians

March 6, 2022

Jack Ainsworth

Executive Director

California Coastal Commission

455 Market Street, Suite 300

San Francisco, CA 94105

Subject: Support F16a – Application No. 5-21-0549 Los Cerritos Wetlands Authority Geotechnical Studies

Dear Director Ainsworth,

The Gabrielino Tongva Tribe writes to express that the Los Cerritos Wetlands Authority (LCWA) has communicated with our tribe regarding the restoration designs for the southern Los Cerritos Wetlands Restoration Project and details about the proposed geotechnical studies. Our tribe does not have any objections to the proposed geotechnical studies with conditions recommended by Commissioned staff knowing that Native American monitors and Archaeological monitors will be present during the sampling, and that the LWCA will be avoiding impacts on known biological and tribal cultural resources.

Our tribe has been a regular participant in the Los Cerritos Wetlands Tribal Advisory Group since May 2021, where tribal representatives have been kept up to date about the Southern los Cerritos Wetlands Restoration project designs through regular communications from the LWCA. The Los Cerritos Wetlands is an important cultural landscape for the tribe, and we will be continuing to follow the project as the designs progress.

Thank you,

Linda Candelaria, Council Woman

Linda Candelaria, Councilwoman
Jerry Maldonado, Councilman

Vincent Holguin, Councilman
Charles Alvarez, Councilman
Jane Hussey, Councilwoman



Los Cerritos Wetlands Land Trust
for Long Beach and Seal Beach

**PO Box 30165
Long Beach, CA 90853**

www.lcwlandtrust.org

March 7, 2022

Jack Ainsworth

Executive Director

California Coastal Commission

455 Market Street, Suite 300

San Francisco, CA 94105

Subject: Support F16a – Application No. 5-21-0549 Los Cerritos Wetlands Authority
Geotechnical Studies

Dear Director Ainsworth,

The Los Cerritos Wetlands Land Trust is contacting you in support of F16a to approve the Los Cerritos Wetlands Authority's (LCWA) application to conduct geotechnical sampling in the Southern Los Cerritos Wetlands to further restoration designs with conditions recommended by Commission staff.

The restoration of the Los Cerritos Wetlands will provide important benefits for wetlands habitat and recreational use which is in keeping with the mission of the Los Cerritos Wetlands Land Trust.

We have been actively following and participating in the LCWA's restoration efforts for the Southern Los Cerritos Wetlands for many years. The geotechnical sampling will help characterize the soil to see if the material would support the LCWA's current conceptual restoration designs. The soil collected from the boreholes will be evaluated for soil contamination, soil-bearing capacity, and other strength-related properties, which will inform the scope and design of the wetland complex restoration. Additionally, some samples will be used to understand the prehistoric sensitivity of the site.

The LCWA has taken the time to share designs in public meetings and in one-on-one meetings with stakeholders including the Los Cerritos Wetlands Land Trust in order to answer questions and address concerns throughout the conceptual restoration design development from

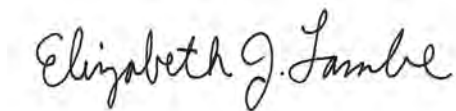
2012-2015, the Program environmental impact report from 2017 – 2020, the refined habitat restoration plan from 2020 – 2021, and now the Southern Los Cerritos Wetlands Restoration Plan. The longstanding collaboration between multiple non-profits, local, state, and federal agencies in protecting and restoring the Los Cerritos Wetlands underscores the broad support for this project and its importance.

We are happy to see the LCWA move from conceptual designs to construction drawings and eventually to implementing restoration at the Southern Los Cerritos Wetlands. Completion of the geotechnical studies proposed in this application is crucial to move forward in this effort.

We are glad that your staff is recommending that the proposed project be conditioned to preserve, protect, and minimize potential impacts to wetlands, water quality, biological resources, and archaeological and tribal cultural resources.

We respectfully encourage you to support this important project for the restoration of valuable estuarine wetlands and wildlife habitat.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth J. Lambe". The signature is written in a cursive, flowing style.

Elizabeth Lambe

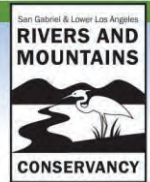
Executive Director

Los Cerritos Wetlands Land Trust



California Natural Resources Agency

San Gabriel & Lower Los Angeles Rivers and Mountains Conservancy

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**State of California, Department of
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**State of California, Wildlife
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US Army Corps of Engineers

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**Angeles National Forest US Forest
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**Los Angeles County Department of
Public Works**

James Treadaway
**Orange County Public Works
Department**

Stephen Johnson
San Gabriel River Water Master

Executive Officer
Mark Stanley

March 7, 2022

Jack Ainsworth
Executive Director
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Subject: Support F16a – Application No. 5-21-0549 Los Cerritos wetlands Authority
Geotechnical Studies

Dear Direct Ainsworth,

The San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) writes in support for F16a to approve the Los Cerritos Wetlands Authority's application to conduct geotechnical sampling in the Southern Los Cerritos Wetlands to further restoration designs with conditions recommended by Commission staff. We believe restoration of the Los Cerritos Wetlands can provide important benefits for wetlands habitat and recreational use.

The RMC, through a Joint Powers Authority agreement with the Cities of Long Beach and Seal Beach and the State Coastal Conservancy, formed the Los Cerritos Wetland Authority (LCWA) in 2006 to forward our shared goals to acquire, protect, and restore the Los Cerritos Wetlands. The RMC has been very supportive of current and past efforts to restore the Wetlands, which will provide valuable coastal wetlands and wildlife habitat and increase regional recreational opportunities in a highly developed urban area.


The RMC has been actively following the LCWA's restoration efforts for the Southern Los Cerritos Wetlands. We are supportive of the direction the LCWA has taken and appreciate the efforts made to keep the public up to date on this project. The geotechnical sampling will help characterize the soil to see if the material would support the LCWA's current conceptual restoration designs. Additionally, some samples will be used to understand the prehistoric sensitivity of the site. While there has been other soil sampling done on the property by previous landowners, none were conducted for the purpose of wetlands restoration. The LCWA has taken the time to share designs in public meetings and in one-on-one stakeholder meetings to answer questions and address concerns throughout the conceptual restoration design development from 2012-2015, the Program environmental impact report from 2017 – 2020, the refined habitat restoration plan from 2020 – 2021, and now the Southern Los Cerritos Wetlands Restoration Plan. The longstanding collaboration between multiple non-profits, local, state, and federal agencies in protecting and restoring the Los Cerritos Wetlands underscores the broad support for this project and its importance. The RMC is excited for the LCWA

Page 2

to move from conceptual designs to construction drawings and eventually to implementing restoration at the Southern Los Cerritos Wetlands. Completion of the geotechnical studies proposed in this application is crucial to move forward in this effort.

We respectfully encourage you to support this important project for the restoration of valuable estuarine wetlands and wildlife habitat.

Sincerely,

DocuSigned by:

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Mark Stanley
Executive Officer

MS:sg