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STAFF REPORT: CONSOLIDATED PERMIT

Application No.:	**9-25-0458**
Applicant:	**Los Cerritos Wetlands, LLC.**
Project Location:	Southern Synergy Oil Field Site, 6433 E. 2nd St., City of Long Beach, Los Angeles County. APNs (7237-017-010, 7237-017-011, 7237-017-012, 7237-017-013, 7237-017-014, 7237-017-019).
Project Description:	Phase 2 expansion of a previously-approved wetlands restoration project, including: 1) tidal channel creation, targeted grading, and plantings to re-establish an additional 77 acres of tidal wetlands, as well as transitional and upland habitats; 2) construction of a berm around portions of the site; 3) modifications to visitors' center parking and picnic areas and pedestrian trail; 4) preservation of historic well site and installation of interpretive signage; (5) restoration of at least 0.4 acres outside the Mitigation Bank to resolve an existing Coastal Act violation that occurred on the property; and (6) authorization for the Executive Director to sign an amendment to the Bank Enabling Instrument for expansion of the existing Upper Los Cerritos Wetlands Mitigation Bank.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Los Cerritos Wetlands, LLC (LCW, LLC), proposes implementing the Phase 2 Upper Los Cerritos Wetlands Restoration Project on the Synergy Oil Field property, located within the larger Los Cerritos Wetland complex in the City of Long Beach, Los Angeles County. The project will be carried out on the southern, 86-acre portion of the 154-acre Synergy site, an area historically used for oil production. The purpose of the project is to restore tidal wetlands and transitional upland habitats through the expansion of an existing habitat mitigation bank and to provide new public access features, such as pedestrian trails, interpretive elements, and relocation of a picnic area adjacent to a future Visitor's Center. These restoration efforts are designed to enhance ecological function, improve tidal exchange, reestablish and enhance habitat for special-status plant and animal species, and support long-term climate resilience.

The project contributes to a regional effort to restore and conserve the Los Cerritos Wetlands, led by the Los Cerritos Wetlands Authority (LCWA), a joint powers authority comprised of local and state agencies. The LCWA's Conceptual Restoration Plan (CRP) identifies the Synergy site as a high-priority restoration area due to its size, connectivity potential, and degraded condition. The proposed project builds on the Phase 1 Los Cerritos Wetland Oil Consolidation and Restoration Project restoration efforts already approved by the Commission under CDP No. 9-18-0395, which allowed for consolidation of oil operations, tidal restoration on the northern Synergy parcel, and, ultimately, the creation of the Upper Los Cerritos Wetland Mitigation Bank, to which the Executive Director became a signatory on July 28, 2023. The Phase 1 Project anticipated a gradual decommissioning of oil infrastructure over a 20-year period. However, the current proposal accelerates restoration by allowing both the northern and the southern portions of the site to be restored concurrently, significantly advancing the timeline for full ecological recovery and the regional vision for ecological restoration, sea level rise adaptation, and public access by nearly two decades.

While wetlands restoration was contemplated for the entire Synergy site, Phase 1 focused on a detailed wetland restoration plan for only the Northern Synergy Oil Field Site. The proposed Phase 2 project pertains directly to the Southern Synergy Oil Field Site. The Phase 2 project includes:

- Establishment of tidal channels (sloughs) reconnecting both the southern and northern portions of the site to full tidal exchange, targeted grading, and plantings to re-establish an additional 77 acres of tidal wetlands, as well as transitional and upland habitats.
- Construction of a perimeter berm along the southern and western margins of the project area that will tie into existing high elevations on the eastern side of the site, providing flood protection to adjacent land uses and limiting impacts to existing wetlands. The perimeter berm will be constructed instead of the interior sheet pile wall and earthen berm originally planned between the Southern and Northern Sites, as these sites will now be restored simultaneously.

- Regrading of select existing high elevations on the eastern side and in the southeast corner of the project area to create wetland and transitional habitat.
- Post-construction planting, irrigation, and maintenance and adaptive management for wetland restoration.
- Raising the elevation and changing the configuration of the Visitor Center complex, realignment of a proposed pedestrian trail, and relocation of the picnic area to be adjacent to the Visitor Center.
- Preservation of the Bixby Discovery Well #2 as a historic feature, with interpretive signage. Construction of a pedestrian trail connecting the Visitor Center to the Bixby Well.

As discussed more fully in Section L, violations of the Coastal Act have occurred on the property including: grading, removal of major vegetation, including wetlands vegetation, placement of fill in wetlands, and alteration of the hydrology of wetlands. These unpermitted activities, which occurred on an approximately 3,000 square foot area of the property, were undertaken by a prior owner of the property; however, the party who originally performed the violation, and the current owners, are both legally responsible for the violations and to ensure compliance with the Coastal Act and the underlying CDP.[1] In this case, Commission staff has worked closely with the applicant to find an amicable resolution to the enforcement matter in a way that, if carried out consistent with the proposed project, as conditioned, would fully resolve the violations. In order to address the Commission's claims for monetary penalties for these violations, and to otherwise fully resolve the violations at issue, the applicant is also proposing to restore an additional 0.4 acre (at a minimum) area of the property located outside the Mitigation Bank area to support wetlands functionality, enhance bioretention basins and stormwater drainage areas to improve water quality, and to provide additional native habitat on the property, as discussed more fully, below. Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's subsequent performance of the work authorized by the permit in compliance with all of the terms and conditions of the permit will result in resolution of the violations specifically described herein.

Lastly, the project would expand the already established Upper Los Cerritos Wetlands Mitigation Bank, which the Commission approved in 2021. Commission staff have worked with the applicants and an Interagency Review Team (IRT) for almost nine years to develop components of the bank, including interim and long-term maintenance plans, establishment of performance criteria, and monitoring protocols. As part of the proposed permit, the applicant seeks the Commission's concurrence that the proposed amendment to the Bank Enabling Instrument (BEI), and the resulting expansion of the bank, are consistent with mitigation requirements under the Coastal Act.

Although the project is a wetland restoration project expected to significantly improve tidal exchange, ecological function, and regional habitat connectivity, it has the potential

[1] *Lent v. California Coastal Com.,* 62 Cal. App. 5th 812, 832 (2021), *as modified on denial of reh'g* (Apr. 16, 2021), *review denied* (July 21, 2021), *cert. denied sub nom. Lent v. California Coastal Com.,* 212 L. Ed. 2d 7 (Feb. 22, 2022)

to result in impacts to coastal resources. These include excavation and fill in wetlands, impacts to environmentally sensitive habitat areas (ESHA), potential water quality degradation, disturbance to marine and wildlife resources, risk of oil or other hazardous material spills during construction, exposure to coastal hazards such as flooding and seismic activity, as well as potential impacts to cultural resources.

To ensure these impacts are avoided, minimized or mitigated, staff recommend a series of special conditions. **Special Condition 1** requires the Permitee to secure all other necessary agency approvals prior to the commencement of construction. **Special Condition 2** requires submission of final project plans in substantial conformance with the 65% design plans submitted with the application. Importantly, the final plans must include detailed plans for the Visitor's Center area, and if necessary, after surveys, reflect project changes to the design and location of the Bixby #2 Discovery Well feature to protect Southern tarplant ESHA. **Special Condition 3** requires submittal of an updated Wetland Restoration and Mitigation Plan that accounts and mitigates for all wetland impacts. **Special Conditions 4 through 9** address protection of sensitive habitat, biological resources, and water quality. These include requirements to implement several technical reports and management plans submitted with the application. These conditions build on requirements from the Phase 1 project and are now expanded to apply to Phase 2. **Special Condition 10** requires the submittal of a project-specific Oil Spill Prevention and Response Plan. **Special Condition 11** requires and updated Hazards and Geotechnical Report specific to Phase 2 project elements, including the newly proposed perimeter berm. **Special Conditions 12 and 13** address cultural resource protection through submittal and implementation of a Tribal and Cultural Education Plan. **Special Condition 14** requires the submittal of a Public Access, Recreation and Open Space Plan that aims to balance public access with resource protection. **Special Conditions 15 and 16** address open space and conservation deed restrictions. **Special Condition 17** addresses the outstanding violation on the property by requiring submittal of a Supplemental Wetlands Restoration Plan for Bioswales. This special condition is to ensure that the supplemental wetlands restoration required for the bioswales is successful by monitoring for a minimum of 5 years to meet a site-specific success criteria. **Special Condition 18** addresses coastal hazards risk. **Special Condition 19** addresses liability for attorney's fees and costs. Lastly, **Special Condition 20** addresses plan implementation.

With the inclusion of the recommended special conditions, the proposed restoration and public access project is consistent with the Chapter 3 policies of the Coastal Act. Commission staff therefore recommends that the Commission **APPROVE** coastal development permit application 9-25-0458, as conditioned, and authorize the Executive Director to become a signatory to the amended Upper Los Cerritos Mitigation Bank Enabling Instrument.

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APPENDICES

EXHIBITS

I. MOTIONS AND RESOLUTIONS

Coastal Development Permit

Motion:

I move that the Commission **approve** Coastal Development Permit 9-25-0458 subject to conditions set forth in the staff recommendation specified below.

Staff Recommendation of Approval:

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit 9-25-0458 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

Mitigation Bank Amendment

Motion:

I move that the Commission authorize the Executive Director to approve the amendment to the Upper Los Cerritos Mitigation Bank Enabling Instrument as described in the staff report and included as Appendix B, dated June 2025.

Staff Recommendation of Approval:

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby authorizes the Executive Director to approve the amendment to the Upper Los Cerritos Mitigation Bank Enabling Instrument as described in the staff report and included as Appendix B, dated June 2025.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Other Permits and Approvals**. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall provide the Executive Director with copies of all other local, state, and federal permits required to perform project-related work. Any modifications to the project or its design, configuration, or implementation that occur as a result of these agencies' review and authorization processes shall be provided to the Executive Director for review to determine if an amendment to this coastal development permit is required. These permits and approvals include, but are not limited to:
   a. Regional Water Quality Control Board – Los Angeles Region: Section 401 Water Quality Certification.

b. U.S. Army Corps of Engineers (Corps): Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.
c. California Department of Fish and Wildlife (CDFW): Section 1602 Lake and Streambed Alteration Agreement.

2. Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit to the Executive Director for review and approval two full-sized sets of Final Plans that substantially conform to the 60% Design Plans (dated 4/10/2025) submitted with the application. The Final Pans shall include at a minimum the specific location, dimensions and elevations of all proposed project elements, including but not limited to: wetland restoration areas; the perimeter berm and bioswales on the outbound side of the berm; tidal channels (including interior berm breach areas); the modified Visitor Center area, including the Visitor Center building, parking areas, public access trails, and picnic areas; the Bixby #2 Discovery Well feature, including any developed viewing area around the well;, signs, fences, lighting, and utilities; and any other new development proposed for the project. The Final Plans shall include the following details:

a. Detailed Plans for modified Visitor Center footprint. Detailed plans for the Visitor Center footprint shall include the following:
1. Site Plan drawn to scale, showing the location of the Visitor's Center building in relation to restored wetland areas, public access trails, interpretive features, parking, bioretention basin, utilities, and any adjacent development.
2. Architectural Elevations of all building sides, indicating proposed height, massing, exterior materials, and design features.
3. Grading and Drainage Plans, showing site elevations and topography, surface flow patterns, flow calculations, stormwater management measures, and integration with the proposed bioretention basin.
4. Lighting Plan, identifying the type, height, location, and shielding of all exterior lighting fixtures, designed to minimize light spillover into adjacent habitat areas and wetlands.
5. Landscape Plan, identifying the location, species, and irrigation method for proposed plantings, with emphasis on native and drought tolerant species compatible with the adjacent wetland habitats.
6. Utility Plan, including locations and design treatments for mechanical equipment, refuse areas, and any proposed infrastructure connections.

b. Detail Plans for Bixby #2 Discovery Well demonstrating that the well feature, including the public trail and viewing area, avoids Southern tarplant ESHA. To ensure avoidance of any impacts to Southern tarplant ESHA located in or adjacent to the Bixby #2 Discovery Well site, the following shall apply:
1. Pre-construction Biological Survey Requirement. A qualified biologist shall conduct a pre-construction field survey (consistent with Special Condition # 5) to identify and map the presence of tarplant within and surrounding the area proposed for the Bixby #2 Discovery Well site and public trail between the well site and Visitor Center. The survey shall be submitted with the final project plans and accompanied by a narrative

Southern tarplant ESHA impact assessment and avoidance recommendations, if needed.

2. **Design Revisions to Avoid Impacts**. If Southern tarplant individuals or populations are found within or adjacent to the proposed footprint of the Bixby #2 Discovery Well site, the well structure and associated improvements (e.g., paths, foundations, signage) shall be relocated or redesigned to avoid direct or indirect impacts.
3. **Revised Final Plans Requirement**. The Final Plans shall clearly show the location of all Southern tarplant occurrences identified in the field, the final siting and design of the Bixby #2 well feature in relation to Southern tarplant ESHA, and any buffer areas, protective measures, or modifications made to avoid impacts.

The Permittee shall undertake development in conformance with the approved plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required.

3. **Revised Wetland Restoration and Mitigation Plan**. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit for review and approval of the Executive Director a revised Wetland Restoration and Mitigation Plan (WRA, April 2025) and associated wetland impact map. The revised Plan shall incorporate updated wetland impact accounting, mitigation requirements, and compensation framework with all project components, including 1) the elevated building pad for the Visitor's Center and 2) the parking lot and bioretention basin infrastructure. The revised Plan shall include the following:

   a. **Updated Table 2 (Wetland Impacts)**. The revised Table 2 (see **Exhibit 14**) shall identify and quantify all wetland impacts, including impacts associated with the following activities; 1) creation of the elevated building pad for the Visitor's Center, 2) development of the parking lot, and 3) development of the proposed drainage retention basin located within the Visitor's Center footprint. These activities and impacts shall be clearly distinguished from other project elements.

   b. **Updated Table 3 (Mitigation Requirements)**. The revised Table 3 (see **Exhibit 14**) shall include all project activities, including those listed in section (a) above, shall include the area of impact for type of activity, shall apply the same mitigation ratios as those already establish in the Plan to each impact type, and shall show the mitigation acreage required for each impact. to each impact type and shall show the mitigation acreage required for each impact. to each impact type and shall show the mitigation acreage required for each impact. to each impact type and shall show the mitigation acreage required for each impact.

   c. **Updated Table 4 (Total Mitigation Requirements)**. The revised Table 4 (see **Exhibit 14**) shall summarize the impact acres, mitigation ratios, mitigation approach taken and the total acres of mitigation required.

d. **Revised Impact Map.** The applicant shall submit a revised impact map that reflects the full extent and location of all project-related wetland impacts, including those associated with the Visitor's Center features noted above. The map shall be clearly labeled and referenced to the updated Tables 2 and 3.

The Permittee shall undertake development in conformance with the approved plan unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required.

4. **Wetland Maintenance and Monitoring Plans.** By acceptance of this permit, the permittee acknowledges and agrees that the permittee shall implement the established performance criteria, maintenance and monitoring protocols, and reporting procedures consistent with the Interim and Long-term Maintenance Plans included in the Bank Enabling Instrument (BEI) (June 2025).

   The Permittee shall undertake development in conformance with the approved plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required.

5. **Biological Resource Protection Plan (BRPP).** The permittee shall implement the Biological Resources Protection Plan (WRA, Inc., April 2025), as submitted to the Coastal Commission. The purpose of the BRPP is to document biological resources on the site prior to construction, including sensitive habitat areas and special status-species, provide for biological monitoring during construction, and post-construction surveys and monitoring on areas temporarily impacted by project construction activities. All project activities shall be carried out in conformance with the submitted plan. Any proposed changes to the approved plan shall be reported to the Executive Director.

   The Permittee shall undertake development in conformance with the approved plan unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required.

6. **Construction and Pollution Prevention Plan (CPPP).** The Permittee shall implement the Construction and Pollution Prevention Plan (Wilson Mikami, March 2025), as submitted to the Coastal Commission. The CPPP describes all structural and non-structural measures (BMP's) the Permittee will implement to avoid and minimize project-related impacts to wetlands and coastal waters adjacent to the project site. All project activities shall be carried out in conformance with the submitted plan. Any proposed changes to the approved plan shall be reported to the Executive Director.

   The Permittee shall undertake development in conformance with the approved plan unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required.

7. **Nuisance Minimization Plan (NMP).** The Permittee shall implement the NMP (WRA, Inc., April 2025), as submitted to the Coastal Commission. The NMP details ways in which nuisance effects, such as noise, dust, odor, smoke, fumes, vibration, glare, traffic congestion, and other potential hazards to life and property will be minimized during project implementation. All project activities shall be carried out in conformance with the submitted plan. Any proposed changes to the approved plan shall be reported to the Executive Director.

   The Permittee shall undertake development in conformance with the approved plan unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required.

8. **Water Quality Management Plan (WQMP).** The Permittee shall implement the WQMP (Wilson Mikami Corporation, March 2025), as submitted to the Coastal Commission. The WQMP details post-construction drainage and runoff conditions and describes the implementation of Best Management Practices (BMPs) related to site design, source control, and treatment. All project activities shall be carried out in conformance with the submitted plan. Any proposed changes to the approved plan shall be reported to the Executive Director.

   The Permittee shall undertake development in conformance with the approved plan unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required.

9. **Southern Tarplant Restoration and Mitigation Plan.** PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, the Permittee shall submit a Southern Tarplant Restoration and Mitigation Plan to the Executive Director for review and written approval. The Plan shall include the following elements:
   a. Provision for seed collection from existing Southern tarplant populations in late summer and fall in preparation for future mitigation. Southern tarplant is an annual species belonging to the sunflower family that grows in seasonally moist (saline) areas and that germinates in the spring and flowers in late summer and into fall. The tarplant phenology must be monitored by the biologist assigned to collect seeds in order to determine the appropriate timing for seed collection. Seeds must be collected from all tarplants within the impact area once it has been determined tarplants have set seed. A biological monitor must be present during seed collection activities to ensure that seed is only collected from plants that will be impacted by the oil infrastructure removal activities. Upon completion of seed collection, the seeds must be cleaned in preparation for planting. If necessary, the seed must be temporarily stored in a dark, cool place and not be allowed to become damp.
   b. Summary of impacts to Southern tarplant from project-related activities including the percent cover measurements of the areas of impacted Southern tarplant. The summary should note which impacts are to fragmented and disturbed Southern tarplant and which impacts are to Southern tarplant in large undisturbed areas.

c. A detailed site plan of the Southern tarplant mitigation sites. Appropriate sites will have suitable hydrology, soils, and necessary open space. The mitigation sites shall mitigate impacts to the fragmented and disturbed Southern tarplant in and around the oil infrastructure, described in (b) at a 1:1 ratio (created:impacted) and impacts to Southern tarplant in large undisturbed areas, described in (b) at a 3:1 ratio (created:impacted). The mitigation site plan shall include both the restoration area and the buffer surrounding the restoration area.

d. A baseline assessment, including photographs, of the current physical and ecological condition of the proposed mitigation site including the hydrology and soil type.

e. A description of the goals of the restoration plan and the applicable mitigation ratio from (b) above.

f. A description of planned site preparation that includes:

- **i.** Soil preparation – soils must be ripped or disced prior to seeding to alleviate any soil compaction that exists within the mitigation sites
- **ii**. Weed control – all non-native species must be removed prior to seeding.
- **iii.** Temporary irrigation may be necessary and may include either an overhead and/or drip system or use of a water truck or other hand-watering methods.

g. Seed planting/broadcasting shall occur between October and January 30 during following late fall and winter rain when the weather and soil conditions are suitable.

h. A plan for documenting and reporting the physical and biological “as built” condition of the restoration or mitigation site within 30 days of completion of the initial restoration activities.

I. Monitoring design that measures the percent germination rate and the number of seedlings the first year followed each year by the number and percent cover of surviving Southern tarplants.

j. Monitoring must occur until the number and percent cover of Southern tarplants has reached 75% of the value of the impacted areas for a minimum of five (5) years.

k. Provisions for submittal of annual reports and a final report once success criteria have been met.

The Permittee shall undertake development in conformance with the approved plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required.

10. **Oil Spill Prevention and Response Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit for Executive Director review and approval, a project-specific Oil Spill Prevention and Response Plan (OSPRP) that includes the following elements:
    a. Identification protocols for previously unknown or undocumented oil field infrastructure (e.g., wells, pipelines, sumps). The plan shall require that

construction crews stop work and notify appropriate regulatory agencies if such infrastructure is encountered during excavation or grading.

b. Spill prevention measures, including secondary containment for all fuel and hazardous materials storage, regular equipment inspections for leaks, and on-site spill kits readily available to all crews.
c. Fueling restrictions, requiring all vehicle and equipment fueling to occur in designated, contained areas, away from sensitive habitats and drainage pathways.
d. Spill response procedures, including immediate notification, containment, and cleanup steps, along with contact information for relevant emergency response agencies.
e. Training requirements ensuring that all personnel are trained in spill prevention and response procedures before starting work onsite.
f. Identification of a third-party oil spill response and cleanup contractor to address large spills, if needed.

All measures described in the approved plan shall be implemented for the duration of construction. If oil field infrastructure is encountered, the applicant shall halt work in the immediate area and coordinate with the appropriate regulatory agencies before resuming. No contaminated materials shall be disposed of onsite.

The Permittee shall undertake development in conformance with the approved plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required.

11. **Supplemental Seismic and Geotechnical Analysis and Hazard Mitigation Plan**. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Applicant shall submit for the Executive Director review and written approval, a Supplemental Seismic and Geotechnical Analysis and Hazard Mitigation Plan. The Plan shall be prepared by a licensed engineering geologist and civil engineer, and/or geotechnical engineer, and shall include the following:

    a. A geotechnical analysis specific to the proposed perimeter berm that at a minimum evaluates seismic hazards, including but not limited to fault rupture, ground shaking, and liquefaction, and berm stability under static and pseudostatic conditions, along the full route of the perimeter berm;
    b. An engineering analysis demonstrating that the perimeter berm has been designed to withstand the maximum horizontal and vertical fault displacements indicated in the geotechnical analysis, and describing the specific design elements and management approaches that would be used to accommodate and/or mitigate the expected displacements;
    c. A set of specific design specifications, construction measures, maintenance and repair actions, and other relevant recommendations needed to assure the stability of the berm consistent with applicable, current building codes (e.g., CBC 2022) and ASCE standards (e.g., ASCE/SEI 7-22);
    d. An inspection and maintenance plan describing in detail the types and frequency of inspections and the measures that will be taken to maintain the

perimeter berm in good working condition, including provisions for prompt inspection and repair following potentially damaging large flood or earthquake events.

The Permittee shall construct and maintain the proposed berm consistent with the recommendations of the approved Plan unless the Commission amends this permit, or the Executive Director provides a written determination that no amendment is legally required.

12. **Protection of Cultural Resources**. The Permittee shall implement the Archeological Research Plan (ARP) (ESA, 2021) and the Archeological Monitoring and Mitigation Plan (AMMP) (ESA, 2021) prepared for the Los Cerritos Wetlands Oil Consolidation and Restoration Project, and which include both the Northern and Southern Synergy Sites. All project activities shall be carried out in substantial conformance with the previously approved plans. Any proposed changes to the approved plan shall be reported to the Executive Director.

    The Permittee shall undertake development in conformance with the approved plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is required.

13. **Tribal Culture Education Plan.** PRIOR TO OCCUPANCY OF THE VISITOR'S CENTER, the Permittee shall submit to the Executive Director for review and written approval a Tribal Culture Education Plan. The Plan shall describe educational materials and activities to be provided at the Visitor's Center to educate visitors about the history and culture of all tribal peoples with a cultural connection to the Los Cerritos Wetlands. The Plan shall seek to include a variety of tribal perspectives and shall be representative and respectful of all tribal peoples. The Plan shall include the following components:
    - **a.** The Permittee shall work with tribal representatives to develop an educational plan for the Visitor's Center.
        - **i.** The Permittee shall contact all tribal members on the NAHC list to gather feedback on the types of materials, displays, activities or other educational components the tribal members would like include at the Visitor's Center. The Permittee shall provide an adequate amount of time, and no less than 45 days for tribal representatives to respond.
        - **ii.** Based on the feedback received from tribal representatives, the Applicant shall develop a draft Plan describing tribal educational materials and activities to be provided at the Visitor's Center.
        - **iii.** The Permittee shall submit this Plan to all tribal members on the NAHC list to provide them an opportunity to comment on the draft Plan. The Permittee shall provide an adequate amount of time, and no less than 60 days for tribal representatives to provide comments.
    - **b.** If there is a disagreement among different tribal representatives on the content or types of materials and activities to be included, the Permittee will present different alternatives in the Plan that is submitted to the Executive Director.

c. The Plan shall provide for maintenance and upkeep of the educational materials and activities.

d. The Plan should include a process to re-evaluate tribal educational materials and activities with interested tribal representatives on the NAHC list every five years.

e. The Permittee shall implement the final approved Plan within one year of approval by the Executive Director unless he or she determines that additional time is warranted. Any subsequent changes to the Plan must be submitted to the Executive Director for review and written approval.

The Permittee shall undertake development in conformance with the approved plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is required.

14. **Management and Maintenance Plan for Public Access, Recreational Use, and Open Space Areas.** PRIOR TO ISSUANCE OF THE PERMIT, the Permittee shall provide for the review and written approval of the Executive Director, a Management and Maintenance Plan for all public access and recreational use areas on the full Upper Los Cerritos Bank/Synergy property, including both the Northern and Southern Areas. The Plan shall balance public access and recreation on the site with protection of sensitive biological resources on the site, including Steamshovel Slough and the surrounding existing and restored areas. The final management and maintenance program(s) shall include the following:

a. Identify all entities responsible for management and maintenance of the public access and recreational use areas. The current owner(s) of the Synergy site shall maintain those areas consistent with the final management and maintenance program until such time as management of the site is accepted by the Los Cerritos Wetlands Authority (LCWA). All management and maintenance shall occur in accordance with the approved Management and Maintenance Program.

b. Restrictions on timing, locations, number of people allowed on all public access features, and group activities for public access and recreation on the site that ensure disturbance to surrounding habitats is minimized. The Plan shall also include measures such as signage, wildlife-friendly fencing or barriers, public education programs and other means to ensure successful implementation of restrictions.

c. Signage Plan. The Permittee shall submit a Signage Plan, in compliance with the following:

i. Public Access Signage that directs the public to the public access and recreation areas, and trails, on the project site.

ii. Conservation signage that directs the public to refrain from entering and disturbing wetland areas included in the mitigation bank and educates the public about the habitat value and lists common disturbances to wildlife which are to be avoided, including but not limited to: domestic pets, littering, loud noises, lights, etc.

iii. Signs shall be included that are located and sized such that they are visible from existing publicly accessible areas (e.g. nearby sidewalks and public roads) adjacent to the site. Signs shall invite and encourage public use of access opportunities and shall identify and direct the public to those locations.
iv. Directional signage is required including direction to public parking, directional monuments (e.g. location of public amenities), and public trails. Signage denoting a coastal access point is required.
v. Interpretative signage shall be limited to historical, environmental and cultural educational signage.

d. Identify funding for Management and Maintenance Activities. The Plan shall include:
i. A funding program sufficient to fund the actual cost of maintenance and periodic repair and replacement of the facilities within the areas open to the public, such as the Visitor's Center, the Bixby #2 Discovery Well, trails, public access walkways and associated appurtenances including, but not limited to, surfaces, landscaping (if any), and signage; and
ii. A list of maintenance activities including but not limited to: trash collection, repairs or replacement of surfaces due to cracks, spalling, broken concrete, etc., maintenance of gutters, curbs and sidewalks (keep free of debris, buildup, etc.), removal and/or trimming of vegetation that is interfering with public use of trails and any other public access and recreational use areas, repair/replacement of public access signs, trash receptacles, benches, handrails, stairs, and lighting, if necessary.
iii. A funding program sufficient to fund the actual cost of maintenance and periodic vegetation enhancements including on-going restoration, habitat enhancements for identified sensitive species, and repair and replacement of associated appurtenances including, but not limited to, fencing and signage for the trails and recreational areas; and
iv. A list of maintenance activities related to the on-going restoration and habitat enhancement for the trails and recreational areas.

15. Open Space and Conservation Deed Restriction or Conservation Easement.

a. No development, as defined in Section 30106 of the Coastal Act, shall occur on areas of the site that are approved for restoration under this permit, as depicted on **Exhibit 5**, except for:
i. Restoration construction work, including construction of channels, breaching of the existing berm, installation of the perimeter berm, constructing bioswale restoration areas and implementation of pollution prevention measures, approved under Special Conditions 6 and 8.
ii. Wetland and habitat monitoring and other activities approved under Special Conditions 4 and 5.
iii. Interim and long-term habitat management activities approved under Special Condition 4.

iv. Invasive plant removal and other restoration maintenance activities as approved under Special Conditions 3 and 4.
v. Fence maintenance and repair activities.
vi. Erection and maintenance of public access signage.
vii. Maintenance of the public access trails.
viii. Maintenance of the Bixby #2 Discovery Well.
ix. Any remedial action required by the Commission or another state or federal agency to ensure the restored area meets mitigation requirements.

b. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the landowner shall execute and record a deed restriction or easement in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the designated open space area. The recorded document(s) shall include a legal description and corresponding graphic depiction of the legal parcel(s) subject to this permit and a metes and bounds legal description and a corresponding graphic depiction, drawn to scale, of the designated open space area prepared by a licensed surveyor based on an on-site inspection of the open space area.

c. The deed restriction or easement shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed.

The deed restriction or easement shall run with the land in favor of the People of the State of California, binding successors and assigns of the Permittee or landowner in perpetuity.

16. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit to the Executive Director for review and written approval documentation demonstrating that the landowners of the Synergy site have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: **(1)** indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of the property; and **(2)** imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

17. Supplemental Wetlands Restoration Plan for Bioswales. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit to the Executive Director for review and written approval a supplemental wetlands restoration plan to address establishment of wetlands vegetation within at least 0.4 acre

of bioswale along the southern or western portion of the property. The plan shall, at a minimum, include the following elements:

a. Precise location of bioswale to be restored, determined based on the appropriate site hydrology (e.g., whether water is anticipated to brackish or fresh water).
b. Identification of one or more locally-relevant reference sites with similar hydrology to that anticipated for the selected bioswale site.
c. Identification of appropriate success criteria for the bioswale wetland area to be achieved at the end of the monitoring period, including a minimum threshold for native plant cover based on the selected reference site(s), and a maximum threshold for non-native plant cover of 10 percent.
d. Identification of a locally-appropriate plant palette, guided by the anticipated hydrology and reference site, and a requirement to obtain plantings and/or seed stock from local sources to the extent feasible.
e. A work plan and schedule for the construction of the bioswale wetland establishment, including a description of grading, planting methods and any proposed irrigation.
f. A maintenance plan with specific actions to ensure the establishment of the wetland and attainment of the success criteria.
g. Requirement for on-going trash removal within the bioswale areas, on at least a monthly basis.
h. Five years of monitoring, to be carried out on a quarterly basis, with annual reporting to the Executive Director; the first annual report shall be submitted 12 months after completion of the initial restoration work. Annual reports shall document progress toward the five-year success criteria and identify any necessary management adjustments or remedial actions to correct observed problems.

If at the completion of the five year monitoring and reporting period (dated from the completion of planting activities), the Executive Director determines that the performance criteria described within the plan have not been met, the Permittee shall submit, within 60 days of the Executive Director's determination, a new restoration and monitoring Plan for Executive Director review and approval.

The Permittee shall undertake development in conformance with the approved final plan unless the Commission amends this permit or the Executive Directory provides a written determination that no amendment is legally required.

18. **Coastal Hazard Risk.** BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittees acknowledge and agree, on behalf of themselves and all successors and assigns:

    a. **Coastal Hazards:** That (1) the Project area is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, coastal flooding, fluvial flooding, groundwater inundation, and the compounding effects of each of these hazards and as influenced by sea level rise and

climate change, and (2) the existing and proposed berms and other development in the Project area may not continue to provide the level of protection from those hazards that they are currently expected to provide unless repaired, maintained, enhanced, or reinforced in a manner not authorized by this permit;

b. **Assume Risks:** To assume the risks to the Permittees and the property that is the subject of this permit of injury and damage from such coastal hazards in connection with this permitted development;

c. **Waive Liability:** To unconditionally waive any claim of damage or liability against the Coastal Commission, and their officers, agents, and employees for injury or damage from such coastal hazards;

d. **Indemnification:** To indemnify and hold harmless the Coastal Commission and their officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards;

e. **Disclosure:** All documents related to any future marketing and sale of the subject property, including but not limited to marketing materials, sales contracts, deeds, and similar documents shall notify buyers of the terms and conditions of this Coastal Development Permit; and

f. **Property Owner Responsibility:** That any adverse effects to property caused by the permitted project shall be fully the responsibility of the owner(s) of the properties on which the permitted project is located.

19. **Liability for Attorneys' Fees and Costs.** By acceptance of this permit, LCW, LLC agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees, including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorney's fees that the Coastal Commission may be required by a court to pay that the Coastal Commission incurs in connection with the defense of any action brought by a party other than LCW, LLC against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

20. **Plan Implementation.** In the event of any actual conflict or inconsistency between the plans required by the Special Conditions contained herein and the plans(s) specified under the Special Conditions of CDP No. 9-18-0395 for any project areas covered by both Special Conditions, the plan specifications of the Special Conditions of this permit (CDP No. 9-25-0458) shall apply. In the absence of such a conflict or inconsistency, the plans required under CDP No. 9-18-0395 shall remain in effect.

IV. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION, BACKGROUND, AND DESCRIPTION

Project Location

The Synergy Oil Field site consists of an approximately 154-acre property located at 6433 E. 2nd Street in the City of Long Beach, Los Angeles County. The site is bound by the Pacific Coast Highway to the west, 2nd Street to the south, Studebaker Road to the east and the Los Cerritos Channel to the north (**Exhibit 1**). The Synergy Oil Field Site includes the Northern Synergy Oil Field Site (Northern Area) and the Southern Synergy Oil Field Site (Southern Area), delineations that emerged from the previous proposal (approved under CDP No. 9-18-0395) to first conduct wetland restoration of the Northern Area (Phase 1), with the Southern Area to follow at a later date (see below). The Northern Area is approximately 76.5 acres. The Southern Area, which is the primary subject of this application, is approximately 73 acres (**Exhibit 2**).

The Southern Area contains oil production facilities[2] and associated compacted earth roads and parking lots, an office building, limited tidal wetland areas, non-tidal wetlands areas, and vegetated and non-vegetated flats. A closed former landfill is located on the eastern portion of the site, buried under approximately 25 feet of fill.

Background

The Phase 2 project is a key component of the broader effort to restore and enhance the Los Cerritos Wetlands, a highly degraded but ecologically significant coastal wetland complex located at the boundary of Los Angeles and Orange Counties. The Los Cerritos Wetlands Authority (LCWA), a joint powers agency comprised of the State Coastal Conservancy, City of Long Beach, Los Angeles County, and the Rivers and Mountains Conservancy, has developed a Conceptual Restoration Plan (CRP) to guide large-scale phased restoration across the wetland system. The LCWA's CRP calls for reestablishing historic tidal influence, improving wetland and upland habitats, and enhancing public access and ecosystem resilience. Many of the lands within the LCWA's planning area are encumbered by legacy oil operations, requiring a phased transition strategy where oil infrastructure is retired or relocated to allow for restoration.

The Phase 2 project advances these goals by restoring tidal wetlands, brackish and seasonal habitats, upland transition zones, and providing public access on the southern portion of the Synergy Oil Field. The area targeted for restoration is occupied by oil

[2] The applicant's March 2025 Decommissioning Plan, submitted as part of the CDP application, states that decommissioning of the oil facilities began in January 2024, and has resulted, to date, in the abandonment of 12 existing wells (with 27 remaining to be abandoned) and the removal of two existing tank farms. All the remaining processing equipment located on site is expected to be removed during the first quarter of 2026.

infrastructure that is to be decommissioned and removed as part of the Phase 1 Los Cerritos Wetland Oil Consolidation and Restoration Project, approved by the Commission under CDP No. 9-18-0395 in 2018. That project authorized the consolidation of oil operations within a reduced footprint on an offsite property and decommissioning of existing oil facilities located on the southern portion of the Synergy Oil Field site over a period of 20 years to enable ultimate restoration of the southern portion of the property. That project also authorized a 30-acre wetland restoration project within the northern portion of the Synergy Oil Field site.

The Phase 2 project is designed to complement additional restoration efforts within the LCWA program area, including the Southern Los Cerritos Wetlands Restoration Project, which was approved by the Commission under CDP No. 5-20-0428 in March of 2025. That project, located east of the Synergy site, involves the restoration of historic tidal wetlands, enhancement of transitional upland habitat, and public access improvements. Together, the Synergy and Southern Los Cerritos Wetland Restoration projects represent two of the most advanced implementation phases of the LCWA's CRP and are critical to achieving a connected, functional, and resilient wetland system across jurisdictional boundaries.

Project Description

The project proposes restoring wetlands on the Southern Area through establishment of tidal channel connections throughout the full Synergy Oil Field Site, planting of wetland vegetation, irrigation, and maintenance, protection against sea level rise, providing public access through construction of a visitor's center, pedestrian trail, and picnic area, and establishment of a mitigation bank. Removal of all existing oil infrastructure over a 20-year period was contemplated and approved under CDP No. 9-18-0395. Since the time of that 2018 CDP approval, the decommissioning and removal process has been accelerated, and is expected to be completed by 2026 to enable the current project, which proposes to restore tidal wetlands to across the full Synergy Oil Field Site.

While wetlands restoration was previously contemplated for the entire Synergy site, CDP No. 9-18-0395 focused on and approved a detailed wetland restoration plan for only the Northern Area as Phase I. This CDP application pertains primarily to Phase 2 restoration of the southern portion of the site (Southern Area), but also includes several changes (e.g., to tidal channel grading and configuration) in the Northern Area necessary to accommodate the much larger combined wetland restoration area. Due to the desire to undertake restoration activities simultaneously for the northern and southern sites, the proposed project also includes minor changes to what was approved for the Southern Area by CDP No. 9-18-0395. Individual elements of the proposed project, including proposed changes, are described in detail below.

<u>Perimeter Berm Construction</u>
The existing CDP No. 9-18-0395 included the construction of a sheet pile wall and earthen berm separating the Northern and Southern Areas to protect the restoration occurring in the Northern Area from oil operations that were originally envisioned to continue over a 20-year period on the Southern Synergy Oil Field Site, and to provide

flood protection to surrounding areas. However, both Areas are now planned to be restored simultaneously because decommissioning of oil facilities is now expected to occur on an accelerated timeline by 2027. Therefore, the applicant now proposes to construct an earthen Perimeter Berm along the south and west perimeter of the project area so that the tidal channels originally to be constructed in the Northern Area can be extended into the Southern Area, enabling tidal wetland restoration across the full site.

The proposed Perimeter Berm would be constructed to an elevation of 9.5 feet. The berm's side slopes would be 2:1 on the inboard side (towards the East 2nd Street and Pacific Coast Highway [PCH]) and 5:1 on the outboard side (towards the restored wetlands), except in the southeast corner of the project area where the outboard side slope would tie into the transitional habitat slope area (detailed below) to generate a side slope of up to 130:1. On the east side of the project area, the Perimeter Berm would tie into existing high ground that is already at or above 9.5 ft. NGVD elevation. The Perimeter Berm would bound the tidal restoration area and also serve to protect adjacent land uses from increased flood risk.

The proposed perimeter berm would replace the sheet pile wall and interior berm that were approved by CDP 9-18-0395, which would have been installed temporarily during restoration of the Northern Synergy Oil Field Site, and prior to the start of Southern Synergy Oil Field Site restoration. Because the northern and southern sites are proposed to be restored, simultaneously, the sheet pile and interior berm are no longer required as an interim step, and the Perimeter Berm can instead be constructed. The approved interior berm between the northern and southern site would have had 2.06 acres of wetland impact and the sheet pile would have had 0.03 acres of impact. The proposed Perimeter Berm would have a total impact of 2.44 acres. A comparison between the impacts expected from the Perimeter Berm and the originally planned sheet pile wall and earthen berm is shown in **Exhibit 10**.

Transition Slope Creation

An existing high elevation area in the southeast corner of the project area would be regraded to generate a more natural, transitional habitat slope. Western portions of this area would be lowered to elevations suitable for tidal marsh vegetation. The material collected through this excavation would be used to raise and regrade the rest of this high elevation area to generate a gentle transitional slope of up to 130:1. Select portions of existing, degraded upland areas adjacent to this area would also be lowered to expand the extent and benefit of this gradual transition zone. This transitional slope will be tied into the Perimeter Berm.

Tidal Channel Creation

Tidal channels would be graded in targeted locations to connect the tidal restoration area with neighboring Steamshovel Slough, which itself connects to the Los Cerritos Channel, Alamitos Bay, and the Pacific Ocean. The proposed channels would expand, and partially modify, the previously permitted channel network in the Northern Area. Construction of these channels would be done prior to breaching the outer berm that separates the Northern Area from Steamshovel Slough, allowing tidal flows into the

channel network. Within the project area, tidal channels would range in elevation from roughly minus 2.2 feet below mean sea level (MSL) at the point where the largest, westernmost tidal channel would meet Steamshovel Slough, to approximately 3.2 feet MSL at the heads of the channels. To the extent feasible, the channels have been designed to be created in areas that are currently unvegetated. Tidal channels to be created are shown on **Exhibit 6**.

Removal of Roads and Well Pads

Currently, the project area is bisected by a series of roads situated on raised earthen berms that act as hydrologic barriers separating low lying areas from one another. To facilitate the restoration of the project area and allow tidal action to reach the coastal salt marsh restoration areas, these roads will be removed. In addition, existing hardscape such as oil well pads and a parking lot near the onsite office building will similarly be removed and brought down to wetland elevation.

Post-Construction Planting, Irrigation, and Maintenance

Newly restored wetland areas would be planted and/or seeded with native salt marsh or upland plants, as appropriate, consistent with the restoration plantings approved for the Northern Area under CDP 9-18-0395. The Perimeter Berm would be planted with native vegetation. Elevations below 4.3 ft. NGVD, which will be supported by tidal inundation and planted with native coastal salt marsh vegetation, will be considered coastal salt marsh habitat. Areas above 4.3 ft. NGVD will be planted with transitional and upland vegetation. Irrigation would be installed and used to facilitate plant establishment in vegetated areas as necessary. A maintenance program would be implemented to improve the likelihood that the restoration is successful. General maintenance activities would include plant inspection, weed control, trash and debris removal, adjusting water volume and frequency, maintenance of the irrigation system, pest control, and plant replacement.

Visitor Center Footprint Modifications and Picnic Area Relocation

The existing CDP includes relocation and conversion of an existing building into a Visitor Center in the southern portion of the project area; therefore, this relocation and conversion of the Visitor Center is not included in this CDP application. However, due to the proposed expansion of the tidal wetland restoration into the Southern Area, the location of the Visitor Center would be exposed to flooding, and its footprint – including the associated access roads, parking area, and picnic area, must be raised to above potential flood elevations. Thus, the current CDP application proposes to elevate the Visitor Center area footprint, and reconfigure its dimensions slightly, including to allow for a looped driveway/access road necessary for adequate emergency vehicle access. Additionally, the previously-approved picnic area would be moved to a location immediately adjacent to the Visitor Center. This change is expected to be an improved location for the public and improve the ecological function of the restored wetlands, as the originally envisioned location would have divided restored areas. The proposed location of the picnic area is depicted in the Conceptual Visitor's Center Plan (**Exhibit 8**).

Bixby Discovery Well #2 Preservation
This CDP application also includes the preservation of the Bixby Discovery Well #2, in compliance with mitigation measure CUL-2 of the Final Environmental Impact Report (EIR).[3] In addition, and in compliance with mitigation measure CUL-2, the project will also install interpretive signage for the well and connect the well to the Visitor's Center via the pedestrian trail described below (**Exhibit 8**).

Pedestrian Trail
The existing CDP includes the installation of a pedestrian trail that extends from the Visitor's Center to the former location of the Bixby Ranch field office, then continues east towards Studebaker Road where it turns north and continues to the northwest portion of the Northern Synergy Oil Field Site. This CDP application includes a revision to this pedestrian trail layout that would instead route the trail from the Visitor's Center south to the Perimeter Berm near the entrance of Shopkeeper Road. It would then turn east and travel along the top of the Perimeter Berm, then north until it re-joins the path originally planned in the existing CDP at the eastern boundary between the Northern and Southern Synergy Oil Field Sites. In addition, a small section of trail would also be constructed between the Visitor's Center and the Bixby Discover Well #2 in compliance with the aforementioned mitigation measure CUL-2. These changes would not result in any new impacts to wetlands under the jurisdiction of the CCC. No impacts associated with the trail alignment occur within CCC wetlands.

B. Consolidated Permit and Standard of Review

Section 30601.3 of the Coastal Act provides that when a project requires a coastal development permit from both a local government with a certified Local Coastal Program and the Coastal Commission, a single, consolidated coastal development permit for the entire project may be considered by the Coastal Commission if the applicant and local government agree to that process. That section provides that the Coastal Act Chapter 3 policies serve as the legal standard of review, with certified LCPs serving as guidance.

In 1977, the City of Long Beach adopted the Southeast Area Development and Improvement Plan (SEADIP), which includes the Synergy Site. The SEADIP was incorporated into the City of Long Beach's Local Coastal Plan (LCP) in 1980; the LCP was subsequently certified by the California Coastal Commission (CCC). This 1980 LCP (inclusive of the SEADIP) deferred CCC certification of the Synergy site under the LCP because at the time, the area did not yet have a Land Use District assignment. In 2021, a new "Southeast Area Specific Plan" (SEASP) was certified by the CCC and subsequently adopted and incorporated into the City of Long Beach's LCP, replacing

[3] City of Long Beach, Final EIR for the Los Cerritos Wetlands Oil Consolidation and Restoration Project, November 2017, SCH # 2016041083.

the SEADIP. SEASP incorporates areas of deferred certification into the City of Long Beach LCP, including the Synergy Site.

This CDP application includes a new, larger breach of the existing interior berm on the northwestern portion of the site (see **Exhibit 6**) that was not contemplated in CDP 9-18-0395. The proposed breach is the only one located within the current project area, the subject of this CDP, and will serve to connect the westernmost tidal slough with Steamshovel Slough. This work reintroduces tidal exchange to facilitate restoration of coastal salt marsh habitat at the project site. **Exhibit 7** identifies the project area as it relates to Coastal Commission and City of Long Beach permit jurisdictions. While the majority of the project site is located within City of Long Beach permit jurisdiction, a portion of the westerly project boundary at the location of the berm breach is located within the Coastal Commission permit jurisdiction.

On June 6, 2025, the applicant requested a consolidated permit under Section 30601.3 of the Coastal Act. On June 11, 2025, the City of Long Beach agreed to a consolidated permit for the portions of the project within their jurisdiction. In accordance with Section 30601.3, the Commission will review the entire project for consistency with the Chapter 3 policies of the Coastal Act, with the City's LCP used for guidance.

F. MITIGATION BANKING ENABLING INSTRUMENT (BEI) AMENDMENT

Los Cerritos Wetlands (LCW), LLC, seeks to amend its existing Mitigation Banking Enabling Instrument (BEI) consistent with the U.S. Army Corps of Engineers (USACE) regulations governing compensatory mitigation (Title 33 C.F.R. parts 325 and 332; also called the "Mitigation Rule") to include the southern area of the Synergy Oil Field site and to track the proposed restoration project in the accompanying CDP application. In addition to providing mitigation for activities regulated by the USACE, the Bank is intended to be able to provide mitigation for impacts to wetland under the Coastal Act. Thus, the applicant seeks concurrence that the proposed BEI amendment is structured in a manner that is consistent with mitigation requirements under the Coastal Act.

The Upper Los Cerritos Mitigation Bank ("Bank") was established on July 28, 2023, when LCW, LLC, Synergy Oil & Gas, LLC ("Synergy", the oil operator on the site), and signatory agencies including the Commission, USACE, U.S. Environmental Protection Agency (USEPA), and U.S. Fish and Wildlife Service (USFWS) signed the original BEI governing the use, operation and maintenance of a wetland mitigation bank comprising approximately 69 acres of the Northern Synergy Site. As noted above, the Commission approved CDP No. 9-18-0395, authorizing Phase I of the Upper Los Cerritos Wetland Restoration Project, comprising the wetland restoration activities necessary to enable a mitigation bank on the northern portion of the subject site, on [insert date]. The Commission later authorized the Executive Director to become a signatory to the Bank at its February 12, 2021. meeting. In June 2024, LCW, LLC transferred 75.95 acres, which included the original Bank property, to the Los Cerritos Wetlands Authority (LCWA).

The proposed Bank amendment would add approximately 69 acres on the Southern Synergy Site to the Bank, expanding it to include almost 138 acres in total. The additional Bank area would largely be restored to tidal wetlands, as described above in Section IV.A. Additionally, the amendment would add LCWA as a party to the Bank and allow Synergy (the oil operator) to withdraw as a party.

Appendix B includes the full Amended and Restated BEI for the Upper Los Cerritos Mitigation Bank, which sets forth the establishment, use, operation, and maintenance of the Bank. Should the Commission concur that the amended BEI is consistent with mitigation requirements under the Coastal Act, the second motion and resolution included in Section I of the staff report (page 7 above) would authorize the Commission's Executive Director to become a signatory to the amended BEI. Becoming a signatory to the bank would facilitate use of the bank by future applicants to mitigate Coastal Act impacts but does not pre-authorize or pre-approve the use of the bank for future mitigation requirements. The Commission would make project-specific decisions about mitigation, and specifically, about whether to approve the purchase of credits at this mitigation bank, on a case-by-case basis.

Commission staff has worked for approximately the past nine years with LCW, LLC, Synergy and an Interagency Review Team (IRT) comprised of federal and state agency staff to develop components of the Bank in a manner that addresses the regulatory mitigation needs of both the USACE and the Commission. This included developing performance criteria, monitoring protocols and a credit release schedule that all agencies could agree to. In recent years, the IRT has focused its efforts on expanding the previously-approved Bank to include the Southern Synergy Site, and on modifying the bank's structure, development plan and management plans to accommodate the additional restoration areas. The amended Bank Enabling Instrument and associated banking documents included in **Appendix B** describe how the expanded restoration project, as proposed in the amended Development Plan and in the subject CDP application, is classified into different types of mitigation credits based on the existing condition of the Bank property and the anticipated ecological lift or improvement in ecological function provided by the restoration work. The major components of the Bank are discussed in more detail below.

Development Plan

The Upper Los Cerritos Mitigation Bank establishes compensatory mitigation credits associated with preservation of Steamshovel Slough and restoration of a large portion of the former Synergy Oil Field Site tidal wetlands. As described in Section IV.A above, the restoration work associated with the mitigation Bank was either authorized under CDP 9-18-0395 (northern site), or is the subject of the current CDP application. The restoration project will result in the creation of new tidal wetland habitat through re-establishment and rehabilitation of tidal salt marsh habitat within the former oil field and will also preserve the existing high-quality habitat within Steamshovel Slough. These restoration and preservation activities are organized in the BEI by mitigation "type" (i.e., re-establishment, rehabilitation and preservation as defined in the USACE regulations

and described in more detail in the Bank Credits Section below) and include the following:

- Re-establishment of 77.60 acres of tidal salt marsh habitats through tidal channel creation, strategic grading and removal of segments of a constructed berm that currently restricts historic tidal connections between Steamshovel Slough and the former oil field portion of the property;
- Rehabilitation of 9.57 acres of degraded coastal salt marsh habitat;
- Preservation of 25.43 acres of tidal salt marsh habitat along Steamshovel Slough, and 2.76 acres of subtidal habitat within the slough.

In addition, the Bank will re-establish, enhance or preserve 5.09 acres of non-tidal transitional habitat with high-marsh species, and a combined 9.96 acres of native saltbush/golden bush scrub and mulefat scrub, largely in the buffer areas along the margins of the site. **Exhibit 5** shows the tidal habitat and non-tidal areas that will be re-established, rehabilitated or preserved.

In previous actions, the Commission has generally required that mitigation for tidal wetland impacts occur through "in kind" creation, substantial restoration, enhancement or preservation of tidal habitats only, and not upland or buffer habitat. However, federal regulations allow the USACE to approve "out-of-kind" mitigation for tidal wetland impacts through the restoration of non-tidal buffer habitats or the purchase of buffer credits. Dividing the Bank credits into tidal and non-tidal categories would allow the USACE to approve purchase of tidal and buffer credits in accordance with its regulations, but also enable the CCC to approve purchase of tidal habitat credits only as mitigation for tidal wetland impacts if merited by the circumstances surrounding a specific project.

Service Area

A mitigation bank's "service area" refers to the geographic area within which permitted impacts may be compensated through the purchase of credits from the mitigation bank. Typically, the service area is defined to be sufficiently large to allow a bank to be commercially viable, but small enough to ensure that mitigation occurs within relatively proximity to the site of the impact (e.g., in similar environmental settings). The Upper Los Cerritos Mitigation Bank defines both primary and secondary service areas. The primary service area, including areas of the coastal zone between Redondo Beach and just south of Newport Bay (see Exhibit B-2 of the BEI, **Appendix B**), is the first priority for the use of Bank credits due to its proximity to the Bank site. However, Bank credits can also be used to compensate for impacts within the secondary service area (extending from near Point Mugu to San Onofre) in cases where several criteria are met.[4] Impacts to non-tidal freshwater habitats are not eligible to be mitigated using credits from the Bank, regardless of service area.

[4] The secondary service area criteria include: 1) the impact site is not within the primary service area of another mitigation bank; 2) permittee-responsible mitigation is determined to be impracticable and/or inconsistent with the USACE watershed approach; and 3) the number of credits would be increased to account for increased distance from the impact site.

Performance Standards and Monitoring (Interim Management Plan)

LCW, LLC worked closely with the IRT and Commission staff to develop a comprehensive set of performance standards and monitoring protocols to ensure that the Bank achieves its restoration and preservation goals. The BEI's Interim Management Plan includes both qualitative and quantitative monitoring over a minimum five-year monitoring period. Monthly qualitative monitoring would include general observations of the fitness and health of planted species, pest problems, weed establishment, mortality, habitat conversion, natural recruitment and wildlife use. In addition, LCW, LLC will conduct assessments using the California Rapid Assessment Method (CRAM)[5] in years 3 and 5, with the goal of increasing the CRAM score over the five-year period. All monitoring activities and performance criteria are discussed in more detail in the Interim Management Plan (Exhibit D-4 of **Appendix B**).

Quantitative monitoring would include final (Year 5) performance criteria and annual interim performance targets to track the Bank's progress towards achieving Year 5 criteria. Performance criteria include both absolute and relative standards covering physical (i.e., habitat type elevations, tidal range, and sediment surface elevations), biological (cover and diversity of marsh vegetation and density and diversity of invertebrates, fish and bird species) and water quality (i.e., dissolved oxygen and water temperature) elements. Absolute standards, including water quality criteria, require that the Bank meet a specific target. For example, the BEI requires that absolute native plant cover within the restored marsh reaches 86% by year 5. Relative standards, including many biological criteria, require that the Bank meet a target relative to a reference site. For example, the BEI requires that fish species abundance and diversity in the restored marsh areas at the Bank property shall be at least 80% of values measured at a reference site. Performance criteria for the Steamshovel Slough preservation area require that existing levels of vegetation cover and diversity of wildlife be maintained, to demonstrate that the proposed restoration work has not degraded existing habitat; within the restoration area, performance criteria are slightly lower in recognition of the degraded initial condition of these areas. The Interim Management Plan includes a comprehensive discussion of performance standards, monitoring parameters, methods and frequency that LCW, LLC will employ to determine compliance with performance standards. Under the amended Bank's Interim and Long-Term Management Plans, LCW, LLC and LCWA would use an adaptive management approach to ensure that Bank resources are successfully restored and maintained. Interim management and maintenance tasks include monitoring and removal of invasive plants, trash and debris removal, irrigation, pest control and plant replacement or seeding. These tasks are also described in detail in Exhibits D-4 and D-5 of the BEI (see **Appendix B**).

Long Term Management Plan

[5] CRAM is a widely-accepted rapid assessment method used for monitoring the conditions of streams, wetlands and restoration/mitigation projects throughout California, following a qualitative but standardized approach. See https://www.cramwetlands.org/ for more information.

The proposed Long-Term Management Plan outlines measures that would be implemented to manage, monitor and maintain the Bank to provide the required mitigation resources in perpetuity (see Exhibit D-5 of **Appendix B**). For the Bank, the property owner will implement the Management Plan in accordance with the Bank's BEI and a required Conservation Easement that covers the entirety of the Bank property. The Management Plan includes three goals: 1) Maintain vegetation cover of the Bank property, 2) Maintain coastal salt marsh and subtidal habitat processes and functions, and 3) Minimize human impacts to sensitive habitats and wildlife. Measurable objectives are assigned to each goal to guide monitoring activities and ensure the Bank's goals are met. Key objectives include:

- maintaining an absolute cover of native vegetation species of at least 86% in restored marshes across the Bank property and ensuring control of invasive species
- maintaining a tidal range and water quality levels equal to or better than those of the Los Cerritos Channel
- supporting multiple nesting pairs of Belding's savannah sparrow and other native bird species
- maintaining buffers to minimize human disturbance, and balancing on-site public access with protection of the ecological values of the Bank

As noted above, the Long-Term Management Plan also includes general adaptive management tasks that may become necessary in the future, such as actions to address changes or stressors from climate change, fire, flood, sediment management, changes in natural resource land management practices, and other natural changes through time. Long-term management would be funded through an Endowment Fund, as described in Exhibits D-2 and D-3 of the BEI (**Appendix B**). LCW, LLC as the Bank sponsor will contribute funds to the endowment based on a schedule included in the BEI, with full funding occurring prior to the last credit release.

Financial Securities

As part of the BEI, LCW, LLC would provide three financial securities – covering construction, performance, and interim management, respectively – to provide assurance the elements of the Development Plan and Interim Management Plan (IMP) are carried out. The construction security covers the cost of habitat restoration activities including construction of Perimeter Berm bounding the Bank area. The performance security covers the cost to achieve Bank performance between release of the first credit and satisfaction of all performance standards. The interim management security covers the cost of implementing the IMP, including full funding of the endowment for long-term management (see below for additional details). As is standard practice for California mitigation banks, LCW, LLC would provide irrevocable standby letters of credit for each of the financial securities.The IRT agencies have agreed that the financial securities proposed by the Bank Sponsor are adequate to ensure the success of the Bank. The financial securities are described in detail in Exhibits C-2, C-3 and D-1 of the BEI (**Appendix B**).

Bank Credit Release

The Bank will release credits for purchase over a multi-year period starting with the final authorization of the Bank and ending when all performance standards are met. In accordance with the USACE Mitigation Rule and the mitigation banking template adopted as part of the multi-agency MOU, the BEI allows for six credit releases, with triggers linked to the establishment of the Bank and associated financial assurances, completion of Bank construction, Endowment funding, and attainment of performance standards within the five-year monitoring period. The full credit release framework is provided in Exhibit F of the BEI (**Appendix B**).

The Bank will offer nine types of mitigation credits. For tidal/wetland habitats, these credits include (1) Tidal Wetland Preservation (Steamshovel Slough), (2) Tidal Wetland Rehabilitation, (3) Tidal Wetland Re-establishment, and (4) Subtidal Habitat Preservation (Steamshovel Slough). Non-tidal/buffer mitigation credits include: (5) Transitional Habitat Preservation (Steamshovel Slough), (6) Transitional Habitat Enhancement, (7) Transitional Habitat Re-establishment, (8) Saltbrush/Goldenbrush Habitat Establishment, and (9) Mulefat Scrub Enhancement. Each of the restoration types are defined and discussed in greater detail in the Bank Development Plan (Exhibit X of BEI, **Appendix B**), with definitions based on the USACE Mitigation Rule. As noted previously, non-tidal/upland buffer credits may only be used to satisfy USACE mitigation requirements, and must be sold in conjunction with tidal wetland credits.

The number of credits of each credit type available for purchase is provided in Exhibits F-1a and F-1b of the BEI (see **Appendix A**) based on design parameters. The final number of credits will be confirmed (or adjusted as necessary) based on the results of the jurisdictional delineation required before the 5th credit release. Once credits are available, agencies, including the Commission, may approve purchase of credits by a project applicant to fulfill mitigation needs on a case-by-case basis.

As framed in the BEI, Bank closure will take place, with written approval of the signatory agencies, when: (1) all performance standards have been met and any required remedial actions have been completed, as documented through required reporting and on-site inspection by the IRT; (2) all available credits have been transferred (or the Bank Sponsor requests Bank closure, and the signatory agencies approve); and (3) all financial responsibilities of the Bank Sponsor have been met, including 100% funding of the endowment for at least three years.

Bank Signatories

In addition to the Commission, three agencies have indicated their intent to become signatories: The USACE, Los Angeles District; the U.S. Fish and Wildlife Service, Carlsbad Office; and the U.S. Environmental Protection Agency, Region IX. The NOAA National Marine Fisheries Service (NMFS) has indicated that it will not become a

signatory to the Bank, although it does not foresee objecting to USACE's approval of the Bank at this time.

At present, the BEI and associated plans and documents are in final draft form (**Appendix B**) from the perspective of the Coastal Commission and the IRT agencies., with the Bank sponsor currently addressing several comments provided by the IRT agencies in their final review.

The Bank sponsor has committed to addressing final remaining edits raised by the agencies and obtaining concurrence from the IRT that each issue is addressed sufficiently prior to submitting the final banking documents to the agencies for signature. Thus, staff anticipates that the final version of the banking documents will be materially identical to the documents provided in **Appendix B**.

Conclusion

The amended BEI would increase the size of the Upper Los Cerritos Wetlands Mitigation Bank (from approximately 69 acres previously authorized) to 138 acres and would modify the Bank Development Plan to enable restoration of the entire 138 acres at one time, which corresponds to the restoration proposed in the accompanying CDP application. By signing on to the amended BEI, the Commission will streamline the ability for future project applicants to use Bank credits to mitigate their projects' impacts to tidal wetlands and open coastal waters. The Bank's inclusion of performance criteria, financial securities, and interim and long-term management plans will ensure that the Bank's ecological benefits are real, verifiable, and permanent, and would therefore provide mitigation credits that would satisfy the Commission's Coastal Act obligation to provide certain and adequate mitigation for projects' wetlands impacts. Staff recommend that the Commission authorize the Executive Director to become a signatory to the amended BEI.

D. Other Agency Review and Coordination

Interagency Review Team (IRT)

The Upper Los Cerritos Wetlands Mitigation Bank was established on July 28, 2023 to include the Phase 1 tidal restoration area, on the Northern Synergy Site, approved under CDP No. 9-18-0395. The mitigation bank is governed by a Bank Enabling Instrument (BEI) and overseen by an Interagency Review Team (IRT) comprised of federal and state agencies with regulatory authority over wetland resources and mitigation. The IRT for the Upper Los Cerritos Wetland Mitigation Bank includes the U.S. Army Corps of Engineers (USACE); U.S. EPA (EPA); National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS); U.S. Fish and Wildlife Service (USFWS) California Department of Fish and Wildlife (CDFW); California Regional Water Quality Control Board (RWQCB); and the California Coastal Commission (Commission).

The IRT is responsible for reviewing, approving, and overseeing the implementation of the BEI, and for ensuring that the mitigation bank meets all applicable federal and state standards for compensatory mitigation. The Coastal Commission participates in the IRT to ensure that the bank is consistent with Coastal Act policies and that any use of the bank for mitigation within the Coastal Zone aligns with Commission regulations and permit conditions. As noted above, the USACE, EPA, and USFWS and Commission have indicated their intent to become signatories to the amended BEI described in Section IV.C of this report.

Los Angeles Regional Water Quality Control Board (RWQCB)
The RWQCB regulates waste discharges into receiving waters in the project area. The Applicant has submitted an application for a Section 401 water quality certification for the proposed project; a final decision from the RWQCB is pending.

California Department of Fish and Wildlife (CDFW) - Section 1602 Lake and Streambed Alteration Agreement. CDFW reviews projects that would alter any river, stream, or lake to ensure that existing fish and wildlife resources are conserved. The applicant has applied for a Lake and Streambed Alteration Agreement to cover the proposed project; a final decision from CDFW is pending**.** A Section 2081 Incidental Take Permit from CDFW may also be required if "take" of State-listed species cannot be avoided.

U.S. Army Corps of Engineers (USACE) **-** The Corps has regulatory authority over the proposed project under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 1344) and Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). The Applicant has submitted an application to the USACE under Nationwide Permit #27 (Aquatic Habitat Restoration). Section 7 Letters of Concurrence and/or Biological Opinion from the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS), are necessary as part of the Corps permitting process, to assure compliance with the federal Endangered Species Act for listed species at the project site. Additionally, a Section 106 Letter of Concurrence or Memorandum of Understanding from the State Historic Preservation Officer (SHPO) is necessary as part of the Corps permitting process. The proposed amendment to the Upper Los Cerritos Mitigation Bank also requires USACE review and approval of the amended Banking Enabling Instrument (**Appendix B**). Final decisions from the USACE are pending.

Tribal Governments
The Commission's Tribal Consultation Policy (adopted on August 8, 2018) recognizes the importance of State efforts to protect Tribal Cultural Resources and improve communication and coordination with Tribes, and it sets out a tribal consultation process that is fully consistent with, and complementary to the nature of, the Commission's goals, policies (including Section 30244), and mission statement. During the CDP review process, Commission staff reached out to several tribal members for the purpose of consultation and coordination on the proposed CDP. Staff contacted 32 individuals who were on the Tribal Consultation List provided by the Native American Heritage Commission (NAHC) in a letter dated June 24, 2025. One tribal member from the

Rincon Band of Luiseño Indians responded that the project was not within the Band's specific Area of Historic Interest (AHI) and that the tribe did not have additional information to provide at this time. One tribal member from the Gabrielino Tongva Indians of California responded and said that the tribe had been an active participant in the Phase 1 restoration project and would continue to be involved in the Phase 2 project.

E. Dredging and Placement of Fill in Wetlands and Coastal Waters

Section 30233(a) of the Coastal Act states:

> *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
>
> *(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
>
> *(2) Maintaining existing, or restoring previously dredged depths on existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
>
> *(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
>
> *(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
>
> *(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
>
> *(6) Restoration purposes.*
>
> *(7) Nature study, aquaculture, or similar resource dependent activities*.

See **Appendix D** for LCP policies that serve as guidance.

Coastal Act Section 30233(a) allows for the dredging and placement of fill in wetlands and marine waters if three tests are met: (1) the purpose of the dredging and fill constitutes an allowable use under 30233(a); (2) there is no feasible less environmentally damaging alternative to the dredging and fill; and (3) feasible mitigation measures have been provided to minimize any adverse effects.

Project Impacts

The project seeks to restore subtidal, coastal salt marsh, transitional, and upland habitats across the 84-acre project area. The implementation of this restoration will

impact existing, highly degraded and poorly functioning habitats, including non-tidal and degraded areas that nonetheless meet the Coastal Act wetland definition.[6] Impacts will be incurred in order to restore the tidal hydrology to the project area necessary to sustain the restored habitats, protect adjacent properties from flood risk, and create transitional habitat that will provide sea-level rise resilience for salt marsh habitats and plant and wildlife species. Specifically, the following restoration elements will impact Coastal Act wetlands:

- Constructing the Perimeter Berm
- Grading of the Southeast (SE) High Elevation Area
- Grading tidal channels/sloughs
- Removal of roads, well pads, and parking lots
- Breaching of the existing interior berm for the westernmost tidal slough

Implementation of the project would result in approximately 17.40 acres of impacts to Coastal Act wetlands. Areas impacted by construction of the Perimeter Berm and grading of the SE high elevation area will be restored into wetland or upland habitats. Areas impacted by project elements, but which are below 4.3 ft. NGVD will be restored as wetlands, and areas above 4.3ft. NGVD will be restored as transitional and upland habitats. As such, impacts rendered by the Perimeter Berm are separated based on their proposed final habitat (wetland vs. upland). Coastal Act wetland areas impacted by the creation of the new tidal channels (sloughs) and some portions of the southeast transitional slope area will be restored to tidal wetlands.

Constructing the Perimeter Berm

To contain the restoration area and protect adjacent land uses from increased flood risk associated with the restoration of a fully functioning coastal salt marsh, the applicant will construct an earthen berm along the south and west perimeter of the project area (Perimeter Berm). Portions of the berm below 4.3 ft. NGVD will become wetland habitats. Construction of the Perimeter Berm will result in 2.03 acres of upland impacts and 0.42 acres of wetland impacts.

Grading of the Southeast (SE) High Elevation Area

An existing high elevation area in the southeast corner of the project area would be regraded to generate a more natural, transitional habitat slope. Western portions of this area would be lowered to elevations suitable for tidal marsh vegetation. Select portions of existing, degraded upland areas adjacent to this area would also be lowered to expand the extent and benefit of this gradual transition zone. Portions of this area below 4.3 ft. NGVD will become wetland habitats. Transition slope creation will result in 1.18 acres of upland impacts and 3.36 acres of wetland impacts.

[6] Coastal Act Section 30121 defines wetlands as “lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.” Section 13577(b)(1) of the Commission’s regulations further refine this definition to include areas “where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes …”

Tidal Channel Creation
Tidal channels (sloughs) would be graded to restore tidal connectivity, extending and in places modifying the channel network approved on the Northern Synergy Oil Field Site under CDP 9-18-0395. The westernmost slough will connect directly with Steamshovel Slough by breaching the berm demarcating the southern boundary of Steamshovel Slough. This breach is included in the impact quantification for tidal channel construction. To the extent feasible, the channels have been designed to be created in areas that are currently unvegetated. Tidal channel creation and the breach of the interior berm will result in 3.22 acres of wetland impacts.

Removal of Roads and Well Pads
Currently, the project area is bisected by a series of raised earthen roads that act as hydrologic barriers separating low lying areas from one another. To facilitate the restoration of the project area and allow tidal action to reach the coastal salt marsh restoration areas, these roads will be removed. In addition, existing hardscape such as oil well pads and a parking lot near the onsite office building will similarly be removed and brought down to wetland elevation. Removal of roads, well pads, and other hardscape will result in 7.19 acres of wetland impacts.

Consistency Analysis
In total, the project would result in approximately 17.40 acres of impacts to CCC wetlands. Projects that include dredging or fill of wetlands must meet the three tests of Coastal Act Section 30233(a). The first test requires that the proposed activity must fit into one of seven categories of allowable uses enumerated in Coastal Act Section 30233(a). The second test requires that there be no feasible less environmentally damaging alternative. The third and last test mandates that feasible mitigation measures be provided to minimize the project's adverse environmental effects.

Allowable use
The first test set forth above is that any proposed filling, diking, or dredging in wetlands must be for an allowable purpose as specified under Section 30233 of the Coastal Act. Section 30233(a) identifies several uses that may justify the fill of wetlands. Relevant here, allowable uses include "Restoration purposes" as listed in Section 30233(a)(6).

Wetland impacts resulting from the proposed project, including impacts from construction of the Perimeter Berm, transition slope creation, tidal channel grading and removal of wells, roads, and hardscape, are necessary to facilitate restoration of the Southern Synergy Oil Field site and the introduction of tidal flows into these areas. Thus, these activities meet the allowable use test as restoration, under Coastal Act Section 30233(a)(6).

Alternatives
The second test set forth in Coastal Section 30233 is that the proposed development must have no feasible less environmentally damaging alternative. The Commission staff

has evaluated three alternatives to determine whether a less environmentally damaging feasible alternative to the proposed perimeter berm restoration exists.

No Project (No Action Alternative)
Under this alternative, the site would remain in its current degraded condition and contaminated materials would remain in place. No restoration of tidal influence would occur. This alternative would result in the continued isolation of the wetlands from natural tidal processes, precluding the restoration of wetland habitat and hydrology. This alternative fails to achieve the project's primary objective, wetland restoration, and would result in continued degradation of a sensitive habitat area. As such, this is not an environmentally preferrable alternative.

Interior Sheet Pile Wall and Berm with 20-Year Transition (Delayed Restoration of Southern Site)
This alternative involves installing a sheet pile wall and berm to separate ongoing oil operations from areas proposed for restoration and was approved in 2018 under CDP 9-18-0395. In this scenario, tidal restoration would occur incrementally, starting on a smaller portion of the northern site, with the possibility of a transition to wetland use on the southern part of the property only after a 20-year period. Full restoration of the site would not be guaranteed. This phased approach would result in some ecological "lift" but would delay full wetland restoration for two decades. Tidal exchange would be limited in the near-term, and risks related to ongoing oil operations would persist. While technically feasible, this approach is more complex and slower than the proposed project. It would also limit the site's value for public access and wildlife habitat in the near term. While feasible, this alternative is not environmentally preferable due to delayed and incomplete restoration in the near term.

Proposed Perimeter Berm - Accelerated Wetlands Restoration
The proposed project involves restoration of tidal exchange via a hydrologic connection to existing wetlands, and construction of a perimeter berm to protect adjacent land uses and infrastructure from tidal inundation. This approach allows for immediate, full tidal restoration and reconnection of wetland habitat, and re-establishment of long-term ecological functions. The perimeter berm is designed to accommodate projected sea level rise. The project is logistically and technically feasible, has secured general agency support, and has undergone detailed engineering and environmental review. This alternative is both feasible and the least environmentally damaging, as it maximizes ecological benefits, minimizes future contamination risk, and enhances long-term resilience.

Accordingly, the proposed project meets the requirement of Section 30233(a)(2) as the least environmentally damaging, feasible alternative.

Mitigation Measures
The final requirement of Coastal Act Section 30233(a) is that filling and dredging of wetlands may be permitted if adequate mitigation measures have been provided to minimize any adverse environmental effects.

As described above and in the applicant's March 2025 Wetland Mitigation Plan, the proposed project would result in several different types of wetland impacts. Impacts associated with tidal channel grading and berm/road removal (10.41 acres) would result in substantial restoration and improvement of existing non-tidal, disturbed wetlands to higher-functioning tidally influenced wetlands. In addition, tidal channels were designed to avoid existing vegetation to the maximum extent possible. Thus, additional mitigation for these types of impacts is not necessary to meet the requirements of Section 30233.

Other project elements, including the perimeter berm and the grading of the southeast corner high elevation area, are necessary components of the project, but would consist partially of permanent wetland fill. The applicant has designed these features to function as wetland habitat at their lower elevations and transitional and upland buffer habitat at the upper elevations. The wetland side of the berm and southeast area would be constructed with a 5:1 slope to allow for a gradual transition from wetlands to transition and upland areas. The shallow inboard slopes would also allow for migration of wetland habitat up the berm slope as sea level rises, thus facilitating adaptation of the wetlands. The upland and transition habitat at the higher elevations would serve as foraging and nesting areas for salt marsh bird species, including Belding's savannah sparrows. Of the 2.45 acres of impact from the berm, .42 acres, calculated as the surface area of the berm from the wetland edge of the berm to the line where the berm elevation reaches 4.3 ft NGVD29, would result in restoration of degraded non-tidal low and mid marsh to fully-functional tidal mid and upper marsh areas. The proposed work would also result in substantial restoration and improvement in wetland function and habitat value. As a result, mitigation for these areas is not required. The remainder of the wetland impact from the berm, 2.03 acres, would result in conversion of wetland to upland. However, because the berm would be designed to provide important habitat for wetland species as well as facilitate wetland migration as sea level rises, the Commission finds that a 2:1 mitigation ratio would be appropriate for these impacts.

In total, the proposed project would result in the permanent conversion of 3.21 acres to uplands; mitigated at a 2:1 ratio, this permanent loss of wetlands would require 6.42 acres of wetland creation or substantial re-establishment. The Wetland Mitigation Plan submitted by the applicant proposes to account for this mitigation obligation through a hybrid approach: Half of the required mitigation would be accounted for through the re-establishment of 3.21 acres of tidal wetland through the proposed restoration project. The remainder of the requirement would be met through the preservation of 9.63 acres of wetland habitat elsewhere on the site, likely at Steamshovel Slough. In past actions, the Commission has typically required mitigation consisting of preservation to apply at 3x the base ratio. After accounting for the 3.21 acres of substantial restoration mitigation, the remaining mitigation obligation is 3.21 acres. Applying the 3x preservation multiplier, the requirement is 9.63 acres of mitigation as habitat preservation. For the reasons discussed above, the Commission finds that this proposed mitigation approach is acceptable. To assure that the project's wetland impacts are adequately mitigated, **Special Condition 3** requires that the applicant

implement the Wetland Mitigation Plan, but with several necessary revisions as discussed below.

A key deficiency with the information provided is that the full extent of permanent wetland impacts has not yet been identified or quantified, particularly in connection with the proposed Visitor's Center pad and related parking infrastructure. The project proposes to raise the elevation of the Visitor's Center building pad, which will require additional fill in a location that overlaps with delineated wetlands. In addition, the building pad has been reconfigured and enlarged from previous iterations, and the current proposal includes paved parking access and a stormwater bioretention basin that appear to encroach further into mapped wetland areas.

However, these elements were not reflected in the impact tables or wetland mitigation calculations submitted with the application (Wetland Mitigation Plan, WRA, April 2025). As a result, the total acreage of permanent wetland impacts is underrepresented, and the proposed mitigation is insufficient to fully offset actual losses. Consistent with Section 30233(a), adequate mitigation cannot be assured unless all wetland fill is accurately identified, quantified, and incorporated into the compensation framework. Without this accounting, the mitigation plan fails to reflect the true scope of permanent wetland loss associated with the proposed development.

Therefore, to ensure full consistency with Section 30233(a)(3), the mitigation plan must be updated to reflect these impacts and revised mitigation requirements. **Special Condition 3** requires the Permittee to submit a Revised Wetland Mitigation Plan. It is necessary to require that all wetland impacts associated with the Visitor's Center footprint, including the building pad, paved ingress/egress, and drainage retention basin, are quantified and incorporated into the Revised Wetland Mitigation Plan. Accordingly, Table 2 (Impacts to CCC Wetlands), Table 3 (Wetland Impacts and Mitigation Requirement), and Table 4 (Total Mitigation Requirements) of the Plan must be updated to reflect the additional impact acreage and adjusted mitigation requirements.

In addition, **Special Condition 4** requires LCW, LLC to implement the established performance criteria, monitoring protocols, and reporting procedures consistent with the Interim and Long-term Maintenance Plans included in the Bank Enabling Instrument (BEI) (June 2025) to ensure that the plan is implemented and successfully achieves the envisioned wetland habitat benefits. With the inclusion of this special condition, the project's impacts to wetlands will be mitigated to the maximum extent feasible.

In addition to permanent impacts, the proposed project would result in temporary impacts to wetlands. Temporary impacts could arise from construction of new facilities and restoration-related work in areas immediately adjacent to wetlands. To ensure that any temporary wetland impacts are adequately mitigated, **Special Condition 5** requires that LCW, LLC implement the Biological Resource Protection Plan (WRA, April 2025), as submitted to the Coastal Commission. The plan includes: (1) Pre- Construction Surveys that map existing wetland areas, (2) Post-Construction Surveys that use the

same methods as employed for the Pre-Construction Survey to map the boundaries of wetland areas and vegetation one year after completion of the project, and (3) Success criteria used to compare the pre- and post-construction surveys to determine if impacts persist. If, after one year, impacts to wetlands remain, those impacts would be considered permanent and LCW, LLC would be required to apply for an amendment to the permit to address these additional impacts.

The Commission requires several other special conditions to ensure that wetland areas are protected and any temporary impacts are minimized during construction of new facilities and restoration work. **Special Condition 5** requires LCW, LLC to conduct pre-construction surveys to establish existing boundaries of wetland areas. In addition, **Special Condition 5** requires LCW, LLC to hire a biologist to conduct biological monitoring during construction activities to ensure that mitigation measures are implemented properly and impacts to adjacent areas, including wetland areas, are avoided. **Special Condition 6** requires LCW, LLC to implement the Construction Pollution Prevention Plan (Wilson Mikami Corp., March 2025) to control stormwater runoff and erosion from impacting adjacent areas during construction and to report any events where BMPs did not prevent adverse impacts to wetlands or coastal waters and the measures taken in response to these events. In the event that unanticipated wetland impacts occur, LCW, LLC will be required to amend this CDP to address these impacts and fully restore any disturbed wetlands to its pre-project conditions. Implementation of these mitigation measures will ensure that indirect impacts to wetland areas from nearby construction areas will be minor and temporary.

Lastly, to ensure that proposed restoration and mitigation activities are preserved as habitat areas in the future, **Special Condition 16** places an open space restriction on the areas on the site that will be restored. No development will be allowed in these areas except for activities such as restoration construction work, monitoring and maintenance of habitat areas, invasive plant removal and other restoration maintenance activities. To further ensure the restored areas remain in a natural state, **Special Condition 17** requires the Permittee to record a deed restriction against the restored areas on the site indicating that the Commission has approved development that restricts the use and enjoyment of the property for as long as the permit or the development it authorizes remains in existence.

With these conditions incorporated, the proposed project provides adequate mitigation for both permanent and temporary wetland impacts and thus, the Commission finds that the third test of Coastal Act section 30233(a) has been met.

Conclusion

For the reasons described above, the Commission finds the project, as conditioned, consistent with Coastal Act Section 30233(a).

F. ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)

Coastal Act Section 30240 states:

> *(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*.

In addition, Coastal Act Section 30107.5 defines “Environmentally sensitive area" as follows:

> *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments*.

Section 30240 requires that ESHA be protected against any significant disruption of habitat values, and that only uses dependent on those resources may occur within or adjacent to ESHA areas. Development must be sited and designed to avoid impacts and be compatible with continued habitat function.

Site Characterization
The Synergy site, located within the Los Cerritos Wetlands complex, encompasses portions of the historic tidal marsh system that once extended over 2,400 acres along the lower San Gabriel River. Due to decades of oil operations, wetland fill, and infrastructure development, much of the property is currently characterized by disturbed wetland and upland transition habitats interspersed with access roads, pipelines, tanks, and other oilfield infrastructure. Despite this disturbance, remnant wetlands and sensitive species habitat persist across the site, including the relatively undisturbed Steamshovel Slough on the northern portion of the site.

The Southern portion, which is the focus of this Phase 2 restoration effort, contains a combination of disturbed wetland, upland scrub, alkali meadow, and ruderal habitats. These areas are degraded but retain documented habitat values and the potential for ecological recovery. These habitats support special status plant and animal species, including Southern tarplant, Belding’s Savannah Sparrow, Estuary Seablite, and Wooly Seablite.

Use of the site by special status species is documented through extensive technical studies submitted with the Phase 2 application and earlier reviewed under CDP No 9-18-0395 for Phase 1 consolidation and restoration activities. These studies and plans are incorporated by reference into this permit and are included in **Appendix B**.

On May 5, 2017, Commission biologist, Dr Jonna Engel, conducted a site visit of the Synergy site to determine if Environmentally Sensitive Habitat Areas (ESHA) were present. Dr. Engel’s memo documenting her findings is included as **Appendix E**. On the

Synergy site, Dr. Engel confirmed the presence of Southern tarplant, finding that it occurs in both wetland and non-wetland areas. She determined that three populations on the property, characterized by “large patches or a large number of small, concentrated patches of tarplant” rise to the level of ESHA because of “their size or number of patches, the health of the plants, and the proximity to each other.” These areas of ESHA on the Synergy site are shown in purple circles on Figure 8 of **Appendix E**. The Bixby well site is one of these areas. Areas of estuary seablite and wooly seablite were not observed directly but are also likely to be considered ESHA. Although species/community distribution on the site may have shifted since this site visit, Dr. Engel’s observations provide a baseline for areas of likely ESHA on the site currently.

Project Context and Resource Dependency
The Synergy Phase 2 restoration project proposes restoring approximately 77 acres of additional historic tidal wetlands and associated habitats, including the reintroduction of tidal flow from Steamshovel Slough to the southern portion of the site. The project includes grading, recontouring, native planting, tidal berm breaching and implementation of monitoring and adaptive management measures. This work will reestablish critical wetland functions, support native vegetation communities, and improve conditions for a range of sensitive species. The entire restoration effort is an inherently resource-dependent use, and the project is designed explicitly to enhance and re-establish the biological functions of wetland and transitional habitats that support sensitive species and ecological processes across the site.

Project Impacts
The Phase 2 restoration project will involve grading, excavation, and construction in areas that may contain ESHA. In particular, construction of the Bixby #2 Discovery Well as an interpretive feature, located in the southern portion of the site, may impact areas of potential Southern tarplant ESHA located within and adjacent to the proposed project footprint.

The applicant proposes to retain and interpret the Bixby #2 Legacy Well, a historic oil production feature, as a permanent structural and educational component of the broader wetland restoration and public access project. The well is located within an area that supports Southern tarplant. Tarplant is known to occur in and adjacent to the proposed location of the well and its associated infrastructure (e.g., footpaths, signage, and foundations). Certain patches of Southern tarplant have been identified by Commission staff as constituting ESHA under the Coastal Act. Construction and use of the trail to the Bixby #2 site, and of the proposed viewing area around the well, could result in impacts to Southern tarplant populations and associated habitat values.

Any development in or adjacent to ESHA must be sited and designed to prevent significant disruption of habitat values. The installation or reconstruction of the Bixby #2 Legacy Well interpretive feature may require minor site grading, foundation work, or new trail or structural features that could impact potential tarplant ESHA. Therefore, the development must still be sited and designed to prevent impacts to ESHA, including potential disruption from construction or long-term physical presence.

The project also introduces new public access features, including a trail system along the perimeter berm, a Visitor's Center, interpretive signage, and a connection to the Bixby #2 Discovery Well feature. Although these public elements are sited primarily in disturbed upland areas, there is a potential for indirect disturbance to adjacent ESHA from human activity, noise, and lighting. Limitations on public use required in Access Plan under **Special Condition14** would minimize potential for indirect disturbance of tarplant ESHA

Consistency Analysis
The Commission has recognized that habitat restoration is inherently resource dependent and may be allowed within or adjacent to ESHA if it avoids and minimizes impacts. However, while some temporary or minor disturbance may result, the long-term outcomes of the restoration project include the conversion of degraded oil field infrastructure to over 77 acres of restored, functioning wetland and transitional habitat, which will significantly expand and improve habitat for Southern tarplant, Belding's sparrow, and other sensitive species across the site.

Though impacts would be temporary and limited to construction disturbance, any ground disturbance within or adjacent to and ESHA must be sited and designed to avoid impacts. To ensure consistency with Section 30240, the project includes avoidance and mitigation measures through special conditions of this permit, as described below.

Mitigation and Special Conditions
To avoid, minimize, or mitigate potential impacts to ESHA, the permit includes several special conditions, including:

- **Special Condition 2** (Revised Final Project Plans) requires the applicant to conduct a pre-construction biological survey to map the precise extent of Southern tarplant. If individuals or populations are present, the condition requires the applicant to relocate or redesign the Bixby #2 well feature to avoid direct or indirect impacts to ESHA. Revised final plans must show ESHA boundaries, protective buffers, and any design modifications necessary to achieve full compliance with the policy.

- **Special Condition 5** (Biological Resources Protection Plan) – Requires preconstruction biological surveys to identify and map all wetland, sensitive habitat, and special-status plant populations (including Southern tarplant), on the site. Survey results, recommended mitigation measures, and monitoring protocols must be implemented. Biological monitors must also be present during construction to ensure avoidance and protection of sensitive areas.

- **Special Condition 9** (Southern Tarplant Restoration and Mitigation Plan) – Carried over from CDP No. 9-18-0395, this condition requires implementation of the approved Plan across the Synergy site, including mitigation, enhancement, and restoration of tarplant populations. This plan governs all tarplant protection

and mitigation measures throughout the project area and is now being applied site-wide, including within the footprint of Phase 2 improvements

- **Special Condition 14** (Public Access Management Plan) - To address potential impacts of human activity, noise, and lighting, this permit includes carryover conditions from Phase 1 requiring the development of a long-term public access and habitat interface management plan. Limitations on public use required in Access Plan under **Special Condition 14** would minimize potential for indirect disturbance of tarplant ESHA.

In addition, the applicant has submitted as part of this project application a suite of technical reports and biological resource plans, including habitat maps, species-specific management protocols, restoration success criteria, and interim and long-term monitoring plans. Implementation of these materials is required as **Special Condition 4** of this permit and provides the basis for ESHA protection throughout the project implementation.

While the project includes activities within and adjacent to ESHA, such as areas that support Southern Tarplant, these impacts are expected to be temporary and localized and are outweighed by the extensive long-term habitat gains from wetland and upland restoration. To address and minimize potential impacts to ESHA, the project includes a suite of resource protection measures.

Supporting Studies and Resource Protection Measures
The applicant has prepared and submitted a comprehensive suite of technical studies, biological surveys, restoration design documents, and monitoring protocols in support of the Phase 2 project and provide the basis for environmental protection measures and long-term ecological success, including those required by:

- Wetland Maintenance and Monitoring Plans **(Special Condition 4)**
- Biological Resource Protection Plans **(Special Condition 5)**
- Construction Pollution Prevention Plans **(Special Condition 6)**
- Nuisance Minimization Plans **(Special Condition 7)**
- Water Quality Management Plan **(Special Condition 8)**
- Southern Tarplant Protection Plan **(Special Condition 9**)

These plans include detailed provisions for pre-construction biological surveys, species avoidance measures, habitat protection and restoration, monitoring protocols, and adaptive management. The implementation of these plans in full is required through multiple special conditions of this permit, including but not limited to **Special Conditions 4 through 9** and require compliance as a condition of permit approval.

Conclusion
The Phase 2 restoration project will ultimately enhance ESHA and significantly expand available sensitive habitat for special-status species. While certain temporary impacts may occur from project activities, the applicant has incorporated extensive protective

measures into the project design, and the Commission has imposed special conditions to ensure that ESHA is protected against significant disruption, and that adjacent development is compatible with the continued function of these habitats. Furthermore, the restoration project is resource dependent, as it is designed to enhance, expand, and re-establish sensitive habitats, consistent with 30240(a). Therefore, the Commission finds that the project, as conditioned, is consistent with the requirements of Coastal Act Section 30240.

G. MARINE RESOURCES AND WATER QUALITY

Section 30230 of the Coastal Act states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes*.

Section 30231 of the Coastal Act states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams*.

Section 30230 mandates the protection of marine resources and the maintenance and enhancement of biological productivity. Section 30231 requires that biological productivity and water quality be maintained through the control of polluted runoff, sedimentation, and waste discharges, and through the protection of riparian corridors, wetlands, and other sensitive natural systems.

Together these policies mandate the protection, maintenance, and enhancement of marine resources and coastal water quality, including through effective control of erosion, sedimentation, fuel or chemical spills, and stormwater runoff.

Site Characterization

The Synergy site, located within the Los Cerritos Wetland complex, historically supported extensive tidal marshes, mudflats, and coastal wetlands. The site has undergone extensive anthropogenic modification, including filling and grading, channelization, oil development and tidal disconnection. Despite this, remnant wetland habitats remain, most notably in Steamshovel Slough, a largely undisturbed tidal channel marsh system on the northern portion of the site. The Phase 2 project area,

largely within the Southern Area, contains degraded, but restorable, wetland habitats and hydrologically disconnected basins.

Both areas support known or potential habitat for a range of marine and estuarine species, including invertebrates, and fish species. Sensitive fauna such as the Pacific green turtle, mudflat tiger beetle, Belding's Savannah sparrow, and California least tern have been documented within or adjacent to the site, particularly within and near Steamshovel Slough. These resources have been extensively studied through biological assessments prepared for the Phase 1 consolidation permit (CDP No. 9-18-0295) and technical documents reviewed by the IRT during development of the Upper Los Cerritos Mitigation Bank. These studies and plans are incorporated by reference into this permit and are included in **Appendix B**. These documents collectively describe terrestrial vegetation communities, aquatic and wetland habitats, and the occurrence of special-status species on the Synergy site and within the project boundaries.

The Southern Area, which is the primary focus of this Phase 2 restoration project, supports degraded wetland habitat, as well as disturbed uplands, ruderal scrub, and transitional areas that retain ecological value and provide known habitat for a variety of native and sensitive species. Despite historic disconnection from tidal influence and decades of oil field operations, the area remains ecologically important and is targeted for substantial restoration.

Project Impacts

The proposed restoration project involves large-scale grading and re-contouring of the southern portion of the site to restore approximately 77 acres of tidal and seasonal wetland habitat. Activities include excavation of tidal channels, breach of a tidal berm to reintroduce tidal flow from Steamshovel Slough, as well as construction of public access improvements. In places, the proposed work would extend into the Northern Area and would modify previously-approved wetland restoration activities (e.g., connecting to and widening tidal channels planned for the Northern Area) and public access features (e.g., relocated trail alignment). These activities carry a range of potential impacts to marine resources and water quality, particularly during the active construction phase. Potential direct and indirect impacts include:

- Mobilization of sediments into adjacent tidal waters due to grading, excavation, and berm breaching;
- Exposure or mobilization of residual hydrocarbons or hazardous materials from abandoned oil infrastructure or soils;
- Runoff from construction areas containing sediment nutrients, or fuel residues;
- Increased turbidity in adjacent waters, with impacts to aquatic species;
- Disruption of hydrology or water quality through alterations to tidal connectivity or drainage patterns.

In addition, there is some risk that the proposed excavation and grading during project construction could mobilize contaminated soils associated with the Site's history of oil production, potentially releasing hazardous materials into sensitive coastal areas and

marine waters. As described in the Commission's adopted findings for CDP 9-18-0395, previous soil testing at the site identified several locations exceeding screening levels for total petroleum hydrocarbons (TPH) and other chemicals (e.g., naphthalene, lead and arsenic), generally associated with existing or former storage tanks farms. Step-out sampling was later conducted at these locations to assess the extent of contamination. Consistent with Special Condition 17 of CDP 9-18-0395, which required the implementation of a Contaminated Soil Investigation and Removal Plan, the applicant excavated and removed contaminated soil at each impacted site. In 2024, at the behest of the Interagency Review Team, LCW, LLC conducted additional soil testing to provide assurance that soils within the broader restoration area and mitigation bank were suitable for this proposed use. The results of this additional testing are summarized in a September 10, 2024, Sampling and Analysis Report (AEC, Inc.) submitted to the IRT for review, and demonstrate that while low levels of certain contaminants, including PAHs and arsenic, were detected in some samples, they were below thresholds of concern based on NOAA Sediment Quality Guidelines. The IRT reviewed these results and concurred with the study's conclusions.

Mitigation Measures and Special Conditions

The applicant has prepared a suite of technical studies and resource protection plans to minimize and mitigate these potential impacts. Implementation of these plans is required under multiple special conditions, including:

Special Condition 6 – Construction Pollution Prevention Plan, requiring structural and non-structural BMP's to be implemented during construction.

Special Condition 7 – Nuisance Mitigation Plan, details the ways in which nuisance effects, such as noise, dust, odor, smoke, fumes, vibration, glare, traffic congestion, and other potential hazards to life and property will be minimized during project implementation.

Special Condition 8 – Water Quality Management Plan, requiring best management practices BMPs to reduce erosion, sedimentation, and protect adjacent wetland waters during and after project construction.

Special Condition 10 – Oil Spill Prevention and Response Plan, requiring project-specific spill response measures, containment equipment, and availability of third-party spill response contractors if needed for larger spills.

Northern Berm Breach

The breach of the northern berm connecting the restored areas to Steamshovel Slough is a key element of the restoration design. While this action will temporarily disturb the surrounding area, the applicant's implementation plans include detailed sequencing and erosion controls to minimize turbidity and protect water quality during the breach. Monitoring will ensure water quality thresholds are maintained and that reintroduction of tidal flows enhances rather than degrades ecological conditions.

The Pollution Prevention Plan for Steamshovel Slough, originally required under CDP No. 9-18-0395 (Special Condition 10), remains a critical element of the overall resource protection framework for the restoration project. While not repeated as a separate special condition in this permit, the Plan is incorporated by reference and its full implementation remains essential. The Plan includes key mitigation protocols designed specifically to protect the biological integrity of Steamshovel Slough, one of the most ecologically intact and sensitive areas with the Los Cerritos Wetlands complex. These include erosion and sedimentation controls, seasonal restrictions, construction exclusion buffers, and biological monitoring requirements. The continued application of these measures will help ensure that activities associated with the Southern restoration area, including the tidal berm breach, do not result in adverse water quality or habitat impacts to the Slough or its associated species. Accordingly, implementation of the Pollution Prevention Plan for Steamshovel Slough is vital to the Commission's finding that the project as conditioned, is consistent with Coastal Act Sections 30230 and 30231.

All relevant plans described above have been submitted with the application, reviewed by staff and the IRT, and will be incorporated into the final project design. The permit requires their full implementation and allows the Executive Director Review and approval of any necessary revisions.

Conclusion

As conditioned, the project includes robust measures to minimize construction-related impacts to marine resources and water quality. Tidal reintroduction and restoration of habitat functions will support long term ecological enhancement, with direct benefits to marine organisms and water quality in the region. With implementation of the required Special Conditions, the Commission finds the project consistent with Coastal Act Sections 30230 and 30231.

H. OIL SPILLS

Section 30232 of the Coastal Act states:

> *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

See **Appendix D** for LCP policies that serve as guidance.

Section 30232 of the Coastal Act requires that development involving hazardous materials or occurring in areas where such material may be present must include both (1) measures to prevent spills, and (2) effective procedures to contain and clean up accidental spills should they occur. The policy applies broadly to both ongoing industrial activities and to new development or restoration activities that may disturb residual

contamination, legacy infrastructure, or involve construction equipment that carries petroleum products or hydraulic fluids.

The proposed project represents the Phase 2 implementation of a large-scale wetland restoration effort. While much of the oil infrastructure will be removed prior to the start of construction, as authorized by Phase 1 CDP No. 9-18-0295 (Synergy Oil Field Consolidation and Wetland Restoration Project), the site's historical use as a productive oil field means that subsurface infrastructure such as abandoned pipelines, sumps, and well casings may still be present and could be inadvertently encountered during grading or excavation.

In addition, the Phase 2 project will rely on a range of heavy construction equipment, including excavators, bulldozers, loaders, skid steers, trucks and water pumps, many of which are diesel-powered and contain fuels, lubricants, or hydraulic fluids that present a potential source of environmental contamination. Project activities will occur within and adjacent to sensitive wetland habitats, ESHA, and tidally influenced zones, increasing the potential severity of an accidental release.

Spill Prevention
To meet the first requirement of Section 30232, the project must be designed and implemented in a way that prevents the release of crude oil, fuels, or hazardous substances into the environment. While Phase 1 decommissioning will have reduced site-wide risk, the unknown or undocumented condition of subsurface infrastructure means that additional precautions are needed. Moreover, construction-related risks from fuel handling, equipment staging, and refueling activities must be addressed. Without appropriate procedures and best management practices BMPs, the risk of an accidental spill could compromise newly restored wetlands, protected habitat areas, and downstream water quality.

Containment and Cleanup
Section 30232 also requires that any accidental spills be met with effective containment and cleanup capacity. While general BMPs will be implemented through CPPP and WQMP submitted for this project, the unique conditions of the site and the presence of potential residual oil related materials warrant a site-specific response strategy. The proposed restoration will involve multiple contractors, a complex wetland grading plan, temporary access and staging areas, and water control structures, all of which could complicate spill response and cleanup if not carefully managed. In order to satisfy Section 30232, the project must include pre-deployed containment materials (e.g., absorbent pads and booms) and a clearly defined procedure for emergency response notification and cleanup. Importantly, the project must also retain access to a qualified third-party spill response contractor to address any spill event that exceeds on-site containment and cleanup capabilities.

To ensure consistency with both elements of Section 30232, **Special Condition 10 is** required. This condition requires the submittal and implementation of a project-specific Oil Spill Prevention and Response Plan, which shall be developed for the Phase 2 restoration project and submitted for review and approval by the Executive Director prior

to the issuance of the permit/ or prior to commencement of any grading or construction activities.

Conclusion
With these measures incorporated, adequate measures to protect against the spillage of crude oil, gas and petroleum products would be in place. As conditioned, the proposed project is consistent with the first test of Coastal Act Section 30232.

I. HAZARDS

Section 30253 of the Coastal Act states, in relevant part:

> *New development shall do all of the following:*
> *(a) Minimize risk to life and property in areas of high geologic, flood, and fire hazard.*
> *(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs*.

Section 30270 of the Coastal Act states:

> *The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.*

The project site is subject to several geologic and coastal hazards that must be assessed to determine whether the proposed development will minimize risk to life and property, and assure stability and structural integrity at the site without contributing to the destruction of the site or surrounding area.

The proposed project is located in the southeastern portion of the Los Angeles Basin, within the coastal floodplain of the San Gabriel River. Locally, the coastal plain is bounded by a line of low hills (Dominguez Hills, Signal Hill, Bolsa Chica Mesa) associated with movement along the northwest-southeast trending Newport-Inglewood Fault Zone, which cuts across the project site and is a chief contributor to the significant seismic hazards, including fault rupture, ground shaking, and liquefaction, present at the site. The site predominantly consists of filled, drained or disturbed wetlands that, prior to the extensive development and modification of the area, comprised a portion of the larger Los Cerritos/Alamitos Bay wetlands complex. As such, the site and surrounding areas are flat, low-lying and at risk of coastal flooding. Sea level rise expected over the life of the project threatens to exacerbate this hazard. The unconsolidated substrates (alluvial sands and silts, marsh deposits and artificial fill) and relatively shallow groundwater underlying the site exacerbate the potential for strong ground motion, soil liquefaction and differential settlement during a large earthquake.

These geologic and coastal hazards were evaluated in much greater detail in the adopted findings for CDP No. 9-18-0395 (**Appendix C**), which authorized Phase I of the Los Cerritos Wetlands restoration project on the northern portion of the subject site, in addition to variety of other development, including the removal and consolidation of oil field infrastructure, a new pipeline bundle traversing the Newport-Inglewood Fault, and, on the current project site, a flood control wall and interior berm separating the area proposed for wetland restoration from the active oil field on the southern portion of the site. The prior CDP also authorized the repurposing of the existing, historic Bixby Ranch Field Office building on the subject site as a visitor center for the restored wetland reserve, and the relocation of the building to a new site outside of the fault zone. The visitor center, including the relocated building, parking and access road, and a picnic area would be situated on a fill pad constructed to an elevation above the flood zone. As described in Section IV.A, above, the current CDP application would modify the previously-approved project by restoring tidal wetlands over a much larger portion of the property, including both the northern and southern portions of the site. The sheet-pile flood control wall and interior berm approved under CDP 9-18-0395 would no longer be needed, and would be replaced by a perimeter berm along the western and southern margins of the subject property (**Exhibit 10**), necessary to bound the restoration project and prevent flooding in surrounding developed areas due to the reintroduction of tidal connectivity within the restoration area. The perimeter berm must be high enough and robust enough to protect against flooding during extreme high tides, coastal storms and high flow events on the San Gabriel River, and designed to account for future sea level rise, which is projected to increase water levels during extreme events. To provide effective flood protection over the long term, the berm must also be designed and maintained to withstand ground shaking, fault rupture and liquefaction-induced settlement during a large earthquake. The proposed project would also make modest changes to the configuration of the visitor center area, including raising the elevation of its footprint to reduce flood risk.

As described in the applicant's June 2025 Preliminary Basis of Design (BOD) report[7] and depicted in the 60% Design Plans submitted in the CDP application, the perimeter berm would have a crest elevation of 12.13 feet above mean lower low water (MLLW)[8], a crest width of 12 feet (to allow for maintenance vehicle access), and a base width of up to approximately 65 feet. The berm would be constructed along the western and southern boundaries of the project site, and would tie into existing uplands in the southeastern portion of the site and the raised footprint of the proposed visitor center area, where elevations would or already exceed 12.13 ft MLLW. The combined flood protection barrier (i.e., perimeter berm, existing high ground, visitor center pad) was designed to account for coastal flood conditions[9] with a 1% chance of occurrence in a given year (i.e., the "100-year flood"), up to 2.4 feet of future sea level rise (SLR), and

[7] WRA Inc, Upper Los Cerritos Wetlands Mitigation Bank Preliminary Basis of Design, prepared for Los Cerritos Wetlands, LLC, June 2025.

[8] As measured at the NOAA Los Angeles tide gauge.

[9] Evaluated as "total water level", or TWL, combining the astronomical tide, storm surge, swell and wave runup, based on data from NOAA and FEMA.

an allowance for future land subsidence (assumed to be up to 0.16 inches per year). The applicant's sea level rise analysis followed the Intermediate-High scenario from the State of California Sea Level Rise Guidance: 2024 Science and Policy Update for the year 2060, which provides a central estimate of 1.4 feet of SLR over the next 35 years. Additionally, the design of the berm and visitor center fill pad conservatively added an additional one foot of freeboard to the design elevations, which provides a measure of protection against more extreme, less probable future sea level rise. The BOD report evaluated an alternative berm design that would accommodate up to 4.5 feet of SLR (through 2100 under the Intermediate-High scenario), which would raise the berm crest elevation to 15.44 feet above MLLW, but found that this alternative would provide little additional flood protection to the surrounding area due to other local vulnerabilities (off site low points), and would require a wider berm base and reduce the area available for wetland restoration. The applicant's analysis demonstrates that the proposed perimeter berm and raised footprint of the Visitor Center would be designed to protect against flood hazards, with a reasonable and adequate allowance for future sea level rise, for the expected life of the project. It is worth noting, however, that future adaptive management of the wetland restoration area and/or perimeter berm could be necessary to address future conditions.

The BOD report indicates that the perimeter berm would be constructed from suitable onsite materials excavated during the wetland restoration work. Pursuant to Special Condition 21 of CDP No. 9-18-0395, the applicant previously prepared a site-specific geotechnical analysis and hazard mitigation plan ("2021 geotechnical report"),[10] which included the field investigation results, seismic hazards analysis and geotechnical recommendations necessary to inform the design of the approved sheet-pile wall and interior berm, meet building code standards and provide assurance that these structures would withstand a design-level earthquake at the site. The geotechnical analysis confirmed that the soils to be excavated to establish the new tidal channels within the wetland restoration area are suitable to be used as berm construction material. Special Condition 21 of the prior CDP also required the applicant to prepare and submit a repair and maintenance plan to keep the flood control barrier structures in good condition, and to repair any damage sustained during an earthquake or flood event.

However, as noted above, the current project would significantly expand the wetland restoration area to include much of the southern portion of the site, eliminating the need for the sheet-pile wall and interior berm, and instead proposing the construction of the perimeter berm. The 2021 geotechnical analysis included a thorough evaluation of seismic hazards at the site and adequately characterizes the potential for ground shaking and liquefaction on the site at large, and specifically within the footprints of the interior flood control structures proposed under the 2018 CDP, and provided a sufficient basis to assure the stability of the proposed relocated visitor center building, consistent with building code requirements. However, the 2021 study did not include testing (e.g., cone penetration testing, collection of borings) to specifically characterize geotechnical conditions within the footprint of the perimeter berm proposed in the current application.

[10] Leighton Consulting, Inc., Geotechnical Engineering Exploration Report, Proposed Wetlands Restoration at Synergy Oil Field, prepared for Synergy Oil and Gas, LLC, June 8, 2021.

This localized geotechnical information is necessary to develop specific recommendations for the design of the berm (e.g., depth of over excavation prior to construction) and to support an analysis of the berm's stability under both static conditions and during strong seismic ground-shaking.[11] Moreover, the 2021 geotechnical report does not address how an earthen perimeter berm would be designed and/or repaired and maintained to address the potential for fault rupture on the Newport-Inglewood Fault Zone, which crosses the proposed berm alignment along the southern boundary of the site.

In order to provide for the design-level analysis needed to assure the stability and structural integrity of the proposed perimeter berm, the Commission is requiring **Special Condition 11**, which requires LCW, LLC to submit, for the Executive Director's review and approval, a supplemental Seismic and Geotechnical Analysis and Hazard Mitigation Plan that includes: a geotechnical analysis specific to the proposed perimeter berm that at a minimum evaluates seismic hazards, including fault rupture, ground shaking, and liquefaction, and berm stability, along the route of the berm; a set of specific design specifications, construction measures, maintenance and repair actions, and other relevant recommendations needed to assure the stability of the berm consistent with applicable building codes; and a repair and maintenance plan describing the measures that would be taken to maintain the barrier structures in an optimal condition, including following potentially damaging flooding or earthquake events. The applicant shall construct and maintain the proposed berm consistent with the recommendations of the Plan.

The provide assurance that the proposed berm is built to the design specifications needed to minimize flooding and seismic hazards, **Special Condition 2** additionally requires the applicant to submit, for Executive Director review and approval, final project plans, in substantial conformance with the 60% Design Plans (dated 4/10/2025) submitted with the application, but incorporating any necessary design changes or recommendations emerging from the supplemental geotechnical analysis required by **Special Condition 11**.

Even though the project has been designed to minimize risks associated with flood and seismic hazards, some risk remains. The entire project area is located within the floodplain of the San Gabriel River and in an area and on substrate vulnerable to effects of large earthquakes, and there is no way to avoid the risk of a large magnitude flood or earthquake event in the future. Given that the applicant has chosen to implement the project despite the identified risks in the area, the applicant must assume the risks. Therefore, the Commission attaches **Special Condition 18,** which requires the applicant to assume the risk of developing the proposed project in a flood and seismic hazard area and notifies the applicant that the Commission is not liable for damage as a

[11] For example, the 2021 geotechnical report stated that a "critical aspect" the performance of the interior berm under the 2018 CDP was under the occurrence of liquefaction, and identified several locations along the berm route with a high potential for liquefaction. A similar level of detailed site characterization is needed to assure the performance of the perimeter berm.

result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards.

Conclusion
For the reasons described above, the Commission finds that the proposed project, as modified by **Special Conditions 11 and 18**, would minimize risks to life and property from seismic and flooding hazards, including the effects of sea level rise, and would assure stability and structural integrity without contributing to the destruction of the site or surrounding areas, and is therefore consistent with Coastal Act Sections 30253 and 30270.

J. CULTURAL AND TRIBAL RESOURCES

Coastal Act Section 30244 states:

> *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required*.

See **Appendix D** for LCP policies that serve as guidance.

Coastal Act Section 30244 states that reasonable mitigation measures shall be required where development would adversely impact archaeological resources. These resources may include sacred lands, traditional cultural places and resources, and archaeological sites. As described in the Commission's Tribal Consultation Policy, adopted on August 8, 2018, tribal cultural resources are not confined to the boundaries of archaeological sites, but instead can encompass landscapes that are significant to Native American tribal groups because of habitation or use for cultural practices.

Cultural History of the Los Cerritos Wetlands
There is extensive evidence that the entire Los Cerritos Wetlands area is sensitive for paleontological, archeological and tribal resources, potentially including Sacred Lands, Tribal Cultural Landscapes and Traditional Cultural Property, designated as Native American resources by the Native American Heritage Commission (NAHC). According to the City of Long Beach's EIR for the Phase1 project, archeological evidence from the Channel Islands indicates that the first people migrated down the California Coast as early as 12,000 years ago. Nomadic groups gave way to more permanent settlements between 8,000 and 3,000 years ago. The Late Period, stretching from 1000 years before present to approximately 1542 A.D., saw inhabitation of the land that now comprises Los Angeles County and Northern Orange County by the Tongva people, who would also become known as the Gabrieleño people after the Spanish colonization of California. The Gabrieleno-Tongva peoples settled in approximately fifty major villages spread out among the prairie and coastal areas. The largest settlements could hold several hundred people, but most villages supported fifty to one-hundred and fifty people. The Gabrieleno-Tongva people were hunter gatherers who used the local

wetlands, rivers and streams to hunt and fish, to gather reeds and willows to build homes and to provide a reliable water source.

Approximately 2 miles from the project site, on land now occupied by California State University Long Beach, Rancho Los Alamitos Historic Ranch and Gardens, a veteran's hospital and a private residential community, is an important village site of the Gabrieleno-Tongva people called Povuu'ngna or Puvungna. This village site is significant to many native peoples as the place where Chungichnish, a lawgiver and deity, provided instruction to the Tongva. A parcel of land on the northwest corner of the CSU Long Beach campus is the site of at least one prehistoric burial and is listed on the National Register of Historic Places. Local tribal members fought to protect this parcel and after a long court battle, the University agreed to place a non-binding moratorium on developing this parcel. Tribal members currently use the site for ceremonies. At nearby Rancho Los Alamitos, numerous shell middens and other artifacts indicate the presence of native communities.

To assess the potential that the project area contains significant archeological, paleontological and cultural resources, the Phase 1 project EIR includes both a Cultural Resources Assessment and a Tribal Resources Assessment. As part of these assessments, the EIR documented some of the known natural and cultural history of the project area and included a site-specific investigation of known cultural resources within a half mile of the project site. Results of a search of the California Historical Resources Information System (CHRIS) indicate that no known cultural resources have been discovered on the project site, and nine cultural resources have been documented within 0.5 miles of the project site. These resources included a human skull, several shell middens and deposits and two archeological sites that had been destroyed (circa 1958) prior to study and recordation. This list also included three more modern sites, including the Long Beach Marine Stadium. Consultation with the NAHC indicated that tribal sites had been recorded in the general area and recommended that the City conduct tribal consultations. Tribal consultations were conducted in accordance with AB 52.

In addition to the records search, the applicant also hired a consultant to conduct an Archeologic and Paleontological Resource assessment. Research into previous studies and historical photographs identified one potential cultural resource – a historic-period refuse scatter on the Synergy oil field site, likely related to oil field operations. The site was recommended ineligible for listing on the California Register. An archeological resource field survey conducted by the same consultant consisted of a visual assessment of the site as part of a walking survey. No resources were discovered. As part of the Paleontological Resource assessment, a locality search with the Natural History Museum of Los Angeles County indicated that the project site consists of artificial fill overlying alluvium material from the San Gabriel River. As such, the shallower layers of material are not likely to contain paleontological resources. However, it is possible to encounter these resources, including potentially significant vertebrate fossils, at a minimum depth of five feet below the current ground surface.

Tribal Consultation

During the CDP review process, staff reached out to several tribal members for the purpose of consultation and coordination on the proposed CDP. Staff contacted 32 individuals who were on the Tribal Consultation List provided by the NAHC in a letter dated June 24, 2025. One tribal member from the Rincon Band of Luiseño Indians responded that the project was not within the Band's specific Area of Historic Interest (AHI) and that they did not have additional information to provide at this time. One tribal member from the Gabrielino Tongva Indians of California responded and said that they had been an active tribal participant in the Phase 1 restoration project and would continue to be involved in the Phase 2 project.

Potential Impacts associated with the Proposed Project

Section 30244 of the Coastal Act provides that where development could affect archeological or paleontological resources, reasonable mitigation measures shall be required. The first component of an analysis under this section is to determine what, if any, archeological (including tribal and cultural resources) or paleontological resources exist in the project vicinity that could be adversely affected by the proposed development. The analysis in the EIR concluded that tribal resources had been recorded in the larger vicinity, although no specific known resources are present on the project site. Tribal consultations on the EIR, conducted with two tribes, indicated that the area was sensitive for tribal resources, but did not identify specific tribal resources or a broader cultural landscape.

Impacts to Archeological and Paleontological Resources

Although the project site does not contain any known archeological resources, given the prevalence of archeological and known cultural sites in the vicinity, it is likely that tribal artifacts and possibly burial sites also exist on this site, especially beneath layers of existing fill. It is potentially less likely for burial sites to exist within the wetland sites because of their low elevation and flooding potential. However, given the amount of change the landscape has likely experienced over time, including uplift, subsidence, altered river courses, as well as the transfer of fill from upland areas into the wetlands to support oil development, the presence of burial sites cannot be ruled out. In addition, based on information provided by the Natural History Museum of Los Angeles County and reported in the EIR, it is also possible that deeper soil layers may contain paleontological resources. Thus, although no specific archeological or paleontological resources have been discovered on the site through surface investigations to date, the potential exists for these resources to be present.

Project-related activities could result in adverse impacts to unknown archeological and paleontological resources present in the project area. Excavation associated with wetlands restoration and site grading could disturb or unearth previously unknown resources.

To address this concern, an Archaeological Monitoring and Mitigation Plan (AMMP, ESA 2021) was prepared for the Phase 1 Los Cerritos Wetlands Oil Consolidation and Restoration Project, and which includes the area in which the proposed Phase 2 project

is located. These reports were previously provided to the California Coastal Commission (CCC) in compliance with Special Conditions 23 of CDP No. 9-18-0395. As such, **Special Condition 12** of this permit carries forward the provisions included in the AAMP and requires that LCW, LLC continue to implement the provisions of the plan with this permit. All project work must be undertaken in conformance with approved plans unless otherwise approved by the Executive Director.

Impacts to Cultural Resources

To address potential project-related impacts to cultural resources **Special Condition 13** requires LCW, LLC to include a tribal educational component within the Visitor's Center to educate the public on tribal history and culture in the Los Cerritos Wetlands. To ensure that a tribal educational component within the Visitor's Center is designed and implemented in a fair and timely manner, **Special Condition 13** requires LCW, LLC to develop and implement a Tribal Cultural Education Plan, with approval from the Executive Director and with direct involvement from tribal members on the NAHC list for this site. The Plan requires LCW, LLC to solicit information from tribal people on what should be included in the Visitor's Center, develop a draft plan based on input from tribal people, and submit the plan back to tribal members for review and comment. The Plan shall also incorporate maintenance and upkeep of educational materials and a process for re-evaluating and updating materials every five years. Once approved by the Executive Director, LCW, LLC shall implement the Plan within one year.

Conclusion

The proposed project could result in potential impacts to paleontological and archeological resources. With the inclusion of **Special Conditions 12** and **13**, the proposed project would memorialize the critical measures already taken by the applicant through continued implementation of the AMMP and would carry over the Phase 1 approval of the requirement to implement a Tribal Cultural Education Plan as a condition of this permit. Thus, as conditioned the proposed project is consistent with Coastal Act Section 30244.

K. PUBLIC ACCESS AND RECREATION

Coastal Act Section 30210 states:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse*.

Coastal Act Section 30214 states, in relevant part:

> *(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public*

access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

The proposed project will result in new public access and recreation opportunities within the Los Cerritos Wetlands. The proposed Visitor Center, picnic facilities, public access trail system, and the Bixby #2 Discovery Well interpretive feature would promote public access on a site that has been private and closed to the public for almost a century. This will provide an opportunity for the public to visit and learn about the Los Cerritos Wetlands, an important coastal resource, both past and present.

Picnic Area Relocation

The existing Phase 1 project approved under CDP 9-18-0395 includes relocation and conversion of an existing building into a Visitor Center in the southern portion of the project area; therefore, this relocation and conversion of the Visitor's Center is not included in this CDP application. However, the location of the planned picnic area in the existing CDP will be moved so that the picnic area is immediately adjacent to the Visitor Center. This change is expected to be an improved location for the public and improve the ecological function of the restored wetlands, as the originally envisioned location would have divided restored areas. The proposed location of the picnic area is depicted in the Conceptual Visitor's Center Plan (**Exhibit 8**).

Pedestrian Trail

The existing Phase 1 project approved under CDP 9-18-0395 includes the installation of a pedestrian trail that extends from the Visitor's Center to the former location of the Bixby Ranch field office, then continues east towards Studebaker Road where it turns north and continues to the northwest portion of the Northern Synergy Oil Field Site. This Phase 2 project proposes a minor revision to this pedestrian trail layout that would instead route the trail from the Visitor's Center south to the Perimeter Berm near the entrance of Shopkeeper Road. It would then turn east and travel along the top of the Perimeter Berm, then north until it re-joined the path alignment originally planned in the existing CDP along the eastern site boundary. In addition, a small section would also be constructed between the Visitor's Center and the Bixby Discover Well #2. These changes would not result in any new impacts to wetlands under the jurisdiction of the Commission. No impacts associated with the trail alignment occur within Coastal Act wetlands.

As proposed, the public will have limited, docent led access to the site from dusk until dawn, seven days a week. The Phase I project included the construction of new bikeways or bikeway improvements and sidewalks on the frontage of the site, along Pacific Coast Highway and East 2nd Street. These amenities are intended to result in an increase of visitors to the area. The EIR estimates that the new park area could draw between 15,000 and 20,000 visitors every year.

Coastal Act Section 30214 requires, however, that public access be implemented in a manner that takes into account the need to regulate such access, including consideration of the capacity of a site to sustain use and at what level. Thus, balancing the benefits of public access and recreation with natural resource protection is of critical importance, particularly at this site where there are sensitive wetland and upland ecosystems. As described in this report, Steamshovel Slough is a highly functioning and productive tidal wetlands system that provides critical habitat to many special status species. It is likely that a significant part of the reason Steamshovel Slough has persisted for as long as it has in such an urbanized and developed environment, is because it is located on private property and not open to development or public use. Thus, it is critical that the habitat values of the existing Slough as well as the proposed restored areas are protected from overuse by the public. To partially achieve this goal, the trail system, which will now be developed on top of the permitter berm, will maintain a buffer from wetland resources on the site.

To further ensure that public access on the site is maximized, while still ensuring coastal wetlands and habitats on the site are protected, and to minimize any indirect impacts on these habitats from public use of the site, **Special Condition 14** requires LCW, LLC to develop a Management and Maintenance Program for Public Access, Recreational Use, and Open Space Areas. The purpose of the Plan is to manage public access and recreation on the site to ensure the continued protection of sensitive biological resources on and adjacent to the site, consistent with Section 30214. The Plan requires LCW, LLC to propose to the Executive Director for review and approval, restrictions on timing, locations, number of people allowed on all public access features, and group activities for public access and recreation on the site that ensure disturbance to surrounding habitats is minimized. It also requires LCW, LLC to implement signage, appropriate fencing or barriers, public education programs and any other appropriate measures to ensure successful implementation of the approved access and associated restrictions. The Plan also requires that LCW, LLC to develop a Signage Plan to facilitate navigation of the site, communications regarding site rules, and provide information on the resources. Finally, the Plan requires that LCW, LLC identify funding for management and maintenance activities to ensure that these public access facilities are maintained and available into the future.

With **Special Condition 14** in place, maximum public access and recreation will be provided, while also being appropriately managed in a manner that protects the surrounding natural resources. Thus, the Commission finds the proposed project consistent with Sections 30210 and 30214 of the Coastal Act.

L. VIOLATION

Violations of the Coastal Act exist on the property including, but not necessarily limited to: grading, removal of major vegetation, including wetlands vegetation, placement of fill in wetlands, and alteration of the hydrology of wetlands on an approximately 3,000 square foot area. On May 10, 2007, Commission staff received a report of this unpermitted development occurring on the project site. The same day, Commission staff visited the project site and confirmed that development, including fill of wetlands, and removal of wetlands vegetation, had occurred.

To further investigate the report, on May 13, 2007, Commission enforcement staff visited the project site and observed graded areas around and through wetlands, extracted material from the wetlands, and areas where wetlands vegetation had been removed and destroyed. On May 14, 2007, Commission staff contacted the then owner, Bixby Ranch Company ("Bixby") and informed them that the activities were unpermitted and requested that they stop all unpermitted development.

On May 17, 2007, Commission staff met at the project site with Bixby and with the contract operator of the property, BreitBurn Management Company, LLC, hereinafter collectively referred to as "Former Owners." During this meeting, Commission staff again informed the Former Owners that the ongoing activities constituted development under the Coastal Act and that a CDP from the Commission was therefore a legal prerequisite to conducting those activities. Commission staff also informed the Former Owners that the unpermitted development was being performed in wetlands and was not consistent with the resource protection policies of the Coastal Act and that all such activities must stop. The Former Owners agreed that no further grading or vegetation removal would occur.

However, during the site visit, Commission staff observed ongoing unpermitted development on the project site, beyond what staff observed on May 13, 2007, including additional grading in, fill of, and extraction of material from the wetlands, and removal of wetlands vegetation. Therefore, on June 21, 2007, to address the ongoing violations and attempt to resolve the violations, Commission staff sent Bixby a Notice of Violation letter, which explained that the unpermitted activity is "development" under the Coastal Act that cannot be conducted without a CDP.

Because the Former Owners declined to stop undertaking unpermitted development, on June 28, 2007, the Executive Director of the Commission sent the Former Owners a letter formally notifying them of his intent to issue an Executive Director Cease and Desist Order ("NOI") and provided them the opportunity to provide assurances, which would obviate the need to issue the Order.

The Former Owners did not respond to the NOI in a "satisfactory manner" (Section 13180(a) of the Commission's Regulations), and therefore, pursuant to Section 30809 of the Coastal Act, on June 29, 2007, the Executive Director of the Commission issued

Executive Director Cease and Desist Order No. ED-07-CD-02 ("the EDCDO"), which directed them to, among other things, cease all unpermitted development, submit a plan to remove the unpermitted fill in wetlands and to provide temporary erosion control measures until a more fulsome restoration plan could be implemented, and implement the plan once approved. The EDCDO also contained a notice of intent to commence Commission cease and desist order and restoration order proceedings and a notice of intent to record a Notice of Violation ("NOVA") against the properties, which was ultimately recorded with the Los Angeles County Recorder's Office on July 23, 2007, providing prospective buyers and future owners of the property with notice of the violations located on the property.

On October 15, 2007, Commission Enforcement staff approved the Former Owners' plan to remove the unpermitted fill and on December 4 and 5, 2007, the Former Owners implemented the plan and removed the unpermitted fill and installed temporary erosion control measures. While the unpermitted fill was removed, the Former Owners (nor any future owner) ever fully restored the wetlands habitat that was impacted by the unpermitted development and never addressed the civil liabilities associated with the violations, leaving the enforcement matter unresolved. The property then changed ownership a number of times.

After discovering the NOVA in the chain of title to the property, in May 2019, and through the next year, representatives of the applicant, now the owner of the property, contacted Commission Enforcement staff in an effort to fully resolve the enforcement matter, and began working cooperatively with staff. Unfortunately, delays caused by the Covid-19 pandemic slowed resolution. The proposed Phase 2 expansion of the previously-approved wetlands restoration project (the project proposed in this CDP application) provided an opportunity to also creatively fully resolve the violation case. In this case, the applicant worked closely and cooperatively with Commission staff to propose the restoration of an additional 0.4 acres[12] of wetlands habitat outside the scope of the Mitigation Bank area. This additional wetlands restoration will support wetlands functionality, enhance bioretention basins and stormwater drainage areas to improve water quality, and provide additional native habitat on the property.

Therefore, in order to address the Commission's claims for monetary penalties for these violations of the Coastal Act, and to otherwise fully resolve the violations at issue, the applicant is proposing this additional 0.4 acres of wetlands restoration. Upon issuance of the permit, the subsequent performance of the work authorized by the permit in compliance with all of the terms and conditions of the permit will result in full resolution of the violations described above.

[12] As proposed by the applicant, the 0.4 acres is a minimum amount, and may be expanded once the most appropriate location for the wetlands restoration is located, consistent with Special Condition 17 of the CDP.

Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations), nor does it constitute an implied statement of the Commission's position regarding the legality of the development undertaken on the subject site without a coastal development permit, or of any other development, other than the development approved herein. In fact, approval of this permit is possible only because of the conditions included herein, and the applicant's presumed subsequent compliance with said conditions, and failure to comply with these conditions in conjunction with the exercise of this permit would also constitute a violation of this permit and of the Coastal Act. Accordingly, the applicant remains subject to enforcement action just as it was prior to this permit approval for the unpermitted development described herein and for any violations of this permit, unless and until the conditions of approval included in this permit are satisfied and the additional 0,4 acres wetlands restoration area is fully restored. Only as conditioned is the proposed development consistent with the Coastal Act.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act.

M. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency into this CEQA finding as if set forth in full. As discussed in the findings, the proposed development has been conditioned so that it is consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the development as conditioned is consistent with the requirements of the Coastal Act to conform to CEQA.