



ANGELES CHAPTER
3250 Wilshire Blvd #1106, Los Angeles, CA 90010

To: The California Coastal Commission

Re: Postponement of Application No. 9-18-0395

Applicant: Beach Oil Minerals (BOM) and the Los Cerritos Wetlands Authority (LCWA)

Agenda Item #14 December 13, 2018, Coastal Permit Application No. 9-18-0395

(Beach Oil Minerals (BOM), Long Beach)

From: Sierra Club, Angeles Chapter, Rebecca Robles, United Coalition to Protect Panhe, Chief Anthony Morales, Tribal Chair, Gabrielino/Tongva Tribe of Mission Indians, Algalita Marine Research and Education, Protect the Long Beach/Los Cerritos Wetlands Coalition*

Dear Commissioners,

We are requesting a **postponement** of the hearing for the following reasons:

1. Lack of proper Tribal Consultation and outreach to affected tribes as required by the Coastal Commission's Tribal Consultation Policy. Concerns raised by recognized tribal governments and tribal leaders have not be resolved.

- Requests for Tribal Consultation have not yet been responded to by Coastal Commission staff.
- Los Cerritos Wetlands Restoration and Oil Consolidation Project should be removed from the agenda of the Coastal Commission's December 2018 agenda to allow for compliance with the Coastal Commission's Tribal Consultation Policy. This includes the training of Commissioners and staff in proper Tribal Consultation protocols. Staff currently conducting tribal consultation and outreach have yet to learn the tribal history of and understand the Los Cerritos Wetlands and the project from a tribal perspective.
- At the Coastal Commission Meeting on 8/9/18, before amending the Long Beach LCP, the Coastal Commissioners approved the Tribal Consultation Policy, effective

immediately. Commissioners heard written and verbal testimony by tribal leaders and tribal members opposing the LCP Amendment who referenced a lack of tribal consultation. Especially given that staff had been granted a full year to study this matter, the LCP Amendment should not have been brought to or approved by the Commission in violation of the Tribal Consultation Policy.

2. Many needed permits for this project have not been approved.

From the Staff Report pg. 60

Regional Water Quality Control Board – Los Angeles Region (RWQCB) The RWQCB regulates waste discharges into receiving waters in the project area. The Applicant submitted an application for a Section 401 water quality certification on June 1, 2018. A final decision from the RWQCB is pending.

California Department of Fish and Wildlife (CDFW) CDFW reviews projects that would alter any river, stream, or lake to ensure that existing fish and wildlife resources are conserved. The applicant submitted an application for a Lake and Streambed Alteration Agreement on June 1, 2018. A final decision from CDFW is pending.

U.S. Army Corps of Engineers (Corps) 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 submitted an application to the Corps under Nationwide Permit #27 (Aquatic Habitat Restoration) on July 19, 2018. A final decision from the USACE is pending.

From the Staff Report pg. 56

“Implementation of a wetlands restoration project and development of a mitigation bank on the Northern portion of the Synergy site

BOM proposes to expand tidal connections to areas south of the existing Steamshovel Slough habitat to facilitate restoration of coastal salt marsh habitat on an approximately 30 acre portion of the Synergy site, and to preserve and enhance existing subtidal and salt marsh habitat within Steamshovel Slough ([Exhibit 16](#)). BOM proposes to fund and manage the restoration site through a mitigation bank, designed to be consistent with

the USACE Mitigation Banking Rule. However, as the mitigation bank is still under review by the USACE and the Interagency Review Team (IRT), the structure and requirements of the mitigation bank are not considered under this permit.”

It appears to be premature to be approving this oil drilling project when it is unknown whether these other agencies will issue the necessary permits.

3. From the Staff Report, Biological and Water Quality pg. 71

“BOM presented the sampling results for HA-9 and HA-12 to an Interagency Review Team (IRT), a multi-agency group that is reviewing the proposed restoration of the northern portion of the Synergy site for consideration as a mitigation bank. The IRT includes representatives from Coastal Commission staff, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, NOAA’s National Marine Fisheries Service and the California Department of Fish and Wildlife. The IRT provided direction to BOM that the sampling conducted in 2016 and 2017 was insufficient to determine the extent of contamination and whether proposed remediation (i.e., excavation) was sufficient to clean-up the contamination in advance of restoring tidal influence to this area. Because this area will be restored to tidal wetlands, it is important to ensure that contamination is cleaned up to a level that is protective of sensitive species and habitats in Steamshovel Slough and adjacent tidal waters. In response to the IRT’s direction, BOM has proposed additional sampling in the northern portion of the Synergy site.”

On Nov. 30, 2018, BOMP requested and was granted Waiver 9-18-1075-W, which allows for further soil sampling in the restoration portion of the Synergy property. The Waiver states, “This waiver will not become effective until reported to the Commission at its meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations.”

It appears the results of this testing will not be available to the Commissioners at the Dec. 13th meeting. The results of the sampling will determine whether the planned restoration can go forth. Please postpone the hearing until all of the information is in.

4. There are 24 other Special Conditions, many requiring plans be submitted to the director before the issuance of the CDP. These plans should be submitted and agreed to by both parties before this project is approved.

The Special Conditions (starting on pg. 10 of the Staff Report) include:

Revised Site, Grading and Design Plans for the Synergy Site
Perimeter Pipeline Alignment Implementation Plan
Wetland Mitigation Plan
Wetland Mitigation Monitoring Plan
Deed Restriction
Biological Resource Protection Plan
Revised Decommissioning Plan for Existing Facilities
Pollution Prevention Plan for Steamshovel Slough
Construction and Pollution Prevention Plan
Inadvertent Release Contingency Plan for jack and bore and/or Horizontal Directional Drilling (HDD) activities
Revised Nuisance Minimization Plan
Management and Maintenance Plan for Public Access
Recreational Use, and Space Areas
Water Quality Management Plan
Contaminated Soil Investigation and Removal Plan
Land Surface Monitoring Plan
Revised Oil Spill Prevention and Response Plan
Seismic and Geotechnical Analysis and Hazard Mitigation Plan
Protection of Cultural Resources Plans

5. Lack of Public Outreach

Misleading information has been, and continues to be, central to the promotion of the Project, an expansion of Synergy's oil operations in the Los Cerritos Wetlands. The myth that the public will own and enjoy hundreds of acres of a restored Los Cerritos Wetlands has been promoted by both BOM and the LCWA. The staff reports states that BOM plans to restore only thirty acres of wetlands on the Synergy Property. While old wells, tanks, and pipes will be removed over time, remediation and restoration of ESHA habitat, other than the thirty acres is not part of the project. The much touted Mitigation Bank, which we were led to believe would fund the wetlands restoration, is no longer part of the Application. The level of oversight required by a Mitigation Bank, is no longer part of the the wetlands restoration process. The community expects wetlands restoration, not the expansion of an industrial zone, oil spills, contamination of water, air, and soils, coastal views impacted by methane burn-off towers and drilling rigs. Until the public has been presented with accurate, clear, and unbiased information, been

informed of the actual risks and realities, and allowed to respond, the Project should not be approved.

Therefore, we respectfully request a postponement of the December 13th hearing.

*Protect the Long Beach/Los Cerritos Coalition, member organizations: United Coalition to Protect Panhe, California Cultural Resources Preservation Alliance, Sacred Places Institute for Indigenous Peoples, Red Earth Defense, Long Beach Area Peace Network, Stop Fracking Long Beach, The Environmental 99%, Long Beach Progressive Alliance, Long Beach Greens, Oil Money Out, Divest Long Beach

for more info contact Anna Christensen, Sierra Club Conservation Chair, Long Beach Group achris259@yahoo.com (562) 434 0229, or Angelica Gonzalez, Sierra Club Conservation Program Manager Angeles Chapter angelica.gonzalez@sierraclub.org (213) 387-4287, Ext. 210