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ACRONYMS AND ABBREVIATIONS

НММР	Habitat Mitigation and Monitoring Plan		
LCWA	Los Cerritos Wetlands Authority		
USGS	United State Geological Society		
Cal-IPC	California Invasive Plant Council		
ppt	Parts Per Thousandth		
LARWQCB	Los Angeles Regional Water Quality Control Board		
MOA	Memorandum Of Agreement		
SCE	Southern California Edison		
GPS	Global Positioning System		

Habitat Mitigation and Monitoring Program Zedler Marsh In-Lieu Fee Project

1.0 PROJECT AND SITE DESCRIPTION

1.1 Responsible Parties

Applicant / Permittee

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Phone: 626.462. 2590

Land Owner Project Manager

Luz Quinnell, Staff Biologist Los Cerritos Wetlands Authority (LCWA) 100 Old San Gabriel Canyon Road Azusa, CA 91702

Phone: 626. 815.1019

Ecological Consultant

Eric Zahn, Principal Restoration Ecologist Tidal Influence, LLC 1340 E. Florida St. Long Beach, CA 90802

Phone: 858.353.6113

The Los Cerritos Wetlands Authority is responsible for monitoring and managing the mitigation site and may do so through a consulting ecologist to conduct the monitoring per the LCWA-SCE MOA and achieve all performance standards.

1.2 Project Background

In 2008, SCE received a 401 Certification from the Los Angeles Regional Water Quality Control Board (LARWQCB) for work performed at the Pebbly Beach Generating Station at Catalina Island (Appendix A). As a condition of its 401 Certification, SCE is required to restore 0.08 acres of shoreline habitat for placing large rip rap over sandy shoreline; the required mitigation ratio is 2:1 for a total of 0.16 acres of habitat to be restored. Given the difficulty of finding the appropriate acreage to complete the restoration work at Catalina Island, the Regional Board granted SCE permission to find a mainland (as opposed to an island) project to provide out-of-kind compensatory mitigation to offset the project impacts and required the restoration project be located within the Los Angeles Region. The Los Cerritos Wetlands, specifically Zedler Marsh, is

an ideal candidate for this project. Therefore, in July 2013 SCE contacted the LCWA to evaluate whether LCWA would accept these mitigation funds to offset impacts to shoreline habitat at Catalina Island.

The Regional Board 401 Certification has allowed SCE to provide out-of-kind compensatory mitigation funds to a third party that is restoring tidal wetland habitat on the mainland and this type of wetland restoration would work well within Los Cerritos Wetlands, specifically at Zedler Marsh. The following SCE permit conditions must be fulfilled in accepting the out-of-kind compensatory mitigation funds from SCE.

- 1. The Applicant (SCE) shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to 0.08 acres of shoreline within waters of the United States/Federal jurisdictional wetlands by creating or restoring shoreline habitat at a minimum 2:1 area replacement ratio (0.16 acres). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of 0.16 acres of shoreline habitat within waters of the United States/Federal jurisdictional wetlands. The mitigation site shall be located within the offshore islands Watershed unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
- 2. All open space arid mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
- 3. The Applicant shall submit to this Regional Board Annual Mitigation Monitoring Reports by January 1st /May 1st of each year for a minimum period of five (5) years after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover.

SCE desires to satisfy these permit conditions through a one-time payment to the LCWA covering the pro-rata cost of restoration plan preparation, implementation, monitoring and reporting for five years, or until plant establishment has occurred in accordance with SCE's 401 Certification requirements. SCE, in partnership with the LCWA, has determined the best option would be to provide the LCWA with a one-time payment to expand southern coastal salt marsh restoration efforts at Zedler Marsh. This site was identified because of its degraded nature. Around 1.5 acres of the 3.0 acre tidal marsh has 25% or less vegetative coverage. A total 0.16 acres of these 1.5 acres will be used to satisfy SCE mitigation obligation. SCE has received approval from the LARWQCB to partially fund the Zedler Marsh restoration project.

1.3 Location

The Zedler Marsh restoration project site is located in the City of Long Beach, south of Westminster Avenue, north of Pacific Coast Highway, west of the Haynes Cooling Channel, and east of the San Gabriel River (Figures 1 and 2). The project site is mapped on the Los Alamitos

U.S. Geological Society (USGS) topographic quadrangle (Section 11, T.5S, R.12W, SBBM). The site receives tidal flow from the adjacent San Gabriel River through a 36 inch diameter cylindrical culvert. Zedler Marsh is part of the Los Cerritos Wetlands Complex and is one of the few areas within the complex that has tidal influence.

1.4 Current Conditions

Historically, the project site was used by oil operators as an unofficial dirt road that they would drive through during low tides. Due to these historic disturbances, the 0.16 acre location selected for this project has limited intertidal vegetation. The soils in the two upper marsh areas are compacted and hypersaline making it impossible for vegetation to establish itself without assistance. Due to these conditions the upper marsh has less than 10% vegetative cover currently. The middle marsh areas currently contain more vegetation than what is found in the upper marsh. However, due to poor drainage caused by its former use, the mid marsh areas are patchy and dominated by only a few plant species. Of these species, *Salicornia bigelovii* is most dominant, but unfortunately, this is annual species that only provides habitat structure during a few months a year.

The site is bracketed by an old iron fence that is frequently utilized by Belding's Savannah Sparrows as a perch. The LCWA would like to eventually remove this artificial perch, but will not do so until more natural perching habitat is provided within Zedler Marsh.

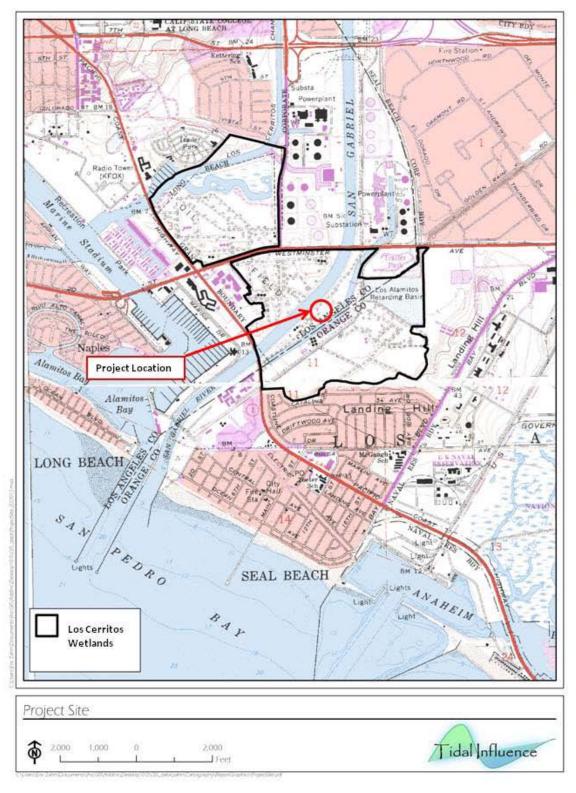


Figure 1. Regional map of project site.

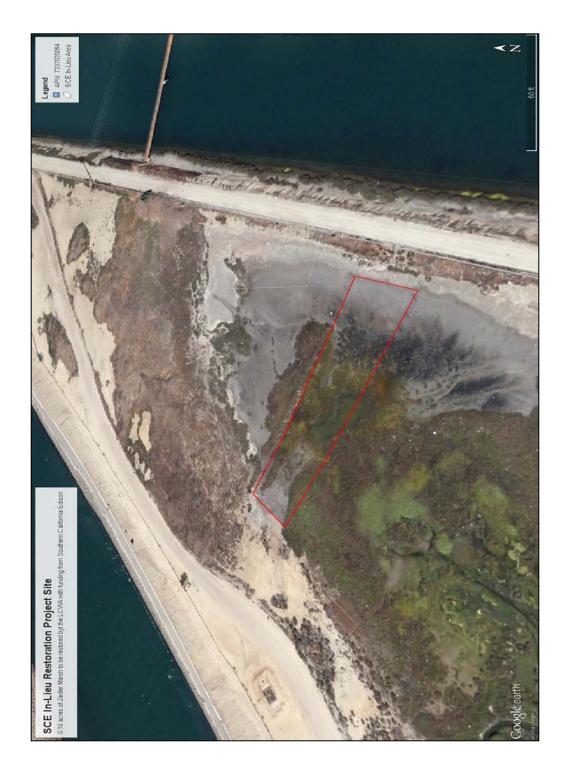


Figure 2. Aerial of project site boundary.

2.0 MITIGATION PROGRAM GOALS

The goal of this mitigation program is to restore 0.16 acres of southern coastal salt marsh to offset coastal habitat impacts caused by the repair of the rip rap revetment at Pebbly Beach Generating Station at Catalina Island. This goal will be achieved by enhancing and preserving self-sustaining habitat. The increased functions and services of the habitat at the mitigation site will mitigate for the functions and services lost at the impact site.

Although not part of the success criteria, project goals also include:

- Improvement of soil conditions to ensure successful establishment of installed vegetation and to increase recruitment rates.
- Restoring native vegetation communities suitable for nesting, foraging, and breeding by native avian species, including the state endangered Belding's Savannah Sparrow.
- Restoring native vegetation communities suitable to support habitat for native invertebrate species, including the rare s-banded tiger beetle.
- Establish vegetation communities that are self-sustaining and functional beyond the maintenance and monitoring period.
- Satisfying the Los Angeles Regional Water Board's mitigation requirements.

2.1 Marine Habitat to be Established

Southern coastal salt marsh is the marine habitat to be restored and enhanced through this project. This plant community is found within a 2 to 3 meter intertidal elevation range along sheltered inland margins of bays, lagoons, and estuaries subject to regular inundation by sea water. It is dominated by highly productive, herbaceous and suffrutescent, salt tolerant hydrophytes forming moderate to dense cover up to one meter tall. The plant species are usually segregated by elevation with *Spartina foliosa* (Pacific cordgrass) dominating the low marsh, *Sarcocornia pacifica* (common pickleweed) in middle marsh, and *Arthrocnemum subterminale* (Parish's glasswort) in the upper marsh. Around 75% of this historical extent of this habitat type has been lost from the San Pedro Bay region.

2.2 Native Plant Community Performance Standards

This restoration project will meet or exceed the following four performance standards 5 years post-vegetation installation:

- 1. At least 75% vegetative cover within the project area boundary
- 2. Presence of at least eight native intertidal plant species within the project area boundary.
- 3. Less than 10% vegetative cover of non-native plant species within the project area boundary.
- 4. No more than 1% vegetative cover of non-native invasive plant species (rated as high on the Cal-IPC list)

3.0 PROJECT IMPLEMENTATION

Installation and maintenance activities will be conducted as outlined herein to promote success of the project and achieve LARWQCB mitigation requirements. The LCWA has acquired all regulatory agency permits required to implement this project. Refer to Appendix B for the LCWA-SCE MOA that specifies responsibilities for both parties.

3.1 Vegetation Procurement

The LCWA has and operates a native plant growing facility on site. This facility currently has inventory of all the salt marsh plant species listed in the plant palette (Table 1) set aside for this project. These plants were grown from local propagules harvested from within Alamitos Bay. Before installation all plants will go through a hardening process where they will be exposed to less freshwater, increased salt content, and direct sunlight.

3.2 Site Preparation

Site preparation shall be conducted under direction from Project Ecologist. Specific tasks are outlined below.

3.2.1 Grading

No Grading will be done to the restoration site. Tilling of soils may occur in some upper marsh areas in order to create better aeration and water infiltration. This tilling will not alter the grades of the shoreline slopes. Tilled soil will be appropriately re-compacted before the next high tide event to avoid suspension in the water column and resulting erosion of siltation.

3.2.2 Weed Control

The need for weed control within the project area is minimal. No intertidal non-native plants species exist currently within Zedler Marsh and it is not anticipated that any will establish themselves during the project timeline. In the instance that non-native vegetation is observed in the project area it will be removed by hand. Any non-native vegetation material will removed in a manner that will not spread propagules and disposed of off-site.

3.2.3 Soil Amendments

Upon installation, each individual container plant will receive trace amounts of organic nitrogenous fertilizers. Salt marsh plants have been found to perform and become established significantly better with increased soil nitrogen levels. Any algal wrack that washes up within the project area will be left in place to act as a natural soil amendment.

3.2.4 Supplemental Irrigation

As part of this project the existing irrigation system at Zedler Marsh will be expanded to provide connections for this project site. Due to the tidal nature of this project, this system will not be automated. It will instead be operated manually and will require a watering schedule that works around the period of high tide. Salt marsh vegetation within the tidal reaches do not depend on freshwater to become established, however, small amount of freshwater input during low tides can increase growth rates and promote seedling germination recruitment. A combination of overhead spray and drip-lines will be utilized. For water conservation purposes, the system will not operate before, during, or after significant rain events.

The Project Ecologist will monitoring the vegetation's response to irrigation and may reduce the frequency if plants appear to be dependent on the freshwater source or increase the frequency if salinity levels remain over 35 ppt for extended periods of time. This will be a temporary irrigation system and should cease to be used at the earliest possible date without risking significant loss of plantings.

3.2.5 Vegetation Installation

Once the site has been prepared appropriately, planting may occur under the direction of the Project Ecologist. All planting will occur during low tide events preferably before 10 am or after 3 pm between the months of November and March. Plant materials will consist of container plant stock of varying sizes. Plant palettes and installation methodologies are outlined in Section 4.1.

Regardless of size all container plants will be installed so that the crown of the root ball is planted 2-5 cm below the existing soil surface. Any loose soil will be backfilled or tamped to ensure that it is not suspended in the water column during high tides. No berms are to be created so as to allow for the proper drainage of seawater as the tides drop. Retention of water around the base of plants will reduce soil oxygen levels and cause for plant mortality.

3.2.6 Fencing and Signage

The existing iron fence-lines will be outfitted with 3-foot-tall poultry wire fencing material to 1) protect the site for trampling by humans and 2) protect the vegetation from herbivory by rabbits. The poultry wire fence will be installed in a manner so as not to create additional predator perches or block terrestrial or marine species corridors. At least 3 inches of the fence will be installed below grade so as to disallow burrowing by rabbits under the fence. Breaches in the fence will be repaired immediately upon observation. Fence lines will be monitored at least on weekly basis during the initial 120-day establishment period and monthly thereafter for the first year or until the Project Ecologist determines that plants are well enough established to resist herbivory.

Signage around the preserve shall be installed identifying the site as a habitat restoration project, and that access from unauthorized personnel is prohibited. Signage shall identify a contact person and phone number for interested parties to call for more information.

3.2.7 Sensitive Species

All efforts will be made to not impact sensitive species habitat regardless of the season. Project personnel will have limited access to the project site during Belding's savannah sparrow breeding season (Feb – July). However, there will likely be a need to access the site during this time. Any access to the restoration site during Belding's breeding season will be done in a manner so that no vegetation is walked on and no loud noises are created. No access will be allowed if Belding's breeding activity is actively occurring. All other sensitive ecological phenomena will be provided the same respect and the Project Ecologist will determine approaches on a case-by-case scenario.

4.0 RESTORATION PLAN

This section provides description of plant species to be installed, and installation methods for container plants. Installation during spring tides in between November and March is ideal for salt marsh vegetation establishment. However, planting is possible at any time of the year, since a temporary irrigation system will be installed

4.1 Plant Palette

The project area will be vegetated with same native plant species already found at Zedler Marsh. The project planting palette is provided in Table 1. The intent of this plant palette is to create a diverse assemblage of native species that increase the functions and services of the project area and blend with existing plant communities on site. Container plants are all sourced from with Alamitos Bay.

Table 1	Restoration	project p	lant nalotto
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#	Habitat	Zone	Scientific Name	Common Name
1	Salt Marsh	Low	Spartina foliosa	Cordgrass
2	Salt Marsh	Marsh Plain	Batis maritima	Salt Wort
3	Salt Marsh	Marsh Plain	Jaumea carnosa	Fleshy jaumea
4	Salt Marsh	Marsh Plain	Limonium californicum	Marsh Rosemary
5	Salt Marsh	Marsh Plain	Sarcocornia pacifica	Common Pickleweed
6	Salt Marsh	Marsh Plain	Triglochin concinna	Arrowgrass
7	Salt Marsh	Upper Marsh	Arthrocnemum subterminale	Parish's Glasswort
8	Salt Marsh	Upper Marsh	Atriplex watsonii	Matscale
9	Salt Marsh	Upper Marsh	Distichlis spicata	Salt Grass
10	Salt Marsh	Upper Marsh	Frankenia salina	Alkali Heath
11	Salt Marsh	Upper Marsh	Distichlis littoralis	Shoregrass
12	Salt Marsh	Marsh Plain	Suaeda esteroa	Estuary Sea-blite
13	Salt Marsh	Upper Marsh	Suaeda calceoliformis	Horned Sea-blite
14	Salt Marsh	Transition	Lycium californicum	California Box Thorn
15	Salt Marsh	Transition	Sueada taxifolia	Wholly Sea Blite

4.2 Planting Design Layout

The container plant layout shall be randomly patterned (as opposed to rows), to create a natural patchiness that is typical within the salt marsh plant community. Spacing will be no more than 3 feet on center to promote the intermixing of species that normally occurs in this plant community. The Project Ecologist will oversee all plant placements before installation. In order to create biodiversity, care will be taken to ensure no species are over or under represented.

4.3 Container Plant Installation

All container plants must be hardened and possess a fully developed root system before installation. All container plants will be checked by the Project Ecologist for viability and general health in the growing space before being selected for us in this project. Standard planting procedures will not be employed for installing these container plants. Holes will be dug slightly

larger than the width and depth of the root-ball of the plant to ensure a snug fit. Soil amendments will be placed into the hole before inserting the root-ball. The top of the root-ball will be 0.5-1 inch lower than the soil surface. Any loose soil left from digging the hole will be packed flat around base of the plant and not formed into a berm. Each plant will be individually hand watered after installation and soil around the plant will be adjusted as necessary after watering. If deemed necessary, each plant will be outfitted with a rabbit cage or deer cone. The irrigation system will be run during the next 4 daytime low tides to aid initial establishment.

4.4 Sustainable and Self-Maintaining Design

The mitigation site was selected do to its ability to be sustainable and self-maintaining after the 5 years of monitoring and management. The mitigation site receives has the appropriate hydrology to receive tidal influence that will promotes sustained vegetative coverage and function as coastal habitat for marine organisms. There are no structures associated with the mitigation site that require maintenance. After the initial 5 years, the site will be encompassed by the LCWA's long-term land management plan.

5.0 FIVE YEAR MAINTENANCE AND MONITORING PERIOD

Any initial maintenance activities will be conducted concurrent with site preparation and the installation of the container plants. Monthly maintenance will occur throughout the initial year, while in years 2-5 maintenance will be performed on an as-needed basis that is determined by the monitoring program. Maintenance activities on the site shall be conducted to maintain the site in conformance of the established performance criteria. The Project Ecologist will conduct inspections during Years 1 through 5. Recommendations by the Project Ecologist for maintenance efforts will be based upon site observations and will include assessment of and recommendations to improve or repair project items, including those listed below. Additional maintenance visits may be recommended if interim performance criteria are not being met.

5.1 Maintenance Guidelines

Site maintenance shall occur regularly throughout the five year maintenance and monitoring period, as directed by the Project Ecologist. Maintenance actions may include weed control, trash removal, irrigation system maintenance, and fence repairs.

5.1.1 Weed Control

As mentioned previously, the presence of non-native plants within the project area is not expected. However, if they do occur during the project, hand removal will be the chosen method of control. Weeds will be pulled when plants are positively identified, and prior to the formation of seed heads. All non-native vegetation will be disposed of off-site.

5.1.2 Trash Removal

This restoration site is within the tidal reaches. Therefore floating trash from the San Gabriel River will likely litter the restoration site throughout the year. This trash will need to be strategically removed so as not to disturb or damage any establishing vegetation or interfere with nesting birds. Normal amounts of driftwood and leaf litter will not be removed and will be left in place. Organic litter often provides valuable microhabitats for invertebrates, and helps retain soil moisture and reduced salinities. In addition, the decomposition of organic litter is essential for the replenishment of soil nutrients and minerals. Large amounts of organic litter may need to be removed if it is suffocating plants or restricting tidal flow. All other trash will be removed from the restoration site by hand on a regular basis. Extreme caution will be taken when entering the restoration site during Belding Savannah Sparrow nesting season (Feb-July).

5.1.3 Irrigation System Maintenance

Irrigation system maintenance shall include adjustment and repair to the temporary irrigation system. This may include repair or replacement of broken or malfunctioning components. Adjustment of the irrigation heads or drip line locations may be required to achieve 100% coverage or increased soil saturation. On the basis of monitoring observations, the Project Ecologist may make recommendations to the contractor to increase or decrease watering time or scheduling. Irrigation may be terminated if the site meets performance standards before the end of the 5-year monitoring period.

5.1.4 Fence Repair

The perimeter fence will be regularly monitored and breaches will be fixed immediately. The fence may be increased in height is it is observed to be too short.

5.2 Ecological Monitoring

Monitoring will consist of qualitative field monitoring visits, quantitative transect data collection, and photo points conducted by the Project Ecologist. The methods are focused on deterring initial survival rates of installed vegetation and short-term percent cover of native plant species.

5.3 Monitoring Schedule

Monitoring will begin the month after all initial vegetation has been installed. For the first year, the vegetation will be monitored <u>monthly</u> during low tide events. To determine monitoring frequency, the first year of monitoring will be focused on observing plant establishment. After the first year of monitoring the Project Ecologist will make recommendations for replacement vegetation in Year 2. If more than 25% of the initial vegetation requires replacement then vegetation monitoring will occur monthly for year 2, if less than 25% of the initial vegetation requires replacement then vegetation monitoring will occur quarterly in year 2 and thereafter through the entire 5 years.

5.4 Data Collection Methods

5.4.1 Percent Coverage

Permanent vegetation transects of sufficient replication will be stratified within the mitigation site at appropriate distances during year one. Transects will run the length of the longest side of the restoration area. Quadrat locations of sufficient replication will be randomly selected along the transects and utilized throughout the 5 years of monitoring. A 1-meter squared PVC quadrat will be used to determine percent cover are each sampling point. Plant height will also be recorded for each quadrat.

5.4.2 Presence of Non-native Species

During each vegetation survey the Project Ecologist will survey the entire restoration project area for the presence of non-native vegetation. If detected, the non-native vegetation will be properly managed and field notes will be taken to accompany quantitative data.

5.4.3 Photo-Points

At least 4 photo points will be established at permanent data stations to record the visual progress vegetative growth. Initial photos will be taken before any work is done in the project area. Periodic photos will be taken during each vegetation survey and will be used in the annual monitoring reports to accompany ecological data.

Monitoring visits during all years will be conducted to evaluate plant species survival, prescribe any necessary remedial measures, and to determine the need to continue the supplemental watering through the following year. Qualitative evaluation will assess plant mortality, compliance with intended standards, and need for plant replacements. Remedial measures will be recommended if survival rates do not meet performance criteria.

5.5 Performance Standards

The quantitative data collected along the permanent transects will be analyzed to track the project's progress in meeting the performance standards. At the competition of each monitoring

year, the Project Ecologist will make recommendations for adapting management techniques or the installation of additional vegetation. All percent coverage quadrat locations will be randomly reassigned each time any additional vegetation is installed within the project area.

5.6 Annual Reports

No more than 45 days after the competition of each year of monitoring, The LCWA shall prepare for SCE a Regional Board Annual Mitigation Monitoring Report. These reports will be submitted for a minimum period of five (5) years after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:

- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
- (c) The overall status of project including a detailed schedule of work;
- (d) Copies of all permits revised as required in Additional Condition 1;
- (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format:
- (f) A certified Statement of "no net loss" of wetlands associated with this project;
- (g) Discussion of any monitoring activities and exotic plant control efforts; and
- (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

6.0 COMPLETION OF MITIGATION

6.1 SCE Notification

When annual monitoring results indicate the project has met the final performance criteria, the LCWA will notify SCE in a coinciding annual report. Before successful mitigation is considered to have been achieved, all performance standards will have been met for a minimum of 9 months and native plant communities established will be self-sustaining without supplemental irrigation for a minimum of 18 months.

6.2 LARWQCB Confirmation

Following receipt of each annual report, the LARWQCB and/or SCE may visit the mitigation site to confirm the reports and to verify compliance with all permit conditions. After receipt of the final report the LARWQCB and/or SCE may visit the mitigation site to confirm completion of the mitigation effort. Following the five year maintenance and monitoring period, the fencing will be removed and replaced with low profile stakes to delineate and protect the site.

APPENDIX A

Memorandum of Agreement (with attachments) between Southern California Edison and the Los Cerritos Wetlands Authority

Memorandum of Agreement Between Southern California Edison Company and Los Cerritos Wetland Authority

This Memorandum of Agreement ("MOA") is entered into by and between Southern California Edison Company ("SCE"), a public utility company, and the Los Cerritos Wetland Authority ("LCWA"). SCE and the LCWA are sometimes referred to individually as a "Party," and collectively as the "Parties." The "Project" is defined as the approved workplan, which will include a task list, timeline and budget that will be developed by the LCWA and reviewed and approved by SCE to comply with SCE's 401 Certification (File No. 07-131) from the Los Angeles Regional Water Quality Control Board (Regional Board).

RECITALS

WHEREAS, the LCWA is a joint powers authority established between the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, State Coastal Conservancy, City of Long Beach and City of Seal Beach, with the purpose of providing for a comprehensive program of acquisition, protection, conservation, restoration, maintenance and operation and environmental enhancement of the Los Cerritos Wetlands area consistent with the goals of flood protection, habitat protection and restoration, and improved water supply, water quality, groundwater recharge and water conservation; and

WHEREAS, on October 8, 2008, SCE received a 401 Certification (File No. 07-131), as amended on November 12, 2008, from the Los Angeles Regional Water Quality Control Board (Regional Board) for work performed at the Pebbly Beach Generating Station at Catalina Island; and as a condition of its 401 Certification, SCE is required to offset impacts to 0.08 acres of shoreline habitat and the required mitigation ratio is 2:1 for a total of 0.16 acres of habitat that must be created or restored by SCE; and

WHEREAS, as an alternative to SCE undertaking the required mitigation, the 401 Certification allows SCE to provide adequate funding to a third party organization for the creation or restoration of a total of 0.16 acres of shoreline habitat; and

WHEREAS, SCE and LCWA have proposed, and the Regional Board has approved, Zedler Marsh as an appropriate restoration site for meeting SCE's obligations under the 401 Certification Conditions of Certification (Attachment B, Items 17 through 22); and

WHEREAS, the Parties desire to enter into this MOA to provide for the payment by SCE of a onetime mitigation fee of \$25,000 to LCWA to offset the impacts from the SCE Pebbly Beach Generating Station ("Funds"); and

WHEREAS, the Funds are to be used by LCWA to undertake activities in the Los Cerritos Wetlands, specifically at Zedler Marsh, that will create or enhance wetland vegetation, including, but not limited to, new vegetation plantings and removal of invasive species ("Project"); and

WHEREAS, the LCWA will obtain all necessary regulatory permits and approvals for the Project, in accordance with the terms of this MOA; and

WHEREAS, the LCWA is not an agent, employee or representative of SCE; and

NOW, THEREFORE, for consideration of the mutual covenants and representations herein, it is mutually agreed by and between the undersigned Parties as follows:

AGREEMENT

1.0 TRANSFER OF FUNDS

To comply with the 401 Certification Conditions of Certification (Attachment B, Item 17), SCE will provide the Funds to LCWA in the amount of \$25,000 as a one-time mitigation fee. Upon the execution of this MOA the Funds shall be deposited into the LCWA interest bearing account, to be established and managed by the LCWA.

2.0 PROJECT IMPLEMENTATION

The LCWA shall use all Funds transferred to it, including any accrued interest, for the Project. Funds transferred to the LCWA pursuant to this MOA may only be utilized to pay necessary fees, costs and expenses associated with the Project.

Within 45 days of the date on which the Funds have been deposited, the LCWA shall submit a workplan, which will include a task list, timeline and budget for review and approval by SCE to comply with SCE's 401 Certification permit conditions.

LCWA will be responsible for obtaining all necessary permits, including a coastal development permit (if required) and shall carry out and complete the Project.

LCWA will be responsible for complying with all the requirements contained in Conditions of Certification (Attachment B, Items 17 through 22), including the submission of annual monitoring reports to the Regional Board, Within 45 days of completing the Project, the LCWA shall submit a final report to SCE describing the wetland creation or enhancement and reconcile all payments received. The LCWA shall make all accounting records available for examination for SCE upon request.

3.0 ACCOUNTABILITY

3.1 Administrative Costs

The LCWA shall use the Funds exclusively to finance the Project described herein. Administrative costs in implementing this MOA, computed in accordance with applicable State Administrative Manual sections, shall not exceed five (5%) of the total Funds.

3.2 GAAP

The LCWA shall maintain Generally-Accepted Accounting Principles (GAAP), financial management, and accounting system and procedures that provide for (1) accurate, current and complete disclosure of all financial activity for the Project; (2) effective control over, and accountability for all funds, property and other assets, related to the Project; (3) comparison of actual outlays with budgeted amounts; and (4) accounting records supported by source determination.

3.3 Records Retention

The LCWA shall retain all pertinent books, documents and papers, including, but not limited to, financial transactions and supporting documents, for the entire period during which the Funds are being used by the LCWA under this MOA and for a period of three (3) years thereafter for potential examination by the Auditor General.

4.0 MISCELLANEOUS PROVISIONS

4.1 Good Faith

The Parties agree in good faith to work to fulfill the objectives of this MOA. The LCWA and SCE may mutually grant an extension of any time under this MOA for good cause, where there is reasonable justification or excuse for the delay.

4.2 Amendment

Neither this MOA nor any provision hereof may be waived, modified, amended, or discharged except by an instrument in writing signed by the Parties.

4.3 Entire Agreement

This MOA constitutes the entire understanding among the Parties with respect to the matters set forth herein and supersedes all prior or contemporaneous understandings or agreements among the parties with respect to the subject matter hereof, whether oral or written.

4.4 Severability

If a court of competent jurisdiction determines that a provision included in this MOA is legally invalid, illegal or unenforceable, and such decision becomes final, such provision shall be deemed to be severed and deleted from this MOA and the balance of this MOA shall be reasonably interpreted to achieve the intent of the Parties.

The Parties further agree to replace such void or unenforceable provision of this MOA with a valid and enforceable provision that will achieve, to the extent possible, the purposes of the void or unenforceable provision.

4.5 Counterparts

This MOA and any amendment thereto may be executed in two or more counterparts, and by each Party on a separate counterpart, each of which, when executed and delivered, shall be an original and all of which together shall constitute on instrument, with the same force and effect as though all signatures appeared on a single document.

4.6 Successors

This MOU shall be binding upon and shall inure to the benefit of the successors of the Parties.

4.6 Assignment

Neither of the Parties may assign any rights granted by this MOA without prior written approval of the other Party, which approval may be granted or withheld in any Party's reasonable discretion.

4.7 Effective Date and Term

This MOA shall become effective upon the last date of any Party to execute this MOA and shall be in effect from that date until the Project has achieved mitigation success, unless it is terminated or extended through an amendment, as provided in Section 4.2, above.

4.8 Governing Law

This MOA shall be governed by, and construed and enforced in accordance with, the laws of the State of California.

4.9 NOTICES

5.0 Receipt of Notices

Any demand upon or notice required or permitted to be given by one Party to the other shall be in writing, shall be made in the following manner, and shall be effective (a) upon receipt if given by personal delivery, (b) on the date indicated on the receipt if given by certified or registered mail, return receipt requested, or (c) on the succeeding business day after mailing or deposit if given by Express Mail or by deposit with a private delivery service of general use (e.g. Federal Express), postage or fee paid, as appropriate, addressed to the Parties in Section 5.2.

Notice of a change of address or designated contact person shall be given by written notice in the manner set forth in this section within ten (10) business days of the change.

5.1 Designated Contact Persons

Kim Anthony

Southern California Edison Company 1218 South 5th Avenue Monrovia, CA 91016

Telephone: (626) 462-2590 Facsimile: (626) 462-8775

Luz Quinnell

Los Cerritos Wetlands Authority 100 N. Old San Gabriel Canyon Road Azusa. CA 91702

Telephone: (626) 815-1019 Facsimile: (626) 815-1269

Any change in the Notification Contact shall be communicated to all Parties within ten (10) business days of the change.

5.2 SIGNATURES

IN WITNESS WHEREOF, the Parties through the signatures below of their authorized representatives agree to be bound by the terms of this Agreement.

By:
Title: Mark Stanely, Executive Director
Dated:

By:

Southern California Edison Company

By:
Title: Director, CEHS

Dated: 6/19/14

Attachment B
Southern California Edison
Los Angeles Regional Water Quality Control Board 401
Certification (File No. 07-131) as amended on November 12,
2008 for work performed at the Pebbly Beach Generating
Station at Catalina Island



California Regional Water Quality Control Board

Los Angeles Region

Recipient of the 2001 Environmental Leadership Award from Keep California Beautiful

Linda S. Adam Agency Secretary 320 W. 4th Street, Suite 200, Los Angeles, California 90013 Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: http://www.waterboards.ca.gov/losangeles



Patrick Tennant Southern California Edison P.O. Box 800 Rosemead, CA 91770

MODIFICATION OF CONDITIONAL CERTIFICATION FOR PROPOSED PEBBLY BEACH RIP-RAP SLOPE STABILIZATION PROJECT (Corps' Project No. SPL-2007-1166-PHT), PACIFIC OCEAN, CITY OF AVALON, LOS ANGELES COUNTY (File No. 07-131)

Dear Mr. Tennant:

We are in receipt of your notification on October 22, 2008, requesting modification of your Conditional Section 401 Water Quality Certification for the subject project issued on October 8, 2008 (Certification).

Southern California Edison (Applicant) is requesting to change the impacted acreage to U.S. waters in the Certification because the calculation of impacted acreage included both impacts to shoreline, waters of the United States, and impacts above the shoreline, not waters of the United States. Only the toe of slope which is to repaired, impacts waters of the United States at 0.08 acres of permanent impact.

In response to your request, under Attachment A, Item 12, impacts to U.S. Waters, will read:

12. Impacted Waters of the United States:

Ocean/Estuary/Bay: 0.00 temporary and 0.08 permanent acres

In addition, under Attachment B, Item 17 will read:

17. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to 0.08 acres of shoreline within waters of the United States/Federal jurisdictional wetlands by creating or restoring shoreline habitat at a minimum 2:1 area replacement ratio (0.16 acres). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of 0.16 acres of shoreline habitat within waters of the United States/Federal jurisdictional wetlands. The mitigation site shall be located within the offshore islands Watershed unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance

California Environmental Protection Agency

11/12/08

within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

Additionally, a typographical error in Attachment B, Item 19, indicating reporting for both January 1 and May 1, will read:

19. The Applicant shall submit to this Regional Board Annual Mitigation Monitoring Reports by January 1st of each year for a minimum period of five (5) years after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:

I have determined that the above-proposed modifications do not constitute a significant change in the nature or scope of the activities described for the project in your original application. Therefore, all of the proposed modifications are hereby incorporated into 401 Certification No. 07-131 and no additional action by this agency pursuant to Section 401 of the Clean Water Act is necessary. This determination is limited to the proposed modifications contained in your notification to this Regional Board dated October 8, 2008 and described herein, and does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Dana Cole, Section 401 Program, at (213) 576-6759.

Sincerely,

Tracy J. Egoscue

Executive Officer

Attached: Distribution List

DISTRIBUTION LIST

Patrick Tennant Southern California Edison 2244 Walnut Grove Ave Rosemead, CA 91770

Bill Orme State Water Resources Control Board Division of Water Quality P.O. Box 944213 Sacramento, CA 94244-2130

Phuong Trihn
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Eric Raffini (by electronic copy) US EPA, Region 9 75 Hawthorne St San Francisco, CA 94105

Ken Berg U.S. Fish and Wildlife Service 6010 Hidden Valley Road Carlsbad, CA 92009



California Regional Water Quality Control Board

Los Angeles Region

Recipient of the 2001 Environmental Leadership Award from Keep California Beautiful



320 W. 4th Street, Suite 200, Los Angeles, California 90013 Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: http://www.waterboards.ca.gov/losangeles

Patrick Tennant Southern California Edison P.O. Box 800 Rosemead, CA 91770

WATER QUALITY CERTIFICATION FOR PROPOSED PEBBLY BEACH RIP-RAP SLOPE STABILIZATION PROJECT (Corps' Project No. SPL-2007-1166-PHT), PACIFIC OCEAN, CITY OF AVALON, LOS ANGELES COUNTY (File No. 07-131)

Dear Mr. Tennant:

Regional Board staff has reviewed your request on behalf of Southern California Edison for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 18, 2007.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Dana Cole, Section 401 Program, at (213) 576-5733.

Executive Offi

DISTRIBUTION LIST

Patrick Tennant Southern California Edison 2244 Walnut Grove Ave Rosemead, CA 91770

Bill Orme State Water Resources Control Board Division of Water Quality P.O. Box 944213 Sacramento, CA 94244-2130

Phuong Trihn U.S. Army Corps of Engineers Regulatory Branch, Los Angeles District P.O. Box 532711 Los Angeles, CA 90053-2325

Eric Raffini (by electronic copy) US EPA, Region 9 75 Hawthorne St San Francisco, CA 94105

Ken Berg U.S. Fish and Wildlife Service 6010 Hidden Valley Road Carlsbad, CA 92009

Project Information File No. 07-131

1. Applicant:

Patrick Tennant

Southern California Edison

P.O. Box 800

Rosemead, CA 91770

Phone: (626) 302-9543

Fax: (626) 302-2031

2. Applicant's Agent:

None

3. Project Name:

Pebbly Beach Rip-Rap Slope Stabilization

4. Project Location:

Avalon area, Santa Catalina Island, Los Angeles County

Longitude	<u>Latitude</u>
-118.30943889000	33.33287852220
-118.30977442200	33.33323669270
-118.31004713000	33.33369685500
-118.30989286700	33.33383343810
-118.30958010600	33.33296628600
-118.30990669800	33.33347487070
-118.31010161100	33.33375626070
-118.30968464500	33.33359465050

5. Type of Project:

Repair of existing rip-rap slope

6. Project Description:

The goal of the proposed project is to evaluate the current conditions of the rip-rap slope at Pebbly Beach and make appropriate repairs to prevent rip-rap movement onto the ocean floor. The slope will be maintained at a minimum 1.5 to 1 slope to maintain its ability to dissipate wave energy necessary to protect the Southern California Gas facility from flooding during storms with wave height up to 10-foot.

The Pebbly Beach Facility is located on Catalina Island and provides gas, water, and electricity to the island. The facility is located on 480' of the islands eastern shoreline south of Avalon. It

Project Information File No. 07-131

provides a storage location for the gas that supplied through the gas distribution network, operates a desalinization plant to supplement surface and ground water sources for the water distribution system, and provides single source power generation for Catalina Island.

The facility site is situated on a relatively flat, low-lying (elevation 18 feet) area along the coast, gently sloping upwards as the facility site extends inland. From the facility site, the shoreline slopes down at a 1.5 to 1 slope from the 18 foot elevation to the water and is armored by an un-engineered rip-rap slope. Severe storms have caused deteriorations of the rip-rap slope.

The project will cover approximately 0.26 acres (380 linear feet). Areas in which rock will be placed are of two types: 1) gaps where existing rip-rap has been displaced due to storms and 2) along the toe of the slope.

- 1) Gaps where existing rip-rap has been displaced: A hydrographic topographic survey has identified eight voids where rip-rap has been displaced which do not meet the minimum 1.5 to 1 slope. Repair of the slope will require approximately 70 tons of rip-rap material. The material to be placed here will range between 2-5 ton each. Material used will be a similar color to the native material found on the island.
- 2) The toe of the slope: The toe of the slope will be anchored with material sufficiently sized to prevent continued rip-rap slippage, approximately 5-10 tons each. Anchoring of the toe of the slope will require approximately 1600 tons of rip-rap material. The toe material will be placed below the mean high tide line.

Construction material and equipment will be delivered to the site via barges. Placement of rip-rap will be with a crane barge positioned adjacent to the shoreline. Depending on the contractor, a second barge may be required.

No grading or vegetation removal will occur on the shoreline.

Placement of rip-rap at the toe of the slope will be on new substrate and may cause disturbance of the substrate. The substrate at this location is coarse sand and gravel which will quickly resettle if disturbed. Finer sediments may be disturbed, but due to constant

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wave action in this area, fine sediments are not abundant.

To avoid potential impacts due to anchoring, the contractor, on selection, will provide an anchoring plan. Pre-construction surveys will be performed for both eelgrass and hard substrate habitat which will be avoided if possible. If any eelgrass or hard substrate habitat has potential to be disturbed, a Mitigation and Monitoring Plan will be developed for approval from NOAA's National Marine Fisheries Service prior to commencement of the project.

7. Federal Agency/Permit:

U.S. Army Corps of Engineers NWP No. 13 (Permit No. SPL-2007-1166-PHT)

8. Other Required Regulatory Approvals:

California Coastal Commission: Coastal Development Permit State Lands Commission: State Lands Lease Amendment

California
 Environmental Quality
 Act Compliance:

The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Replacement or Reconstruction). A Notice of Exemption was filed by the City of Avalon on August 15, 2008.

10. Receiving Water:

Pacific Ocean, nearshore (Hydrologic Unit No. 402.10)

11. Designated Beneficial Uses:

IND, NAV, REC-1, REC-2, COMM, MAR, WILD, BIOL, RARE, MIGR, SPWN, SHELL

12. Impacted Waters of the United States:

Ocean/Estuary/Bay: 0.00 temporary and 0.26 permanent acres

13. Dredge Volume:

None

14. Related Projects
Implemented/to be
Implemented by the
Applicant:

In 2005, the Pebbly Beach Fuel Wharf was removed. The wharf was located at the southern end of this proposed project. In addition to the removal of the fuel wharf and the infrastructure, materials associated with the past operation of the fuel wharf were removed.

Project Information File No. 07-131

These included anchors and other debris in the general area. Although the wharf was anchored to the shoreline, the rip-rap was not impacted.

In addition, Southern California Edison is proposing to expand its facility and construct a microturbine plant south of the existing plant. This will involve the removal of storage containers and subsequent building of the microturbine plane. SCE will be submitting applications for permits for this project. It is not expected that the project will impact this water body. There is a potential for impact during the construction process, and appropriate BMPs will employ to minimize any impacts.

15. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- No earthmoving or vegetation removal will occur on the shoreline.
- No storage of hazardous chemicals or transfers of those chemical will occur along the shoreline.
- The contractor selected for this project shall provide a detailed Oil Spill Contingency Plan
- All petroleum hydrocarbons will be stored in double containment
- All fuels and lubricants will be properly labeled
- All petroleum hydrocarbons will be stored a safe distance away from potential ignition sources
- Fueling shall be conducted in a manner best suited to avoid a release
- No vessel to vessel fuel transfers will be permitted.
- When feasible, equipment will be equipped with drip pans
- All equipment will be inspected for leaks on a daily basis
- If any equipment is observed to be leaking, the equipment will be

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shut off and the leak stopped or the equipment replaced.

- Pre-construction surveys will be performed for *Caulerpa taxifolia* within the project area in accordance with the Caulerpa Control Protocol.
- 16. Proposed Compensatory Mitigation:

In coordination with NOAA Fisheries, Southern California Gas will implement a pre- and post- construction survey for surfgrass, eelgrass and rocky habitat. Surfgrass, eelgrass or rocky habitat loss due to the project impacts will be mitigated as required by NOAA Fisheries.

17. Required Compensatory Mitigation:

The Applicant shall provide 0.52 acres of mitigation for permanent impacts to shoreline which corresponds to a 2:1 ratio for project impacts. If any surfgrass, eelgrass or hard substrate habitat is to be disturbed, a Mitigation and Monitoring Plan will be developed for approval from NOAA's National Marine Fisheries Service prior to commencement of the project. Surfgrass, eelgrass or rocky habitat loss due to the project impacts will be mitigated as required by NOAA Fisheries.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

Conditions of Certification File No. 07-131

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

- 1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
- 2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

- 1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Coastal Commission's Coastal Development Permit These documents shall be submitted prior to any discharge to waters of the State.
- 2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, or the ACOE Section 404 Permit.
- 3. The Applicant shall comply with all water quality objectives, prohibitions, and polices set forth in the *Water Quality Control Plan*, Los Angeles Region (1994).
- 4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.
- 5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.

Conditions of Certification File No. 07-131

- 6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
- 7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
- 8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
- 9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
- 10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
- 11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
- 12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.

Conditions of Certification File No. 07-131

- 13. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a five-day (5-day) clear weather forecast before conducting any operations within waters of the State.
- 14. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum 5-foot buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a Report of Waste Discharge to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
- 15. All project/construction/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
- 16. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - Downstream TSS shall be maintained at ambient levels
 - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first

Conditions of Certification File No. 07-131

week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

- 17. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.26 acres** of shoreline within waters of the United States/Federal jurisdictional wetlands by creating or restoring shoreline habitat at a minimum **2:1** area replacement ratio (**0.52** acres). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of **0.52** acres of shoreline habitat within waters of the United States/Federal jurisdictional wetlands. The mitigation site shall be located within the offshore islands Watershed unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
- 18. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
- 19. The Applicant shall submit to this Regional Board Annual Mitigation Monitoring Reports by January 1st /May 1st of each year for a minimum period of five (5) years after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;

Conditions of Certification File No. 07-131

		•	
(e)	Water quality monitoring results interpret format;	for each reach (as required) com	npiled in an easy to
(f)	A certified Statement of "no net los	ss" of wetlands associated with the	is project;
(g)	Discussion of any monitoring activi	ities and exotic plant control effor	ts; and
(h)	A certified Statement from the perthis Certification have been met.	mittee or his/her representative the	nat all conditions of
All	l applications, reports, or information	submitted to the Regional Board	shall be signed:
(a)	For corporations, by a principal exe his duly authorized representative, operation of the facility from which	if such representative is respons	~
(b)	For a partnership, by a general partn	er.	
(c)	For a sole proprietorship, by the pro	prietor.	
	For a municipal, State, or other puranking elected official, or other dul		al executive officer,
	ch and any report submitted in aclowing completed declaration:	ecordance with this Certification	n shall contain the
my opersonate personate pe	declare under penalty of law that this direction or supervision in accordance onnel properly gather and evaluate person or persons who managed the remation, the information submitted arate and complete. I am aware that remation, including the possibility of the supervision of the supervision of the supervision of the supervision.	nce with a system designed to a the information submitted. Base system or those directly responsib- is, to the best of my knowleds at there are significant penalties if	ssure that qualified d on my inquiry of ole for gathering the ge and belief, true, for submitting false
Exec	cuted on the day of	at	·
		· · · · · · · · · · · · · · · · · · ·	(Signature) (Title)"

20.

21.

Conditions of Certification File No. 07-131

- 22. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **07-131**. Submittals shall be sent to the attention of the 401 Certification Unit.
- 23. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
- 24. The project shall comply with the local regulations associated with the Regional Board's Municipal Stormwater Permit issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
- 25. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
- 26. A copy of this Certification shall be kept at the project site during any period while project activities are being conducted, and shall be available upon request to any staff from this Regional Board.
- 27. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- 28. Enforcement:

Conditions of Certification File No. 07-131

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
- 29. This Certification shall expire **five (5)** years from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.

APPENDIX B

Los Cerritos Wetlands Authority Board of Directors Resolution

Los Cerritos Wetlands Authority

Date: May 14, 2014

To: Governing Board Members

From: Mark Stanley, Executive Officer

Subject: Item 5c: Consideration of resolution authorizing the Executive Officer to enter

into a Memorandum of Agreement with Southern California Edison Company to

accept funds to undertake mitigation (LCWA13002).

RECOMMENDATION: The LCWA authorizes the Executive Officer to enter into a Memorandum of Agreement with Southern California Edison Company (SCE) to accept funds to provide out-of-kind compensatory mitigation for impacts to shoreline habitat at Catalina Island contingent upon the LCWA receiving approval from the Coastal Conservancy Executive Officer or designee. (LCWA13002).

BACKGROUND: In 2008, SCE received a 401 Certification from the Los Angeles Regional Water Quality Control Board (Regional Board) for work performed at the Pebbly Beach Generating Station at Catalina Island. As a condition of its 401 Certification, SCE is required to restore 0.08 acres of shoreline habitat for placing large rip rap over sandy shoreline; the required mitigation ratio is 2:1 for a total of 0.16 acres of habitat to be restored. Given the difficulty of finding the appropriate acreage to complete the restoration work at Catalina Island, the Regional Board granted SCE permission to find a mainland (as opposed to an island) project to provide out-ofkind compensatory mitigation to offset the project impacts and required the restoration project be located within the Los Angeles Region. The Los Cerritos Wetlands, specifically Zedler Marsh is an ideal candidate for this project. Therefore, in July 2013 SCE contacted the LCWA to evaluate whether LCWA would accept these mitigation funds to offset impacts to shoreline habitat at Catalina Island. Consequently since 2008, when SCE received their 401 Certification permit and when the LCWA and SCE began working to develop an agreement to receive these mitigation funds, it has become urgent to decide acceptance or rejection of these funds by June 30, 2014. SCE needs to encumber these mitigation funds by June 30, 2014 in order to validate to the Regional Board that substantive conditions of the permit conditions have been met and the mitigation funds are not lost.

The Regional Board 401 Certification has allowed SCE to provide out-of-kind compensatory mitigation funds to a third party that is restoring coastal wetland habitat on the mainland and this type of wetland restoration would work well within Los Cerritos Wetlands, specifically at Zedler Marsh. The following SCE permit conditions must be fulfilled in accepting the out-of-kind compensatory mitigation funds from SCE.

1. The Applicant (SCE) shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to 0.08 acres of shoreline within waters of the United States/Federal jurisdictional wetlands by creating or restoring shoreline habitat at a minimum 2:1 area replacement ratio (0.16 acres). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration of a total of 0.16 acres of shoreline habitat within waters of the United States/Federal jurisdictional wetlands.

The mitigation site shall be located within the offshore islands Watershed unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

- 2. All open space arid mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
- 3. The Applicant shall submit to this Regional Board Annual Mitigation Monitoring Reports by January 1st /May 1st of each year for a minimum period of five (5) years after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of "no net loss" of wetlands associated with this project:
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

SCE desires to satisfy these permit conditions through a one-time payment to the LCWA covering the pro-rata cost of restoration plan preparation, implementation, monitoring and reporting for five years, or until plant establishment has occurred in accordance with SCE's 401 Certification requirements. SCE, in partnership with the LCWA, has determined the best option would be to provide the LCWA with a one-time payment to continue restoration work at Zedler Marsh. The LCWA has the capacity to receive the funds, fully develop the restoration plan, successfully implement the restoration, and the capacity to fully comply with on-going monitoring and reporting as specified in SCE's 401 Certification requirements.

The LCWA will fully comply with all the necessary permit conditions and is able to hire a contractor that is knowledgeable of the LCWA Stewardship Program, Zedler Marsh on-going restoration projects, and compatible of satisfactorily managing the allocated funds. In addition, the LCWA has successfully implemented and demonstrated to regulatory agencies the capacity to receive funds through similar projects, such as the Signal Hill Petroleum Coastal Development Permit E-10-011 and Los Angeles County Department of Public Works Coastal Development Permit 5-10-204.

The LCWA and SCE have identified Zedler Marsh (Exhibit B, Zedler Marsh Map) as a potential site to receive funding for restoration of the northwestern portion of degraded southern coastal salt marsh habitat, which measures approximately 1.5 acres. Of the 1.5 acres, 0.16 acre would be allocated to cover SCE's mitigation obligation. SCE has received approval (see Exhibit A) from the Regional Board to fund the Zedler Marsh restoration project.

In addition, since the LCWA has received several grants from the Coastal Conservancy which includes, Grant Agreement #00-221 Bryant/Phase 1 Acquisition, Grant Agreement #07-043 OTD Parcel Feasibility Study, and Grant Agreement #11-028 LCWA Conceptual Restoration Plan; these funds received from the Coastal Conservancy stipulates the LCWA shall not use or allow the use of any portion of the real property for mitigation without the written permission of the Coastal Conservancy.

LCWA staff is working with the Coastal Conservancy to request approval to receive these one-time mitigation funds in order to continue the LCWA's mission to provide for a comprehensive program of acquisition, protection, conservation, restoration, maintenance, operation and environmental enhancement of the Los Cerritos Wetlands area consistent with the goals of habitat protection and restoration, flood protection, and improved water supply, water quality, groundwater recharge and water conservation. Once the LCWA receives approval from the Coastal Conservancy to receive these mitigation funds then Staff will implement SCE's 401 Certification mitigation requirements.

FISCAL: It is urgent that the LCWA accepts the out-of-kind compensatory mitigation funds by June 30, 2014; since, SCE needs to encumber these mitigation funds in order to validate to the Regional Board that substantive permit conditions have been met and the mitigation funds are not lost. SCE would make a one-time payment to the LCWA for its habitat restoration program to cover the reasonable and necessary costs associated with the preparation and implementation of a restoration plan for 0.16 acre of coastal salt marsh within the LCWA's Zedler Marsh Restoration Project in order to satisfy the permit conditions. LCWA and SCE are currently exploring costs per acre but the mitigation cost could range between \$10,000 and \$25,000 to fully develop a restoration plan, implement the plan, and perform on-going monitoring and reporting to the satisfaction of the Regional Board. In addition, the LCWA FY13/14 Budget will be amended as necessary.

Exhibit A: Memo from the California Regional Water Quality Control Board, Los Angeles Region approving the LCWA Mitigation Plan

Compensatory mitigation for Clean Water Act Section 410 Water Quality Certification (File No. 07-131) issued October 8, 2008 and modified November 12, 2008

From: Nye, 11/04/2013 05:46 **LB@Waterboards** PM

To: Kim.Anthony@sce.com

Hi Kim,

The Los Angeles Regional Water Quality Control Board is in receipt of the Southern California Edison letter dated September 5, 2013 proposing to satisfy the compensatory mitigation requirements of "Pebbly Beach Rip-Rap Slope Stabilization" Project (File No. 07-131) by providing mitigation funding to the Los Cerritos Wetlands Authority to restore 0.16 acres of wetland.

We approve the proposed mitigation site and look forward to the mitigation plan.

Conditions 17 through 22 of Attachment B of Clean Water Act Section 410 Water Quality Certification (File No. 07-131) issued October 8, 2008 and modified November 12, 2008, continue to be requirements.

We appreciate all your efforts to find appropriate compensatory mitigation as required by the Pebbly Beach Water Quality Certification.

LB

LB Nye
Senior Environmental Scientist
Section 401 and Wetlands Unit
California Regional Water Quality Control Board, Los Angeles Region
320 W. 4th St, Suite 200
Los Angeles, CA 90018

Exhibit B: Zedler Marsh Restoration Project Map



May 14, 2014 – Item 5c

RESOLUTION 2014 – 02

RESOLUTION OF THE LOS CERRITOS WETLANDS AUTHORITY AUTHORIZES THE EXECUTIVE OFFICER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH SOUTHERN CALIFORNIA TO ACCEPT FUNDS TO UNDERTAKE MITIGATION (LCWA13002).

WHEREAS, the Los Cerritos Wetlands Authority has been established between the Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the City of Seal Beach and the City of Long Beach to facilitate the acquisition, protection, conservation, restoration, maintenance and operation an environmental enhancement of the Los Cerritos Wetlands; and

WHEREAS, the LCWA has further been established to focus on projects which will provide open space, habitat restoration, and watershed improvement projects within the Los Cerritos Wetlands; and

WHEREAS, this action will authorize the Executive Officer to enter into an Memorandum of Agreement with Southern California Edison Company to accept funds to provide out-of-kind compensatory mitigation for impacts to shoreline habitat at Catalina Island contingent upon the LCWA receives approval from the Coastal Conservancy Executive Officer or designee; and

WHEREAS, the proposed action is exempt from the provisions of the California Environmental Quality Act; NOW

Therefore be it resolved that the LCWA hereby:

- 1. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.
- 2. FINDS that this action is consistent with the purposes and objectives of the LCWA.
- 3. Authorizes the Executive Officer to enter into a Memorandum of Agreement with Southern California Edison Company to accept funds to provide out-of-kind compensatory mitigation for impacts to shoreline habitat at Catalina Island contingent upon the LCWA receiving approval from the Coastal Conservancy Executive Officer or designee and amends the LCWA FY13/14 budget as necessary
- 4. ADOPTS the staff report dated May 14, 2014.

~ End of Resolution ~

Passed and Adopted by the Board of the LOS CERRITOS WETLANDS AUTHORITY ON May 14, 2014.

		Gary DeLong, Chair	
ATTEST:			
	Terry Fujimoto		
	Deputy Attorney General		