

Presentation Notes for Tuesday, 1-16-18

Protect the Long Beach / Los Cerritos Wetlands Appeal of Planning Commission approval of EIR for Beach Oil Minerals Partners' (BOMP) Los Cerritos Wetlands Restoration and Oil Consolidation Project

(Slide 6)

- 1) Thank you for the opportunity to present our appeal and the results of our investigation into the Beach Oil Mineral Partners EIR. I'm a 70 year old 3rd generation resident of Long Beach, and for 50 of those years I have been interested in and occasionally presented to City Council. From my perspective, you are the best City Council Long Beach has ever had. You've shown a willingness to embrace future friendly ideas like the ban on expanded polystyrene and even improve on it, by adding foam coolers and filler foam pellets used in pillows and bean bag chairs. You think independently, but are capable of acting collectively for positive change, and that's all we're asking for tonight-that you act together to reject this flawed EIR. That will give us time to work with all concerned and truly think outside the box in order to create a project that is a win-win for the owners and the proponents of wetlands restoration. I enjoyed reading this EIR and learned that there are several ways other than the Richter Scale to measure Earthquakes. The Modified Mercalli Scale is qualitative; a 1 is "earthquake not felt," 7 is "difficult to stand or walk," and a 12 is "damage nearly total." I love it when simple observations are given the status of scientific validity because I have been a pioneer in the use of citizen science to collect big data on ocean pollution.
- 2) The claim is made in the EIR that the use of modern equipment and procedures will eliminate the danger of drilling next to a fault. The published conclusion that the Huntington Beach oil fields deeper drilling was a probable causal factor in the 1933 earthquake is dismissed in the EIR for this project. However, the project is going to drill within 200 feet of the Newport Inglewood fault. This is really close, a couple of house lots away. (Slide 7) The field is a layer-cake of Pliocene and Miocene sediments with multiple pools of oil stacked vertically-each zone with a permeable rock layer separated from the others by impermeable layers. These oil producing zones range from 2,000 to over 10,000 feet deep-that's two miles down. The proponents claim that the field has a proven 200,000,000 barrel reserve, but the EIR notes that the reserves are in Mineral Resource Zone 3 (MRZ3), which means that the amount can't be evaluated with current data. The deeper, not yet drilled zone is the target of the proponents.
- 3) What we need for the restoration of this potentially beautiful area is a beautiful project. Something that combines the modern technology that will remove the existing extractive infrastructure, and then restore the wetlands with a low risk profitable project for the developer. You will note that in the proponents' literature, there are many pictures of the restored wetlands and the visitor center, but not much showing the actual drilling apparatus and associated infrastructure. If you want a picture of what the equipment will look like, it is located just a block away at the site of the old Seaport Marina Hotel. The 4 rigs that are capping improperly sealed old oil wells on the site are the modern portable version of the old oil derricks

that covered Signal Hill, then called "Porcupine Hill." (Slide 8) These apparatus will be used for drilling and re-drilling on both drilling sites –not for a few weeks, but for half a century. Before the below grade pumps start, the wells have to be drilled. Additional eye sores will be the huge separation and storage tanks and the flaring stack, that will emit dangerous and smelly overflow gasses without warning. (Slide 9) There needs to be a better way than wasting natural gas and directly heating the atmosphere. Where is the modern technology to avoid this fiery welcome to Long Beach along our gateway on both Pacific Coast Highway and Second Street.

- 4) We would like to make a few comments about the 1960 land fill on the Pumpkin Patch site. In September of 1960, a permitted landfill began in an unlined trench dug by the permittee, City Dump and Salvage. In less than a year, the permitted capacity of 160,000 cubic yards was reached and the landfill was closed. The landfill was 35 feet deep and below groundwater next to the San Gabriel River. We now know that much of what was there is not inert and is very probably leaching toxics into the San Gabriel River. The EIR states that the landfilled material "may need to be removed," and the trench refilled. To Algalita Marine Research and Education, this is an extremely important modern archaeological site, and can produce invaluable baseline data on the amount and type of plastic in circulation in 1960-61, to be compared to the amounts we now find in our research. Because of the unlined nature of the landfill, and the likelihood of toxic leachate reaching a navigable river, I have no doubt that removal will be required. As Algalita's Research Director, I propose a study of this urban waste and the process of decommissioning a landfill, which is bound to be a regular activity in the future.
- 5) Today, the budgets of major cities are being drained by emergency response to events over which they have no control. Increasing numbers of their citizens are dying, and their property lost, due to the rapidity and intensity of the effects of climate chaos occasioned by the proliferation of Greenhouse Gasses (GHGs) in our atmosphere. Simple physics of gasses proves that the mixture of gasses and vapors that is our atmosphere moves faster and behaves more violently as it heats up. The Long Beach Climate Action and Adaptation Plan is still a work in Progress, and I would like to participate in its development, nevertheless, both Mayor Garcia and Mayor Garcetti have signed pacts for achieving zero emission goals by 2035 for the ports of Long Beach and Los Angeles. The ports are on the edge of populated urban areas, but this project is right in the middle of a heavily urbanized area and has no such goals. As a matter of fact, it will have ongoing Greenhouse Gas Emission each year for the life of the project of 50,000 tons. The EIR section 3.6.2.2 states, (and this is important) "The quantity of GHGs that it takes to ultimately result in climate change impacts is not precisely known; however, it is clear that the quantity is enormous and no single project would measurably contribute to a noticeable incremental change in the global average temperature, or to global, local, or micro climates." This is the business as usual mantra: "A little bad is ok because it takes a lot of bad to be really bad." This project is ok, that project is ok – essentially all projects are ok because each individual one's bad effects can't be seen. Since no entity has the power to look at every project globally and decide which ones to stop, change will require a governing body to lead the effort to reverse the tide. Why put a project, which is much like those THUMS oil islands inside the breakwater in the middle of a heavily urbanized area. Governor Brown signed an executive order stating: "By 2050 California shall reduce GHG emissions by 80% below 1990 levels." This

project is a slap in the face to that order. The project proposes to mitigate these emissions using the Cap and Trade protocol, but there is no guarantee that the mitigation bank will have sufficient credits over the life of the project. The City of New York is suing 5 major oil companies for climate change damages like Hurricane Sandy. The Administration's plan to bolster coal fired power plants with subsidies to revive the struggling coal industry, plagued with multiple bankruptcies was rejected by its own Energy Regulatory Commission. How long will it be until the oil industry finds itself struggling to make a profit due to the success of alternatives and the tightening of regulations?—10 years, 20 years-30 years? (slide 10-11) What will Claremont Avenue at High Tide look like then? The writing is on the wall. There is a new constituency that is comprised of the younger generations that see business as usual as suicidal. They are demanding business unusual as a vital need. We, the appellants, are using what abilities are at our disposal to represent their interests. A planet that doesn't have any nice places to live, because there is no nice climate or environment to live in is unthinkable, but quite possible. There are no guarantees, only chances to act in our own and their own interest. We beg you to do this by rejecting the EIR as it stands, and we fully support the arguments made by our co-appellant, CARP.



Anna Christensen, presenting part 2 of the appeal by Protect the Long Beach/Los Cerritos Wetlands

1. The process required to ensure that that the public was informed of, understood, and was able to comment on the Los Cerritos Wetlands Restoration and Oil Consolidation Project is flawed. Public outreach has been inadequate and inaccurate.
- Public presentations, designed by BOMP, describing the project as a wetlands restoration and oil consolidation project are deceptive. Both the LCWA and LBDS have allowed BOMP to create and present a single, distorted and self-serving misrepresentation of what is essentially a “hazardous industrial development.” Responding to the project NOP and Initial Study, California Coastal Commission staff has stated that “to characterize the proposed project as a wetlands restoration project, first, and a *relocation* of oil extraction and processing equipment, second, is a misrepresentation of the overall project and could be misleading to the public. The impetus behind the development of the proposed project was the updating and more importantly, the *expansion* of oil extraction and processing operations at the Synergy Oil Field.”
 - BOMP has continued to speak for all parties, making presentations and engaging in additional promotional outreach efforts, and has not altered either in spite of concerns that the public is being misled and that serious risks are being downplayed or ignored. Spin includes statements that the project is “a gift of land from Beach Oil Mineral Partners”, “a benefit to the community,” “an exchange of older unsafe technology for safer modern methods,” “has the full support of residents and no opponents,” “is a green, wetlands restoration project,” “is a consolidation of current oil operations,” “and ends oil drilling in the Los Cerritos Wetlands.”
 - BOMP presented both the DEIR and the FEIR to the Planning Commission.
 - BOMP has lead all public meetings, and meetings with community groups and none, including the NOP scoping meeting, the Planning Commission study session, featured presenters representing points of view other than those of BOMP. At her last district meeting, councilwoman Price did offer to host a community meeting before tonight when the project came before council but did not do so.
 - Tribal consultation, required by law, has not been attempted by project proponents, nor by the lead agency.
 - The city has failed to establish a working relationship with local tribal groups that results in their ability to participate in and comment on projects in that affect tribal culture and resources as required by SB 18 as regards the designation of open space and tonight’s revisions of SEADP, which will amend the general plan.

Additionally, project proponents and their consultants have failed to communicate with local tribal groups and individuals regarding both their connection to the project area and the consequences of the project on tribal cultural practices. Comments to this project regarding lack of tribal contact and consultation have been ignored by both the lead agency (LBDS) and the project proponents, the LCWA and BOMP.

2. The involvement of public lands and public entities, including three environmental protection agencies, in the Los Cerritos Wetlands Restoration and Oil Consolidation Project poses legal questions that must be address before approving the FEIR and other permits.
 - While BOMP is the project applicant, the involvement of the LCWA over a 40 year period make this wetlands protection agency a full, necessary, and willing partner in both a “hazardous industrial development,” and a for-profit mitigation bank. The LCWA has compromised its own restoration plan in favor of that designed by BOMP to protect it’s new production facility from sea rise.
 - Is Steamshovel Slough actually Public Trust land and not the private property of Synergy Oil LLC? The project FEIR acknowledges that ownership of the slough is “not settled law.” Without clear title, the slough cannot be legally claimed to be Synergy’s property, nor used as part of the proposed mitigation bank, not can it be part of the land exchange between Synergy, LLC and the LCWA.
 - The LCWA, and two of its four members, the California Coastal Conservancy and the RMC, were created, publicly funded, and have as their core missions, the protection of water including groundwater, rivers, wetlands, and the ocean. Preservation and restoration of habitat is also a core value, thus clean air, clean water, and open space become a priority. Additionally, these organizations promote green initiatives, such as the study of wetlands as carbon storage banks. Without LCWA’s 5.5 acres, there is no project. Prioritizing ownership over stewardship, the LCWA plans to allow new oil and water extraction and injection wells, storage tanks, gas turbines, and a drill rig to be located on it’s property. By entering into a 40 year relationship with BOMP, the agency has chosen to profit from and engage in a misleading pr campaign, a suspect for-profit wetlands restoration, and worst of all, enable the use of water to bring 200 million barrels of oil from beneath the Los Cerritos Wetlands, partially refine it on site, and ship it to market, allowing the carbon footprint of the LCWA to expand even as the wastewater is reinjected beneath the wetlands. Expanding oil extraction and production facilities violates mission of the LCWA, the Coastal Conservancy and the RMC.

Flawed Project

1. The FEIR states that there are no sacred sites within the project area. This determination is made in spite of testimony and evidence to the contrary, including comments to the DEIR by the California Native American Heritage Commission and the California Cultural Resources Preservation Alliance. The Coalition to Protect Panhe and and the Sacred Places Institute for Indigenous Peoples oppose the project because it will disturb and destroy a sacred site and traditional tribal cultural landscape where burials, and tribal cultural resources and are likely to be disturbed or destroyed. Sacred sites include both wildlife and habitat, as well as water, soil, and air.

2. The environmental impacts of the project including those related to construction, operation, and possible accidents due to man-made or natural events have been detailed in the Coastal Commission staff comment letter to the DEIR. We support the concerns of the staff and submit additional remarks referencing the Calif Coastal Act.

Chapter 3 of the California Coastal Act is devoted to Coastal Resources Planning and Management Policies.

- Section 30231 states that “The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and restored through, among other means, minimizing adverse effects of waste water discharges and preventing depletion of ground water supplies.
- Section 30233 states that mineral extraction is not allowed in environmentally sensitive areas.
- 30240 states that Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas and that development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat areas.
- 30250 states that new industrial development, should be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. New hazardous industrial development shall be located away from existing developed areas.
- 30253 states that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. New development shall neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or

surrounding area and be consistent with requirements imposed by an air pollution control district or the State Air Resources Board.

30262. Oil and gas development shall be permitted if the facility is not located in a highly scenic or seismically hazardous area, or within or contiguous to environmentally sensitive areas.

3. In all areas the project proponents expect us to trust “their” experts over the legitimate concerns raised by independent voices, no matter how qualified. As regards seismic activity, the project FEIR did address the four questions posed by Susan Hough, Earthquake Science Center, USGS. Q. How deep will the drilling be? A. Don’t know yet. Q. How close to the Newport Inglewood Fault will you drill? A. Don’t know yet. Q. Will there be a “stop-light” system in place to monitor seismicity once operations begin (using what data)? A. No Q. Will local seismic monitoring be done? If so, will the data be available. A. No and No. Ms. Hough made headlines when her study of oil extraction along the Newport Inglewood Fault suggested that the 1933 earthquake was triggered by oil extraction. Should we not question why the project proponents are so dismissive of her concerns?

4. To come full circle is simply to say that we oppose the extraction of 200 million barrels of oil as well as the extraction of indigenous remains and culture - Leave it in the Ground. Nothing can hide the ugly fact that this shoddy so-called wetlands restoration, will add to global warming and climate change, deny indigenous people the right to practice their culture and, erase their history, exacerbate the ill health of our families, and put us even more at risk for oil spills and a “worst case scenario” event. Water is life, fossil fuels are death.