

**SUBJECT: W15a staff report regarding City of Long Beach Local Coastal Program (LCP) Amendment Request No. 1-18 (LCP-5-LOB-18-0026).**

**W15a staff report regarding City of Long Beach Local Coastal Program (LCP) Amendment Request No. 1-18 (LCP-5-LOB-18-0026) includes the following information.**

1. All Coastal Commission rulings must follow the California Coastal Act
2. While the Coastal Act does not acknowledge tribal culture/cultural resources, Coastal Act Sec 30244 does acknowledge protection for archaeological resources as follows: "Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required."
3. Staff report cites Coastal Act Sec 30244 when referencing the need to protect tribal cultural resources with respect to City of Long Beach Local Coastal Program (LCP) Amendment Request No. 1-18 (LCP-5-LOB-18-0026)
4. Staff acknowledges evidence of significant archaeological and tribal cultural resources in the SEADIP area and their cultural significance to several tribes
5. Staff acknowledges that new oil development and potential oil spills could cause harm to/ destruction of these resources
6. Staff acknowledges that "there is extensive evidence that the entire SEADIP area is sensitive for paleontological, archeological and tribal resources, potentially including Sacred Lands, Tribal Cultural Landscapes and Traditional Cultural Property, designated as Native American resources by the Native American Heritage Commission"
7. Staff states that "the City's proposed amendment does not include any policies protecting cultural, archeological or tribal resources. Without these protections, new oil development proposed under the LCP, if amended as proposed by the City, could lead to the destruction or harm of tribal, archeological and other cultural resources, which is inconsistent with Section 30244 of the Coastal Act.
8. Staff states that some "tribal members described the entire SEADIP area as a significant tribal cultural landscape and raised concerns that proposed oil and gas production activities would adversely impact sacred sites and ancestral remains."
9. Staff suggest Modifications to the LUP: SEADIP as follows:

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“All development that would adversely impact archaeological or paleontological resources shall include reasonable mitigation measures. “

10 Staff suggest Modifications to IP:SEADIP and City Oil Code as follows:

- a) an analysis of impacts to archaeological and tribal cultural resources
- b) an investigation to see if there are any in project area
- c) monitoring and mitigation plan to determine how project will avoid or minimize impacts

10. Staff concludes that that if modified as suggested that

- a) no significant adverse impacts to coastal resources will result from the LCP Amendment.
- b) the amendment does not have the potential to result in significant individual or cumulative impacts to coastal resources protected by the Coastal Act.
- c) there are no further feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the amendment may have on the environment.
- d) the proposed LCP amendment is consistent with the California Environmental Quality Act

We do not reach the same conclusions as staff re 10 a,b,c or d and cannot support a vote to approve Long Beach Local Coastal Program (LCP) Amendment Request No. 1-18 (LCP-5-LOB-18-0026) with Modifications

- 1. While the Coastal Act does not prohibit adverse impacts to archaeological resources it does require “reasonable” mitigation. We would argue that, in this case, there is no “reasonable” mitigation for the “taking” of Sacred Lands, Tribal Cultural Landscapes and Traditional Cultural Property. This staff report states that “tribal members described the entire SEADIP area as a significant tribal cultural landscape and raised concerns that proposed oil and gas production activities would adversely impact sacred sites and ancestral remains.” The report acknowledges the City’s stated intent to amend SEADIP to comply with a new oil drilling project they have already approved, over the objections of these same tribal members.
- Given the fact that the oil production facilities proposed for both the LCWA and Pumpkin Patch sites will completely alter the surface areas and allow for toxic chemicals to be used and stored on these sites,

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- Given that these drilling operations will extend for miles under the Los Cerritos Wetlands and beyond and include the extraction and re-injection of millions of gallons of water,
- Given the fact that the construction of massive new storage tanks, pipelines, a methane burn off tower, a multi-story office building on these sites will disrupt, damage, and destroy wildlife and habitat
- Given the fact that the operation of these or any new oil facilities will extend the life and massively increase the volume of fossil fuel extraction from the SEADIP area, pollute the air and water, and involve oil spills, possibly on a scale that cannot be contained
- Given the fact that fossil fuels contribute to global warming and sea level rise

One must conclude that all of the above are to be sacrificed in order to “promote” new oil drilling operations in the Coastal zone, in and adjacent to the Los Cerritos Wetlands, over and adjacent to the Newport Inglewood Fault, in an area subject to liquefaction, in an urban area (SEASIP proposes housing for 4000 new residents along the edge of Los Cerritos Wetlands (on PCH from the Pumpkin Patch to Loynes Dr).

It is standard practice for “archeological resources” known to be or discovered on sites being “developed” to be “mitigated” by being removed, analyzed, and, stored. The extend of this mitigation is dependent on the size of the project and the developer’s budget and usually involves only a portion of these “resources.” Sites that can provide “new” scientific information may be “investigated” more thoroughly than those that do not. The “evidence” may be studied and someday seen in a museum display, the “site,” is recorded but no longer there.

These mitigations, even when observed by tribal monitors, are not adequate, or even relevant to Sacred Lands, Tribal Cultural Landscapes or Traditional Cultural Properties. Place is central to the identity and continued existence of tribal peoples. The history, the health, the future of tribal peoples is rooted in the connection to specific lands and waters. The connection is one of stewardship, not of exploitation or extraction of resources. To remove is to disconnect the people from the land, to remove the evidence and erase the tribal history of the land, and to devalue the meaning it has to present and future generations. While Sacred Lands, Tribal Cultural Landscapes and Traditional Cultural Properties are compatible with many human activities, “promoting” oil extraction within the Coastal Zone, violates the tribal connection to and responsibility for these homelands. For California's tribal nations, so much has been lost it is imperative to preserve what little remains. Speaking directly to Coastal Commission staff member Kate Hucklebridge, Chief Anthony Morales, Gabrielino/Tongva,

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San Gabriel Band of Mission Indians voiced his Tribal Council's opposition to the proposed amendments to the LCP. Chief Morales "raised concerns that proposed oil and gas production activities would adversely impact sacred sites and ancestral remains" by calling them "genocide."

The proposed "reasonable" mitigation measures are inadequate

- an analysis of impacts to archaeological and tribal cultural resources
- an investigation to see if there are any in project area
- monitoring and mitigation plan to determine how project will avoid or minimize impacts

Further analysis and investigation is not required to determine that the Los Cerritos Wetlands and the project area are Sacred Lands, Tribal Cultural Landscapes and Traditional Cultural Properties. Numerous archaeological surveys and have unearthed evidence of human habitation including a burial ground. Historic records prove the occupation and continued use of the area by tribal peoples and tribal resistance to developments that would degrade and destroy this Sacred Land, Tribal Cultural Landscape and Traditional Cultural Property.

While not without merit, the proposed investigations, analysis, and monitoring/mitigation plans (all contingent on who does the work and who foots the bill), relies on a particular methodology, conducted by "experts," to determine both the value and the fate of a Sacred Land, a Tribal Cultural Landscape and a Traditional Cultural Property. To continue to seek "proof," to "see if there are any tribal cultural resources in the project area," to make monitoring and mitigation plans for "minimizing" impacts may yield additional information but could also damage and destroy what remains. There is no lack of evidence, there is simply the refusal to listen to and acknowledge tribal opposition, tribal history, tribal knowledge, and tribal identity, which in and of itself is environmental racism and another form of genocide.

Coastal Commission staff has prioritized the request of the City of Long Beach to amend its Local Coastal Program in order to further "the project" and to expand oil drilling in the Coastal Zone over the objections of tribal peoples. Staff concludes that that if modified as suggested that

- a) no significant adverse impacts to coastal resources will result from the LCP Amendment.
- b) the amendment does not have the potential to result in significant individual or cumulative impacts to coastal resources protected by the Coastal Act.
- c) there are no further feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the amendment may have on the environment.
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We find that the above violates the Coastal Act because it prioritizes coastal development at the expense of coastal resources. It violates the Guiding Principles of the Tribal Consultation Policy, as follows,

“The Commission seeks to establish and maintain a respectful and effective means of communicating and consulting with Tribes and will seek in good faith to: treat the resource(s) with culturally appropriate dignity by taking into account the tribal cultural values and meaning of the resource to the consulting California Native American Tribe”. We not believe that staff has fully taken into account the tribal cultural values and meaning of this resource to consulting, and other, California Native American Tribes.

While there is no “feasible mitigation” there are any number of “feasible alternatives”. The “no amendment, no project” alternative is only briefly touched on in the staff report which references current oil operations vs. their proposed “expansion.” Other than this massive increase in oil extraction, no alternatives to the status quo of degraded, poorly maintained, and apparently unprofitable oil operations now sited on existing wetlands, are proposed by the property owners including the LCWA, Synergy LLC, or Lyons Properties, the City of Long Beach, or by Coastal Commission staff. There is no acknowledgement that the Pumpkin Patch is historically a Least Tern nesting site and ESHA habitat, less so currently, having be scraped clean by heavy equipment and occupied by abandoned motor homes, and seasonal sales of pumpkins and Christmas trees. Not mentioned is the fact that the LCWA’s own wetlands restoration plan includes a visitors center and wildlife corridor on the property to be amended and used for new oil drilling operations. Previously, Los Cerritos Wetlands properties in private hands have been traded for public properties more suitable for development or simply purchased outright. Wetlands protection and restoration is ongoing, enjoys public and private support, and is not contingent on the expansion of oil drilling operations. One of the most common objections to the proposed amendments and project was that “wetlands restoration” relied on “new” oil drilling. Rather than holding polluters accountable, the wetlands were being held hostage to the same industry that had destroyed them in the first place and would do so again.

We also object to granting the requested Amendment to the City of Long on the grounds that public outreach on the part of the developers (BOMP and the LCWA) and the City of Long Beach has not been conducted as required by the Coastal Act, “The Commission must make recommendations to state and local agencies to ensure effective public participation in their coastal resources management decisions (PRC 30006 and 30339.” The majority of public meetings, tours of the some of the project area, social media, and recruiting of community and environmental organizations has

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been conducted by BOMP and/or its consultants who have focused on the "benefits" of proposed "wetlands restoration" while denying or ignoring the costs and risks of the project to public health, the environment, and tribal resources. If such outreach fails to inform the public of the facts, while simultaneously promoting the developer's agenda then it does not "ensure effective public participation in coastal resource management decisions.

In conclusion we respectfully ask that the Commissioners deny City of Long Beach Local Coastal Program (LCP) Amendment Request No. 1-18 (LCP-5-LOB-18-0026).